



ANGUS COUNCIL

to be held on

17 DECEMBER 2009

MINUTES 2009

VOLUME 96

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ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 5 November 2009 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, ROBERT MYLES, PETER NIELD, HELEN OSWALD, RALPH PALMER, JOHN RYMER, MARK SALMOND, BOB SPINK, MARGARET THOMSON, PAUL VALENTINE, SHEENA WELSH, SANDY WEST and JOHN WHYTE.

Provost RUTH LESLIE MELVILLE, in the Chair.

The Provost referred with deep regret to the death of Acting Sergeant Michael Lockett MC, the 2nd Battalion, The Mercian Regiment (Worcester and Foresters) who had been killed in Afghanistan on Monday 21 September 2009. As a mark of respect, the Council stood in silence for a minute.

Thereafter, the Provost referred to the work of Poppy Scotland which was the charity that supported veterans and their dependents in Scotland and urged all members to give generously to this very worthwhile cause.

1. APOLOGIES

There were no apologies intimated.

2. DECLARATIONS OF INTEREST

Declarations of interest were made by:-

- Councillor Morrison in item 5(b) as he had a personal involvement with the case and indicated that he would not participate in any discussion and voting.
- Councillor Spink in item 13 as a member of the Esk District Salmon Fishery Board and indicated that he would participate in any discussion and voting.
- Councillors Brown, Glennis Middleton, Bill Middleton, Rymer and Morrison who intimated that in relation to item 18 (Lochside Leisure Park), they had all received a letter from concerned individuals, but indicated that they would participate in any discussion and voting.

3. MINUTES OF COUNCIL AND COMMITTEES

(a) Angus Council

The minute of meeting of Angus Council of 17 September 2009 was submitted and approved as a correct record, subject to the following corrections:

- Add Councillor Jean Lee to sederunt
- Remove the words "and representatives of Glaxo" from first paragraph of Declarations of Interest.

(b) Development Standards Committee

The minute of meeting of the Development Standards Committee of 22 September 2009 was submitted and noted.

(c) Social Work and Health Committee

The minute of meeting of the Social Work and Health Committee of 24 September 2009 was submitted and noted.

(d) Special Education Committee

The minute of meeting of the Special Education Committee of 28 September 2009 was submitted and noted.

(e) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 29 September 2009 was submitted and noted.

(f) Neighbourhood Services Committee

The minute of meeting of the Neighbourhood Services Committee of 8 October 2009 was submitted and noted.

(g) Infrastructure Services Committee

The minute of meeting of the Infrastructure Services Committee of 13 October 2009 was submitted and noted.

(h) Development Standards Committee

The minute of meeting of the Development Standards Committee of 20 October 2009 was submitted and noted.

(i) Education Committee

The minute of meeting of the Education Committee of 21 October 2009 was submitted and noted.

(j) Corporate Services Committee

The minute of meeting of the Corporate Services Committee of 22 October 2009 was submitted and, except as detailed hereunder, noted:-

ARBROATH COMMON GOOD

With reference to Article 25 when the Committee had agreed to refer to the Council the policy implications if the request for a donation from the Arbroath Common Good Fund were to be considered as a one off payment:-

COUNCILLOR SALMOND, SECONDED BY COUNCILLOR NIELD, MOVED THAT THE £1,500 PAYMENT BY THE ARBROATH COMMON GOOD FUND TO THE ARBROATH COMMUNITY FIREWORKS DISPLAY IN NOVEMBER 2009 IS NOT CONSIDERED AS A ONE OFF PAYMENT

Councillor King, seconded by Councillor Valentine, moved as an amendment, that the £1,500 payment by the Arbroath Common Good Fund to the Arbroath Community Fireworks Display in November 2009 be a one off payment.

On a vote being taken, the members voted:

For the motion:

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

For the amendment:

Councillors King, Bill Middleton, Palmer, Valentine and West (5)

No vote:

Councillors Evans, Gaul, Lee, Glennis Middleton, Morrison, Murray, Myles, Oswald, Spink, Thomson and Welsh (11).

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

(k) Strategic Policy Committee

The minute of meeting of the Strategic Policy Committee of 27 October 2009 was submitted and noted.

(l) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 27 October 2009 was submitted and noted.

4. MINUTES OF BOARDS AND PARTNERSHIPS

(a) Tayside Community Justice Authority

The minute of meeting of the Tayside Community Justice Authority of 17 June 2009 was submitted and noted.

(b) Tayside Community Justice Authority

The minute of meeting of the Tayside Community Justice Authority of 15 July 2009 was submitted and noted.

5. MOTIONS IN TERMS OF STANDING ORDER 24(1)

(a) Provision of a Light Controlled Crossing on Montrose Road, Arbroath

Councillor Spink had given notice of the following motion:

“That this Council:

- (i) notes the issues surrounding the provision of a light controlled crossing on Montrose Road Arbroath (A92) adjacent to the Red Lion garage and convenience store;
- (ii) notes the concerns of the residents of the neighbourhood as demonstrated by their petition; and
- (iii) accordingly instructs the Head of Roads to investigate these issues and concerns, and bring forward a report with costs and recommendations to the appropriate committee in early course.”

Having heard a number of members welcome the submission of the motion, the Council unanimously agreed to approve the terms of the motion.

(b) Angela Smith of Arbroath – Granting of Visa

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

Councillor Nield had given notice of the following motion:

“That this Council:

- (i) respectfully requests that the Home Secretary reviews the case of Angela Smith of Arbroath, and considers the impact that may be caused to her children, were a visa not to be granted; and
- (ii) fully supports her application for a visa and instructs the Chief Executive to write in such terms to the Home Secretary.”

HAVING HEARD FROM A NUMBER OF MEMBERS, COUNCILLOR NIELD, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED THAT THIS COUNCIL:

- (I) RESPECTFULLY REQUESTS THAT THE HOME SECRETARY REVIEWS THE CASE OF ANGELA SMITH OF ARBROATH, AND CONSIDERS THE IMPACT THAT MAY BE CAUSED TO HER CHILDREN, WERE A VISA NOT TO BE GRANTED;
- (II) FULLY SUPPORTS HER APPLICATION FOR A VISA AND INSTRUCTS THE CHIEF EXECUTIVE TO WRITE IN SUCH TERMS TO THE HOME SECRETARY; AND
- (III) URGES ALL MEMBERS WHO WISH TO DO SO, TO WRITE TO THE MINISTER FOR IMMIGRATION TO REQUEST THAT SHE BE ALLOWED TO REMAIN IN THE COUNTRY INDEFINITELY.

Councillor Oswald, seconded by Councillor Murray, moved as an amendment, that this Council urges all members who wish to do so, to write to the Minister for Immigration to request that Angela Smith be allowed to remain in the country indefinitely.

On a vote being taken, the members voted:

For the motion:

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

For the amendment:

Councillors Evans, Gaul, King, Lee, Bill Middleton, Glennis Middleton, Murray, Oswald, Palmer, Valentine, Welsh and West (12)

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

Emergency motion: Flooding in Carnoustie

The Provost indicated that she had received notification of an emergency motion but that in terms of Standing Order 11(1)(vii) she was not prepared to rule it was a matter of urgency. However, the Convener of Infrastructure Services was to make a statement.

Councillor May expressed his thanks to all roads staff and emergency planning staff for their response to the heavy rain fall and flooding of 1 November. The severity of the weather had necessitated that emergency procedures were invoked and the co-ordinated response from the Council and emergency services had ensured that resources were deployed where they were most needed. Councillor May then proceeded to update members on all the flooding incidents experienced last week and the efforts taken by all emergency workers to alleviate the situation.

