



ANGUS COUNCIL

to be held on

13 MAY 2010

MINUTES 2010

VOLUME 99



ANGUS COUNCIL – 13 MAY 2010

VOLUME 99

		<b>Date</b>	<b>Page No</b>
(a)	Angus Council	25 March 2010	161
(b)	Development Standards Committee	6 April 2010	170
(c)	Development Management Review Committee	6 April 2010	173
(d)	Social Work and Health Committee	8 April 2011	174
(e)	Civic Licensing Committee	13 April 2010	177
(f)	Neighbourhood Services Committee	15 April 2010	183
* (g)	Infrastructure Services Committee	20 April 2010	193
(h)	Education Committee	22 April 2010	202
(i)	Development Standards Committee	27 April 2010	213
(j)	Development Management Review Committee	27 April 2010	215
(k)	Corporate Services Committee	29 April 2010	216
(l)	Strategic Policy Committee	4 May 2010	225
(m)	Civic Licensing Committee	4 May 2010	232

The symbol \* in the margin of a minute indicates a matter which has been referred to the Council in terms of Standing Orders.



# ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 25 March 2010 at 4.00pm.

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

Provost RUTH LESLIE MELVILLE, in the Chair.

## 1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Ralph Palmer.

## 2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

## 3. MINUTES OF COUNCIL AND COMMITTEES

### (a) Angus Council

The minute of meeting of Angus Council of 11 February 2010 was submitted and approved as a correct record.

### (b) Special Angus Council

The minute of the special meeting of Angus Council of 17 February 2010 was submitted and approved as a correct record.

### (c) Special Angus Council

The minute of the special meeting of Angus Council of 22 February 2010 was submitted and approved as a correct record.

### (d) Special Neighbourhood Services Committee

The minute of the special meeting of Neighbourhood Services Committee of 15 February 2010 was submitted and noted.

### (e) Development Standards Committee

The minute of meeting of the Development Standards Committee of 16 February 2010 was submitted and noted.

### (f) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 16 February 2010 was submitted and noted.

### (g) Social Work and Health Committee

The minute of meeting of the Social Work and Health Committee of 18 February 2010 was submitted and noted.

**(h) Civic Licensing Committee**

The minute of meeting of the Civic Licensing Committee of 23 February 2010 was submitted and noted.

**(i) Neighbourhood Services Committee**

The minute of meeting of the Neighbourhood Services Committee of 25 February 2010 was submitted and noted.

**(j) Infrastructure Services Committee**

The minute of meeting of the Infrastructure Services Committee of 2 March 2010 was submitted and noted.

**Authorisation for the Enforcement of the Provisions of the Working Time Regulations 1998 (as amended)**

With reference to Article 4 of the minute, the Council resolved to approve the Committee's recommendation that the Scheme of Delegation to Officers be amended to give authority to the Head of Law and Administration, in conjunction with the Head of Economic Development and Environmental and Consumer Protection, to appoint and authorise suitably qualified and experienced officers to enforce the provisions of the Working Time Regulations 1998 (as amended).

**(k) Education Committee**

The minute of meeting of the Education Committee of 4 March 2010 was submitted and noted.

**Establishment of a Special Appeal Sub Committee**

With reference to Article 4 of the minute, members were advised that in connection with the terms of Circular SNCT/18 as amended by Circular AJNCT/11, advice had been received which indicated that the AJNCT had specifically wished to preclude the inclusion of teacher or other non-elected members of the Education Committee from being members of the Sub-Committee. In light of this advice, members were asked to review the membership, given that Mr David Adams, a Church Representative had been appointed to the Sub-Committee.

Having heard from Councillor Nield, and from a number of other members, and having also heard from the Head of Law and Administration, the Council resolved:-

- (i) that in light of the advice received both from the AJNCT and from the Head of Law and Administration, the membership of the Sub-Committee be amended to consist solely of Councillors who were members of the Education Committee; and
- (ii) that discussions take place at an early stage with the AJNCT to explore the possibility of amending the terms of Circular AJNCT/11 to allow non-elected members of the Education Committee to serve on the Special Appeal Sub-Committee.

In light of the decision at (i) above, Councillor Nield intimated his resignation from the Special Appeal Sub-Committee.

Thereafter, the Council resolved to appoint Councillors May and Myles to the Sub-Committee.

**(l) Development Standards Committee**

The minute of meeting of the Development Standards Committee of 9 March 2010 was submitted and noted.

**(m) Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 9 March 2010 was submitted and noted.

**(n) Corporate Services Committee**

The minute of meeting of the Corporate Services Committee of 11 March 2010 was submitted and, except as detailed hereunder, noted:-

**Changes to Delivery of Revenues and Benefits Services at Brechin Access Office on a Pilot Basis**

With reference to Article 20, Councillors Evans and Oswald had referred the Committee's decision for the determination by the Council in accordance with Standing Order 39(3).

Councillor Salmond, seconded by Councillor Whyte, moved that the Council approves the decision of the Committee as recorded in the minute of meeting.

Councillor Evans, seconded by Councillor Oswald, moved as an amendment, that the Council resolves:-

- (i) to note the contents of the Report;
- (ii) to not approve recommendation (ii); and
- (iii) to instruct the Director of Corporate Services to commence the arrangements for the recruitment of this post.

On a vote being taken, members voted:-

For the motion:-

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Lumgair, Mackintosh, May, Millar, Myles, Rymer, Salmond, Thomson and Whyte (13).

For the amendment:-

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

No vote:-

Councillors Fairweather and Nield (2).

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

AS A FURTHER AMENDMENT, COUNCILLOR NIELD, SECONDED BY COUNCILLOR FAIRWEATHER MOVED THAT THIS COUNCIL RESOLVES:-

- (I) TO APPROVE THE INTRODUCTION OF ALTERNATIVE ARRANGEMENTS FOR THE DELIVERY OF COUNCIL TAX AND BENEFITS ENQUIRY SERVICES FOR THE BRECHIN AREA; AND
- (II) THAT THE PILOT PERIOD FOR THESE ARRANGEMENTS BE FOR UP TO 12 MONTHS AND THAT A REPORT BE BROUGHT BACK TO THE CORPORATE SERVICES COMMITTEE NO LATER THAN JANUARY 2011 (OR EARLIER), IN ORDER THAT THE MATTER CAN BE CONSIDERED AS PART OF THE 2011/2012 REVENUE BUDGET DISCUSSIONS.

On a vote being taken, members voted:-

For the motion:-

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Lumgair, Mackintosh, Millar, Myles, Salmond and Whyte (10).

For the further amendment:-

Councillors Evans, Fairweather, Gaul, King, Lee, May, Bill Middleton, Glennis Middleton, Morrison, Murray, Nield, Oswald, Rymer, Spink, Thomson, Valentine, Welsh and West (18).

The further amendment was declared carried and the Council resolved accordingly.

**(o) Strategic Policy Committee**

The minute of meeting of the Strategic Policy Committee of 16 March 2010 was submitted and noted.

**4. MINUTES OF BOARDS AND PARTNERSHIPS**

**(a) Tayside Joint Police Board**

The minute of meeting of the Tayside Joint Policy Board of 16 November 2009 was submitted and noted.

The Head of Law and Administration confirmed that the minute would be amended to include Councillor Paul Valentine as present on the sederunt.

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

The minute of meeting of the Tayside Fire and Rescue Board of 16 November 2009 was submitted and noted.

**(c) Tayside Valuation Joint Board**

The minute of meeting of the Tayside Valuation Joint Board of 16 November 2009 was submitted and noted.

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

The minute of meeting of the Tay Road Bridge Joint Board of 14 December 2009 was submitted and noted.

**(e) Tayside Contracts Joint Committee**

The minute of meeting of Tayside Contracts Joint Committee of 16 November 2009 was submitted and noted.

**(f) Dundee, Perth, Angus and North Fife Strategic Development Planning Authority Joint Committee**

The minute of meeting of the Dundee, Perth, Angus and North Fife Strategic Development Planning Authority Joint Committee of 24 November 2009 was submitted and noted.

**5. MEMBERS' ALLOWANCES SCHEME**

There was submitted Report No 243/10 by the Director of Corporate Services advising members of the submission date of their claims at the end of the financial year and indicating that it was necessary to apply an appropriate cut-off date for the receipt of claims relating to the 2009/10 financial year.

Having heard the Chief Executive confirm that members' claim forms, when submitted, would be dealt with as expeditiously as possible, the Council resolved to approve the following procedure, which was in line with the approach agreed in previous years:-

- (i) all claims for travel, subsistence and other expenses for the year ending 31 March 2010, must be submitted to the Head of Finance on or before 7 April 2010;
- (ii) claims for travel, subsistence and other expenses for the year ending 31 March 2010, which were not submitted to the Head of Finance by 7 April 2010 would lapse;
- (iii) for the avoidance of doubt, members' claims submitted by 7 April 2010 should not include any item in respect of a day after 31 March 2010; and
- (iv) members' claim forms were 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.

## **6. TREASURY MANAGEMENT STRATEGY 2010/2011 AND ADOPTION OF NEW TREASURY MANAGEMENT CODE OF PRACTICE**

There was submitted Joint Report No 244/10 by the Director of Corporate Services and the Head of Finance advising members of some significant changes affecting the Council's Treasury Management Arrangements from 2010/2011 onwards, requesting that the Council formally adopt a new Code of Practice and approve the proposed Treasury Management Strategy Statement for 2010/2011.

The Report indicated that the Code of Practice on Treasury Management had recently been revised and updated with its adoption effectively a legal requirement. The Code also required the Council to adopt a Treasury Management Policy Statement (as detailed in Annex B). As a consequence of the new Code it would be necessary to undertake a full review of the Council's Treasury Management Practices and related policies and procedures. Although robust/policies and procedures for Treasury Management already existed within the Council, it would be necessary to review these to ensure compliance with the new Code.

In addition, the Local Government Investments (Scotland) Regulations 2010, which would come into force on 1 April 2010 meant that Councils could now only invest money with the consent of Scottish Ministers and Councils were required to have regard to both the CIPFA Prudential Code and the CIPFA Treasury Management Code in making investments. Although the Regulations brought additional freedoms for Councils on investment activity, they also required such activity to take place within a very tightly controlled framework. This required the Council to formally agree at the start of each year the type of investment activity which might be undertaken.

The Council resolved:-

- (i) to note the introduction of new Codes of Practice for capital finance and treasury management and new Regulations governing the Council's investment activity;
- (ii) to note that these new Codes/Regulations would require adjustment to some of the Council's treasury management arrangements which would be the subject of further Reports to the appropriate Committee as soon as practicable;
- (iii) to formally adopt CIPFA's new Prudential Code which would be implemented as required during 2010/2011 and for the 2011/12 budget setting process;
- (iv) to formally adopt CIPFA's 2009 Treasury Management in the Public Services – Code of Practice and Cross Sectoral Guidance Notes as the basis for treasury management by Angus Council;
- (v) to formally and immediately adopt the 4 specific clauses within the CIPFA Treasury Management Code (Annex E of Appendix 4 refers) and agree that these 4 specific clauses be reflected in the Treasury Management Section of the Council's Financial Regulations at the next available opportunity;

- (vi) to formally adopt the Treasury Management Policy Statement in Annex B of Appendix A;
- (vii) to approve the proposed Treasury Management Strategy Statement for 2010/2011 attached as Appendix A to the Report, which incorporated details of the proposed Investment Strategy for the year in compliance with the Local Government Investment (Scotland) Regulations 2010;
- (viii) to approve the provision of detailed training for all elected members on Treasury Management as set out in Section 7 and that arrangements for this training be progressed as soon as possible; and
- (ix) to note that the existing contract with the Council's external treasury advisers would be extended for a period of up to 12 months to allow time for the Head of Finance to consider the Council's needs for advisory services in light of the freedoms now available under the 2010 Investment Regulations.

## **7. SUPPORT FOR HOUSEBUILDING IN ANGUS AND THE DELIVERY OF AFFORDABLE HOUSING**

With reference to Article 6 of the minute of meeting of Angus Council of 17 December 2009, there was submitted Report No 245/10 by the Chief Executive (in consultation with the Director of Infrastructure Services and the Director of Neighbourhood Services) which outlined the delivery of affordable housing through the application of adopted Angus Local Plan Review Policy SC9: Affordable Housing as a means of supporting the housebuilding industry in Angus and reaffirming the approach to securing affordable housing from new development as set out in Angus Council's Affordable Housing Policy Implementation Guide.

The Report indicated that over the last 12 to 18 months the housebuilding industry had been significantly affected by exceptional market conditions. The key constraint on the market had been the availability of finance, particularly a significant reduction in finance for mortgages and also commercial finance for developers to bring forward sites and meet infrastructure costs and planning obligations. Registered Social Landlords had been similarly affected by the limited availability of Public Sector funding/subsidy. This had all impacted on the ability of sites to come forward and the deliverability of affordable housing.

The Report detailed Angus Council's approach to securing the delivery of affordable housing on appropriate sites across Angus and concluded that, notwithstanding the current market/financial conditions, the delivery of affordable housing through the planning process was best served by the continued implementation of Policy SC9: Affordable Housing from the Adopted Angus Local Plan Review and the Council's Affordable Housing Policy Implementation Guide. Angus Council intended to review the Affordable Housing Policy (including the site size threshold and variable percentages supplied to the four housing market areas across Angus) in the context of the recently completed Angus Housing Need and Demand Assessment (AHNDA) during preparation of the next Local Housing Strategy and Local Development Plan for Angus.

In addition, the terms of the Local Plan Policy and the Implementation Guide allowed it to be applied flexibly on a case by case basis, taking local or site specific circumstances into account. On receipt of appropriate evidence from the developer/applicant, Angus Council could vary the scale and type of contribution and where circumstances merited, even set aside any requirement for a contribution for affordable housing.

The Council resolved:-

- (i) to note the considerable level of flexibility built into Angus Council's existing approach to securing the delivery of affordable housing set out in Angus Local Plan Review Policy SC9: Affordable Housing Policy Implementation Guide;
- (ii) to note that Angus Council would consider proposals on a case by case basis and where appropriate continue to be flexible in applying and implementing Policy SC9;
- (iii) to instruct the Director of Infrastructure Services to undertake a review of the Affordable Housing Policy as part of the preparation of the future Local Development

Plan for Angus and Local Housing Strategy in the context of the affordable housing need identified by the recently completed Angus Housing Need and Demand Assessment;

- (iv) to note that the Director of Infrastructure Services would provide elected members with details of the timescales for such a review;
- (v) to remit the Director of Infrastructure Services and Director of Neighbourhood Services to investigate the potential of privately funded shared equity schemes and direct investment in new housing by Angus Council as a contribution to meeting affordable housing needs;
- (vi) to note that following approval of Report No 145/10 at the Neighbourhood Services Committee meeting on 25 February 2010, the Director of Neighbourhood Services had been remitted to investigate the potential use of National Housing Trust funding to stimulate new housebuilding activity through the development of mid-market rent housing in partnership with private sector developments;
- (vii) to continue to lobby the Scottish Government for increased public sector investment in new affordable housing in Angus; and
- (viii) to note that the Director of Infrastructure Services would provide elected members with details of the officer decisions taken in relation to Policy SC9, including the level of flexibility applied.

## **8. DEVELOPMENT OF NEW CARE CENTRE AND SUPPORTED HOUSING IN CARNOUSTIE**

With reference to Article 3 of the minute of meeting of Angus Council of 17 December 2009, there was submitted Joint Report No 246/10 by the Director of Social Work and Health and the Director of Corporate Services advising members of the final outline design and project cost estimates for the proposed development of a new care centre and supported housing complex in Carnoustie. The Report also sought approval to proceed to the tender stage and to issue a Stopping-Up Order in respect of Mayfield Lane, which ran through the development site.

The Report indicated that the proposed development would deliver high quality accommodation supported housing, high dependency residential respite care and specialist dementia day care to replace the services provided at Camus House and to meet the future needs of the older people of Carnoustie. The final design and the budget costing process had enabled the original design to be enhanced at marginal additional cost which would deliver significant benefits in terms of energy efficiency and reduction in carbon emissions.

Having heard Councillors Andrews, Murphy and Oswald welcome the Report, the Council resolved:-

- (i) to approve the project brief described in the Report and Appendices;
- (ii) to note the intended funding package, as detailed in the Report;
- (iii) to approve the development of the project to the tender stage;
- (iv) to confirm that the Council was satisfied that it would be necessary to stop up Mayfield Lane if planning permission was issued for the development as proposed and consequently to authorise the Stopping-Up procedures under Section 207 of the Town and Country Planning (Scotland) Act 1997 to commence, in anticipation of such permission being granted; and
- (v) to note that further Reports would be brought to the relevant committees as part of the tender process.

## **9. BEST VALUE AUDIT OF TAYSIDE POLICE AND JOINT BOARD**

There was submitted Joint Report No 247/10 by the Director of Corporate Services and the Director of Neighbourhood Services providing an overview of the recent Best Value Audit Report on Tayside Police and the Tayside Police Joint Board and setting out the Board's Improvement Plan for Council approval.

The Report indicated that following the audit and inspection of Tayside Police and Tayside Police Joint Board, which had been conducted jointly by Audit Scotland and Her Majesty's Inspectorate of Constabulary in Scotland, an Improvement Plan had been drawn up. The Plan had been considered by Tayside Joint Police Board on 1 February 2010 and referred to the three constituent councils for their agreement. A key recommendation to the Board's Improvement Plan required an examination of the links made between the Board and local Community Safety arrangements and it was therefore proposed that the Director of Neighbourhood Services be remitted to bring forward options for ensuring that the work of the Board was scrutinised by Angus Council via the Community Planning Partnership.

Having heard Councillor Mackintosh refer to the substantial increase in workload that would fall to the Clerk and Assistant Clerk to the Board in taking forward the recommendations of the Improvement Plan, the Council resolved:-

- (i) to note that the Report on the Joint Inspection of Tayside Police and Tayside Joint Police Board by Audit Scotland and Her Majesty's Inspectorate of Constabulary in Scotland, together with the associated Improvement Plan had been considered by the Board on 1 February 2010 and that the Plan had been referred to the three constituent Councils for approval;
- (ii) to endorse the Improvement Plan as set out in Appendix A to this Report;
- (iii) to remit to the Director of Neighbourhood Services to develop and report back on options for developing the reporting and scrutiny arrangements of both the Tayside Joint Police Board and the Tayside Fire and Rescue Joint Board by Angus Council via the Community Planning Partnership and to note that this Report would be submitted to the appropriate Committee within the next two committee cycles; and
- (iv) to adopt the roles and responsibilities for Board members, the Convener and Vice-Conveners of the Tayside Joint Police Board as detailed in Appendix B to this Report and that these roles and responsibilities be reviewed after a twelve month period.

## **10. ANGUS COMMUNITY SAFETY SURVEY**

With reference to Article 14 of the minute of meeting of the Neighbourhood Services Committee of 25 February 2010, there was submitted Report No 248/10 by the Director of Neighbourhood Services appending a copy of the findings of the Angus Community Safety Partnership Community Safety Survey which highlighted the improvements since the previous survey of 2007 and identified areas for further work.

The Report indicated that in 2007 the Angus Community Safety Partnership had undertaken an Angus-wide survey of residents in an effort to gauge the perceptions of safety within the communities of Angus. The Community Safety Partnership had undertaken to continue with a bi-annual Community Safety survey to assess the general perceptions of safety in Angus, with a view to building on areas of improvement and understanding and addressing areas where communities expressed further work was needed.

The survey had highlighted that Angus was considered to be a good place to live, with 92% rating it as a very good or fairly good place to live. This had been reflected in the wider citizen's survey in 2009 which had highlighted a 93% approval rating.