6. APPOINTMENTS

Arbroath SEAFEST

Members were advised that Councillor David Fairweather had resigned as the Council representative on Arbroath SEAFEST Limited. Accordingly, the Council was asked to fill the vacancy.

In the absence of any nominations forthcoming, the Council noted that the vacancy, at this stage, would remain unfilled.

7. MEMBERSHIP OF COMMITTEES AND BOARDS

The Council resolved to note the following changes to the membership of the undernoted Committees and Boards:

- (i) Councillor Lee to replace Councillor Oswald on the Education Committee;
- (ii) Councillors Oswald and Glennis Middleton to replace Councillor Lee and West respectively on the Neighbourhood Services Committee;
- (iii) Councillor Lee to replace Councillor Morrison on the Social Work and Health Committee;
- (iv) Councillor Valentine to replace Councillor Glennis Middleton on the Angus Licensing Board (subject to satisfactory completion of the required examination); and
- (v) Councillor Valentine to replace Councillor West on the Tayside Fire and Rescue Board.

The Council also noted that the Head of Law and Administration would issue an updated list of Council Committee memberships to all elected members.

8. ANGUS TOURISM STRATEGY 2009-2012

With reference to Article 17 of the minute of meeting of the Infrastructure Services Committee of 13 October 2009 there was submitted Report No 733/09 by the Director of Infrastructure Services seeking adoption of the final Angus Tourism Strategy for 2009-2012 and its associated action plan, both of which were appended to the Report.

The Report indicated that the Strategy and action plan for 2009-2012 brought forward a comprehensive agenda for action that would address the potential growth in what was one of the key priority sectors.

The proposals in the Strategy demonstrated the importance that Angus Council placed in the development of sustainable tourism growth, as well as the importance it set on achieving the national growth targets set out by the Scottish Government.

The Report recommended that the Council:

- (i) approved the final Angus Tourism Strategy 2009-12 as a comprehensive partnership approach to tourism development with Angus: and
- (ii) approved its associated Action Plan and the actions therein as a delivery, development and review mechanism.

Having heard from Councillor Millar, who proposed a number of additional recommendations (iii) – (vi) and having also heard from a number of other Councillors, the Council resolved:

- (i) to approve the final Angus Tourism Strategy 2009-12 as a comprehensive partnership approach to tourism development with Angus (subject to the removal of two references to Forbes of Kingennie);

- (ii) to approve its associated Action Plan and the actions therein as a delivery, development and review mechanism;
- (iii) that all strands within the Tourism Strategy should be given equal consideration and resources prioritised, within the clear and accountable Action Plan. This to be regularly reported to Infrastructure Services Committee;
- (iv) that special consideration at this time of economic constraint be given to the domestic market and promotion of cultural and literary heritage of Angus and that a report be submitted to a future meeting of Infrastructure Services Committee;
- (v) that further work be undertaken with accommodation providers to promote existing and new business opportunities within Angus; and
- (vi) to temporarily suspend further development of Chinese tourism initiatives until such time as market conditions would indicate that such an approach would pay dividends.

9. BEST VALUE REVIEW OF WASTE MANAGEMENT - PHASE 2 REPORT

With reference to Article 3 of the minute of meeting of the Scrutiny and Audit Sub-Committee of 27 October 2009, there was submitted Joint Report No 796/09 by the Chief Executive, the Director of Neighbourhood Services and the Head of Finance detailing the findings and recommendations of the Best Value Review Team's consideration of the Council's Waste Management arrangements, as set out in the Phase 2 remit.

The Report highlighted that a significant number of actions had been recommended in order that Waste Management Services in Angus could be developed and enhanced to meet future legislative targets and public expectations. It was therefore appropriate that suitable monitoring arrangements be put in place to ensure that the momentum built up from the Review was maintained and the recommendations implemented promptly. Accordingly, the Review Team would prepare an Action Plan covering all the key issues and recommendations that required to be taken forward which would include target dates for completion and would identify responsible officers for each action to promote accountability. Reporting to elected members would be part of the Neighbourhood Services Department performance management arrangements with specific 6 monthly updates being provided to the Neighbourhood Services Committee, given the high profile nature of waste services.

The Report also highlighted that in terms of the proposed strategy there would be significant financial implications for the Council on both revenue and capital budgets with implementation of the strategy only taking place once more detailed work was undertaken to establish the full operational implications and the precise costs and funding arrangements that would apply. Accordingly the strategy was recommended to be approved in principle, on the basis that implementation of specific actions would be the subject of separate reports, incorporating the financial implications, to appropriate Committees of the Council.

The Report concluded that the Phase 2 Report marked the culmination of many months work and covered a huge range of issues affecting waste and related services. The Phase 2 Report was very much the start of a process given the significant number of actions which would require to be taken forward once the Report had been agreed.

In connection with the Best Value Review, Ian Lorimer, Head of Finance, and Chair of the Review Group gave a presentation to members on the Review findings and recommendations.

Following a number of questions, the Council resolved:-

- (i) to note the contents of the Best Value Review Phase 2 Report on the Council's Waste Management and related services, as appended to the Report;
- (ii) to approve the conclusions and recommendations set out in the Report, as summarised in Section A - Executive Summary;
- (iii) to approve the arrangements for monitoring progress on delivery of the recommended actions, as set out in Section 3 of the Report; and

- (iv) to remit the Director of Neighbourhood Services to make arrangements for a seminar for all elected members.

10. **ANGUS COUNCIL ANNUAL REPORT AND ACCOUNTS 2008/2009**

With reference to Article 9 of the minute of meeting of Angus Council of 25 June 2009, there was submitted Joint Report No 798/09 by the Chief Executive, the Director of Corporate Services and the Head of Finance seeking the Council to formally note the 2008/2009 Annual Accounts including the audited accounting statements for Angus Council, advising members of the intention to publish a summarised version of the accounts and seeking approval of further carry forwards under the terms of the budget virement flexibility scheme.

The Report indicated that the Council had achieved the statutory deadline for the submission of its draft accounts for audit, with the issue of an unqualified audit opinion on 29 September 2009.

With regard to the virement flexibility between 2008/09 and 2009/10, the Report sought approval for increased 100% carry forwards in respect of projects for Education (Angus Special Schools, Hungry for Success and PPP) and Environmental Management (Strategic Waste Fund) totalling £0.137 million. In addition, the Report detailed a number of departmental revenue budget underspends and carry forward amounts which would provide departments with valuable flexibility in managing their 2009/2010 budgets.

Having heard Councillor Salmond commend both the expeditious manner in which the 2009/2010 audit had been conducted by the External Auditors (Henderson Loggie) and of the support and assistance provided by staff throughout the Council with the successful delivery of an unqualified audit certificate, the Council resolved:-

- (i) to refer the Report to the Scrutiny and Audit Sub-Committee, for their interest;
- (ii) to note the 2008/2009 Annual Accounts for Angus Council, as appended to the Report, which would be published shortly after this meeting;
- (iii) to note that a summarised version of the 2008/2009 Annual Accounts would be published for circulation in the county;
- (iv) to note the £2.319 million of 100% carry forwards approval through Report No 114/09 (£1.666 million to departmental revenue budgets and £0.653 million to special funds);
- (v) to approve the amended 100% carry forward requests totalling £0.137 million for Education and Environmental Management; and
- (vi) to approve the £0.508 million of 50% carried forwards by departments from 2008/2009 to 2009/2010 under the terms of the budget virement flexibility scheme.