The Report represented the headline findings of the bi-annual survey and was a snapshot of community perceptions of community safety. It showed that between 2007 and 2009 there had been an improvement in the community perception of Angus as a safe place to live and work. The survey reinforced the Community Safety Partnership's view that despite recorded improvements in the perception of Angus as a safe place to be, there could be no room for complacency and further work and focus was needed to build on the improvements to date.

The Council resolved:-

- (i) to note the contents of the survey, attached as an appendix to the Report;
- (ii) to note the improvements since 2007;
- (iii) to approve the report as forming the basis of public dissemination of the survey results; and
- (iv) to approve the areas for further work.

**11. EXCLUSION OF PUBLIC AND PRESS**

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

**12. DIRECTOR OF EDUCATION AND DIRECTOR OF SOCIAL WORK AND HEALTH – ACTING DIRECTOR ARRANGEMENTS**

There was submitted Report No 249/10 by the Chief Executive considering acting Director arrangements to cover the current absences of both the Director of Education and the Director of Social Work and Health.

The Council resolved:-

- (i) to appoint Neil Logue as Acting Director of Education for the duration of the absence of the Director of Education;
- (ii) to appoint Lorraine Young as Acting Director of Social Work and Health for the duration of the absence of the Director of Social Work and Health;
- (iii) to remit the Chief Executive to write to both Lorraine Young and Neil Logue recording the Council's appreciation in this matter; and
- (iv) to note that any implications for other Senior Officers within either departments as a result of the two absences would be considered in conjunction with both acting Directors, with any subsequent recommendation being submitted to the Strategic Policy Committee.

## ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 6 April 2010 at 10.00 am.

**Present:** Councillors DAVID LUMGAIR, JOHN RYMER, ALISON ANDREWS, COLIN BROWN, DAVID FAIRWEATHER, JEAN LEE, BOB MYLES and BOB SPINK.

Councillor LUMGAIR, Convener, in the Chair.

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillors Ralph Palmer and Mark Salmond.

### 2. DECLARATIONS OF INTEREST/INTIMATIONS OF CONTACT

*In terms of the Councillors' Code of Conduct the following undernoted declarations of interest/intimations of contact were made:-*

- Councillor Fairweather declared that in relation to item 10, application No 01/01209/FULL, the applicant was known to him. He advised that he would be taking part in the discussion and voting.
- Councillor Lee intimated that in relation to item 8, application No 09/01177/FULL, she had received correspondence on the application and many years ago had been in attendance at a presentation by the applicant to Monifieth Community Council. Councillor Lee also declared an interest in item 12, Case No 02/00149, as she was a former neighbour and friend of the individuals involved. She advised that she would be taking part in the discussion and voting on both items.
- Councillor Myles intimated that in relation to item 9, application No 09/01021/FULL, he had attended a public meeting regarding the previous application. He advised that he would be taking part in the discussion and voting.

### 3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 9 March 2010 was approved as a correct record and signed by the Convener.

### 4. BUILDING WARRANTS

The Committee noted that during the period 1-26 March 2010, a total of 2 Staged Warrants, 3 Demolition Warrants, 14 Amendments to Warrants and 75 Building Warrants had been approved with an estimated cost of £2,797,975.

### 5. DELEGATED DECISIONS

The Committee noted that during the period 27 February – 27 March 2010, a total of 3 Planning Applications had been refused and 64 Planning Applications granted under the Scheme of Delegation to officers.

### PLANNING APPLICATIONS

### 6. 113 RAVENSBY ROAD, CARNOUSTIE

There was submitted Report No 283/10 by the Director of Infrastructure Services detailing application No 10/00070/FULL by Mrs Kaye Forbes for the change of use of open ground to residential garden ground at 113 Ravensby Road, Carnoustie. The application was recommended for approval.

The Committee agreed that the application be approved as detailed in the Report.

**7. ANGUS HOUSE, INVERISCANDYE ROAD, EDZELL**

There was submitted Report No 284/10 by the Director of Infrastructure Services detailing application No 09/01402/FULL by Mr Craig Simpson for the change of use of Angus House, Inveriscandye Road, Edzell to a single dwellinghouse to include a “grandad” flat at ground floor level, garden room extension, new building detached garage and installation of new railings. The application was recommended for approval.

Slides were shown.

The Committee agreed that the application be approved as detailed in the Report.

**8. FORMER MILTON MILL, FERRY ROAD, MONIFIETH**

With reference to Article 7 of the minute of meeting of this Committee of 9 March 2010, when the Committee deferred consideration of application No 09/01177/FULL for the demolition of a listed building and rebuilding on same footprint and same plans as 06/01493/FUL and Listed Building Consent application No 09/00160/LBC for the variation of condition 3 of application No 06/01494/LBC to allow for the demolition of Milton Mill, to allow the applicant to submit a full and independent assessment of the building for further consideration by the Planning Division and thereafter by Committee, there was submitted Report No 285/10 by the Director of Infrastructure Services on the further information received from the applicant.

Slides were shown and Councillor John Whyte, a local member, Mr S Ritchie, Monifieth Community Council, Mr McLean an objector followed by Mr Kerr and Mr Graham Kerr, the applicant’s agent addressed the meeting.

The Committee agreed that the Listed Building Consent and Planning Application, as detailed in Report No 208/10 be approved subject to the conditions detailed in the Report.

*In accordance with the provisions of Standing Order 15(11)(ii), Councillor Lee requested that her dissent be recorded from the foregoing decision.*

**9. LAND AT THE FORMER AUCTION MART, LETHNOT ROAD, EDZELL**

There was submitted Report No 286/10 by the Director of Infrastructure Services detailing application No 09/01021/FULL by Mr A Spence for the erection of a “Visitor Centre” on land at the former auction mart, Lethnot Road, Edzell. The application was recommended for approval.

Slides were shown and Mr Lee, an objector, addressed the meeting.

The Committee agreed that the application be approved as detailed in the Report.

**10. SITE OF FORMER GARAGES, CONDOR DRIVE, ARBROATH**

There was submitted Report No 287/10 by the Director of Infrastructure Services detailing application No 01/01209/FULL by Mr John Carswell for the erection of six flats on a site at the former garages, Condor Drive, Arbroath. The application was recommended for refusal.

Slides were shown and Mr Brunton, the applicant’s agent addressed the meeting.

The Committee agreed that the application be refused for the reasons detailed in the Report.

**11. PLANNING AND ENFORCEMENT NOTICE APPEAL DECISIONS – ARBROATH FOOTBALL CLUB, GAYFIELD PARK, QUEENS DRIVE, ARBROATH**

There was submitted Report No 288/10 by the Director of Infrastructure Services detailing the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against the refusal of Angus Council to grant consent for retrospective advertisement consent and the appeal against the subsequent enforcement notice requiring removal of the advertisement at Arbroath Football Club, Gayfield Park, Queens Drive, Arbroath by Crown Parks Limited.

The Committee noted that the appeal had been dismissed.

**12. ENFORCEMENT UPDATE**

There was submitted Report No 289/10 by the Director of Infrastructure Services on progress of enforcement cases by the Planning and Transport Service which had been agreed by the Development Standards Committee.

The Committee agreed:-

- (i) that a site visit to Strathmartine Hospital be held in order to allow all members to view the building and its current state of repair; and
- (ii) to note the position in respect of all other enforcement cases.

**13. KIRRIEMUIR MAJOR PLANNING APPLICATIONS – UPDATE**

The Committee noted that following the special Angus Council meeting on 22 February 2010, the applicants in respect of the Muirhead of Logie application had submitted an appeal to the Scottish Ministers and Guild Homes had indicated that they intended to submit a further application for consideration in due course in respect of the Pathead site.

The Committee were advised that further information would be submitted in due course.

# ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT MANAGEMENT REVIEW COMMITTEE** held in the Canmore Room, Municipal Buildings, Forfar on Tuesday 6 April 2010 at 12.30 pm.

**Present:** Councillors JOHN RYMER, ALISON ANDREWS, DAVID FAIRWEATHER and BOB SPINK.

**Also Present:** IAN MITCHELL, Planning Adviser, STEPHEN BROWN, Legal Adviser and ELAINE WHITTET, Committee Officer.

Councillor RYMER, Vice-Convener, in the Chair.

## 1. **APOLOGY**

An apology for absence was intimated on behalf of Councillor David Lumgair.

## 2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

## 3. **MINUTE OF PREVIOUS MEETING**

The minute of meeting of this Committee of 9 March 2010 was submitted and approved.

## 4. **APPLICATION FOR REVIEW – LAND 59M NORTH EAST OF CRAIGSANQHAR, BAIKIE, AIRLIE – ERECTION OF TWO DWELLINGHOUSES**

There was submitted Report No 262/10 by the Director of Corporate Services detailing a request for a review of the decision taken by the Planning Authority in respect of the refusal of an application for two houses on land at Craigsanqhar, Baikie, Airlie.

The Committee gave consideration to the papers submitted by the applicant, the Planning Authority and the response from objectors and determined that they had sufficient information to consider the review at this meeting.

Following discussion, the Committee agreed that the decision to refuse the application by the Head of Planning and Transport was in accordance with the Council's Local Plan policies and therefore the Director's decision was endorsed and accordingly the review dismissed.

## **ANGUS COUNCIL**

MINUTE of MEETING of the **SOCIAL WORK AND HEALTH COMMITTEE** held in the Town and County Hall, Forfar on Thursday 8 April 2010 at 4.00 pm.

**Present:** Councillors ALISON ANDREWS, RUTH LESLIE MELVILLE MBE, COLIN BROWN, MAIRI EVANS, DAVID FAIRWEATHER, JEAN LEE, DAVID LUMGAIR, DAVID MAY, BILL MIDDLETON, GLENNIS MIDDLETON, ROB MURRAY, HELEN OSWALD, PETER MURPHY, PAUL VALENTINE and JOHN WHYTE.

Councillor ANDREWS, Convener, in the Chair.

Prior to the commencement of the business, Dr Peat thanked the Committee for their kind words of support following the recent death of his wife.

### **1. APOLOGIES/SUBSTITUTES**

Apologies for absence were intimated on behalf of Councillors Ian Mackintosh and Margaret Thomson with Councillors David Lumgair and Peter Murphy substituting respectively.

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

Councillor Glennis Middleton declared an interest in item 4 as a member of the Management Committee of Forfar Day Care Centre. She indicated that she would take part in any discussion and voting.

Councillor May declared an interest in item 4 as a Director of the Montrose Day Care Centre and as a Director of Angus Care and Repair. 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 any discussion and voting.

Councillor Andrews declared an interest in item 4 as a Director of Angus Care and Repair. She indicated that she enjoyed the benefit of the general dispensation issued by the Standards Commission in relation to Council appointments to outside bodies and that she would therefore participate in any discussion and voting.

Councillor Brown declared an interest in item 4 as a member of the Management Committee of Forfar Day Care Centre and as a Director of Angus Care and Repair. He indicated that he would take part in any discussion and voting.

Councillor Leslie-Melville declared an interest in item 4 as a Director of Brechin Day Care Centre. She indicated that she would take part in any discussion and voting.

### **3. MINUTES**

#### **(a) Previous Meeting**

The minute of meeting of this Committee of 18 February 2010 was approved as a correct record and signed by the Convener.

#### **(b) Special Meeting**

The minute of the special meeting of this Committee of 17 February 2010 was approved as a correct record and signed by the Convener.

### **4. SERVICE LEVEL AGREEMENTS 2010/2011**

With reference to Article 5 of the minute of meeting of this Committee of 9 April 2009, there was submitted Report No 257/10 by the Director of Social Work and Health advising the Committee of the Service Level Agreements proposed to be entered into with the voluntary sector by Social Work and Health in 2010/2011.

The Report indicated that entering into the Service Level Agreements on a partnership basis with the voluntary sector would help ensure the provision of a range of essential Social Work and Health services in Angus. This type of partnership working brought with it a range of benefits, including a sharing of skills and expertise and the capacity to attract additional funding to Angus. Partnership working and the use of Service Level Agreements was an essential aspect of the Social Work and Health's delivery of best value services to the most vulnerable individuals and families in Angus.

COUNCILLOR ANDREWS, SECONDED BY COUNCILLOR LESLIE-MELVILLE, MOVED THAT THE COMMITTEE AGREES:-

- (I) TO APPROVE THE SOCIAL WORK AND HEALTH SERVICE LEVEL AGREEMENT PROPOSALS FOR 2010/2011; AND
- (II) TO NOTE THE ONGOING COMMITMENT BY SOCIAL WORK AND HEALTH TO PARTNERSHIP WORKING WITH VOLUNTARY SECTOR SERVICE PROVIDERS.

Councillor Glennis Middleton, seconded by Councillor Evans, moved as an amendment, that the Committee defer consideration of the Report and instructs the Director of Social Work and Health to assess the impact of the freezing of the grants on service users.

On a vote being taken, members voted:-

For the motion:-

Councillors Andrews, Leslie-Melville, Brown, Fairweather, Lumgair, May, Murphy and Whyte (8).

For the amendment:-

Councillors Evans, Lee, Bill Middleton, Glennis Middleton, Murray, Oswald and Valentine (7).

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

*In accordance with the provisions of Standing Order 15(11)(ii), Councillors Evans and Glennis Middleton indicated that they wished their dissent be recorded from the foregoing decision.*

## **5. ANGUS CARERS STRATEGY**

There was submitted Report No 258/10 by the Director of Social Work and Health advising the Committee of the production of the Angus Carers Strategy and outlining the key recommendations for progressing the carer's agenda for the period 2009-2012.

The Report indicated that the Angus Carers Strategy 2009-2012 built on the 2005-2009 strategy and provided a framework for the planning and development of services for carers in Angus. The strategy set out the key priorities that had been identified in partnership with carers and the timescales for delivery on those priorities.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note the contents of the draft Angus Carers Strategy, a copy of which was appended to the Report; and
- (iii) to approve the recommendations contained within the Strategy.

## **6. CALL FOR EVIDENCE ON THE CHILDREN'S HEARINGS (SCOTLAND) BILL**

With reference to Article 13 of the minute of meeting of this Committee of 12 November 2009, there was submitted Report No 259/10 by the Director of Social Work and Health advising the Committee that, on 24 February 2010, the Scottish Parliament's Education, Lifelong Learning and Culture Committee had called for written evidence on the general principles of the Children's Hearings (Scotland) Bill and that the deadline for receipt of written submissions was 12 noon on Friday 26 March 2010.

The Report indicated that the Council's response mirrored those comments made by the Convener of Social Work and Health to Mr Adam Ingram, Minister for Children and Early Years on 19 August 2009, reflecting the views of the Social Work and Health Committee at that time.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to homologate the response from the Director of Social Work and Health, a copy of which was appended to the Report; and
- (iii) to instruct the Director of Social Work and Health to continue to monitor and review the impact of the legislation and to bring forward further reports to this Committee as required.

## **7. TAYSIDE SEX OFFENDERS DISCLOSURE PILOT**

With reference to Article 4 of the minute of meeting of this Committee of 24 September 2009, there was submitted Report No 260/10 by the Director of Social Work and Health which summarised the development of the Tayside Sex Offenders Disclosure Pilot and the recent decision by the Scottish Government to roll out the scheme across Scotland.

The Report indicated that the Tayside Sex Offenders Disclosure Pilot had made a positive contribution to the safety of children in Angus and, following the successful Tayside Pilot, would now be rolled out across Scotland.

The Committee agreed to note the contents of the Report.

## **8. GREAT BRITAIN SPECIAL OLYMPIC GAMES**

There was submitted Joint Report No 261/10 by the Director of Social Work and Health and the Director of Neighbourhood Services advising the Committee of the Special Olympic European Summer Games which were taking place in Warsaw, Poland from 15 to 24 September 2010 and the inclusion of Angus athletes and Council staff in the Great Britain Team.

The Report indicated that Angus made up 20% of the Great Britain Team, with seven athletes and three coaches, one physiotherapist and one Head of Delegation.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the participation of service users and staff from Angus Council's Social Work and Health who had been selected; and
- (iii) to approve one member of Social Work and Health staff absence from work to attend the Games, as paid leave.

## ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 13 April 2010 at 6.00 pm.

**Present:** Councillors IAN MACKINTOSH, DAVID FAIRWEATHER, COLIN BROWN, MAIRI EVANS, DAVID LUMGAIR, ROB MURRAY, HELEN OSWALD, BOB SPINK and MARGARET THOMSON.

Councillor MACKINTOSH, Convener, in the Chair.

### 1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Jim Millar and Mark Salmond.

### 2. DECLARATIONS OF INTEREST

The Committee agreed to note that no declarations of interest were made.

### 3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 23 February 2010 was approved as a correct record and signed by the Convener.

### 4. DELEGATED APPROVALS

There was submitted Report No 290/10 by the Director of Corporate Services detailing applications for licences under the Civic Government (Scotland) Act 1982 and other miscellaneous Acts, which had been granted/renewed by the Head of Law and Administration in accordance with the Scheme of Delegation appended to Standing Orders.

The Committee agreed to note the applications, detailed in the Appendix to the Report, granted/renewed under delegated powers during the period 10 February to 29 March 2010.

### 5. TAXI FARES REVIEW

With reference to Article 8 of the minute of meeting of this Committee of 28 October 2008, there was submitted Report No 291/10 by the Director of Corporate Services regarding the proposed review of the taxi fare structure for Angus.

The Report advised that three proposals had been submitted, one from Forfar and Kirriemuir Taxi Operators' Association, one from operators D Gouck, D Page, G Robb, P Jack, J Clark and D Adams and one by Stewart Taxis all of which had been received within the required timescale and detailed in Appendix 1 to the Report.

Mr Murray, a representative of Forfar and Kirriemuir Taxi Operators' Association addressed the Committee on their proposals. It was noted that no operators for the other proposals were present.

Superintendent West then addressed the Committee on the proposals and advised members that should the new fare structure be agreed, Tayside Police would not be able to implement any major changes until week commencing 30 August 2010.

The Committee agreed:-

- (i) to approve option 1, as proposed by the Forfar and Kirriemuir Taxi Operators' Association, and detailed in Appendix 1 to the Report;
- (ii) to instruct the Director of Corporate Services to advertise the new fare structure as appended to the Report (**APPENDIX I** to this minute);

- (iii) to note that implementation of any revised structure would likely be implemented during week commencing 30 August 2010; and
- (iv) to note that any recommended increase represented the maximum fare chargeable by the taxi drivers and was not to be regarded as a compulsory fare.

#### **6. FORESTER CARAVAN PARK, BY FORFAR**

There was submitted Report No 292/10 by the Director of Infrastructure Services regarding an application received from Emma Laird, Foresterseat Caravan Park, Arbroath Road, By Forfar for an amendment to the existing caravan site licence to permit a maximum of 76 touring caravans. This represented an additional 41 touring caravans over the existing 35 touring caravans covered by the current licence.

The Committee agreed:-

- (i) to grant an amendment to the caravan site licence held by Ms Emma Laird in respect of Foresterseat Caravan Park, By Forfar for an additional 41 touring caravans; and
- (ii) that the operating period for the additional 41 touring caravans only be from 1 March to 31 January each year to comply with the site planning permission.

#### **7. OMACHIE FARM, KINGENNIE, DUNDEE**

There was submitted Report No 293/10 by the Director of Infrastructure Services regarding an application received from Mr Michael Forbes, Omachie Farm, Kingennie, Dundee for a licence to operate a temporary workers caravan site at Omachie Farm, Kingennie.

The Committee agreed:-

- (i) to grant a temporary workers caravan site licence to Mr Michael Forbes, Omachie Farm, Kingennie, Dundee for a site located at Omachie Farm, Kingennie for up to 24 static caravans; and
- (ii) that the temporary workers caravan site would operate from 1 February to 31 October each year.