11. **REPORT TO MEMBERS ON THE 2008/2009 AUDIT OF ANGUS COUNCIL**

Having heard Councillor Oswald in relation to the insufficient time afforded to members to fully acquaint themselves with the contents of the Auditor's Report and having also heard from the Provost in terms of the competency of the Council now considering the Report, Councillor Oswald, in accordance with Standing Order 15(II)(ii) requested that her dissent be recorded from the foregoing decision.

With reference to Article 10 above, there was submitted Joint Report No 815/09 by the Chief Executive, the Director of Corporate Services and the Head of Finance introducing the Annual Report from the Council's External Auditors, Henderson Loggie, for 2008/2009.

The Report indicated that Henderson Loggie had been appointed for the five year period beginning 2006/2007 as External Auditors of Angus Council. Integral to that role was the provision of an annual report to Angus Council members and to the Controller of Audit, which was to provide an opinion on the financial statements in accordance with relevant legal and regulatory matters; review and report on the Council and its group's corporate governance arrangements; review and report on the Council's arrangements to manage performance as it related to economy, efficiency and effectiveness on the use of resources and in securing best value and to review and report on whether the Council had made adequate arrangements for collecting, recording and publishing precise performance information.

The Report to members had been the subject of detailed discussions with officers and, while it had identified a few issues which needed to be addressed, no actions had been specifically identified for the Council or the Controller of Audit the Report overall, was a positive one for the Council.

The Council then heard from Cathie Wylie, of Henderson Loggie who reiterated the fact that the Council had received an unqualified audit and had submitted their accounts by the due deadline.

The Council resolved:-

- (i) to note the contents of Henderson Loggie's Report following their 2008/09 audit of Angus Council; and
- (ii) to refer the Report to the Scrutiny and Audit Sub-Committee.

Councillor King, in accordance with the provision of Standing Order 15(11)(ii) requested that his dissent be recorded from the foregoing decision.

12. DEVELOPMENT MANAGEMENT REVIEW COMMITTEE - ASSOCIATED MATTERS

With reference to Article 12 of the minute of meeting of Angus Council of 14 May 2009, there was submitted Report No 799/09 by the Director of Corporate Services bringing to members attention a number of matters as a consequence of the establishment of the Development Management Review Committee and also proposing a number of changes to the way the Council dealt with certain planning applications, in keeping with the Planning etc. (Scotland) Act 2006.

The Council resolved:-

- (i) to note the contents of the Report;
- (ii) to appoint Councillors Lumgair and Rymer as Convener and Vice-Convener respectively of the Development Management Review Committee;
- (iii) to note the changes to the way the Council would now deal with certain planning applications in accordance with the Planning etc. (Scotland) Act 2006;
- (iv) to approve the categorisation of the Development Management Review Committee as a non-"standing Committee" of the Council, for the reasons detailed in the Report;
- (v) to approve the procedures for dealing with stage 1 hearings, as appended to the Report;
- (vi) to approve the Site Guidance and Protocol, as appended to the Report; and
- (vii) to authorise the Head of Law and Administration to make the consequential changes to Standing Orders.

13. BRECHIN FLOOD ALLEVIATION SCHEME - SOUTH ESK

With reference to Article 33 of the minute of meeting of the Infrastructure Services Committee of 26 August 2008, there was submitted Report No 800/09 by the Director of Infrastructure Services providing an update on the progress being made on the flooding alleviation scheme for the river South Esk at Brechin and making recommendations regarding the progression of various matters in this regard.

The Report indicated that the development of a scheme for the protection of parts of Brechin from flooding from the South Esk had progressed to a stage where the initiation of the statutory processes should be contemplated. However, the governing legislation was now in a transitional period and it was recommended that a flood prevention order be promoted. In addition, the interaction with Scottish Water sewer network required to be further considered and the inter dependencies fully resolved. In the absence of ring fenced central government grant, this raised very serious concerns over the future funding for the project. In light of this, alternative schemes of work providing a lesser level of protection warranted consideration and it was not recommended that the Council should pursue an option for the removal of the established gravel bank in the South Esk, opposite River Street, Brechin.

COUNCILLOR MAY, SECONDED BY COUNCILLOR MYLES, MOVED THAT THIS COUNCIL:

- (I) NOTES THE CURRENT STATE OF DEVELOPMENT OF THE PROJECT;
- (II) NOTES THE CURRENT POSITION IN RESPECT OF CORRESPONDENCE WITH THE SCOTTISH MINISTERS AND SCOTTISH WATER REGARDING THE INTER-DEPENDENCY OF THE PROPOSALS FOR FLOOD ALLEVIATION, AND INSTRUCTS THE HEAD OF ROADS TO CONTINUE TO PURSUE A DEFINITIVE POSITION STATEMENT FROM SCOTTISH WATER WITH RESPECT TO THEIR APPARATUS;
- (III) NOTES THE FINANCIAL IMPLICATIONS AS SET OUT IN SECTION 4 OF THIS REPORT AND THAT THE FUNDING OF THIS SCHEME WILL REQUIRE FURTHER CONSIDERATION ONCE INFORMATION BECOMES AVAILABLE REGARDING FUTURE FUNDING LEVELS AND METHODS OF DISTRIBUTION FOR FLOOD PREVENTION FUNDING;
- (IV) AGREES TO PROGRESS A FLOOD PREVENTION ORDER (FPO) UNDER THE FLOOD PREVENTION (SCOTLAND) ACT 1961 AT THE EARLIEST OPPORTUNITY AND CONSISTENT WITH THE CURRENTLY ENVISAGED SCOPE OF THE SCHEME AT AN ESTIMATED COST OF UP TO £209,000 TO BE MET FROM THE FUNDING PROVISIONS FOR THE SCHEME WITHIN THE FINANCIAL PLAN AS SET OUT IN SECTION 4 OF THE REPORT;
- (V) AGREES TO PROGRESS A PLANNING APPLICATION FOR THE WORKS SCHEME FOLLOWING ON FROM THE FPO AND CONSISTENT WITH THE PROPOSED ORDER ONLY ONCE THE ACCEPTABILITY OF THE SCHEME WAS AFFIRMED THROUGH THE ORDER PROCESS AND ONCE THE AFFORDABILITY OF THE PROJECT HAS BEEN DETERMINED;
- (VI) INSTRUCTS THE HEAD OF ROADS TO UNDERTAKE PRELIMINARY INVESTIGATIONS OF ALTERNATIVE DESIGNS TO OFFER PROTECTION TO ALTERNATIVE AREAS AND TO A LESSER RETURN PERIOD AS MAY BE CONSIDERED OPTIMAL IN TERMS OF DELIVERABILITY AND THEREBY PROVIDING A DEGREE OF FLEXIBILITY PENDING RESOLUTION OF THE FUTURE FUNDING ARRANGEMENTS FOR FLOOD ALLEVIATION WORKS, AND THAT A REPORT SHOULD BE PRESENTED TO INFRASTRUCTURE SERVICES COMMITTEE IN THE SUMMER OF 2010 TO UPDATE THE COMMITTEE ON PROGRESS;
- (VII) AGREES THAT THE COUNCIL SHOULD NOT PURSUE THE REMOVAL OF THE ESTABLISHED GRAVEL BANK IN THE RIVER SOUTH ESK OPPOSITE RIVER STREET AT PRESENT; AND

- (VIII) NOTWITHSTANDING THE RESPONSE RECEIVED FROM THE MINISTER FOR ENVIRONMENT, THE DIRECTOR OF INFRASTRUCTURE SERVICES BE INSTRUCTED TO WRITE TO THE SCOTTISH GOVERNMENT REQUESTING THAT THE RELEVANT SCOTTISH MINISTER SPECIFICALLY IDENTIFIES ANY EXISTING OR NEW FUNDING MECHANISMS THAT WOULD ASSIST THE COUNCIL TO DELIVER THIS KEY FLOOD ALLEVIATION SCHEME.

Councillor West, seconded by Councillor Evans, moved as an amendment, that this Council:

- (i) approves recommendations (i) to (vi) and (viii) as detailed above; and
- (ii) that the Council looks further at the removal of the gravel banks and the weir south of the Brechin Bridge.

On a vote being taken, the members voted:

For the motion:

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

For the amendment:

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

The motion was declared carried and the Council resolved accordingly.

14. REVIEW OF SCHEME OF ESTABLISHMENT OF COMMUNITY COUNCILS

With reference to Article 13 of the minute of meeting of Angus Council of 17 September 2009, there was submitted Report No 801/09 by the Chief Executive proposing amendments to the draft Revised Scheme of Establishment of Community Councils and advising members of the next steps in the process.

The Report indicated that following the initial 12 week public consultation, the Joint Working Group had met to consider the representations received. After due consideration, it was proposed that the Council amend the draft Revised Scheme, details of which were attached in the Appendix 1 to the Report.

In relation to the revised boundaries, the majority of comments received during the public consultation process had been in respect of Schedule 2 of the draft. The Joint Working Group had reconsidered the draft boundaries from the areas where representations had been received and it was now proposed to amend the draft revised boundaries for the undernoted areas, details of which were in maps appended to the Report.

Hillside, Dun and Logie Pert
Kirriemuir
Tealing and Strathmartin
Muirhead, Birkhill and Liff

The Joint Working Group had also considered oral representations made in respect of the boundary between Inveresk and the City of Brechin and District but no conclusions had been drawn. Subsequent to the meeting of the Group and in light of further information being received which should have been considered as part of the consultation process, it was proposed that the boundary be amended as shown in the map contained in Appendix 1 to the Report.

The Council resolved:-

- (i) to approve the draft revised Scheme as amended, following public consultation and discussion by the Joint Working Group of elected members and community council representatives, attached as Appendix 1 to the Report;

- (ii) to give public notice of the amendments to the draft Revised Scheme and invite members of the public, within a period of not less than four weeks from the date of the notice, to make representations to the Council in respect of these subsequent amendments; and
- (iii) to approve the amalgamation of Fowlis, Liff and Balruddery Community Council with Lundie, Muirhead and Birkhill Community Council to form a new Community Council which would be renamed Muirhead, Birkhill and Liff Community Council.

15. NATIONAL SCHOOL BUILDING PROGRAMME

With reference to Article 2 of the minute of the special meeting of the Education Committee of 28 September 2009, there was submitted Report No 802/09 by the Acting Director of Education providing a summary of progress in developing projects at Brechin High School and for primary schools in Arbroath, in the context of the Scottish Government's School Building Programme.

The Council resolved:

- (i) to note the initial arrangements being made to take forward Brechin High School Project;
- (ii) to note the initial enquiry from COSLA/Scottish Government in relation to the national building programme for the primary sector; and
- (iii) to note the terms of the Council's response to that enquiry.

16. LANDFILL TAX LEGAL FEES - UPDATE POSITION

With reference to Article 14 of the minute of meeting of Angus Council of 17 September 2009, there was submitted paper from the Director of Corporate Services on the updated position with regard to the legal fees incurred by the Council in challenging the Landfill Tax additional assessment raised by HM Revenues and Customs. It was noted that the legal fees of £40,000 incurred in relation to this matter had been a necessary cost in order to progress a robust case to permit the Council to secure the successful outcome, and that further additional legal fees would have been incurred had the Council been required to progress to full Tribunal process. Overall, the fees represented a worthy investment to secure reimbursement of a sum in excess of £860,000. Any attempt to recover those fees would have incurred further costs for the Council, with little prospect of successful recovery.

The Council agreed to note the position.

17. EXCLUSION OF PUBLIC AND PRESS

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

18. LEASE OF LOCHSIDE, WOODLANDS AND SOUTH LINKS CARAVAN PARKS

With reference to Article 13 of the minute of meeting of the Neighbourhood Services Committee of 28 May 2009, there was submitted Report No 803/09 by the Director of Neighbourhood Services requesting authorisation to enter into leases of the Council's three caravan parks at Forfar (Lochside), Montrose (South Links) and Carnoustie (Woodlands).

At this point, the Council resolved, in accordance with the provisions of Standing Order 20(8) that the meeting proceed beyond the three hour limit to the conclusion of the business.

COUNCILLOR MILLAR, SECONDED BY COUNCILLOR BROWN, MOVED THAT THIS COUNCIL RESOLVES:

- (I) TO APPROVE THE PROPOSAL TO LEASE THE THREE CARAVAN PARKS FOR THE COMMENCEMENT OF THE 2010 OPERATIONAL SEASON;

- (II) TO ENTER INTO THREE SEPARATE LEASES FOR EACH OF THE CARAVAN PARKS;
- (III) TO ACCEPT THE TENDER BID FROM THE CARAVAN CLUB FOR FORFAR, LOCHSIDE;
- (IV) TO ACCEPT THE TENDER BID FROM WOW LEISURE LIMITED FOR MONTROSE, SOUTH LINKS;
- (V) TO ACCEPT THE TENDER BID FROM WILLIAM FERGUSON FOR CARNOUSTIE, WOODLANDS; AND
- (VI) TO DELEGATE RESPONSIBILITY FOR THE DETAILED NEGOTIATION OF THE LEASE TERMS AND PREPARATION OF THE FORMAL LEASE DOCUMENTATION TO THE HEAD OF LAW AND ADMINISTRATION IN CONSULTATION WITH THE DIRECTOR OF NEIGHBOURHOOD SERVICES AND HEAD OF PROPERTY.

Councillor Glennis Middleton, seconded by Councillor Bill Middleton, moved as an amendment, that this Council resolves to accept the tender bids for the lease of South Links, Montrose and Woodlands, Carnoustie but to defer consideration with regard to Lochside, Forfar to allow the concerns raised to be fully addressed.

On a vote being taken, the members voted:

For the motion:

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

For the amendment:

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

The motion was declared carried and the Council resolved accordingly.

In accordance with the provisions of Standing Order 15(11) Councillors Glennis Middleton and Bill Middleton requested that their dissent be recorded from the foregoing decision.

19. BUILDING AND UNMANNED TOILET CLEANING FUNCTION PROVISION

With reference to Article 5 of the minute of meeting of the Scrutiny and Audit Sub-Committee of 27 October 2009, there was submitted Report No 797/09 by the Director of Neighbourhood Services setting out a number of proposals with regard to the building and unmanned toilet cleaning function within Neighbourhood Services.

The Council resolved to approve the recommendations, as detailed in the Report.

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 10 November 2009 at 10.00 am.

Present: Councillors DAVID LUMGAIR, ALISON ANDREWS, COLIN BROWN, DAVID FAIRWEATHER, BOB MYLES and MARK SALMOND.

Councillor LUMGAIR, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors John Rymer and Bob Spink.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 20 October 2009 was approved as a correct record and signed by the Convener.

4. BUILDING WARRANTS

The Committee noted that during the period 12-30 October 2009, a total of 2 Demolition Warrants, 8 Amendments to Warrants and 52 Building Warrants had been approved with an estimated cost of £7,638,200.

5. DELEGATED APPROVALS

The Committee noted that during the period 10-31 October 2009, a total of 47 planning applications had been approved under the Scheme of Delegation to officers.