#### **8. EXCLUSION OF PUBLIC AND PRESS**

The Committee resolved, in terms of Standing Order 27(2) that the public and press be excluded from the meeting during consideration of the following items, so as to avoid the possible disclosure of information that was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1972, paragraphs 3 and 6.

#### **9. NEW APPLICATIONS**

There was submitted Report No 294/10 by the Director of Corporate Services regarding applications received for new licences under the Civic Government (Scotland) Act 1982 which were required to be determined by the Committee, as detailed in the appendix to the Report.

##### **(a) Private Hire Car Licence (PHC1)**

The Committee considered a letter of representation received from Tayside Police dated 4 February 2010 in relation to an application for a private hire car driver's licence (PHC1) received on 29 January 2010.

The applicant was present and addressed the Committee. The Committee agreed that the application be granted, subject to the standard conditions.

##### **(b) Taxi Driver's Licence (TD3)**

The Committee considered an application for a taxi driver's licence (TD3) received on 19 October 2010 and noted that the applicant had not completed a satisfactory knowledge test.

The applicant was not present.

The Committee agreed that the application be refused as the applicant was not a fit and proper person to be the holder of a licence.

**(c) Taxi Driver's Licence (TD5)**

The Committee considered an application for a taxi drivers licence (TD5) received on 4 February 2010 and noted that a letter of objection from Tayside Police dated 10 March 2010 had been received outwith the statutory 21 day period.

Superintendent West advised the Committee that the letter had been submitted late due to the applicant being unable to attend his knowledge test timeously, resulting in Tayside Police being unable to reply within the statutory period.

The Committee agreed that it was satisfied there were sufficient reasons for the lateness of the objection and accordingly the letter dated 10 March 2010 was then circulated.

The applicant was present and addressed the Committee after which Superintendent West was given the opportunity to address the Committee on the terms of the letter from Tayside Police.

The Committee agreed that the application be granted for 6 months only, subject to the standard conditions.

**(d) Taxi Driver's Licence (TD6)**

The Committee considered an application for a taxi driver's licence (TD6) received on 24 February 2010 and noted that a letter of representation from Tayside Police dated 23 March 2010 had been received outwith the statutory 21 day period.

Superintendent West advised the Committee that the letter had been submitted late due to the applicant being unable to attend his knowledge test timeously, resulting in Tayside Police being unable to reply within the statutory period.

It was noted that the applicant was not present and the Committee agreed to defer consideration of the application to allow the applicant to attend.

**(e) Second- Hand Dealers Licence (SHD1)**

The Committee considered the contents of a memorandum from The Head of Planning and Transport regarding an application for a second-hand dealers licence (SHD1) received on 18 December 2009.

The applicant was not present but had submitted comments in an e-mail to the Head of Law & Administration. The Committee noted the comments made by the applicant.

The Committee agreed that the application be granted, subject to the standard conditions and subject to planning consent being granted.

**10. RENEWAL APPLICATIONS**

There was submitted Report No 295/10 by the Director of Corporate Services on applications received for the renewal of licences under the Civic Government (Scotland) Act 1982 and other miscellaneous acts, which required to be determined by the Committee, as detailed in the Appendix to the Report.

**(a) Taxi Driver's Licence (TD4)**

The Committee considered a letter of representation received from Tayside Police dated 3 March 2010, in relation to an application for a taxi driver's licence (TD4) received on 1 March 2010.

The applicant was present and addressed the Committee.

Superintendent West then addressed the Committee on the terms of the letter from Tayside Police and the applicant thereafter summed up.

The Committee agreed that the application be renewed, subject to the standard conditions, but that the applicant be given a warning of the possible consequences of any future adverse reports.

**(b) Window Cleaner's Licence (WC2)**

The Committee considered an application for a window cleaner's licence (WC2) received on 23 February 2010 and noted that a letter of representation from Tayside Police dated 17 March 2010 had been received outwith the statutory 21 day period.

Superintendent West advised the Committee that the letter had been submitted late due to him being out of the country and therefore unable to sign the letter.

The applicant was not present.

Councillor Spink seconded by Councillor Fairweather moved that the application be deferred to allow the applicant to attend the Committee.

COUNCILLOR MURRAY SECONDED BY COUNCILLOR OSWALD, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE RENEWED WITHOUT SEEING THE CONTENTS OF THE LETTER FROM TAYSIDE POLICE DATED 17 MARCH 2010.

On a vote being taken, the members voted:-

For the motion:-

Councillors Mackintosh, Fairweather, Lumgair and Spink (4)

For the amendment:-

Councillors Brown, Evans, Murray, Oswald and Thomson (5)

The amendment was therefore declared carried resulting in the application being renewed, subject to the standard conditions.

**APPENDIX 1 to the minute of meeting  
of the Civic Licensing Committee of 13  
April 2010 (Article 5 refers)**

**SUBMITTED BY FORFAR AND KIRRIEMUIR TAXI OPERATORS ASSOCIATION**

**A- GENERAL**

<b>TARIFF ONE</b>	<p>Hirings begun between 6am and 6pm Monday to Friday inclusive (except Christmas Eve, Christmas Day, Boxing Day, Hogmanay, New Years Day, and 2 January.</p> <p>(A) If the distance does not exceed <b>1660</b> (1760) yards - for the whole distance - <b>£3.00</b> (£2.80)</p> <p>(B) If the distance exceeds <b>1660</b> yards :</p> <p style="padding-left: 40px;">(1) For the first <b>1660</b> yards - <b>£3.00</b></p> <p style="padding-left: 40px;">(2) For each additional <b>100</b> (107) yards or uncompleted part thereof – 10p</p> <p>(C) Waiting time - for each period of 15 seconds - 10p</p>
<b>TARIFF TWO</b>	<p>Hirings begun between 6pm and 6am Monday to Friday and from 6pm Friday till 6am Monday except Christmas Eve, Christmas Day, Boxing Day, Hogmanay, New Years Day and 2 January. This tariff is also applicable for hirings commenced between 6am and 6pm on Christmas Eve and Hogmanay.</p> <p>(A) If the distance does not exceed <b>1270</b> (1345) yards - for the whole distance - <b>£3.30</b> (£3.00)</p> <p>(B) If the distance exceeds <b>1270</b> yards :</p> <p style="padding-left: 40px;">(1) For the first <b>1270</b> yards - <b>£3.30</b></p> <p style="padding-left: 40px;">(2) For each additional <b>90</b> (85) yards or uncompleted part thereof - 10p</p> <p>(C) Waiting time- for each period of 15 seconds – 10p</p>
<b>TARIFF THREE</b>	<p>Hirings begun between 6pm on Christmas Eve through to 6am on 27 December and from 6pm on Hogmanay through to 6am on 3 January.</p> <p>(A) If the distance does not exceed 1320 yards - for the whole distance - <b>£4.50</b> (£4.00)</p> <p>(B) If the distance exceeds 1320 yards :</p> <p style="padding-left: 40px;">(1) For the first 1320 yards - <b>£4.50</b></p> <p style="padding-left: 40px;">(2) For each additional 85 yards or uncompleted part thereof - 10p</p> <p>(C) Waiting time-for each period of 10 seconds - 10p</p>
<b>TARIFF FOUR</b>	<p>(Only for larger type vehicles carrying five or more passengers at their own request) for hirings begun between 6pm on Christmas Eve through to 6am on 27 December and from 6pm on Hogmanay through to 6am on 3 January.</p> <p>(A) If the distance does not exceed 1320 yards - for the whole distance - <b>£5.00</b> (£4.20)</p> <p>(B) If the distance exceeds 1320 yards :</p> <p style="padding-left: 40px;">(1) For the first 1320 yards - <b>£5.00</b></p> <p style="padding-left: 40px;">(2) For each additional <b>80</b> (135) yards or uncompleted part thereof - 20p</p> <p>(C) Waiting time – for each period of 13 seconds – 20p</p>

**B - LARGE MINI-BUS TYPE VEHICLES****(Carrying five or more passengers together at their own request)**

- |     |  |
|-----|--|
| (A) | Where Tariff 1 would apply - Charge Tariff 2 |
| (B) | Where Tariff 2 would apply - Charge Tariff 3 |
| (C) | Where Tariff 3 would apply - Charge Tariff 4 |

**C - ADDITIONAL CHARGES**

- |  |
|--|
| <ol style="list-style-type: none"><li>1. Extras to be added on all tariffs 10p per case or object carried.</li><li>2. £60.00 to be levied in respect of passenger soiling a vehicle which results in the vehicle being taken out of service for any period of time.</li><li>3. Where a taxi is called but not used - normal fare to be charged according to distance as if the taxi had been occupied from the time it left the stance or garage.</li><li>4. Extras to be charged on all tariffs for each passenger after the first passenger 20p.</li></ol> |
|--|

## ANGUS COUNCIL

MINUTE of MEETING of the **NEIGHBOURHOOD SERVICES COMMITTEE** held in the Town and County Hall, Forfar on Thursday 15 April 2010 at 4.00 pm.

**Present:** Councillors JIM MILLAR, COLIN BROWN, ALISON ANDREWS, MAIRI EVANS, DAVID FAIRWEATHER, DAVID MAY, BILL MIDDLETON, GLENNIS MIDDLETON, DONALD MORRISON, PETER NIELD, HELEN OSWALD, JOHN WHYTE, BOB SPINK, MARGARET THOMSON and SHEENA WELSH.

Councillor MILLAR, Convener, in the Chair.

### 1. APOLOGIES/SUBSTITUTES

An apology for absence was intimated on behalf of Councillor Mark Salmond, with Councillor John Whyte substituting.

### 2. DECLARATIONS OF INTEREST

Councillors Andrews, Fairweather and Nield declared an interest in items 9 and 12 as they were registered private landlords. All three indicated that they would not participate in discussion or voting.

Councillor Welsh declared an interest in item 10 as she was Vice Chair of Angus Housing Association. She indicated that she would participate in discussion and voting.

### 3. MINUTES

#### (a) Special Meetings

The minutes of special meetings of this Committee of 15 and 17 February 2010 were approved as correct records and signed by the Convener.

#### (b) Previous Meeting

The minute of meeting of this Committee of 25 February 2010 was approved as a correct record and signed by the Convener.

#### (c) William Lamb Studio Advisory Committee

The minute of meeting of the William Lamb Studio Advisory Committee of 26 March 2010 was submitted and noted.

### 4. HOUSING CAPITAL AND PLANNED MAINTENANCE PROGRAMME - HRA BLOCK - 2009/2010

With reference to Article 4 of the minute of the special meeting of this Committee of 15 February 2010, there was submitted Joint Report No 282/10 by the Director of Neighbourhood Services and the Director of Corporate Services setting out the actual Capital and Planned Maintenance spends to 28 February 2010, together with a projected outturn for the year to 31 March 2010 and updated funding proposals.

The Report advised that the actual spend achieved to 28 February 2010 was £7.614 million which equated to 78% of the monitoring budget of £9.759 million. It was currently projected that by the end of the 2009/2010 financial year, expenditure would amount to some £9.410 million, a projected underspend of £349,000 and the main reasons for this position were highlighted in section 5 of the Report.

With regard to the 2009/2010 Planned Maintenance Programme, the level of spend in respect of all elements of the HRA for the period to 28 February 2010 was approximately £1.531 million which equated to 69.7% of the original budget of £2.198 million. It was anticipated at this time that the underspend on planned maintenance would amount to £148,000 in the current year which would be utilised to fund the increased expenditure in relation to changes of tenancy and unplanned maintenance.

The Committee, for its interest, agreed:-

- (i) to note the expenditure figures presented for the Housing Capital and Planned Maintenance Programme for the period to 28 February 2010;
- (ii) to note the Capital Receipts position for the period to 28 February 2010;
- (iii) to note the projected year end capital and planned maintenance expenditure positions and updated indicative funding proposals; and
- (iv) to note that relevant officers would continue to monitor closely capital spend and receipt levels to ensure that the Capital Programme and Planned Maintenance Programme remained within overall available resources.

#### **5. IMPROVEMENT/REPAIRS GRANT APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY**

With reference to Article 5 of the minute of meeting of this Committee of 25 February 2010, there was submitted and noted Report No 263/10 by the Director of Infrastructure Services detailing grant applications in respect of improvement, repairs, window and gutter replacement and town centre refurbishments, all of which had been approved under delegated authority for the period 1 January to 28 February 2010.

#### **6. ARREARS UPDATE - HOUSING REVENUE ACCOUNT TENANTS**

With reference to Article 6 of the minute of meeting of this Committee of 25 February 2010, there was submitted Report No 264/10 by the Director of Neighbourhood Services updating the Committee on current rent arrears levels and activities being undertaken to tackle them in Angus. The tables contained within Appendix A to the Report provided details of performance at 28 February 2010 in comparison with performance since 3 January 2010, as previously reported to Committee.

The Report indicated that throughout the financial year 2009/2010 there had been a consistent monthly drop despite the economic decline. The figure currently sat at 9.02% in comparison with the previous figure of 9.51%. At the beginning of February training on outbound telephone calling had been given to staff who specialised in arrears recovery. The methods were now being used, including evening calls, and the effectiveness would be monitored.

The Report concluded that the overall downward trend in arrears was encouraging and it was noted that further and ongoing work was being done to ensure that the momentum on tackling arrears was maintained and where further improvements could be made these would be thoroughly investigated as set out in the Report.

Following discussion, when Councillor Glennis Middleton requested a simplification of the presentation of the arrears statistics, the Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note the current performance information, as detailed in Appendix A to the Report;
- (iii) to note the progress to date in pursuing serious arrears; and
- (iv) to note that the Director of Neighbourhood Services would submit a Report to the next meeting of this Committee setting out statistic reporting options for consideration.

## **7. ARREARS UPDATE - FORMER TENANT ARREARS POLICY**

With reference to Article 6 above, there was submitted Report No 265/10 by the Director of Neighbourhood Services updating the Committee on the revised Former Tenant Arrears Policy, a copy of which was appended to the Report.

The Report indicated that the Former Tenant Arrears Policy had been refreshed following the establishment of the post of Housing Officer (Former Arrears) to pursue former tenancy debts. Local Community Housing Teams continued to administer the initial former tenancy arrears letters, which were followed up by the Housing Officer (Former Arrears) who might visit the former tenant and pursue any Court actions. Focus on terminated tenancies had increased, with continued emphasis on payment of the debt owed. Applicants applying for housing who had previous Angus Council debt were placed on the deferred housing list until an arrangement to pay was in place and payments were being met. The Law and Administration Division was exploring the cost of using a trace and collect agency for cases where the Community Housing Teams had exhausted all avenues of collection.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the former Tenant Arrears Management Policy, a copy of which was appended to the Report; and
- (iii) to approve, as a priority, the continued focus of tackling rent arrears.

## **8. HOUSING REVENUE ACCOUNT - WRITE-OFF OF RENT IN 2009/2010**

With reference to Article 8 of the minute of meeting of this Committee of 28 May 2009, there was submitted Report No 266/10 by the Director of Neighbourhood Services on the Housing Revenue Account rent arrears for 2009/2010 which it was proposed be written off.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to write off as irrecoverable, 474 debts valued at £339,798.68 which was an average of £716.87 per debt for the year 2009/2010.

## **9. CONSULTATION PAPER ON PROPOSED HOUSING BILL: PRIVATE RENTED SECTOR, LICENSING OF MOBILE HOMES SITES AND THE TWENTY YEAR RULES**

There was submitted Report No 267/10 by the Director of Neighbourhood Services advising the Committee of the consultation paper on a proposed Housing Bill focusing on private sector housing issues.

The Report indicated that in March 2009 the Scottish Government had published the Review of the Private Rented Sector which included externally commissioned research and analysis as well as a range of analytical work carried out within the Scottish Government. The review paper also set out the policy implications arising from the extensive evidence on the sector. Among other findings, the review had identified the key problems and concerns of many tenants and landlords which covered such areas as dealing with repairs, enforcement of standards, regaining possession of properties and knowledge of rights and responsibilities.

The consultation documentation set out the areas of private (rented) accommodation on which Scottish Ministers were now seeking views to inform legislation and a copy of Angus Council's response was appended to the Report. The Report concluded that Angus Council had a number of areas where it could demonstrate not only a deep understanding of the issues but also progress in successfully handling these issues where and when they had arisen.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the draft response to the Consultation Paper on Proposed Housing Bill: The Private Rented Sector, Licensing of Mobile Homes Sites and the Twenty Year Rules be submitted to the Scottish Government; and
- (iii) to note that the consultation might form the basis of future legislation and further reports on the matter would be developed for this Committee's consideration.

**10. AFFORDABLE HOUSING PROCUREMENT - SELECTION OF A PREFERRED REGISTERED SOCIAL LANDLORD DEVELOPER FOR ANGUS**

With reference to Article 10 of the minute of meeting of this Committee of 14 January 2010, there was submitted Report No 268/10 by the Director of Neighbourhood Services updating the Committee on recent developments in relation to the procurement of new affordable housing and seeking approval for the selection of a registered social landlord preferred developer for Angus in line with the process outlined, and in partnership with the Scottish Government.

Following a full discussion, the Committee agreed to defer consideration of the Report until a briefing session for all elected members could be held on the preferred registered social landlord partners' brief which was based on a set of agreed criteria and key performance indicators, following which a report would be submitted to the next meeting of this Committee.

**11. NATIONAL HOUSING TRUST - UPDATED POSITION**

With reference to Article 10 of the minute of meeting of this Committee of 25 February 2010, there was submitted Report No 269/10 by the Director of Neighbourhood Services updating the Committee on the latest development on the Scottish Government's National Housing Trust (NHT), recent Angus Council discussions and outlining further actions to be taken.

The Report indicated that, since the last meeting of this Committee, representatives of Angus Council had met with Scottish Government officials, the Scottish Future's Trust and the Minister for Housing, Alex Neil MSP. Discussions had been positive and from a strategic housing perspective, there was scope for the NHT to be a mechanism for contributing to meeting identified housing need and offering the potential bonus of employment creation in Angus. The Council had also given its agreement, in principle, to progressing the discussions and to include its name in the Prior Information Notice (PIN), a document which was the first step in the procurement process that alerted developers, builders and investors to the project and set out the project's proposals and details.

The Report also outlined the next steps for Angus Council which included identifying and supplying housing need and demand information to the Scottish Future's Trust, including the range of units desired, the possible location of the units, the size of the units and proposed target client groups. The Report concluded that it was clear that the methods of financing affordable housing development and meeting need were in a state of rapid change and Angus Council had the opportunity to develop and shape this agenda through continued participation in this project.

Following discussion, the Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note the updated position as detailed in the Report;
- (iii) to homologate the Director of Neighbourhood Service's decision to include Angus Council in the Scottish Government's Prior Information Notice (PIN) document;

- (iv) to approve the next steps in relation to the project, as detailed in section 3 of the Report; and
- (v) to instruct the Director of Neighbourhood Services to continue to investigate the potential for the model in an Angus context and submit reports to this Committee giving regular progress updates.

## **12. PRIVATE SECTOR LEASING PROPOSAL**

There was submitted Report No 270/10 by the Director of Neighbourhood Services advising the Committee of discussions on developing a private sector leasing scheme and seeking approval to bring forward a fully worked up and costed proposal for its consideration.

The Report indicated that in recent months the Scottish Government had indicated their willingness to expand the range of tenure options open to Scottish Councils to meet short and medium term housing need. Private Sector Leasing (PSL) provided the opportunity of securing additional outsourced accommodation which could be used to meet short and medium term needs and could release social rented stock (Council and Housing Association) currently being used as temporary accommodation back to the permanent letting pool.