PLANNING APPLICATIONS

6. 1B HIGH STREET, CARNOUSTIE

There was submitted Report No 845/09 by the Director of Infrastructure Services detailing application No 09/00968/FUL by Mr Roderick Bruce for the change of use from café to hot food takeaway at 1B High Street, Carnoustie. The application was recommended for approval.

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

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

7. INCHRAE, PANBRIDE, CARNOUSTIE

With reference to Article 8 of the minute of meeting of this Committee of 20 October 2009, there was submitted Report No 846/09 by the Director of Infrastructure Services detailing conditions to be attached to planning application No 09/00689/FUL by Mrs Jane Thompson for the temporary siting of a mobile home and formation of new access at Inchrae, Panbride, Carnoustie.

The Committee approved the conditions as detailed in the Report.

8. ENFORCEMENT UPDATE

There was submitted and noted Report No 847/09 by the Director of Infrastructure Services on progress of enforcement cases by the Planning and Transport service which had been agreed by the Committee.

Having heard Councillor Salmond, the Committee agreed that the Head of Planning and Transport investigate potential enforcement issues at John Street, Montrose and report back in due course.

9. PLANNING APPEAL DECISIONS

(a) The Steadings, Reswallie Mains, Forfar

With reference to Article 6 of the minute of meeting of this Committee of 24 February 2009, there was submitted Report No 848/09 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 vary condition No 1 of planning permission 01/96/0044 to permit the storage of 35 hobby vehicles at The Steadings, Reswallie Mains, Forfar.

The Committee noted that the Scottish Ministers had dismissed the appeal.

(b) Drumshade, Roundyhill, Forfar

With reference to Article 8 of the minute of meeting of this Committee of 28 April 2009, there was submitted Report No 844/09 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 the erection of a large country house at Drumshade, Roundyhill, Forfar.

The Committee noted that the Scottish Ministers had dismissed the appeal.

10. DEVELOPMENT MANAGEMENT AND BUILDING STANDARDS CUSTOMER SATISFACTION

With reference to Article 31 of the minute of meeting of this Committee of 11 November 2008, there was submitted Report No 849/09 by the Director of Infrastructure Services which detailed the level of customer satisfaction in respect of the Development Management and Building Standards service for the period 1 April to 30 September 2009.

In respect of Building Standards, 116 responses were received of which 97% indicated a level of overall satisfaction of fairly satisfied or very satisfied. In response to individual questions, 78% of respondents considered that they had been given the advice and help they needed to submit their application, 90% considered that any queries had been dealt with promptly and 84% of respondents found the procedures associated with their application easy to understand.

In respect of Development Management, 78 responses were received, of which 71% were either fairly satisfied or very satisfied with the Development Management service. This could be broken down by category, with 74% of applicants, 74% of agents and 54% of third party representees being either fairly satisfied or satisfied. In respect of individual questions, 56% of respondents agreed, or strongly agreed that the advice given was what they required to submit their application/representation, 51% agreed that they were kept informed of the progress of the application they had an interest in, 56% felt that they were dealt with promptly, 54% considered that the Council dealt helpfully with their queries, 64% understood the reasons for the decision that was made on the application they had an interest in and 62% considered that they were fairly treated and that their viewpoint was listened to.

The Committee agreed to note the contents of the Report.

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT MANAGEMENT REVIEW COMMITTEE** held in Conference Room A. St Margaret's House, Forfar on Tuesday 10 November 2009 at 2.00 pm.

Present: Councillors DAVID LUMGAIR, ALISON ANDREWS, COLIN BROWN, DAVID FAIRWEATHER and ROBERT SPINK.

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

Councillor LUMGAIR, Convener, in the Chair.

The Chairman welcomed all those present to the first meeting of the Development Management Review Committee.

1. **APOLOGIES/SUBSTITUTES**

An apology for absence was intimated on behalf of Councillor John Rymer, with Councillor Brown substituting.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **APPLICATION FOR REVIEW - LAND AT 4 CONDOR DRIVE, ARBROATH**

Members considered a written submission by the applicant's agent, Mr Roger Brunton, seeking a review of the decision to refuse outline planning permission for the erection of three houses on land at Condor Drive, Arbroath.

The Committee gave consideration to the papers submitted by the agent 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 **SOCIAL WORK AND HEALTH COMMITTEE** held in the Town and County Hall, Forfar on Thursday 12 November 2009 at 4.00 pm.

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

Councillor ANDREWS, Convener, in the Chair.

Prior to the commencement of business, the Convener welcomed Councillor Jean Lee to her first meeting of the Social Work and Health Committee and expressed the hope that she would find the proceedings to be of interest.

1. APOLOGIES/SUBSTITUTES

There were no apologies intimated.

2. DECLARATIONS OF INTEREST

All members of the Committee indicated that in respect of item 4 they had received emails and phone calls from Angus Mental Health Association. Councillor Glennis Middleton also intimated that she had attended a meeting with members of Angus Mental Health Association the previous day.

Councillors May and Mackintosh declared an interest in item 9 as both were Directors of Forfarshire Society for the Blind. They indicated that they enjoyed the benefit of the general dispensation issued by the Standards Commission in relation to Council appointments to outside bodies and that they would therefore participate in discussion and voting.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 24 September 2009 was approved as a correct record and signed by the Convener.

In accordance with Standing Order 36(2), the Committee agreed that, as there was a large number of representatives and service users of Angus Mental Health Association present, the order of business be varied from that published and was considered in the following order.

4. THE PROVISION OF SUPPORT SERVICES FOR ADULTS WITH MENTAL HEALTH PROBLEMS

With reference to Article 9 of the minute of meeting of this Committee of 9 April 2009, there was submitted Report No 812/09 by the Director of Social Work and Health advising the Committee of the need for a contract for the provision of support services for adults with mental health problems. The Report detailed the responses received to the advertisement seeking expressions of interest from prospective tenderers and requested approval for the Director of Social Work and Health to issue invitations to tender to prospective tenderers who had met the requirements of the pre-qualification questionnaire.

Having heard a statement from the Convener, during which she proposed that consideration of this item be deferred until the Council meeting on 17 December to allow further information to be provided regarding all organisations that had failed to meet the evaluation criteria, Councillor Glennis Middleton, on behalf of Angus Mental Health Association, handed over a petition to the Clerk.

In answer to a question from Councillor Oswald, the Director of Social Work and Health confirmed that the recommendations contained within Report No 812/09 would remain the same when it was submitted to the Council meeting.

On behalf of the Committee, the Convener thanked the representatives and service users of Angus Mental Health Association for attending the meeting.

The Committee then unanimously agreed to defer consideration of this item until the Council meeting on 17 December 2009 to allow further information to be provided regarding all organisations that had failed to meet the evaluation criteria in the tendering process.

5. 2009/2013 FINANCIAL PLAN AND 2010/2011 CAPITAL BUDGET

With reference to Article 15 of the minute of meeting of the Corporate Services Committee of 11 June 2009, there was submitted Report No 804/09 by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the 2009/2013 Financial Plan (incorporating the 2010/2011 Capital Budget), for the Social Work and Health Department, together with the Departmental Financial Plan submission for 2009/2013 as submitted to the Head of Finance and subsequently reviewed by the Capital Budget Sub-Group.

The Committee agreed:-

- (i) to note the contents of the Report for its interest at this stage in the Financial Plan process; and
- (ii) to note that more detailed Reports with specific recommendations would be brought forward later in the Financial Plan Cycle.

6. 2010/2011 REVENUE BUDGET

With reference to Article 14 of the minute of meeting of the Corporate Services Committee of 11 June 2009, there was submitted Report No 850/09 by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the Social Work and Health Department 2010/2011 Revenue Budget and associated issues. Appended to the Report was a summary of the departmental provisional base budget for 2010/2011 as submitted, and subsequently reviewed by, the Head of Finance.