The Report concluded that the Private Sector Leasing proposal offered the possibility of additional housing choice which would meet housing needs in a controlled and regulated manner, assisting clients into housing and assisting the Council to prevent and tackle homelessness. The model was currently in operation in Scotland in a number of authorities and was demonstrating positive outcomes for clients and participating Councils. Given the pressure on housing investment budgets and the current waiting lists, the idea was worthy of full exploration and possible testing in Angus.

Following discussion, the Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note the contribution Private Sector Leasing could bring to meeting housing need in Angus; and
- (iii) to approve the development of a fully worked up and costed option appraisal for consideration at a future meeting.

## **13. THE SCOTTISH HOUSING QUALITY STANDARD - PROGRESS, VALIDATION SURVEY AND ASSET MANAGEMENT STRATEGY**

With reference to Article 5 of the minute of meeting of this Committee of 20 August 2009, there was submitted Report No 271/10 by the Director of Neighbourhood Services advising the Committee of the progress made in ensuring that all of the Council's housing stock would meet the Scottish Housing Quality Standard by 2015 and outlining plans for commissioning a stock survey and asset management strategy to support the Housing Division's Business Plan.

The Report indicated that in 2009 the Housing Division had developed a Business Plan which would inform decisions on income, investment and expenditure over the next 30 years. A critical component of this work was the inclusion of an asset management strategy. Monitoring figures indicated strong performance towards meeting the Scottish Housing Quality Standard (SHQS) and it was encouraging that the significant investment of recent years which had been put into the Council's housing stock had delivered results. The planned stock survey would help to validate the accuracy of database information against which progress was monitored, whilst an asset management strategy would deliver more effective investments integrated with the aims of the overall business plan. This would ensure that all Council properties would meet the Scottish Housing Quality Standard by 2015.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the commissioning of the Property Division to carry out and co-ordinate a survey of 25% of the Council's housing stock; and
- (iii) to approve a tendering exercise for commissioning consultants to prepare an Asset Management Strategy to support the Housing Division's Business Plan.

#### **14. ANGUS SCHEME OF ASSISTANCE 2010**

With reference to Article 17 of the minute of meeting of this Committee of 19 November 2009, there was submitted Joint Report No 272/10 by the Director of Neighbourhood Services and the Director of Infrastructure Services detailing the development of the Angus Scheme of Assistance 2010 and seeking approval for the Scheme and its ongoing development.

The Report indicated that the requirement for a Scheme of Assistance (SoA) was the result of a review carried out by the Housing Improvement Task Force in 2001 of housing policy pertaining to private sector housing in Scotland. The review concluded that the current system of improvement and repairs grants only helped a minority of home owners and the approach needed to be significantly modified in order to provide higher quality assistance to those in the private sector. In order to achieve this, local authorities were required to provide a comprehensive suite of information, advice and assistance and concentrate grant aid on only the most serious works and essential adaptations for disabled occupants.

The Angus Scheme of Assistance 2010, a copy of which had been placed in the Members' Lounge, reinforced the Council's commitment to creating a high quality, well maintained and sustainable private housing sector in which owners understood their responsibility for their property and were proactive in its maintenance. Approval of the SoA 2010 would allow the Council to begin implementing a plan of action which would significantly contribute to the improvement of the private housing stock in Angus and improve the living conditions of disabled occupants as more funds would be available to target essential adaptations, allowing disabled people to live independently in their communities for longer.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the Angus Scheme of Assistance 2010; and
- (iii) to note that a review of the operation of the Scheme would take place after one year of operation.

#### **15. TELECARE FACILITIES AT SHELTERED HOUSING SCHEMES - EXEMPTION REQUEST**

With reference to Article 25(b) of the minute of meeting of the Housing Committee of 10 August 1999, there was submitted Joint Report No 273/10 by the Director of Neighbourhood Services and the Director of Social Work and Health advising the Committee of the situation regarding upgrading the former "warden call" systems in sheltered housing by Telecare systems with enhanced options and requesting exemption under financial regulations to allow the specialist provider to carry out the works.

The Report indicated that the provision of new "warden call" systems in Angus Council sheltered housing was undertaken in 1999 from one supplier to maximise efficiency for repairs, servicing and to allow staff flexibility to be relocated at different schemes as needed (Report No 743/99 refers). The Housing Committee at the time agreed and all the installations were completed over the next two years. However, these systems now needed partial upgrades and the reasons for this were outlined in the Report. Due to the single supplier for the support system in sheltered housing, Chubb Electronic Security Systems, it had been necessary for them to carry out the work without competitive tendering. An exemption under financial regulations was therefore sought, both retrospectively for work already carried out and for the forthcoming programme over the next two years.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report;
- (ii) to approve, retrospectively, the actions of officers in authorising expenditure for work to 10 sheltered schemes in the 2008/2009 and 2009/2010 financial years;
- (iii) to approve an exemption from Financial Regulations to allow the remaining 11 sheltered schemes to be upgraded; and
- (iv) to approve an exemption under Financial Regulations to allow maintenance and repair work to remain with Chubb Electronic Security Systems for the lifetime of these Telecare systems.

#### **16. PROPERTIES AT 47-58 HILLVIEW, BRECHIN - REGENERATION**

With reference to Article 9 of the minute of meeting of this Committee of 15 January 2009, there was submitted Report No 274/10 by the Director of Neighbourhood Services seeking approval to cease the letting of 14 x 2 apartment flats and 2 x 3 apartment flats in two blocks of flats of the Hillview housing scheme owing to the ongoing unpopularity and difficulty in letting these flats on a sustainable basis and to seek options for the future use of the site.

The Report indicated that the 16 flats within the two blocks at 47-58 Hillview, Brechin had been affected by issues of low demand for some time and had suffered from a high turnover. There had also been sporadic issues of anti-social behaviour associated with these flats which had added to the challenges of letting homes on a sustainable basis. Given the current issues with low demand for tenancies affecting the 16 flats, it was sensible to cease letting the properties to enable proposals for future use or demolition and redevelopment of the site to be drawn up.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the cessation of letting of the properties identified within the Report;
- (iii) to approve the rehousing elsewhere of the remaining tenants resident within the properties and payment of the appropriate home loss payments; and
- (iv) to instruct the Director of Neighbourhood Services to report back to this Committee with on options for the future use of the flats or the site.

#### **17. DISPOSAL OF AREA OF GROUND AT 7 WARDS AVENUE, CARNOUSTIE**

There was submitted Report No 275/10 by the Director of Neighbourhood Services seeking approval for the disposal of an area of ground at 7 Wards Avenue, Carnoustie.

The Committee agreed, subject to Section 12 consent being received from the Scottish Ministers, and planning permission for the change of use being granted:-

- (i) that the area of ground at 7 Wards Avenue, Carnoustie be sold to the owner of 7 Wards Avenue, Carnoustie for the sum of £1,500 on appropriate terms and conditions; and
- (ii) that the owner of 7 Wards Avenue, Carnoustie be responsible for meeting all the Council's and their own costs in connection with this matter.

#### **18. DISPOSAL OF AREA OF GROUND AT 13 FETTES WAY, MONTROSE**

There was submitted Report No 276/10 by the Director of Neighbourhood Services seeking approval for the disposal of an area of ground at 13 Fettes Way, Montrose.

The Committee agreed, subject to Section 12 consent being received from the Scottish Ministers, and planning permission for the change of use being granted:-

- (i) that the area of ground adjacent to 13 Fettes Way, Montrose be sold to the owner of 13 Fettes Way, Montrose for the sum of £4,500 on appropriate terms and conditions; and
- (ii) that the owner of 13 Fettes Way, Montrose be responsible for meeting all the Council's and their own costs in connection with the matter.

**19. PROVISION OF HEALTH AND WELLBEING CENTRE, JUBILEE COURT, LETHAM - TENDER REPORT**

With reference to Article 11 of the minute of meeting of this Committee of 8 October 2009, there was submitted Report No 277/10 by the Director of Corporate Services advising the Committee on tenders received for the refurbishment and adaptation of the existing two storey Warden's house complete with a single storey new build extension at Jubilee Court sheltered housing complex, Letham.

The Committee agreed:-

- (i) to approve the acceptance of the lowest tender for the provision of a Health and Wellbeing Centre at Jubilee Court, Letham from A D Contracting (Scotland) Ltd, Arbroath, in the amount of £262,505.16 subject to final approval by the NHS Tayside Board in accordance with the Development Agreement;
- (ii) to approve the estimated total cost of £313,104 (at outturn prices);
- (iii) to note that an allowance of £305,000 for this project was contained in the Housing Financial Plan 2009/2013 as approved by the Special Neighbourhood Services Committee on 15 February 2010 (Report No 127/10 refers) with the exception of £5,000 for a feasibility study carried out at a very early stage, which was funded from the HRA budget, the balance of the estimated total cost of £308,104 would be wholly funded by NHS Tayside; and
- (iv) to note the financial implications included at section 6 of the Report.

**20. SCOTTISH GOVERNMENT CONSULTATION PAPER ON DEATH CERTIFICATION, BURIAL AND CREMATION**

There was submitted Report No 278/10 by the Director of Neighbourhood Services seeking approval for Angus Council's response to the Scottish Government Consultation Paper on Death Certification, Burial and Cremation, a copy of which was appended to the Report.

The Report indicated that the Scottish Government had issued a consultation paper on 27 January 2010 following consideration of the 33 recommendations made by the Burial and Cremation Review Group, all of which the Scottish Government had decided to consult upon. The review considered two main elements, namely death certification, focusing on issues designed to ensure that, when a death occurred, there were adequate safeguards in place to meet any concerns there might be around a death, having particular regard to recommendations which flowed from the Shipman enquiry, and secondly, the law relating to burial, cremation and cemeteries, much of which dated back over 100 years. A cross party seminar had been convened in March 2010 to consider the Council's response, a copy of which was appended to the Report, together with a list of all cemeteries maintained by Angus Council as Appendix 2 to the Report.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the response to the Scottish Government Consultation Paper on Death Certification, Burial and Cremation, as detailed in Appendix 1 to the Report.

## **21. GREAT BRITAIN SPECIAL OLYMPIC GAMES**

With reference to Article 8 of the minute of meeting of the Social Work and Health Committee of 8 April 2010, there was submitted Joint Report No 261/10 by the Director of Social Work and Health and the Director of Neighbourhood Services advising the Committee of the Special Olympic European Summer Games which were taking place in Warsaw, Poland from 15-24 September 2010 and the inclusion of Angus athletes and Council staff in the Great Britain team.

The Report indicated that Angus made up 20% of the Great Britain team, with seven athletes and three coaches, one physiotherapist and one head of delegation.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the participation of service users and staff from Angus Council's Neighbourhood Services who had been selected;
- (iii) to approve one member of Neighbourhood Services staff absence from work to attend the games, as paid leave; and
- (iv) to congratulate all those involved and to wish them well.

## **22. LEISURE SERVICES PRICING AND LETTING POLICY REVIEW**

With reference to Article 13 of the minute of meeting of this Committee of 25 February 2010, there was submitted Report No 279/10 by the Director of Neighbourhood Services seeking approval and recommending implementation of the Leisure Services Pricing and Letting Policy, a copy of which was appended to the Report.

The Report indicated that in a recent restructuring Neighbourhood Services had moved management responsibility for halls from Cultural Services to a new Leisure Services section. The halls were now managed at a local level by the most local Facilities Manager within one of the sports centres or swimming pools. The pricing and letting policy review had therefore been carried out to address anomalies within the current pricing and letting policies for the two differing areas of sports facilities and halls and to rationalise them into a single pricing and letting policy statement across all leisure facilities.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the implementation of the Leisure Services Pricing and Letting Policy as set out in Appendix 1 to the Report.

## **23. SCOTTISH GOVERNMENT CONSULTATION PAPER ON THE CONSOLIDATION OF THE WASTE MANAGEMENT LICENSING REGULATIONS AND AMENDMENTS**

There was submitted Report No 280/10 by the Director of Neighbourhood Services advising the Committee of Angus Council's response to the Consultation Paper on the Consolidation of the Waste Management Licensing Regulations and Amendments.

The Report indicated that the Scottish Government had issued a consultation paper in February 2010 regarding the Consolidation of the Waste Management Licensing Regulations and the Amendments arising from the better waste regulation exercise, which also incorporated proposals for the transportation of the revised framework directive and the amendment of legislation relating to waste carriers.

Attention was drawn in particular to amendments to waste carriers' licences and a ruling by the European Court of Justice against the Italian Government which meant that the Scottish Government was obliged by Community law to ensure that all waste producers regularly carrying waste, even their own, were registered as waste carriers. This meant those who now needed to register might include those who were not professional carriers but in the course of their own business activity, transported waste which they had produced. Persons who did not currently need to register but might be required to do so, would be required to pay the current SEPA registration fee of £157.00 for initial registration and £108.00 for renewal in both cases, for a year. Most people carrying their own waste would, at some point, be handing it over to a registered waste management operation. If they did not register their own operation, they would need to hand the waste over earlier, meaning at worst, they had the registered Waste Manager's transport costs to bear.

Following discussion, when members unanimously expressed their extreme concern over the proposed regulations and the effect they would have on small businesses, the Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to instruct the Director of Neighbourhood Services to respond to the Scottish Government's consultation, expressing their extreme concern regarding the proposed regulations and the effect they would have on small businesses.

#### **24. EXCLUSION OF PUBLIC AND PRESS**

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

#### **25. IMPROVEMENT/ADAPTATIONS GRANT APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY**

With reference to Article 5 above, there was submitted Report No 281/10 by the Director of Infrastructure Services detailing grant applications in respect of improvements and adaptations, all of which had been approved under delegated authority, for the period 1 January to 28 February 2010.

The Committee agreed to note the contents of the Report.

## ANGUS COUNCIL

MINUTE of MEETING of the **INFRASTRUCTURE SERVICES COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 20 April 2010 at 4.00 pm.

**Present:** Councillors DAVID MAY, DAVID FAIRWEATHER, ALEX KING, JEAN LEE, IAN MACKINTOSH, JIM MILLAR, PETER MURPHY, ROBERT MYLES, HELEN OSWALD, RALPH PALMER, JOHN RYMER, ROBERT SPINK, SANDY WEST and JOHN WHYTE.

Councillor MAY, Convener, in the Chair.

### 1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Iain Gaul and Mark Salmond with Councillor John Rymer, substituting for Councillor Salmond.

### 2. DECLARATIONS OF INTEREST

Councillor May declared an interest in item 7 as he had been involved in discussions with the solicitor and his client and indicated that he would not take part in any discussion and voting.

### 3. MINUTES

#### (a) Previous Meetings

The minutes of meetings of this Committee of (i) 17 February and (ii) 2 March 2010 were approved as correct records and signed by the Convener.

#### (b) Executive Sub-Committee

The minute of meeting of the Executive Sub-Committee of 25 March 2010, a copy of which is appended hereto, was submitted and noted (**APPENDIX I**).

### \*4. ATTENDANCE AT CONFERENCE OF PERIPHERAL MARITIME REGIONS AND NORTH SEA COMMISSION EVENTS 2010-2011

With reference to Article 6 of the minute of meeting of this Committee of 21 April 2009, there was submitted Report No 299/10 by the Director of Infrastructure Services seeking approval for member nominations and representation at the Conference of Peripheral Maritime Regions and North Sea Commission events in 2010-2011 and seeking approval of a financial contribution towards the cost of the CPMR General Assembly.

The Report indicated that active participation in the events and meetings could bring added value to the Council in terms of raising profile, collaborative project development and representation of the Council's views of best practice but was wholly dependent on the active participation of elected members and officers.

COUNCILLOR MAY, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED THAT THE COMMITTEE AGREES:-

- (i) TO APPROVE THE ATTENDANCE OF ONE NOMINATED ELECTED MEMBER AT THE NORTH SEA COMMISSION GENERAL ASSEMBLY TO BE HELD IN NORWAY FROM 16-18 JUNE 2010;
- (ii) TO APPROVE THE ATTENDANCE OF ONE NOMINATED ELECTED MEMBER AT THE CONFERENCE OF PERIPHERAL MARITIME REGIONS TO BE HELD IN ABERDEEN FROM 29 SEPTEMBER TO 1 OCTOBER 2010 AND AT OTHER CPMR AND NSC EVENTS AS THEY AROSE DURING 2010/2011;

- (iii) TO DELEGATE AUTHORITY TO THE CHIEF EXECUTIVE, IN CONSULTATION WITH THE LEADER OF THE COUNCIL, TO AGREE THE ELECTED MEMBER REPRESENTATION;
- (iv) TO APPROVE THE COSTS OF TRAVEL, ACCOMMODATION AND SUBSISTENCE AT THESE EVENTS DURING 2010/2011 AND THAT THESE COSTS BE LIMITED TO A MAXIMUM OF £3,000; AND
- (v) TO AUTHORISE A CONTRIBUTION OF £5,000 TO BE MADE TO ABERDEEN CITY COUNCIL TOWARDS THE COST OF ORGANISING THE CPMR GENERAL ASSEMBLY IN ABERDEEN DURING SEPTEMBER/OCTOBER 2010.

Councillor Palmer, seconded by Councillor Oswald moved as an amendment, that the recommendations contained in Report No 299/10 be approved with the exception of recommendation (iii) and that in this connection, the responsibility for nomination of the elected member representation remain with this Committee.

On a vote being taken, the members voted:-

For the motion:-

Councillor May, Fairweather, Mackintosh, Millar, Murphy, Myles, Rymer and Whyte (8)

For the amendment:-

Councillors King, Lee, Oswald, Palmer, Spink and West (6)

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

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

With reference to Article 10 of the minute of meeting of this Committee of 2 June 2009, there was submitted Report No 300/10 by the Director of Infrastructure Services detailing the annual enforcement action by the Council's Trading Standards Service in relation to the protection of young persons from tobacco.

The Report indicated that in terms of 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 relating to the Act.

The Council had received £35,371 from the Scottish Government for the purpose of tobacco enforcement in 2008/2009 and the same amount had been allocated in subsequent years until 2011.

Having heard Councillor Mackintosh, the Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to note the programme of action for 2010/2011, as detailed in the Report.

## **6. ANGUS COUNCIL COMMUNITY GRANT SCHEME – NEW APPLICATIONS**

With reference to Article 6 of the minute of meeting of this Committee of 2 March 2010, there was submitted Report No 301/10 by the Director of Infrastructure Services detailing applications for grants of over £1,000, advising members of applicants for grants of £1,000 or less which had been approved under delegated authority since 2 March 2010 and advising of applications which had been submitted and approved in 2009/2010.

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

- (i) to note the contents of the Report;
- (ii) to approve the following awards in respect of applications for grants over £1,000:-
  - Girl Guiding Angus – Centenary Committee - £5,000
  - Angus Mounting Bike Trail Association - £2,500
  - Kirriemuir District Agricultural Association - £4,896.11
  - Angus Childminding Celebration Day - £1,052
  - Brechin Youth Project (The Attic) - £2,961
  - Brechin Bridge Club - 1,637.01
  - Carnoustie Allotments Association - £2,885
  - DD8 Music - £4,141
  - Forfar and Area Partnership - £3,140
- (iii) to note the following decisions in respect of applications for grants of £1,000 or less:-
  - Communication and Performance Examinations (Scotland) Ltd - £1,000
  - Forfar and Area Partnership - £335
  - CAFÉ Project - £944.45
  - Grange Pre-School Playgroup - £403.64
  - Newbigging and District Horticultural Society - £508;
- (iv) to note the summary of applications which had been submitted and approved in respect of community grants during 2009/2010; and
- (v) to note that where possible, knowledge of best practice might be shared between voluntary groups.