The Committee agreed:-

- (i) to note the contents of the Report for its interest at this stage in the budget process; and
- (ii) to note that more detailed Reports with specific recommendations would be brought forward later in the Revenue Budget cycle.

7. SOCIAL WORK AND HEALTH REVENUE AND CAPITAL BUDGET OUTTURN 2009/2010

With reference to Article 4 of the minute of meeting of this Committee of 13 August 2009, there was submitted Joint Report No 805/09 by the Director of Social Work and Health and the Director of Corporate Services advising the Committee of the projected outturn position for Social Work and Health's revenue budget for 2009/2010, commenting on the major variances arising and detailing a number of budget virements which had been approved by Corporate Services Committee. The Report also gave a brief update on the capital budget.

The Report indicated that, based on actual expenditure incurred to the end of September 2009 it was projected that the Social Work and Health Revenue Budget would have an overspend of £345,000, which equated to 0.5% of the net budget. A breakdown of the overspend was outlined in the Report and details of the major variances were given in Appendix 1. It was possible, however that this would change by the end of the financial year. Although there was a projected overspend based on actual expenditure to date, action would be taken to reduce this overspend and bring the budget back on target. This action would include three main steps, details of which were outlined in the Report.

The outturn position to date had a number of significant compensating variances and to address this, a number of budget virements (both permanent and temporary) had been identified and proposed. However, the virements required exceeded the delegated virement limit of the Director so a request had been made to Corporate Services Committee to approve them (Report 764/09 refers). Details of the virements were included at Appendix 2 to the Report and it was pointed out that the figures included in the Report were before the virements had been applied.

The Committee, for its interest, agreed to note the contents of the Report.

8. SOCIAL WORK AND HEALTH MID TERM SERVICE PERFORMANCE REPORT

With reference to Article 7 of the minute of meeting of this Committee of 13 November 2008, there was submitted Report No 806/09 by the Director of Social Work and Health presenting the mid term Service Performance Report for Social Work and Health covering the first six months of the 2009/2010 financial year.

The Report indicated that as an integral part of the Council's performance management arrangements, each department was required to prepare a mid term service performance report covering the period 1 April to 30 September for submission to their Service Committee in the November/December Committee cycle.

The Reports were designed to give members, employees and the public (who would have access to the Reports via the Council's website) an update of performance within departments during the first six months of the financial year. This was the first year that such Reports had been presented and it was proposed to review the Reports with the aim of enhancing the information given to members in future years. Attached to the Report was a service performance report for the Social Work and Health Department for the first six months of 2009/2010.

Having heard Councillor Murray express concern over the presentation of information in the mid-term service performance report, the Committee agreed to note the contents of the Report.

9. FORFARSHIRE SOCIETY FOR THE BLIND - FUTURE SERVICE DELIVERY ARRANGEMENTS

There was submitted Report No 807/09 by the Director of Social Work and Health proposing that the statutory activities currently undertaken by the Forfarshire Society for the Blind be transferred to Angus Council from April 2010.

The Report indicated that in August of this year members of the Forfarshire Society for the Blind had met with the Director of Social Work and Health and identified some concerns about the future financial position and direction of the Society. The Society had realised that Angus Council was not in a position to provide additional funding and no requests had been made for any, however, they had been keen to explore alternative ways of delivering the services provided by them.

It was therefore proposed that from 1 April 2010 Angus Council Social Work and Health Department would provide the statutory elements of the service directly and staff currently employed by Forfarshire Society for the Blind would transfer to the employment of the Council under TUPE arrangements which meant they would transfer on their existing terms and conditions.

The Service Level Agreement would be terminated by mutual consent immediately and the staff to be transferred would be managed within existing teams in Social Work and Health. The statutory duties would be fulfilled and the Forfarshire Society for the Blind could continue any charitable work that it wished to undertake. The proposals had been discussed by the Society's management committee who were supportive of this approach.

The Committee agreed:-

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

- (ii) to approve the termination of the Service Level agreement with Forfarshire Society for the Blind without any period of notice;
- (iii) to approve the transfer of the statutory elements of the services currently provided by the Forfarshire Society for the Blind to Angus Council's Social Work and Health Department;
- (iv) to approve the transfer of the staff from the Forfarshire Society for the Blind to the employment of Angus Council; and
- (v) to instruct the Director of Social Work and Health to provide a further update Report before April 2010.

10. INTRODUCTION OF CHILD PROTECTION MESSAGING

There was submitted Report No 808/09 by the Director of Social Work and Health advising the Committee of the introduction of Child Protection Messaging (CPM), an automated information sharing system regarding children in need of protection.

The Report indicated that Child Protection Messaging would enable Health Boards, Local Authorities and Police to work in partnership with each other to share six nationally defined messages about children in need of protection. CPM was a system for alerting professionals to past and present child protection activity in relation to specific children. The decision about whether or not a child was "linked" required professional judgement based on an assessment of the child and family circumstances.

The Report concluded that the introduction of CPM between Social Work and Health and NHS Tayside, in the first instance, and subsequently with Education, would enhance and support inter agency communication in respect of children in need of protection.

Following a full discussion when members questions were answered and the introduction of Child Protection Messaging had been welcomed, the Committee agreed to note the contents of the Report.

11. NATIONAL ELIGIBILITY CRITERIA AND WAITING TIMES FOR THE PERSONAL AND NURSING CARE OF OLDER PEOPLE

There was submitted Report No 809/09 by the Director of Social Work and Health advising the Committee that the Scottish Government and COSLA had previously affirmed a joint commitment to the funding and administration of Free Personal and Nursing Care which had involved the allocation of £40 million in additional funding being made available to local authorities from 1 April 2009 in the delivery of Free Personal and Nursing Care Policy.

The Report indicated that the National Eligibility Criteria guidance had arisen from joint work conducted by the Scottish Government, COSLA and the Association of Directors of Social Work and other relevant organisations to improve the clarity, presentation and implementation of the Free Personal and Nursing Care Policy. This included taking forward the recommendations arising from Lord Sutherland's Independent Review of Free Personal and Nursing Care Funding which had been published in April 2008. A copy of the guidance was attached to the Report.

It was proposed that this guidance would be implemented in Angus from 1 December 2009 and would apply initially to the provision of free personal care services for older people. It was pointed out however that Angus Council was currently meeting the demand for the provision of free personal care services for older people and that the introduction of this guidance would have no significant impact. Further consideration would need to be given to the roll out and application of this guidance to all community care groups which would include services that were integrated with health.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note the implementation of the National Eligibility Criteria for Older People which would become effective from 1 December 2009; and

- (iii) to seek an update from the Director of Social Work and Health on the impact of implementing the National Eligibility Criteria for Older People and the arrangements for applying these criteria to other community care groups.

12. CONSULTATION ON THE REVIEW OF THE MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

There was submitted Report No 810/09 by the Director of Social Work and Health summarising the response by Angus Council Social Work and Health to the consultation on the Review of the Mental Health (Care and Treatment) (Scotland) Act 2003. A copy of the Consultation document was appended to the Report.

The Report indicated that the primary aim of the review was to advise the Scottish Government on any changes to the Act which could improve its efficiency. A brief synopsis of the salient issues and a summary of the responses for each question were detailed in the Report. It was envisaged that the comments submitted on behalf of Angus Council Social Work and Health would contribute positively in helping achieve improvements in efficiency and effectiveness in decision making under the 2003 Act.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to seek an update from the Director of Social Work and Health when recommendations arising from the consultation on the Review of the Mental Health (Care and Treatment) (Scotland) Act 2003 were published.