**\*7. PROPOSED DISPOSAL OF FORMER RAILWAY SIDING, BROOMFIELD INDUSTRIAL ESTATE, MONTROSE**

*Having declared an interest at item 2 above Councillor May left the meeting during consideration of this item and Councillor Fairweather took the Chair.*

With reference to Article 13 of the minute of meeting of the Development Standards Committee of 19 February 2008, there was submitted Joint Report No 312/10 by the Director of Infrastructure Services and the Director of Corporate Services outlining a previous proposal to advertise for sale, subject to receipt of planning consent at offers of over £32,500, the former railway cutting measuring 0.458 ha or thereby at Broomfield Industrial Estate, Montrose. The Report also sought approval to withdraw the land from the open market and to retain it within Council ownership.

The Report indicated that two offers had been received in the amounts of £42,500 (offer A) and £75,000 (offer B) with offer B having been provisionally accepted but subsequently, the proposal in offer B to build three houses had been refused planning permission.

The Report also included some cautionary advice from the Head of Economic Development and Environmental and Consumer Protection, that experience had shown that where houses lie north of industrial areas there was the potential for conflict. Development of this area would also be contrary to the finalised Angus Local Plan Review.

COUNCILLOR FAIRWEATHER, SECONDED BY COUNCIL MYLES, MOVED THAT THE COMMITTEE AGREES:-

- (I) TO NOTE THE BACKGROUND REGARDING THE PROPOSAL TO SELL THE FORMER RAILWAY SIDING AT BROOMFIELD INDUSTRIAL ESTATE, MONTROSE;

- (II) TO NOTE THE CAUTIONARY ADVICE GIVEN IN REPORT NO 312/10 BY THE HEAD OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL AND CONSUMER PROTECTION; AND
- (III) TO INSTRUCT THAT THE SITE BE RE-ADVERTISED FOR SALE ON THE OPEN MARKET.

Councillor Oswald, seconded by Councillor Palmer, moved as an amendment, that the Committee agrees:-

- (i) to note the background regarding the proposal to sell the former railway siding at Broomfield Industrial Estate, Montrose;
- (ii) to note the cautionary advice given by the Head of Economic Development and Environmental and Consumer Protection as contained in the Report; and
- (iii) that the sale of this ground be not proceeded with and that it should be withdrawn from the market and retained within Council ownership.

On a vote being taken, the members voted:-

For the motion:-

Councillor Fairweather, Mackintosh, Millar, Murphy, Myles, Rymer and Whyte (7)

For the amendment:-

Councillors King, Lee, Oswald, Palmer, Spink and West (6)

(Councillor May, having declared an interest was absent when the vote was taken.)

The motion was declared carried.

Councillor King, seconded by Councillor Palmer, moved as a further amendment, that consideration of Report No 312/10 be deferred and that a further Report be submitted by the Director of Infrastructure Services on the implications of selling the site, incorporating the probable costs of advertising and detailing any restriction which would require to be placed on its use as a result of the Local Plan.

On a vote being taken, the members voted:-

For the motion:-

Councillors Fairweather, Mackintosh, Millar, Murphy, Myles, Rymer and Whyte (7)

For the further amendment:-

Councillors King, Lee, Oswald, Palmer, Spink and West (6)

(Councillor May was absent when the vote was taken.)

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

*In accordance with the provisions of Standing Order 39(3)(i), Councillors Palmer and Oswald indicated that they wished the matter referred to the Council for a decision.*

## **8. ANGUS ENVIRONMENTAL TRUST – ANNUAL NEWSLETTER AND STATEMENT OF ACCOUNTS**

With reference to Article 26 of the minute of meeting of this Committee of 21 April 2009, there was submitted Report No 302/10 by the Director of Infrastructure Services together with the Annual Newsletter and Statement of Accounts which had been received from Angus Environmental Trust in respect of the year 1 October 2008 to 30 September 2009.

The Report indicated that the main aims of the Trust were to distribute the Landfill Tax funds to help encourage and fund local community groups and organisations to protect and enhance the environment of Angus through projects that met the criteria of both the Trust and the Landfill Communities fund.

The Committee agreed to note the contents of the Angus Environmental Trust Annual Newsletter and Statement of Accounts and to express appreciation to Roy Madden, Regeneration and Countryside Manager and his staff for all their work in this regard.

## **9. CYCLING, WALKING AND SAFER STREETS FUND PROGRAMME OF WORKS**

With reference to Article 17 of the minute of meeting of this Committee of 20 January 2009, there was submitted Report No 303/10 by the Director of Infrastructure Services advising members of the delivery of the programme of projects which were funded in 2009/2010 through the Cycling, Walking and Safer Streets Fund and seeking approval of the programme of projects to be funded during 2010/2011.

The Report indicated that funding of these projects would greatly assist the Council in meeting its aims and objectives contained in various strategies and full use would be made of the available allocation.

Having heard Councillor Oswald, the Committee agreed:-

- (i) to note the amended programme of projects which was undertaken during 2009/2010;
- (ii) to approve the programme of projects to be undertaken during the financial year 2010/2011; and
- (iii) to commend the initiative taken by a number of children from Monikie Primary School in suggesting the pedestrian link between the school and the country park.

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

With reference to Article 34 of the minute of meeting of this Committee of 21 April 2009, there was submitted Report No 304/10 by the Director of Infrastructure Services recommending that the Council make a financial contribution towards the cost of the Local Biodiversity Action Plan Project Officer post.

The Report indicated that the Project Officer was necessary for maintaining the Cairngorms Local Biodiversity Action Plan Partnership which, although independent of the National Park, had a key role in the delivery of both the Partnership and the National Park plan.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve a contribution of £1,500 towards the cost of the Project Officer post up to 31 March 2011; and
- (iii) to note that this expenditure would be met from the Planning and Transport 2010/2011 Revenue Budget.

## **11. LOCAL BUS SERVICE REVISIONS**

There was submitted Report No 305/10 by the Director of Infrastructure Services advising members of commercial service revisions to be introduced by Strathtay Scottish on a number of journeys across Angus with effect from 31 May 2010.

The Report detailed service withdrawals and revisions which had been notified by the company, the implications of these for passengers and indicated that replacement facilities had been sought where there was a demand for local bus services which had been withdrawn.

The Report also indicated that for most passengers affected by the changes, alternative commercial or contracted services were available albeit at a reduced frequency.

COUNCILLOR MAY, SECONDED BY COUNCILLOR FAIRWEATHER MOVED THAT THE COMMITTEE AGREES:-

- (i) TO NOTE THE CONTENTS OF THE REPORT; AND
- (ii) TO AUTHORISE THE AWARD OF THE CONTRACTS FOR THE SERVICES AS DETAILED IN THE REPORT.

Councillor Mackintosh, seconded by Councillor Rymer, moved as an amendment, that consideration of Report No 305/10 be deferred to enable further consultation to take place between Stagecoach and members whose wards were affected by the revisions.

On a vote being taken, the members voted:-

For the motion:-

Councillors May, Fairweather, King, Lee, Millar, Murphy, Myles, Oswald, Palmer, Spink, West and Whyte (12)

For the amendment:-

Councillors Mackintosh and Rymer (2)

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

## **12. ANGUS COUNCIL PUBLIC TRANSPORT POLICY STATEMENT**

With reference to Article 11 of the minute of meeting of this Committee of 2 March 2010, there was submitted Report No 306/10 by the Director of Infrastructure Services detailing the outcome of the consultation exercise in respect of the revised Angus Public Transport Policy Statement and seeking formal adoption of the Statement.

The Report reminded members that the Council was required, in terms of the Transport Act 1985, to update its Public Transport Policy Statement having amended its procedures for assessing and awarding contracted public passenger transport services.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the adoption of the revised Angus Council Public Transport Policy Statement, as detailed in the Report.

## **13. CLAIMED PUBLIC RIGHT OF WAY BETWEEN MURRAY STREET AND KINCARDINE STREET, MONTROSE**

There was submitted Report No 307/10 by the Director of Infrastructure Services summarising investigations into the status of a Close between Murray Street and Kincardine Street, Montrose which had been claimed to be a public right of way.

The Report indicated that a complaint had been received that a route through a Close adjacent to 17-19 Murray Street, Montrose had been obstructed by a wooden door at the Murray Street end and by a wooden gate at the Kincardine Street end but following the investigations it had been concluded that there was insufficient evidence to assert the Close as a public right of way.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to confirm that there was insufficient evidence at this time to assert that the Close between Murray Street and Kincardine Street, Montrose was a public right of way; and
- (iii) not to pursue the removal of the obstructions to the route at this time.

**14. THE ANGUS COUNCIL (THE SENIOR OPEN CHAMPIONSHIP, CARNOUSTIE) (EXEMPTION) ORDER 2010**

There was submitted Report No 308/10 by the Director of Corporate Services proposing the introduction of an Order to exempt temporarily four areas of land in the vicinity of Carnoustie Links from access rights which would otherwise be exercisable under the Land Reform (Scotland) Act 2003, in order to accommodate the Senior Open Golf Championship to be held on the Links from 22-25 July 2010.

The Report indicated that approval of the Order would enable the Championship to be held in a safe and organised manner.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the making of the proposed Order, subject to confirmation of the terms of the Order by Scottish Ministers; and
- (iii) to authorise the Head of Law and Administration to make the Order, including any necessary amendments, in the event that the Scottish Ministers might require modifications to the proposed Order and to report the outcome to a subsequent meeting of this Committee.

**15. PARK STREET, ARBROATH – STOPPING UP OF ROAD**

With reference to Article 20 of the minute of meeting of this Committee of 24 November 2009, there was submitted Report No 309/10 by the Director of Infrastructure Services seeking confirmation of the Angus Council (Park Street, Arbroath) (Stopping Up) Order 2010.

The Report indicated that Park Street, Arbroath was considered to be unnecessary as there no longer remained a public need for access and confirmation of the Order would result in the Stopping Up of the road in terms of Section 68 of the Roads (Scotland) Act 1984, as requested by one of the adjoining proprietors.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to confirm the Angus Council (Park Street, Arbroath) (Stopping Up) Order 2010.

**16. TRAFFIC REGULATION ORDERS – UPDATE**

There was submitted and noted Report No 310/10 by the Director of Infrastructure Services detailing the current stage of progress regarding pending Traffic Regulation Orders.

**17. UTILISATION OF ROADS AND TRANSPORT RENEWAL AND REPAIRS FUND FOR 2010/2011**

With reference to Article 16 of the minute of meeting of this Committee of 19 January 2010, there was submitted Report No 311/10 by the Director of Infrastructure Services proposing the allocation of part of the Roads and Transport Renewal and Repairs Fund in the current financial year.

Having heard Councillor King, the Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the utilisation of the Roads and Transport Renewal and Repair Fund 2010/2011 in respect of:-
  - carriageway and footway surfacing works to the value of £1,260,000;
  - street lighting upgrade/replacement works to the value of £350,000;
  - bridgeworks to the value of £250,000;
  - public transport provision to the value of £30,000;
  - traffic works to the value of £90,000;
  - Arbroath Harbour miscellaneous metalwork to the value of £10,000; and
  - flooding/drainage work to the value of £250,000.

**18. ANGUS SCHEME OF ASSISTANCE 2010**

With reference to Article 14 of the minute of meeting of the Neighbourhood Services Committee of 15 April 2010, there was submitted Joint Report No 272/10 by the Director of Neighbourhood Services and the Director of Corporate Services detailing the development of the Angus Scheme of Assistance 2010 and seeking approval of the Scheme, together with agreement to its ongoing development.

The Report indicated that the Scheme had been developed in line with guidance issued by the Scottish Government with consideration given to the specific situation in Angus.

The Committee, for its interest, agreed to note that the Neighbourhood Services Committee at its meeting held on 15 April 2010 had agreed to approve the Angus Scheme of Assistance 2010 and to review the operation of the Scheme after year one of operation.

**APPENDIX I to the minute of meeting  
of the Infrastructure Services  
Committee of 20 April 2010 (Article  
3(b) refers)**

MINUTE of MEETING of the **EXECUTIVE SUB-COMMITTEE** of the **INFRASTRUCTURE SERVICES COMMITTEE** held in the Downstairs Meeting Room, Town & County Hall, Forfar on Thursday 25 March 2010 at 2.45 pm.

**Present:** Councillors DAVID MAY, DAVID FAIRWEATHER and IAIN GAUL.

Councillor MAY, Convener, in the Chair.

**1. APOLOGIES/SUBSTITUTES**

There were no apologies intimated.

**2. DECLARATIONS OF INTEREST**

The Sub-Committee agreed to note that no declarations of interest were made.

**3. MINUTE OF PREVIOUS MEETING**

The minute of meeting of this Sub-Committee of 10 August 2009 was approved as a correct record and signed by the Convener.

**4. TENDER FOR THE SUPPLY OF A SOUTH MONTROSE STRATEGIC REVIEW AND MASTER PLAN**

With reference to Article 4(j) of the minute of meeting of the Council of 17 September 2009, there was submitted Report No 193/10 by the Director of Infrastructure Services advising members on tenders received for consultancy services in respect of the delivery of a Strategic Review and Master Plan for south Montrose.

The Report indicated that it had been recognised that the land area between Montrose town centre and the north side of the harbour was in need of a Strategic Review with the purpose of formulating a Master Plan to direct future regeneration and that entering into a contract to deliver this would provide an opportunity to consider and encourage the long term and sustainable regeneration of the south Montrose area.

The Report further advised that officers had interviewed consultants on 23 March 2010 and in this connection, a supplementary paper detailing the short listed consultants, together with an appropriate recommendation for acceptance was circulated.

The Sub-Committee agreed:-

- (i) to note the contents of the Report and the supplementary paper;
- (ii) to note the progress made by the Director of Infrastructure Services in inviting expressions of interest from consultants to undertake a study and establish a Master Plan for south Montrose;
- (iii) to note the assessment of tenderers which had been made using a set evaluation criteria having regard to the quality of land and price; and
- (iv) to approve acceptance of the offer received from Ironside Farrar in the amount of £45,700 for the delivery of a Strategic Review and Master Plan for south Montrose

# ANGUS COUNCIL

MINUTE of MEETING of the **EDUCATION COMMITTEE** held in the Town and County Hall, Forfar on Thursday 22 April 2010 at 4.00 pm.

**Present:** Councillors PETER NIELD, MARGARET THOMSON, ALISON ANDREWS, MAIRI EVANS, GLENNIS MIDDLETON, JEAN LEE, PETER MURPHY, COLIN BROWN, DONALD MORRISON, ROB MURRAY, BOB MYLES, JOHN RYMER, MARK SALMOND, PAUL VALENTINE and SHEENA WELSH.

**Church Representative:** Mr BILL SIMPSON.

**Teacher Representatives:** Mr PHILIP JACKSON and Mr BRIAN McHARDY.

Councillor NIELD, Convener, in the Chair.

## 1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Iain Gaul, David Lumgair and David May, with Councillors Glennis Middleton, Peter Murphy and Colin Brown substituting respectively. Apologies for absence were also intimated on behalf of Mr David Adams and Mrs Patricia Millar.

## 2. DECLARATIONS OF INTEREST

The Committee agreed to note that no declarations of interest were made.

## 3. MINUTES

### (a) Previous Meeting

The minute of meeting of this Committee of 4 March 2010 was approved as a correct record and signed by the Convener.

### (b) Special Meeting

The minute of special meeting of this Committee of 17 February 2010 was approved as a correct record and signed by the Convener.

### (c) Angus Joint Negotiating Committee for Teachers

The minute of meeting of the Angus Joint Negotiating Committee for Teachers of 10 February 2010, a copy of which is appended hereto, was submitted and noted (**APPENDIX I**).

### (d) School Attendance Sub-Committee

The minute of meeting of the School Attendance Sub-Committee of 23 February 2010, a copy of which is appended hereto, was submitted and noted (**APPENDIX II**).

### (e) Staffing Sub-Committee

The minute of meeting of the Staffing Sub-Committee of 4 March 2010, a copy of which is appended hereto, was submitted and noted (**APPENDIX III**).

### (f) Special Cases Sub-Committee

The minute of meeting of the Special Cases Sub-Committee of 18 March 2010, a copy of which is appended hereto, was submitted and noted (**APPENDIX IV**).

#### **4. EXCEPTIONAL CLOSURE DAYS: ISLA PRIMARY SCHOOL**

There was submitted Report No 314/10 by the Acting Director of Education advising members of the current progress in respect of the completion of the new Isla Primary School and seeking approval for two exceptional pupil closure days, subject to Scottish Government consent.

The Report indicated that construction of the new school was well advanced and it was expected that the school would be completed in summer 2010. This would enable equipment and resources to be transferred to the school during the summer holidays and staff would then be able to set up classroom resources and undertake the necessary preparatory work.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note that the new Isla Primary School would be completed by Summer 2010; and
- (iii) to approve the closure of the school on Tuesday 17 and Wednesday 18 August 2010, subject to Scottish Government consent.

#### **5. SOUTHESK PRIMARY SCHOOL BUILDING WORKS**

With the reference to Article 9 of the minute of meeting of the Resources and Central Services Committee of 1 December 2005, there was submitted Report No 315/10 by the Acting Director of Education advising members on the progress of the Southesk Primary School Building Works.

The Report indicated that the school roll had increased during the current year and it was expected that the roll would continue to be relatively high over the next few years. The projected roll for 2010/2011 was 215 and, whilst the total roll was below 222, due to the configuration of pupil numbers, in 2009/10 eight rooms had been used for classes leaving only one available GP room. The pressure on accommodation would be exacerbated in 2010/11, given a relatively large P1 intake and the commitment to reduce class sizes. In order to address the accommodation challenges a number of options had been identified, namely do nothing, improve the former dining hall/gymnasium or a permanent extension.

Improvements to the former dining hall/gymnasium had been identified as the preferred option as this was a cost effective solution which would ensure that all pupils in the school benefited from the investment. It also provided an opportunity to review the situation in the medium term to take account of any reduction in the school roll and the outcomes of a wider review of primary school accommodation/catchment access with Montrose and the surrounding area.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the improvements to the former dining hall/gymnasium as the preferred option.

#### **6. ADMISSION TO PRE-SCHOOL EDUCATION**

There was submitted Report No 316/10 by the Acting Director of Education outlining proposals for significant amendments to the current procedures for admitting children to pre-school.

The Report indicated that following extensive national discussions in late 2009 regarding key aspects of the 2010/2011 financial settlement for local authorities, a flexible package had been agreed to assist local authorities to take forward key education aspirations framed within the Concordat. That agreement reflected a recognition on all sides that, while the Concordat had been developed and agreed in one set of financial circumstances, local authorities were now being expected to deliver its key ambitions in a much more difficult financial climate.

The flexibility that had been agreed around education commitments within the Concordat meant that, in exchange for an undertaking by all local authorities to achieve in the coming session a revised target of 20% of P1-P3 pupils being educated in class sizes of 18 or lower, the Scottish Government would amend its expectations in relation to the expansion of free school meal provision and enhanced pupil entitlements to free pre-school education. Councils would now be able to meet the Government's Concordat commitment by making arrangements for all three year olds in their ante-pre-school year to access pre-school education from their third birthday.

The arrangements to introduce more flexible and more frequent pre-school intakes would require to be managed with regard to the capacity of individual establishments, pupil preparation and induction procedures, and the staffing implications of additional enrolments at each new intake date. Every effort would be made to ensure that children were allocated a place in a nursery class in the school serving the delineated area in which they resided, or in an Angus Council partner voluntary or private setting. The nine intake dates, as detailed in the Report, would make a significant contribution to the Council's ambitions to ensure that all Angus children experienced a sure and confident start to their formal education.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the proposed amendments to current pre-school admission arrangements, with effect from 13 September 2010;
- (iii) to note that the amendments would take account of negotiations around Concordat education commitments within the context of the 2010/2011 local government financial settlement.

## **7. EXTENDED SUPPORT FOR PUPILS**

There was submitted Report No 317/10 by the Acting Director of Education advising members of the current commitments to improve Extended Support for Pupils.

The Report indicated that the Education and Social Work and Health Departments had been working to improve specialist provision for young people for whom a full-time educational placement in school had become increasingly challenging. This provision, formerly known as 'off-site', was now known as Extended Support for Pupils.

A recent HMIE inspection had highlighted the strengths of the Angus extended support service, as well as several major areas for improvement. It was anticipated that the establishment of a strategy group to oversee the work of the extended support service would result in the provision of better quality outcomes for young people with major behavioural challenges.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to note the arrangements in place to review and improve the existing provision for troubled and troublesome pupils.

## **8. ATTENDANCE DEFAULT GUIDELINES**

With reference to Article 8 of the minute of meeting of this Committee of 26 November 2009, there was submitted Report No 318/10 by the Acting Director of Education advising members of the revised Attendance Default Procedures.

The Report indicated that the purpose of the review had been to improve the management of attendance across Angus and ensure the adoption of a consistent and effective approach by all schools and support services. The review had been completed and the revised procedures, as detailed in the Appendix to the Report, would replace, with immediate effect the previous guidance issued in November 2008. It was hoped that the revised procedures would support the efforts of Angus schools and support services to improve the attendance of a small but significant number of pupils who failed to attend school on a regular basis and whose capacity to achieve their potential was thereby diminished.

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

- (i) to note the contents of the Report;
- (ii) to note the terms of the revised procedures, as detailed in the Appendix to the Report; and
- (iii) to instruct the Acting Director of Education to bring forward a Report providing further detailed information on pupil exclusions.

## **9. ACCREDITED WORK-RELATED LEARNING**

There was submitted Report 319/10 by the Acting Director of Education which provided members with an update on progress in taking forward accredited work-related learning in Angus.

The Report indicated that the Scottish Government had clearly indicated its expectations with regard to the development of skills for learning, life and work and specifically the provision of access to accredited work-related learning, which expectations were being well addressed in Angus.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to note the arrangements in place to support this key national initiative.

## **10. EARLY YEARS DEVELOPMENT – THE POTENTIAL OF SNACK AS A CONTEXT FOR LEARNING**

There was submitted Report No 320/10 by the Acting Director of Education advising members of the work being carried out in Angus pre-school settings to exploit the potential of snack as a context for learning.

The Report indicated that a recent audit of pre-school snack provision highlighted a practical opportunity to broaden and deepen children's learning experiences by exploiting the potential of snack as a rich context for learning. Staff had been encouraged to draw up an action plan for their setting to show how they hoped to develop snack as a way of nurturing and extending children's learning. An authority action plan had been produced in order to promote core experiences for all children and related expectations across all Angus pre-school settings.

The Report concluded that children learned best when they were engaged in relevant, stimulating and challenging activities and the project clearly maximised the potential of a learning context with which almost all children engaged on a daily basis. Arrangements were in hand to train a small number of pre-school staff to undertake an accredited qualification in outdoor learning with a view to supporting all early years staff to be confident in the use of snack as a key learning context.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note the scope and impact of work currently being undertaken in pre-school settings to use snack as a valuable context for learning; and
- (iii) to note the future developments now planned.

## **11. SEEMIS GROUP – FUTURE LEGAL STRUCTURE**

With reference to Article 15 of the minute of meeting of this Committee of 12 January 2006, there was submitted Report No 321/10 by the Acting Director of Education outlining proposals to amend the legal structure of SEEMIS to a Limited Liability Partnership.

The Report indicated that in 1997, twelve local authorities had entered into a Joint Agency Agreement to form SEEMIS in order to provide information technology solutions to support electronic administration within Headquarters and establishments. In recognition of the high customer satisfaction levels and capacity of SEEMIS to deliver an effective Management Information System for the Scottish education environment, there had been a significant increase in local authority membership of SEEMIS. Due to the increased membership, the increasing range of service developments within SEEMIS and the evolving education environment, a consortium/unincorporated association was no longer the most appropriate legal structure for SEEMIS.

A review of the Joint Agency Agreement with South Lanarkshire Council had demonstrated that the agreement could no longer adequately address the risk management issues faced by member Councils and the current legal structure of SEEMIS was unclear. Dundas and Wilson had been engaged by South Lanarkshire Council to undertake an appraisal of options likely to provide a more appropriate future legal structure for SEEMIS and it had been recommended that a Limited Liability Partnership would offer the most effective legal framework.

Having heard from the Convener, the Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note the ongoing discussions with the current 28 member authorities regarding the proposed change to the legal structure of SEEMIS;
- (iii) to approve, in principle, the establishment of a Limited Liability Partnership which included Angus Council as a partner;
- (iv) to approve the establishment of a Sub-Committee with delegated powers to instruct the appropriate officers to negotiate the Members' Agreement of the Limited Liability Partnership, the membership of which to be the Convener and Vice Convener, and Councillors Valentine and Welsh; and
- (v) to note that, on completion of the Agreement, a member of Angus Council and an officer would be appointed to the Board on a rotational basis.

**APPENDIX I to the minute of meeting of the Education Committee of 22 April 2010 (Article 3(c) refers)**

MINUTE of MEETING of the **ANGUS JOINT NEGOTIATING COMMITTEE FOR TEACHERS** held in the Board Room, Angus House, Forfar on Wednesday 10 February 2010 at 4.15 pm.

**Present:** Council Representatives

Councillor PETER NIELD (Convener of the Education Committee), RACHAEL SEITZ (Director of Education), CRAIG CLEMENT (Senior Education Manager), SUSAN DUFF (Senior Education Manager) and NEIL LOGUE (Senior Education Manager).

Teachers' Panel Representatives

DAVID DRYSDALE, GRAEME KIDDIE, BRIAN McHARDY, ARTHUR PRITCHARD (all EIS) and MIKE NASH (SSTA).

**Apologies:** Apologies for absence were intimated on behalf of Councillor MARGARET THOMSON (Vice-Convener of the Education Committee) and ALISON RIPLEY (EIS).

BRIAN MCHARDY, Convener, in the Chair.

**1. MINUTE OF PREVIOUS MEETING**

**(i) Correct Record**

The minute of meeting of this Committee of 18 November 2009 was submitted and approved as a correct record.

**(ii) Matters Arising**

**(a) Shared Headships**

With reference to Article 1(ii)(b) of the minute of previous meeting, the teachers' representatives confirmed that Brian McHardy and Arthur Pritchard would represent Angus Teachers' Panel on the Working Group.

The Committee agreed to note the position.

**(b) Teachers' Negotiating and Consultative Groups – Operational Guidelines**

With reference to Article 6 of the minute of previous meeting, the Committee agreed that this matter would be discussed further at the next meeting of the Sub-Committee to progress the implementation of the guidelines.

**2. A CURRICULUM FOR EXCELLENCE**

With reference to Article 2 of the minute of previous meeting, Mr Logue referred to the most recent National developments, in particular 'Building the Curriculum 5'.

Mr Logue confirmed that it had been agreed with teachers' representatives that Curriculum for Excellence would form a major part of any training over the next few months. Progress continued to be made on the web-based planning tool, 'On Track with Learning', which would be trialled in Brechin High School, Borrowfield Primary School, Inverarity Primary School and Seaview Primary School.

The teachers' representatives indicated that whilst they recognised the potential of 'On Track with Learning' as a planning and reporting tool, the depth of the training would be a key element in its success.

The Committee agreed to note the position.

### **3. ADDITIONAL INSET DAY**

The Director of Education indicated that a Report seeking approval for an additional in-service closure day on 25 May 2010, to be focused on Curriculum for Excellence, would be considered by the Education Committee on 4 March.

The Committee agreed to note the position.

### **4. MODEL LEARNING AGREEMENT**

There was submitted Model Learning Agreement between the EIS and Angus Council which set out to:-

- identify the respective roles of Learning Representatives and of the relevant personnel within the Council;
- emphasise the importance of collegial working within education;
- clarify the relationship between the Council and Learning Representatives;
- set out arrangements for managing and maintaining relationships; and
- prevent duplication of effort, confusion or conflict.

The Committee agreed to approve the contents of the Agreement, which would now go forward for ratification to the Staffing Sub-Committee as an Appendix to AJNCT/3.

### **5. TP21 SECONDARY REVIEW**

With reference to Article 3 of the minute of previous meeting, the Convener thanked the Director of Education for providing a copy of the Review Report to all schools.

The Director of Education advised that the contents of the Report had been discussed with Secondary Head Teachers and that the document would also be discussed at a meeting of Primary Head Teachers on 24 February.

The teachers' representatives indicated that a key aspect of the Report had been collegiality and it was important to ensure that the recommendations of the Report were progressed, and also to ensure that the recommendations were built in to the quality assurance process.

The Committee agreed to note the position.

### **6. 2009 EMPLOYEE SURVEY IMPROVEMENT PLANS**

There was submitted Improvement Plans for the Education Service following the 2009 Employee Survey.

The Director of Education indicated that a member of the Senior Management Team would be allocated as the lead responsibility for each of the actions, to which it was hoped there would be positive outcomes.

The teachers' representatives welcomed the Improvement Plans but indicated that they would wish clarification on some of the points identified.

Following discussion, the Committee agreed to discuss this item further at the next meeting of the Sub-Committee.

### **7. WORKLOAD ACTION PLANS**

With reference to Article 5(a) of the minute of previous meeting, the teachers' representatives advised that Workload Action Plans had been discussed at a recent meeting of the Angus Teachers' Panel, and representatives from both primary and secondary schools had been identified to be part of the Short Life Working Group to produce the first draft action plan.

Thereafter, the teachers' representatives expressed concern at the lack of working time agreements submitted to the Joint Secretary and requested the Director of Education to write to all schools seeking annual submission of the working time agreements to the Joint Secretary.

The Committee agreed to note the position.

#### **8. ABSENCE MANAGEMENT PROCEDURES**

With reference to Article 13 of the minute of meeting of this Committee of 27 May 2009, the teachers' representatives advised that Craig Clement and Fiona Thain had agreed to deliver the Absence Management Procedure presentation, given to the Senior Management Teams, at the meeting of the Angus Teachers' Panel on 17 May. This would also include further information on health and wellbeing.

The Committee agreed to note the position.

#### **9. REVENUE BUDGET 2010/2011**

The Committee noted that the timetable for the availability of papers would be in accordance with previous years and that Craig Clement had agreed to meet with the teachers' representatives on 16 February 2010 to discuss the Education budget in detail.

#### **10. SCHOOL BUILDING PROGRAMME**

With reference to Article 4 of the minute of previous meeting, Mr Clement advised the Committee that in terms of the Arbroath Schools Project, the responses to the consultation were in the process of being analysed.

Councillor Nield indicated that the next stage of the process would be more specific with parents, pupils and staff fully involved.

With reference to Brechin High School, confirmation was awaited from the Futures Trust and therefore, no meeting of the Project Board would take place until the information had been received.

The Committee agreed to note the position.

#### **11. VIOLENCE AND AGGRESSION TO STAFF**

With reference to Article 7 of the minute of previous meeting, there was submitted Report No 67/10 by the Director of Education providing information on the 50 incidents reported in the period October-December 2009.

The teachers' representatives requested specific information in relation to a number of the incidents as they felt it was important to have an overview of the circumstances relative to the incidents reported.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to discuss the issues raised in the Report further at the next meeting of the Sub-Committee.

**APPENDIX II to the minute of meeting  
of the Education Committee of 22  
April 2010 (Article 3(d) refers)**

MINUTE of MEETING of the **SCHOOL ATTENDANCE SUB-COMMITTEE** of the **EDUCATION COMMITTEE** held in Montrose Library, 214 High Street, Montrose on Tuesday 23 February 2010 at 4.45pm.

**Present:** Councillors PETER NIELD and MARGARET THOMSON and Mr JAMES EWENS (Parent Council Representative).

Councillor NIELD, Convener, in the Chair.

**1. DECLARATIONS OF INTEREST**

The Sub-Committee agreed to note that no declarations of interest were made.

**2. MINUTES OF PREVIOUS MEETINGS**

The minutes of meetings of this Sub-Committee of 12, 15 and 19 January 2010 were submitted and approved as a correct record.

**3. EXCLUSION OF PUBLIC AND PRESS**

The Sub-Committee resolved, in terms of Standing Order 27(2), that the public and press be excluded during consideration of the following items, so as to avoid the possible disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraph 5.

**4. EDUCATION (SCOTLAND) ACT 1980 – SCHOOL ATTENDANCE DEFAULT – CASE NO SA01/10**

With reference to Article 3 of the minute of meeting of this Sub-Committee of 15 January 2010, there was submitted Report No 179/10 by the Director of Education updating the Sub-Committee on the school attendance record in respect of this child (Case No SA01/10) since that meeting.

The Sub-Committee considered the case and heard from the child, the child's mother, the school representative and the Education Support Officer, School and Family Support.

Following discussion, the Sub-Committee agreed:-

- (i) to confirm, by reference to the up to date certificate of attendance, that the child had failed to attend school regularly;
- (ii) to confirm that there was no reasonable excuse for such failure; and
- (iii) to instruct the Head of Law and Administration to effect the prosecution of the parent by reporting the circumstances to the Procurator Fiscal.

**5. EDUCATION (SCOTLAND) ACT 1980 – SCHOOL ATTENDANCE DEFAULT – CASE NO SA03/08**

With reference to Article 4 of the minute of meeting of this Sub-Committee of 12 August 2009, the Council's Legal Representative advised the Sub-Committee of the outcome of the prosecution of the parent in relation to Case No SA03/08.

The Sub-Committee agreed to note the position.

**APPENDIX III to the minute of meeting  
of the Education Committee of  
22 April 2010 (Article 3(e) refers)**

MINUTE of MEETING of the **STAFFING SUB-COMMITTEE** of the **EDUCATION COMMITTEE** held in the Town and County Hall, Forfar on Thursday 4 March 2010 at 4.25 pm.

**Present:** Councillors PETER NIELD, MARGARET THOMSON and SHEENA WELSH.

Councillor NIELD, Convener, in the Chair.

**1. APOLOGIES/SUBSTITUTES**

There were no apologies intimated.

**2. DECLARATIONS OF INTEREST**

The Sub-Committee agreed to note that no declarations of interest were made.

**3. MINUTE OF PREVIOUS MEETING**

The minute of meeting of this Sub-Committee of 26 November 2009 was submitted and approved as a correct record.

**4. MODEL LEARNING AGREEMENT**

With reference to Article 4 of the minute of meeting of the Angus Joint Negotiating Committee for Teachers of 10 February 2010, there was submitted proposed Appendix to Circular AJNCT/3 in respect of Model Learning Agreement between the Educational Institute of Scotland and the Council.

The Agreement set out to:

- identify the respective roles of Learning Representatives and of the relevant personnel within the Council;
- emphasise the importance of collegial working within Education;
- clarify the relationship between the Council and Learning Representatives;
- set out arrangements for managing and maintaining relationships; and
- prevent duplication of effort, confusion or conflict.

The Sub-Committee agreed to ratify the Appendix.

**APPENDIX IV to the minute of meeting  
of the Education Committee of  
22 April 2010 (Article 3(f) refers)**

MINUTE of MEETING of the **SPECIAL CASES SUB-COMMITTEE** of the **EDUCATION COMMITTEE** held in the Education Meeting Room, Angus House, Forfar on Thursday 18 March 2010 at 4.00pm.

**Present:** Councillors PETER NIELD and JOHN RYMER.

Councillor NIELD, Convener, in the Chair.

**1. APOLOGIES/SUBSTITUTES**

Apologies for absence were intimated on behalf of Councillors Margaret Thomson and Sheena Welsh, with Councillor John Rymer substituting for Councillor Thomson.

**2. DECLARATIONS OF INTEREST**

The Sub-Committee agreed to note that no declarations of interest were made.

**3. MINUTE OF PREVIOUS MEETING**

The minute of meeting of this Sub-Committee of 21 January 2010 was submitted and approved as a correct record.

**4. EXCLUSION OF PUBLIC AND PRESS**

The Sub-Committee resolved, in terms of Standing Order 27(2), that the public and press be excluded during consideration of the following item, so as to avoid the possible disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 3, 6 and 10.

**5. VETTING OF SCHOOL CONVEYANCE CONTRACT DRIVER**

With reference to Article 18(b) of the minute of meeting of the Education Committee of 25 August 1998, there was submitted Joint Report No 242/10 by the Director of Corporate Services, the Director of Education and the Director of Infrastructure Services advising members of their decision to refuse an accredited driver's pass in respect of a school conveyance contract following consideration of information from Disclosure Scotland relating to the applicant. In accordance with the Council's procedures, an appeal had been lodged by the applicant.

The applicant, accompanied by her representative, were admitted to the meeting in order to present her case in person.

Thereafter, the applicant presented her case explaining the circumstances behind her previous convictions, following which she answered general questions.

The parties then withdrew from the meeting.

Following detailed consideration of the submission, the Sub-Committee agreed that the grounds of the appeal had been substantiated and that accordingly, the appeal be upheld with the accredited pass to be granted on a provisional basis for a period of nine months, subject to there being no complaints being upheld in that time, and thereafter reviewed at the end of the period.

The applicant was then readmitted to the meeting and advised of the foregoing decision.

## ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 27 April 2010 at 10.00 am.

**Present:** Councillors DAVID LUMGAIR, COLIN BROWN, DAVID FAIRWEATHER, JEAN LEE, MARK SALMOND and BOB SPINK.

Councillor LUMGAIR, Convener, in the Chair.

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillors Alison Andrews, John Rymer, Bob Myles and Ralph Palmer.

### 2. DECLARATIONS OF INTEREST/INTIMATIONS OF CONTACT

*In terms of the Councillors' Code of Conduct the following undernoted declarations of interest/intimations of contact were made:-*

- Councillor Salmond declared an interest in item 7, application No 09/01305/FUL as the objector was known to him. He advised that he would not be taking part in the discussion and voting.
- Councillor Lee declared an interest in item 9, application No 02/00149 as she was a former neighbour and friend of the individuals involved. She advised that she would be taking part in the discussion and voting.

### 3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 6 April 2010 was approved as a correct record and signed by the Convener.

### 4. BUILDING WARRANTS

The Committee noted that during the period 29 March to 16 April 2010, a total of 1 Staged Warrant, 4 Demolition Warrants, 6 Amendments to Warrants and 44 Building Warrants had been approved with an estimated cost of £2,631,370.

### 5. DELEGATED DECISIONS

The Committee noted that during the period 27 March to 17 April 2010, 1 Planning Application had been refused and 32 Planning Applications granted under the Scheme of Delegation to officers.

### PLANNING APPLICATIONS

### 6. LAND 50M EAST OF LEGASTON STEADING, LEGASTON, FRIOCKHEIM

There was submitted Report No 326/10 by the Director of Infrastructure Services detailing application No 10/00094/FULL by Kennebec Pension Fund for the erection of a dwellinghouse and garage on land 50m East of Legaston Steading, Legaston, Friockheim. The application was recommended for refusal.

Slides were shown and Ms Fox, the applicant's agent, addressed the meeting.

The Committee agreed that the application be refused for the reasons detailed in the Report.

*Councillor Salmond having declared an interest at item 2 above, left the meeting during consideration of the following item.*

**7. LAND ADJACENT TO MAINS OF HEDDERWICK STEADING, DUBTON, BY MONTROSE**

There was submitted Report No 327/10 by the Director of Infrastructure Services detailing application No 09/01305/FULL by Mr J Fraser for the erection of a dwellinghouse and garage on land adjacent to Mains of Hedderwick Steading, Dubton, by Montrose. The application was recommended for approval.