13. THE SCOTTISH GOVERNMENT'S RESPONSE TO COMMENTS REGARDING THE DRAFT CHILDREN'S HEARINGS (SCOTLAND) BILL

With reference to Article 8 of the minute of meeting of this Committee of 13 August 2009, there was submitted Joint Report No 811/09 by the Director of Social Work and Health and the Director of Education highlighting the Scottish Government's response to the concerns expressed by Angus Council as well as the proposals it had on moving the draft Children's Hearings (Scotland) Bill forward.

The Report indicated that following the original consultation on the review of the Children's Hearings System in 2008, the draft Children's Hearings (Scotland) Bill had been published in June 2009 which contained the Scottish Government's initial proposals to reinforce and modernise the Children's Hearings System. During the consultation process the Scottish Government had received a wide range of comments and concerns regarding its proposals. It had therefore decided to take additional time to discuss these issues with stakeholders and the introduction of the Bill was now planned for early 2010.

The Report concluded that the Scottish Government's response to concerns expressed within the consultation was extensive. Despite this it was clear that work on the draft Bill was ongoing and the Children's Hearings (Scotland) Bill was scheduled to go before the Scottish Parliament early next year. A further Report would be brought to both Social Work and Health and Education Committees detailing the implications for Angus arising from this. The Director of Social Work and Health and the Director of Education would continue to monitor and review the impact of new guidance and legislation and inform the Committees as required.

Having heard Councillor May and Councillor Glennis Middleton express their disappointment that the Government remained of the view that a national body, a national panel and the development of area support teams were necessary to improve the system, the Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to instruct the Director of Social Work and Health to continue to monitor and review the impact of any new guidance and legislation and bring further Reports to Committee as required.

14. CONTRACT FOR CARE AND HOUSING SUPPORT FOR PEOPLE WITH LEARNING DISABILITIES AT WALTON MILL, DUNDEE

With reference to Article 11 of the minute of meeting of this Committee of 27 February 2007, there was submitted Report No 813/09 by the Director of Social Work and Health recommending that the Committee authorise an exemption from the contract arrangements as contained within the Council's Financial Regulations to allow an extension of the current contract with Turning Point Scotland for care and housing support services. Continuing to commission a service from Turning Point Scotland for Walton Mill would provide economies of scale and continuity of service.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve an exemption from normal tendering requirements on the basis of Financial Regulation 16.22.4(b)(vi) as set out in section 4 to the Report;
- (iii) to approve an extension to the contract as detailed in the Report; and
- (iv) to approve an annual review with Dundee City Council as it also had a contract with Turning Point Scotland for service users they had living in Walton Mill.

15. PROPOSED EXTENSION OF THE CURRENT CONTRACT FOR THE SHORT BREAKS SERVICE FOR ADULTS WITH LEARNING DISABILITIES

With reference to Article 6 of the minute of meeting of this Committee of 9 April 2009, there was submitted Report No 814/09 by the Director of Social Work and Health proposing to extend the current contract for the short breaks service for Adults with Learning Disabilities to allow consolidation of the tendering arrangements for Housing Support Services.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve an exemption from normal tendering requirements on the basis of Financial Regulation 16.22.4(b)(vi) as set out in section 3 to the Report; and
- (iii) to approve the proposal to extend the current contract for the short breaks service for Adults with Learning Disabilities until such time as these services could be included in the tendering of Housing Support Services.

ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 17 November 2009 at 6.00 pm.

Present: Councillors IAN MACKINTOSH, DAVID FAIRWEATHER, COLIN BROWN, MAIRI EVANS, DAVID LUMGAIR, ROB MURRAY, 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

Councillor Thomson declared an interest in item 9 as she was an acquaintance of the applicant. She advised that she would take part in any discussion and voting.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 27 October 2009 was approved as a correct record and signed by the Convener.

4. DELEGATED APPROVALS

There was submitted Report No 857/09 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 23 October to 5 November 2009.

5. EXTENDED HOURS OVER 2009 FESTIVE PERIOD FOR LATE HOURS CATERING PREMISES

There was submitted Report No 852/09 by the Director of Corporate Services regarding the extension of hours for late hours catering premises over the 2009 festive period.

Inspector Simon Carter, Tayside Police, was present and addressed the Committee during which he advised them that the additional hours may create problems for Tayside Police as liquor licensed premises and late hours catering premises would close at the same time.

The Committee agreed to approve an extension of one additional hour on Christmas Eve (Thursday), Christmas Day (Friday), Hogmanay (Thursday) and New Year's Day (Friday) only for all late hours catering premises in Angus, which would permit late hours catering premises to operate on Christmas Eve and Hogmanay until 1.00 am and until 2.00 am on Christmas Day and New Year's Day.

6. MONARCH OF THE GLEN PARK, MONTROSE

There was submitted Report No 853/09 by the Director of Infrastructure Services regarding an application received from New Lauriston Caravan Park Ltd, owner and licensee of the Monarch of the Glen Park, Montrose for an amendment to the existing caravan site licence which presently permitted ten residential caravans, 32 holiday static caravans and ten touring caravans. The amendment sought permission to replace these with a maximum of 38 residential caravans, with no holiday statics or tourers.

The Committee expressed concern at the loss of the static caravans and touring caravans.

After hearing from Mr Ball, Senior Service Manager, Economic Development and Environmental and Consumer Protection Division, the Committee agreed to defer consideration of this application to allow consultations with the Planning Division regarding the recent planning application that had been approved for the site.

7. 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 which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 3 and 6.

8. RENEWAL APPLICATION

There was submitted Report No 854/09 by the Director of Corporate Services on an application received for the renewal of a licence under the Civic Government (Scotland) Act 1982, which required to be determined by the Committee, as detailed in the Appendix to the Report.

Late Hours Catering Licence - LHC1

The Committee considered an application for a late hours catering licence - LHC1 received on 30 March 2009 together with a memorandum dated 9 November 2009 from the Senior Service Manager, Economic Development and Environmental and Consumer Protection Division.

The applicant's husband was in attendance and addressed the Committee and answered members questions. Stewart Ball, Senior Service Manager, addressed the Committee and also answered members questions.

At this point in the meeting the Committee adjourned to take legal advice with only the Clerk and legal adviser present. Thereafter the meeting reconvened.

Having heard from the Head of Law and Administration, the Committee resumed consideration of the application and the applicant was invited to sum up.

COUNCILLOR MACKINTOSH, SECONDED BY COUNCILLOR MURRAY, MOVED THAT THE LATE HOURS CATERING LICENCE (LHC1) BE REFUSED AS IN THEIR OPINION THE PREMISES WERE NOT SUITABLE FOR THE CONDUCT OF THE ACTIVITY HAVING REGARD TO:-

THE LOCATION, CHARACTER OR CONDITION OF THE PREMISES.

Councillor Fairweather, seconded by Councillor Thomson, moved as an amendment, that the late hours catering licence (LHC1) be renewed, subject to the standard conditions.

On a vote being taken, the members voted:-

For the motion:

Councillors Mackintosh, Brown, Evans, Lumgair, Murray and Spink (6).

For the amendment:

Councillors Fairweather and Thomson (2).

The motion was therefore declared carried resulting in the application being refused.

9. CURRENT LICENCE - REPRESENTATIONS/OBJECTIONS

There was submitted Report No 855/09 by the Director of Corporate Services regarding representations/objections received in connection with a current licenceholder under the Civic Government (Scotland) Act 1982 which required to be considered by the Committee as detailed in the Appendix to the Report.