Slides were shown.

The Committee agreed that the application be approved as detailed in the Report.

**8. LAND ADJACENT TO NORTHBANK, MUIRHEAD**

There was submitted Report No 328/10 by the Director of Infrastructure Services detailing application No 10/00209/FULL by Mr Andrew Husband for the erection of a new Eco-House Development and change of use from agricultural land to garden ground on land adjacent to Northbank, Muirhead. The application was recommended for refusal.

Slides were shown and Councillor Whyte, a local member, Mr Moir, Lundie, Muirhead and Birkhill Community Council, followed by Mrs Burness, the applicant's agent, addressed the meeting.

The Committee agreed that the application be refused for the reasons detailed in the Report.

**9. ENFORCEMENT UPDATE**

There was submitted Report No 329/10 by the Director of Infrastructure Services on progress of enforcement cases by the Planning and Transport Service which had been agreed by the Development Standards Committee.

After hearing Councillor Whyte in respect of Strathmartine Hospital, the Committee agreed:-

- (i) that a site visit to Strathmartine Hospital be held on Monday 16 August 2010 for members of the Development Standards Committee only;
- (ii) to instruct the Head of Planning and Transport to write to the owner of the former Seaforth Hotel site in Arbroath to initiate a clearing of the area for the commencement of the summer season;
- (iii) to investigate possible enforcement action at Legaston Steading, Friockheim to ensure the site was cleared; and
- (iv) to note the position in respect of all other enforcement cases.

# ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT MANAGEMENT REVIEW COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 27 April 2010 at 11.30 am.

**Present:** Councillors DAVID LUMGAIR, DAVID FAIRWEATHER, MARK SALMOND and BOB SPINK.

**Also Present:** IAN MITCHELL, Planning Adviser, STEPHEN BROWN, Legal Adviser and ELAINE WHITTET, Committee Officer.

Councillor LUMGAIR, Convener, in the Chair.

## 1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors John Rymer and Alison Andrews.

## 2. DECLARATIONS OF INTEREST

*In terms of the Councillors' Code of Conduct, the following undernoted declaration of interest was made:-*

- *Councillor Salmond declared an interest in item 4, 2 Waterston Road, Careston, as the agent was known to him. He advised that he would be taking part in the discussion and voting.*

## 3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 6 April 2010 was submitted and approved as a correct record.

## 4. APPLICATION FOR REVIEW - 2 WATERSTON ROAD, CARESTON, BRECHIN

There was submitted Report No 298/10 by the Director of Corporate Services detailing a request for a review of the decision taken by the Planning Authority in respect of the refusal of alterations and an extension to a house at 2 Waterston Road, Careston.

The Committee gave consideration to the papers submitted by the applicant and the Planning Authority and determined that they had sufficient information to consider the review at this meeting.

Following discussion, the Committee agreed that the decision to refuse the application by the Head of Planning and Transport was in accordance with the Council's Local Plan policies and therefore the Director's decision was endorsed and accordingly the review dismissed.

## 5. COMMONTY COTTAGE, 21 LOCH OF LIFF ROAD, DUNDEE

There was submitted Report No 313/10 by the Director of Corporate Services detailing a request for a review of the decision taken by the Planning Authority in respect of the refusal of an application for planning permission, in principle, for the erection of a house at Commonty Cottage, 21 Loch of Liff Road, Dundee.

The Committee gave consideration to the papers submitted by the applicant and the Planning Authority and determined that they had sufficient information to consider the review at this meeting.

Following discussion, the Committee agreed that the decision to refuse the application by the Head of Planning and Transport was in accordance with the Council's Local Plan policies and therefore the Director's decision was endorsed and accordingly the review dismissed.

## ANGUS COUNCIL

MINUTE of MEETING of the **CORPORATE SERVICES COMMITTEE** held in the Town and County Hall, Forfar on Thursday 29 April 2010 at 4.00 pm.

**Present:** Councillors MARK SALMOND, JOHN WHYTE, GLENNIS MIDDLETON, ALEX KING, IAN MACKINTOSH, DAVID MAY, BILL MIDDLETON, PETER MURPHY, ROB MURRAY, DAVID FAIRWEATHER, PETER NIELD, HELEN OSWALD, RALPH PALMER, COLIN BROWN and SANDY WEST.

Councillor SALMOND, Convener, in the Chair.

### 1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Iain Gaul, Bob Myles and John Rymer, with Councillors Glennis Middleton, David Fairweather and Colin Brown substituting respectively.

### 2. DECLARATIONS OF INTEREST

Councillor May declared an interest in item 18 as he was a member of RSPB. He indicated he would take part in discussion and voting.

### 3. MINUTES

#### (a) Special Meeting

The minute of the special meeting of this Committee of 17 February 2010 was approved as a correct record and signed by the Convener.

#### (b) Executive Sub-Committee

The minute of meeting of the Executive Sub-Committee of 8 March 2010, a copy of which is appended hereto, was submitted and noted (**APPENDIX 1**).

#### (c) Previous Meeting

The minute of meeting of this Committee of 11 March 2010 was approved as a correct record and signed by the Convener.

### 4. ACCESS FOR THE DISABLED ADAPTATIONS PROGRAMME 2010/2011

With reference to Article 26 of the minute of meeting of the Policy and Resources Committee of 8 May 2001, there was submitted Report No 331/10 by the Director of Corporate Services seeking approval for the provision of supplementary funding from the Property Renewal and Repair Fund to allow the next phase of the continuing programme of adaptations in non Housing properties to be undertaken, at an estimated cost of £260,700.

The Report indicated that, in 2001 a corporate policy and strategy on Access for the Disabled had been established (Report No 556/01 refers). It incorporated accessibility adaptations for school properties and recognised the requirement to undertake an extensive ten year programme of accessibility adaptations to Council non housing properties, revising the programme as necessary to accommodate changes in needs, priorities and costs as they occurred. The Corporate Services Department had now completed a number of programmes of adaptations to non housing properties and proposed to undertake a further programme, as detailed in Appendix 1 to the Report, in financial year 2010/2011, with supplementary funding being made available from the Property Renewal and Repair Fund.

The Committee agreed:-

- (i) to note the contents of the Report; and

- (ii) to approve the bid for supplementary funding in the sum of £260,700 from the Property Renewal and Repair Fund for the next phase of an Access for the Disabled Adaptations Programme.

**5. PROPOSED DISPOSAL OF LAND AT WEST BROOMLEY COTTAGE, MAINS OF DUN, BY MONTROSE**

There was submitted Report No 334/10 by the Director of Corporate Services advising the Committee that land at West Broomley Cottage, Mains of Dun, by Montrose could be declared surplus to Angus Council's requirements. The Report further advised of the proposal to acquire land by means of an excambion between Angus Council and the National Trust for Scotland.

The Report indicated that West Broomley Cottage, Mains of Dun, by Montrose was held on the Infrastructure Services Account (Roads) and was due to be demolished in the near future, which would leave the surplus site after completion of the A935 road improvements. It was recommended that a site be declared surplus to requirements and the Head of Planning and Transport had advised that there was no prospect of the site being utilised for residential development.

The Report further indicated that two plots of land, which were located on either side of West Broomley Cottage, were required to facilitate works in connection with the A935 Route Action Plan and these were in the ownership of the National Trust for Scotland. It was therefore proposed that Angus Council and the National Trust for Scotland enter into an excambion (exchange of land, each bearing own legal costs) whereby Angus Council transferred title of the site to the National Trust for Scotland and in return the National Trust for Scotland transferred title to the two sites, all as detailed in the Appendices to the Report.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve that land measuring 545 square metres or thereby at West Broomley Cottage, Mains of Dun, by Montrose be declared surplus to Angus Council's requirements and be transferred to the National Trust for Scotland in exchange for land measuring 523 square metres that was required to enable the A935 road improvements.

**6. REPLACEMENT SWIMMING POOL, MONTROSE SPORTS CENTRE - TENDER LIST**

With reference to Article 11 of the minute of meeting of Angus Council of 25 June 2009, there was submitted Report No 335/10 by the Director of Corporate Services containing details of the contractors who it was proposed be invited to tender for the construction of a new swimming pool at Montrose Sports Centre.

The Report indicated that each firm had been asked to supply information using Constructionline on its history, capability, financial standing and present and future commitments, together with other relevant details.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to invite the undernoted six contractors to tender for the project:-

Galliford Try Construction Ltd trading as Morrison Construction, Newmachar  
 John Graham (Dromore) Ltd trading as Graham Construction, Edinburgh  
 Mansell Construction Services Ltd, Perth  
 Morgan Ashurst plc, Edinburgh  
 Muirfield (Contracts) Ltd, Dundee  
 Ogilvie Construction Ltd, Stirling; and

- (iii) to approve the undernoted three contractors to be held as reserves who might be invited to tender, in sequence, should any of the six approved contractors decline the invitation:-

Reserves

Gilbert-Ash N.I. Ltd, Belfast  
 Sir Robert McAlpine Ltd, Edinburgh  
 Barr Holdings Ltd, Paisley

**7. THE SENIORS OPEN CHAMPIONSHIP 2010 - CARNOUSTIE**

With reference to Article 21 of the minute of meeting of the Strategic Policy Committee of 8 September 2009, there was submitted Report No 336/10 by the Director of Corporate Services advising the Committee of the outcome of negotiations with the R & A and the European Tour for the tented village, official car parking etc during the Seniors Open Golf Championship to be held in Carnoustie in July 2010.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the lease of land in Carnoustie to the R & A/European Tour on the provisional terms and conditions contained in the Report and such other conditions as were deemed necessary by the Head of Property and the Head of Law and Administration to protect the Council's interests.

**8. SOUTH LINKS CARAVAN PARK, MONTROSE**

With reference to Article 18 of the minute of meeting of Angus Council of 5 November 2009, there was submitted Report No 337/10 by the Director of Corporate Services advising the Committee that the South Links Caravan Park, Montrose was held by Angus Council on the Neighbourhood Services Account and did not form part of the Montrose Common Good as previously considered.

The Report indicated that, as part of the leasing exercise (Report No 803/09 refers), the titles to the Caravan Park had been checked and it had transpired that the area was held on the Neighbourhood Services Account and not, as previously considered, on the Montrose Common Good Account. Details of the transfer of three areas of ground in 1961, 1967 and 1981 respectively which now formed part of the Montrose South Links Caravan Site were detailed in the Report.

The Neighbourhood Services Department currently paid an annual ground rental to the Common Good of £1,300 in respect of the Montrose South Links Caravan Park and this would now cease, with no payment being made for 2009/2010 onwards. From the records available, it appeared that all previous capital investment in the Caravan Parks had been undertaken solely by Angus Council with no identified contribution from the Montrose Common Good Account. The type of lease entered into by the Council was a Full Repairing and Insuring Lease and this meant that, with effect from 1 April 2010, the Council would have no cost commitments in relation to the future operation of the Caravan Park for the period of the lease.

Appendix 6 to the Report, provided information in respect of the financial impact associated with the identification and reclassification of ownership of the land at South Links Caravan Park, while Appendix 7 outlined a proposed Accounting Policy Statement to be applied to any future reclassification of assets between Common Good Funds and Angus Council's General Fund. The proposed policy would be subject to discussion and agreement with the Council's external auditors.

The Report concluded that it was regrettable that the title for the South Links Caravan Park had been wrongly allocated to the Common Good but a full review of all Common Good titles was proposed by Legal Services and this would be commenced in the forthcoming financial year.

Following a full discussion the Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note that the South Links Caravan Park, Montrose had been erroneously included in the Montrose Common Good Accounts for a number of years;
- (iii) to note the information provided in respect of the financial impact of the ownership reclassification (Appendix 6 to the Report) and in particular the intention not to adjust for historical rental payments but to adjust for land assessment impairment;
- (iv) to note the content of the proposed Policy Statement attached for information, which would be subject of discussion with the Council's external auditors (Appendix 7 to the Report); and
- (v) to note that a further Report would be submitted, outlining proposals for a comprehensive review of all Common Good assets.

*In accordance with the provisions of Standing Order 15(11)(ii), Councillor Oswald indicated that she wished her dissent to be recorded regarding the proposal that £7,900 income identified as received in error by Montrose Common Good would not be transferred back to the General Fund; and Councillor West indicated that he wished his dissent to be recorded because he considered the implementation of the recommendation would have a detrimental impact on the Montrose Common Good.*

*Councillor Glennis Middleton left the meeting at 4.45pm*

## **9. COMMON GOOD RENT - FORFAR CARAVAN PARK**

With reference to Article 18 of the minute of meeting of Angus Council of 5 November 2009, there was submitted Report No 338/10 by the Director of Corporate Services advising the Committee of the revised rents payable to the Common Good Account by Angus Council in respect of the caravan park at Forfar.

The Report indicated that Common Good rents were reviewed every five years with the next review due on 1 April 2011. Due to the Lochside Caravan Park, Forfar being let to the private sector with effect from 1 April 2010, it was considered that the rent paid by Neighbourhood Services for the park should be reviewed with effect from 1 April 2010.

The Council's external agents, J & D Shepherd, had now advised that they were of the opinion that the open market rent for Lochside Caravan Park, Forfar with effect from 1 April 2010 was £1,000 per annum. In arriving at the figure, the agents had disregarded the investment made by Angus Council, the development potential of the site and any assumed planning consents. The land had been valued as open space parkland.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the revised rent of £1,000 per annum to be paid by Angus Council to the Forfar Common Good Account in respect of the caravan parks at Forfar.

## **10. ST JAMES HOUSE, ST JAMES ROAD, FORFAR**

With reference to Article 16 of the minute of meeting of Angus Council of 17 September 2009, there was submitted Report No 339/10 by the Director of Corporate Services advising the Committee of the completion of the sale of St James House, St James Road, Forfar.

The Report reminded members that a contract had been entered into between Angus Council and Deanway Development Ltd and A W G Property Ltd to sell St James House, St James Road, Forfar. The purchasers had had until 30 April 2010 to purify the conditions set out in paragraph 2 of the Report and a letter purifying all of the conditions had been received by the Head of Law and Administration on 12 March 2010. The sale transaction had been settled on 15 April 2010 with the purchasers having immediately sold the St James House site and the adjacent Don and Low site to a third party, namely McLagan Investments Ltd. The price obtained for the property had been £1,810,000 with the sum of £300,000 being retained by McLagan Investments Ltd from the purchase price, pending completion of all ground surveys. It would not be possible to complete these until St James House had been demolished.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to note that the sale of St James House, St James Road, Forfar had been completed on 15 April 2010.

#### **11. CORPORATE MICROSOFT ENTERPRISE AGREEMENT**

There was submitted Report No 340/10 by the Director of Corporate Services advising the Committee of the benefits accrued by adoption of the Microsoft Enterprise Agreement software licensing model available under the OGC Buying Solutions national PSA09 contract.

The Report indicated that the Microsoft Enterprise Agreement provided for access to Microsoft software products at a fixed cost for a three year period at a lower overall cost than the Select Agreement procurement mechanism. It also provided for access to a number of the Council's current requirements for software licences, ie updated client access licences (CALs) for Windows, Exchange and Sharepoint, providing a best cost model for these licences. The Agreement also provided for further Microsoft software products to be licensed during the life of the Enterprise Agreement.

The Committee agreed to note the contents of the Report.

#### **12. COMPLIANCE WITH GOVERNMENT SECURE EXTRANET CODE OF CONNECTION**

There was submitted Report No 341/10 by the Director of Corporate Services advising the Committee of the current status of the Council's compliance with the requirements of the Government Secure Extranet and outlining the action plan agreed with Communications-Electronics Security Group to ensure continued compliance.

The Report indicated that the Council maintained a connection to the Government Secure Extranet in order to allow front line services to interact securely with central government agencies. Key activities routed through this connection included child protection messaging, transfer of children's reports to the Courts, registration services and all benefit systems shared with the Department of Work and Pensions.

The process of dialogue for re-accreditation had now been completed for the latest version of the code of connection, with a set of remedial actions agreed to ensure a move towards full compliance and these actions were listed in the plan attached as Appendix A to the Report.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the contents of the action plan for full re-accreditation.

#### **13. INFORMATION TECHNOLOGY RENEWAL AND REPAIR FUND - CAPITAL PROJECTS**

There was submitted Report No 342/10 by the Director of Corporate Services seeking approval for allocation from the 2010/2011 contribution to the Information Technology Renewal and Repair Fund to fund a number of Information Technology capital projects in the 2010/2011 Financial Plan.

The Report indicated that it was proposed to continue the programmes of ongoing replacement and renewal based on the age of IT equipment throughout the Council and the capability to sustain viable support and implement new initiatives.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the following allocations from the Information Technology Renewal and Repair Fund throughout the Council during 2010/2011:-
  - £120,000 to fund the ongoing renewal of Corporate IT Infrastructure;
  - £50,000 to fund the ongoing renewal of Corporate Telecoms Infrastructure;
  - £140,000 to fund the implementation of a Consolidated Storage Infrastructure;
  - £60,000 to fund the Citrix Upgrade and Enhancement;
  - £50,000 to fund the implementation of Unified Communications Technology; and
  - £80,000 to fund the implementation of a Desktop Replacement Programme.

#### **14. HOUSING CAPITAL AND PLANNED MAINTENANCE PROGRAMME - HRA BLOCK - 2009/2010**

With reference to Article 4 of the minute of meeting of the Neighbourhood Services Committee of 15 April 2010, there was submitted Joint Report No 282/10 by the Director of Neighbourhood Services and the Director of Corporate Services setting out the actual capital and planned maintenance spend to 28 February 2010, together with a projected outturn for the year to 31 March 2010 and updated funding proposals.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report;
- (ii) to note the expenditure figures presented for the Housing Capital and Planned Maintenance Programme for the period to 28 February 2010;
- (iii) to note the capital receipts position for the period to 28 February 2010;
- (iv) to note the projected year end and Capital and Planned Maintenance expenditure positions and updated indicative funding proposals; and
- (v) to note that relevant officers would continue to closely monitor capital spend and receipt levels to ensure that the Capital Programme and Planned Maintenance programme remained within overall available resources.

#### **15. CAPITAL MONITORING - GENERAL FUND CAPITAL PROGRAMME - 2009/2010**

With reference to Article 15 of the minute of meeting of this Committee of 11 March 2010, there was submitted Report No 343/10 by the Director of Corporate Services advising the Committee of the capital expenditure incurred for the period from 1 April 2009 to 28 February 2010 and measuring projected capital expenditure for the year against budgeted provision.

The Report indicated that, at this stage in the financial year, the latest year end estimate of gross expenditure was £3.243 million lower than the budgeted level of £26.847 million and net expenditure was £2.283 million lower than the budget of £17.875 million.

Having heard Councillor Murray made reference, in particular, to Monifieth Town Centre Enhancements, the start date of which had slipped from that indicated in the Report, the Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note the expenditure position on the General Fund Capital Programme as at 28 February 2010, as per tables 1 and 2 of the Report and the accompanying Capital Monitoring Statement;

- (iii) to note that 2009/2010 year end actual expenditure on the General Fund Capital Programme would be brought to the next Corporate Services Committee on 10 June 2010; and
- (iv) to note that the next meeting of the Capital Projects Monitoring Group was scheduled to take place on 6 May 2010.

#### **16. RENEWAL AND REPAIRS FUNDS AS AT 28 FEBRUARY 2010**

With reference to Article 16 of the minute of meeting of this Committee of 11 March 2010, there was submitted Report No 344/10 by the Director of Corporate Services advising the Committee of the actual financial position of the Renewal and Repairs Funds for Property, Information Technology, Roads and Transport, Print and Design Unit and Recreation as at 28 February 2010, which showed an effective uncommitted balance of £450,313.

The Committee agreed to note the contents of the Report.

#### **17. REVENUE MONITORING/PROJECTED OUTFURN STATEMENT 2009/2010**

With reference to Article 17 of the minute of meeting of this Committee of 11 March 2010, there was submitted Report No 345/10 by the Director of Corporate Services advising the Committee of the actual revenue expenditure incurred and income received for the period 1 April 2009 to 28 February 2010, together with the anticipated year-end position in respect of each Council Department.

The Report indicated that, in the main, expenditure was currently behind the phased budget and although there were no particular concerns arising from these areas at present, the position would continue to be monitored closely during the course of the financial year.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to note in particular the comments on the financial implications section with regard to the projected year-end position.

#### **18. REMISSION OF RATES**

With reference to Article 18 of the minute of meeting of this Committee of 11 March 2010, there was submitted Report No 346/10 by the Director of Corporate Services advising the Committee of applications for remission of rates and recommending that they be granted, which would result in an annual cost of £29.77 to the Council.

The Committee agreed to approve the applications for remission of rates, as detailed in the Report.

#### **19. 2010/2011 FINAL REVENUE BUDGET DOCUMENTS**

With reference to Article 18 of the minute of meeting of this Committee of 30 April 2009, there was submitted Joint Report No 347/10 by the Director of Corporate Services and the Head of Finance seeking approval for the 2010/2011 Final Revenue Budget Volume, which incorporated the Provisional Capital Budget 2010/2011 and the Budget Guide Booklet to be issued by the Head of Finance when available.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the amendments to departmental 2010/2011 revenue budgets as detailed in the Report;
- (iii) to note that a comprehensive update of the 2009/2013 financial plan, incorporating a final 2010/2011 capital budget, would be undertaken once actual expenditure for financial year 2009/2010 had been established;

- (iv) to note that a separate Final Capital Budget Volume 2010/2011 would be submitted to this Committee for approval following the summer recess; and
- (v) to authorise the Head of Finance to issue the 2010/2011 Final Revenue Budget Volume together with the Budget Guide Booklet when these were available, in accordance with the distribution arrangements detailed in the Report.

**APPENDIX I to the minute of meeting  
of the Corporate Services Committee  
of 29 April 2010 (Article 3(b) refers)**

MINUTE of MEETING of the **EXECUTIVE-SUB COMMITTEE** of the **CORPORATE SERVICES COMMITTEE** held in the Convener's Office, 7 The Cross, Forfar on Monday 8 March 2010 at 3.30pm.

**Present:** Councillors MARK SALMOND, JOHN WHYTE, and ALEX KING.

Councillor SALMOND, Convener, in the Chair.

**1. APOLOGIES/SUBSTITUTES**

There were no apologies intimated.

**2. DECLARATIONS OF INTEREST**

The Sub-Committee agreed to note that no declarations of interest were made.

**3. MINUTE OF PREVIOUS MEETING**

The minute of meeting of this Sub-Committee of 23 February 2010 was approved as a correct record and signed by the Convener.

**4. WEBSTER'S HIGH SCHOOL, KIRRIEMUIR - COMPLETION CONTRACT**

With reference to Article 5 of the minute of meeting of the Executive Sub-Committee of the Corporate Services Committee of 23 February 2010, there was submitted Report No 198/10 by the Director of Corporate Services advising on the works completion tender received from Muirfield (Contracts) Ltd, including the outcome of subsequent negotiations, and recommending acceptance following the appointment of Administrators in respect of Torith Ltd, Drumoig.

The Sub-Committee agreed:-

- (i) to approve the acceptance of the negotiated tender for the alterations and extension at Webster's High School, Kirriemuir of the Completion Contract from Muirfield (Contracts) Ltd, Dundee in the amount of £1,366,011.96;
- (ii) to approve the estimated total cost of £2,850,000 (outturn prices);
- (iii) to note that the additional expense properly incurred by the Council as a result of determination of the contract was estimated at £133,881 against which an estimated unpaid balance to Torith Ltd of £51,072 was being held by the Council and that claims would be lodged with the bondsman and the Administrator in due course for the increase in the project cost and for liquidated and ascertained damages;
- (iv) to note that an allowance of £2,900,000 for this project was contained in Education's 2009/2013 Financial Plan and Provisional Capital Budget 2010/2011 Capital Budget as reported to the Special Meetings of Committees on 17 February 2010 (Report No 113/10 refers) and based on the estimated actual expenditure figure of £2,850,000 following savings to lump sums and offset using unpaid balances, no additional funding would be required; and
- (v) to note the financial implications included in Section 9 of the Report.

# ANGUS COUNCIL

MINUTE of MEETING of the **STRATEGIC POLICY COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 4 May 2010 at 4.00 pm.

**Present:** Councillors IAN MACKINTOSH, COLIN BROWN, IAIN GAUL, ALEX KING, DAVID FAIRWEATHER, JIM MILLAR, DONALD MORRISON, PETER MURPHY, ROB MURRAY, HELEN OSWALD, MARK SALMOND, SHEENA WELSH and JOHN WHYTE.

Councillor Mackintosh, Vice-Convener, in the Chair.

## 1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Bob Myles, Alison Andrews and David May, with Councillors Colin Brown, Ruth Leslie Melville MBE and David Fairweather substituting respectively.

## 2. DECLARATIONS OF INTEREST

The Committee agreed to note that no declarations of interest made.

## 3. MINUTES

### (a) Previous Meeting

The minute of meeting of this Committee of 16 March 2010 was approved as a correct record and signed by the Convener.

### (b) Special Meeting

The minute of the special meeting of this Committee of 17 February 2010 was approved as a correct record and signed by the Convener.

### (c) Scrutiny and Audit Sub-Committee

The minute of meeting of the Scrutiny and Audit Sub-Committee of 6 April 2010, a copy of which is appended hereto, was submitted and noted (**APPENDIX I**).

## 4. REVIEW OF PERFORMANCE MANAGEMENT SOFTWARE SYSTEM

With reference to Article 5 of the minute of meeting of this Committee of 8 December 2009, there was submitted Report No 330/10 by the Chief Executive advising members of the findings from the review of the Excelsis software system.

The Report detailed the scope of the review and indicated that the findings of the review clearly demonstrated that the current Excelsis system did not meet the Council's Performance Management needs nor did it have the capability to be improved to the specification of systems used effectively by other Councils.

The Committee agreed:

- (i). to note the contents of the Report; and
- (ii). to authorise a change in the Performance Management software system currently used by the Council to support improvements to Performance Management and Performance Reporting.

## **5. COMPLIANCE WITH GOVERNMENT SECURE EXTRANET CODE OF CONNECTION**

With reference to Article 12 of the minute of meeting of the Corporate Services Committee of 29 April 2010, there was submitted Report No 341/10 by the Director of Corporate Services advising members of the current status of the Council's compliance with the requirements of the Government Secure Extranet and outlining the Action Plan agreed with Communication-Electronics Security Group to ensure continued compliance.

The Report indicated that connection to the Secure Extranet was essential to allow the Council to exercise its statutory obligations and allow secure transfer of information which was covered under the Data Protection Act 1998.

The Report also indicated that the Head of Information Technology would engage with Council Departments to ensure that implementation of the additional controls was proportionate and ensured continuity of service delivery.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the contents of the Action Plan as detailed in the Report.

## **6. ESTABLISHMENT CHANGES**

With reference to Article 9 of the minute of meeting of this Committee of 16 March 2010, there was submitted and noted Report No 349/10 by the Chief Executive summarising changes to the Corporate Services, Education, Infrastructure Services, Neighbourhood Services and Social Work & Health establishments during the period 15 February to 2 April 2010.

**APPENDIX I to the minute of meeting  
of the Strategic Policy Committee of  
4 May 2010 (Article 3(c) refers)**

MINUTE of MEETING of the **SCRUTINY AND AUDIT SUB-COMMITTEE** of the **STRATEGIC POLICY COMMITTEE** held in Training Room A and B, Angus House, Forfar on Tuesday 6 April 2010 at 2.00 pm.

**Present:** Councillors BOB MYLES, ALISON ANDREWS, COLIN BROWN, IAIN GAUL, ALEX KING, ROB MURRAY and JOHN WHYTE.

Councillor MYLES, Convener, in the Chair.

**1. APOLOGIES/SUBSTITUTES**

Apologies for absence were intimated on behalf of Councillors Ian Mackintosh, Helen Oswald and Mark Salmond with Councillors Colin Brown, Rob Murray and Alison Andrews, respectively, substituting.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**3. MINUTE OF PREVIOUS MEETING**

The minute of meeting of this Sub-Committee of 23 February 2010 was submitted and approved as a correct record.

**4. INSPECTION OF THE LEARNING COMMUNITY SURROUNDING FORFAR ACADEMY**

There were submitted:-

(i) HMIE Report on the inspection of the learning community surrounding Forfar Academy that had been undertaken in December 2009 indicating the particular strengths of the learning community as being:-

- effective use of accredited youth awards
- high levels of volunteering
- targeted engagement with the frail and elderly.

In addition, a number of examples of good practice were highlighted as being:-

- Angus Gold - seated exercise programme
- Volunteer Academy
- Youth Action Research Group.

The following areas for improvement with the Education Authority and its partners had been identified:-

- Develop a clear shared vision, aims and priorities with and for the community
- Develop a more systematic approach to shared information analysis to better inform joint planning and evaluation
- Increase the influence of adults and young people on wider decision-making
- Develop joint marketing of learning opportunities.

- (ii) Action Plan in response to the HMIE inspection which set out against each of the actions the timescale for completion, the success criteria and responsibility for progressing the action.

The Sub-Committee then heard from Mr Neil Logue, Acting Director of Education and Mr Tom Davidson, Area Community Learning and Development Officer within the Education Department.

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

- (i) to note the contents of the HMIE Report and Action Plan; and
- (ii) to instruct the Acting Director of Education to submit a progress report on the Action Plan by the end of 2010.

## **5. TREASURY MANAGEMENT STRATEGY 2010/2011 AND ADOPTION OF NEW TREASURY MANAGEMENT CODE OF PRACTICE**

With reference to Article 6 of the minute of meeting of Angus Council of 25 March 2010, there was submitted Joint Report No 244/10 by the Director of Corporate Services and the Head of Finance advising members of some significant changes affecting the Council's Treasury Management arrangements from 2010/2011 onwards.

The Sub-Committee noted that the Council had formally adopted the new Code of Practice and approved the proposed Treasury Management Strategy Statement for 2010/2011 and accordingly had approved all the recommendations in Report No 244/10 and that in addition all elected members be provided with detailed training on Treasury Management as soon as possible.

The Sub-Committee agreed to note the position.

## **6. PROGRAMME OF REVIEWS**

With reference to Article 10 of the minute of meeting of Angus Council of 25 June 2009, there was submitted Report No 244/10 by the Chief Executive identifying a series of efficiency reviews to be undertaken during 2010/2011.

The Report detailed the reviews at a corporate and service level which had been identified to be taken forward in 2010/2011 and also a number of reviews originally identified for 2009/2010 within the medium term financial strategy which had still to be completed and were to be carried forward to 2010/2011. The Report proposed that no additional reviews for 2010/2011 be added to those already identified and outlined the reasons in support of this proposal.

The Sub-Committee agreed:-

- (i) to approve the terms of the Report; and
- (ii) to instruct that timescales for the programme of reviews for 2010/2011 and for the outstanding 2009/2010 reviews be submitted to the next meeting of this Sub-Committee.

## **7. QUARTERLY JOINT STAFFING WATCH**

With reference to Article 13 of the minute of meeting of the Strategic Policy Committee of 8 December 2009, there was submitted Report No 252/10 by the Chief Executive advising the Sub-Committee of the Council's Quarterly Joint Staffing Watch return to the Scottish Government for December 2009.

The Report indicated that the figures were based on all staff on the payroll at the survey reference date and included temporary/fixed term casual employees. In addition, whilst increases did not necessarily mean an increase in establishment, the survey was based on staff on the payroll at a particular date and a post could be vacant at one survey date but be filled by the next survey date.

The Sub-Committee agreed to note the terms of the Report.

#### **8. SICKNESS ABSENCE OCTOBER TO DECEMBER 2009**

With reference to Article 12 of the minute of meeting of the Strategic Policy Committee of 8 December 2009, there was submitted Report No 253/10 by the Chief Executive advising on the level of sickness absence within Angus Council for the period 1 October to 31 December 2009.

The Report indicated that compared with the same period last year, there had been a slight increase in absences, mainly among teaching staff. Absences of one day accounted for 6.36% of total days lost, absences of two to five days accounted for 21.54% and absences of more than five to twenty days 26.80%. Absences of more than twenty days had accounted for 45.32% of total days lost. Of the incidences of absences, 34.62% were only one day absences, 41.57% two to five day absences, five to twenty days 17.52% and more than twenty days 6.29%.

The Sub-Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to note that the Assistant Chief Executive would discuss the teaching staff absences with the Acting Director of Education.

#### **9. AN OVERVIEW OF LOCAL GOVERNMENT IN SCOTLAND 2009**

There was submitted a copy of Audit Scotland's Report "An Overview of Local Government in Scotland 2009" which related to Local Government work carried out in 2009 and other performance information published during the year.

The Report indicated that Councils had responded positively to their best value duties and were better placed to deliver good quality services as a result. There was, however, some way to go, including the need for much better performance management and public reporting and more robust scrutiny and challenge aimed at improving the outcomes that Councils achieved for their communities.

Local Government also faced significant challenges over the next few years. The significant pressures facing public finances projected reductions of between 7% and 13% in real terms for 2013/2014 Public Sector budgets compared to 2009/2010. The difficult financial outlook was set against a back-drop of increasing demands in Council services with elected members facing increasingly difficult choices in setting budgets that were sustainable over time and provided an effective balance between national and local priorities.

The Sub-Committee agreed to note the contents of the Report

#### **10. IMPROVING PUBLIC SECTOR EFFICIENCY**

There was submitted a copy of Audit Scotland's Report "Improving Public Sector Efficiency" along with a Good Practice checklist for public bodies.

The Report indicated that the public sector had reported £839 million pounds worth of efficiency savings in the first year of the efficiency Government programme. This was 57% higher than the £534 million pounds target. Of the reported savings, £254 million (30%) had been delivered through better purchasing, better asset management and shared services. However, there was still scope to increase savings from these areas. The Report detailed a number of recommendations for the Scottish Government and public bodies to progress.

The Sub-Committee agreed:

- (i) to note the contents of the Report at this stage;
- (ii) to note that a further report would be submitted to the next meeting; and
- (iii) to invite members to submit any views they wished to make on the terms of the Report by Audit Scotland to the Head of Finance.

#### **11. ANNUAL AUDIT PLAN 2010/2011**

With reference to Article 5 of the minute of meeting of the Audit Sub-Committee of 24 March 2009, there was submitted Report No 254/10 by the Head of Finance appending a copy of the Chief Internal Auditor's Annual Audit Plan for 2010/2011 for ratification.

The Report indicated that in terms of the CIPFA Code of Practice for Internal Audit in Local Authorities, the Chief Internal Auditor was required to set a risk-based Audit Plan sufficient to provide the required assurances to members and officers in relation to corporate governance and internal controls. Attached as Appendix 1 to the Report were the outcomes of the annual planning exercise and the Chief Internal Auditor's proposed Annual Audit Plan for 2010/2011.

The Sub-Committee agreed:-

- (i) to note that a risk-based approach methodology had been used to develop the proposed Internal Audit Plan for 2010/2011 and:-
- (ii) to ratify the 2010/2011 proposed Internal Audit Plan.

#### **12. INTERNAL AUDIT ACTIVITY UPDATE**

With reference to Article 8 of the minute of meeting of this Sub-Committee of 23 February 2010, there was submitted Report No 255/10 by the Head of Finance providing the Chief Internal Auditor's update on the main findings of internal audit reports issued since the date of the last Sub-Committee and also updating on the progress of the 2009/2010 Internal Audit Plan.

With regard to the 2009/2010 Audit Plan, two areas within the Plan remained to be commenced at the date of writing the Report, these being Data Information Efficiencies and Business Continuity/Contingency Planning. Both areas would be progressed within carry forward time in the 2010/2011 Plan. There were a few planned audits within the 2009/2010 which would not be taken forward within the year due to a number of factors, including the need to absorb the impact of additional areas of unplanned work which had arisen, including advancing the 2009/2010 Corporate Governance Audit Timetable. With regard to the Internal Audit Reports, the audit report on Education Health and Safety 2009/2010 had been completed and issued:-

The Sub-Committee agreed:-

- (i) to note the progress of the 2009/2010 Internal Audit Plan and the amendments thereto;
- (ii) to note the summaries of the Audit Reports and follow-ups; and
- (iii) to note that the Chief Internal Auditor would bring back to future Sub-Committees update Reports in relation to follow-up audits, including any outstanding actions.

#### **13. EXCLUSION OF PUBLIC AND PRESS**

The Sub-Committee agreed, in terms of Standing Order 27(2) that the public and press be excluded from the meeting during consideration of the following item, so as to avoid the possible disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraph 1.

**14. INTERNAL AUDIT INVESTIGATIONS REPORT**

There as submitted Report No 256/10 by the Head of Finance providing the Chief Internal Auditor's update on the main findings of Internal Audit Investigation Reports issued.

Having heard the Head of Law and Administration and the Director of Neighbourhood Services, the Sub-Committee agreed:-

- (i) to note the investigation outcomes;
- (ii) to note that the Chief Internal Auditor would submit update reports as necessary to future meetings of this Sub-Committee; and
- (iii) to instruct that references to employees in future reports be gender neutral.

## ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 4 May 2010 at 6.00 pm.

**Present:** Councillors IAN MACKINTOSH, DAVID FAIRWEATHER, COLIN BROWN, MAIRI EVANS, ROB MURRAY, HELEN OSWALD, MARK SALMOND, BOB SPINK and MARGARET THOMSON.

Councillor MACKINTOSH, Convener, in the Chair.

### 1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors David Lumgair and Jim Millar.

### 2. DECLARATIONS OF INTEREST

The Committee agreed to note that no declarations of interest were made.

### 3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 13 April 2010 was approved as a correct record and signed by the Convener.

### 4. DELEGATED APPROVALS

There was submitted Report No 332/10 by the Director of Corporate Services detailing applications for licences under the Civic Government (Scotland) Act 1982 and other miscellaneous Acts, which had been granted/renewed by the Head of Law and Administration in accordance with the Scheme of Delegation appended to Standing Orders.

The Committee agreed to note the applications, detailed in the Appendix to the Report, granted/renewed under delegated powers during the period 30 March to 27 April 2010.

### 5. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved, in terms of Standing Order 27(2) that the public and press be excluded from the meeting during consideration of the following item, so as to avoid the possible disclosure of information that was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1972, paragraphs 3 and 6.

### 6. NEW APPLICATION

There was submitted Report No 333/10 by the Director of Corporate Services regarding an application received for a new licence under the Civic Government (Scotland) Act 1982 which were required to be determined by the Committee, as detailed in the appendix to the Report.

#### **Taxi Driver's Licence (TD6)**

With reference to Article 9(d) of the minute of meeting of this Committee of 13 April 2010, the Committee considered an application for a taxi driver's licence (TD6) received on 24 February 2010 and noted the contents of a letter of representation from Tayside Police dated 23 March 2010 which had previously been circulated to the Committee on 13 April 2010.

The applicant was present and addressed the Committee.

The Committee agreed that the application be granted, subject to the standard conditions.