Taxi Driver's Licence - TD1

The Committee considered information received from Tayside Police dated 16 October 2009 in relation to the holder of a taxi driver's licence advising that the licenceholder had one current conviction against him.

The applicant was not in attendance.

The Committee agreed to suspend the taxi driver's licence to the 31 March 2010 (the expiry date of the licence) on the grounds that he was no longer a fit and proper person to hold a licence.

ANGUS COUNCIL

MINUTE of MEETING of the **NEIGHBOURHOOD SERVICES COMMITTEE** held in the Town and County Hall, Forfar on Thursday 19 November 2009 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, RALPH PALMER, MARK SALMOND, BOB SPINK, MARGARET THOMSON and SHEENA WELSH.

Councillor MILLAR, Convener, in the Chair.

Prior to the commencement of business, the Convener welcomed Councillor Glennis Middleton to her first meeting of the Neighbourhood Services Committee and expressed the hope that she would find the proceedings to be of interest.

1. APOLOGIES/SUBSTITUTES

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

2. DECLARATIONS OF INTEREST

Councillor Glennis Middleton declared an interest in item 3(a), Article 21 therein and item 8 as she had had numerous discussions with officers regarding Arrat's Mill landfill site.

Councillors May and Salmond declared an interest in item 3(b) as members of the William Lamb Studio Advisory Committee.

Councillors May, Andrews and Brown declared an interest in item 4 as Directors of Angus Care and Repair.

3. MINUTES

(a) Previous Meeting

The minute of meeting of this Committee of 8 October 2009 was approved as a correct record and signed by the Convener.

(b) William Lamb Studio Advisory Committee

The minute of meeting of the William Lamb Studio Advisory Committee of 23 October 2009 was submitted and noted.

4. CARE AND REPAIR REVIEW

With reference to Article 17 of the minute of meeting of this Committee of 20 November 2008, there was submitted Report No 826/09 by the Director of Neighbourhood Services informing the Committee of the findings of the national review of Care and Repair and outlining Angus Council's response to the review including local arrangements for 2010/2011.

The Report highlighted the positive impact that Care and Repair services had made, nationally and locally, and indicated that Angus had a strong tradition of providing high quality services to those in need and ensuring that those services met the identified need and contributed to the maintenance and enhancement of independent living. Angus Care and Repair had, and continued to play, a significant part in that delivery.

In connection with the above, there was a short presentation by Alan McKeown, Head of Housing and Judith Leslie, Manager of Angus Care and Repair, during which Miss Leslie explained what Care and Repair were doing locally in Angus and how the review would impact on Angus Care and Repair, which was one of the biggest projects in Scotland. Both Mr McKeown and Miss Leslie highlighted the excellent partnership working relationship between the Council and Angus Care and Repair which was leading the way in Scotland.

The Convener thanked Mr McKeown and Miss Leslie for their interesting and informative presentation and having heard Councillors Brown, May and Bill Middleton, welcome the Report, the Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve Angus Council's response to the national review, as detailed in the Report;
- (iii) to approve, as a condition of funding, that Angus Care and Repair link funding awards to the Council's Eligibility, Assessment Matrix and Prioritisation Framework; and
- (iv) to approve the funding principles set out in the Report.

5. NEIGHBOURHOOD SERVICES (NON-HRA) BUDGET MONITORING FOR THE PERIOD ENDED 30 SEPTEMBER 2009

There was submitted Joint Report No 890/09 by the Director of Neighbourhood Services and the Director of Corporate Services advising the Committee of the actual expenditure compared with budget in respect of the Neighbourhood Services Department (Non-HRA) for the period 1 April to 30 September 2009, together with the anticipated year-end position.

The Report indicated that, with regard to the net capital position, in overall terms, at 30 September 2009 there had been actual spend of £506,000 (31%) against a net budget of £1.645 million, leaving a balance of £1.139 million in 2009/2010. The Department was however currently projecting an underspend of £679,000 at the year end. A brief commentary on the reasons for the projected underspend was set out within the Report.

With regard to the net revenue expenditure position for the period ended 30 September 2009, in overall terms, there was currently an overspend of £77,000 compared to the profiled monitoring budget at this stage in the year. However, the year end out-turn for the Department was projected to be slightly under budget by £12,000. A brief commentary on each division was set out in the Report. The individual overspend positions shown could be contained within the overall cash limited budget of the Department.

The Report concluded that, from the information set out, in the main expenditure was currently behind the phased budget. There were no particular concerns arising from these areas at present but the position would continue to be monitored closely during the course of the financial year.

The Committee, for its interest, agreed to note the contents of the Report.

6. HOUSING CAPITAL AND REVENUE BUDGET PERFORMANCE 2009/2010

With reference to Article 4 of the minute of meeting of this Committee of 8 October 2009, there was submitted Joint Report No 816/09 by the Director of Neighbourhood Services and the Director of Corporate Services relating to the Housing Revenue Account (HRA) Capital, Planned Maintenance and overall Revenue Budget performances in 2009/2010 and setting out the actual capital, planned maintenance and revenue spends to 30 September 2009, together with a projected out-turn for the year to 31 March 2010 and updated funding proposals.

The Report advised that the actual spend achieved to 30 September 2009 on the Housing Capital Programme was currently £3.887 million which equated to 39.8% 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 £9.506 million, a projected underspend of £253,000 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 30 September 2009 was approximately £738,000 which equated to 33.6% of the original budget of £2.198 million. It was noted that the expenditure figure of £738,000 excluded any prior year accruals.

The Committee, for its interest, agreed:-

- (i) to note the expenditure figures presented for the Housing Capital and Planned Maintenance Programmes for the period to 30 September 2009;
- (ii) to note the capital receipts position for the period to 30 September 2009;
- (iii) to note the projected year end capital and planned maintenance expenditure positions and updated indicative funding proposals;
- (iv) to note the revenue budget performance statement for the period 1 April to 30 September 2009; and
- (v) to note the relevant officers were endeavouring to ensure that the Capital Programme and Planned Maintenance Programme remained within overall available resources.

7. COUNCIL HOUSE SALES

With reference to Article 7 of the minute of meeting of this Committee of 20 August 2009, there was submitted and noted Report No 817/09 by the Director of Corporate Services detailing individual Council house sales for the second quarter of 2009/2010 and the cumulative figures for 2009/2010 to 30 September 2009.

8. 2009/2013 FINANCIAL PLAN AND 2010/2011 CAPITAL BUDGET

With reference to Article 15 of the minute of meeting of the Corporate Services Committee of 11 June 2009, there was submitted Report No 818/09 by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the 2009/2013 Financial Plan (incorporating the 2010/2011 Capital Budget), for the Neighbourhood Services Department, together with the departmental Financial Plan submission for 2009/2013, as returned to the Head of Finance and subsequently reviewed by the Capital Budget Sub-Group.

The Committee agreed:-

- (i) to note the contents of the Report for its interest at this stage of the Financial Plan process; and
- (ii) to note that more detailed Reports with specific recommendations would be brought forward later in the Financial Plan cycle.

9. 2010/2011 REVENUE BUDGET

With reference to Article 14 of the minute of meeting of the Corporate Services Committee of 11 June 2009, there was submitted Report No 851/09 by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the general fund elements of the Neighbourhood Services Department 2010/2011 Revenue Budget and associated issues. Appended to the Report were summaries of the departmental provisional base budgets for 2010/2011 as submitted to, and subsequently reviewed by, the Head of Finance.

The Committee agreed:-

- (i) to note the contents of the Report for its interest at this stage of the budget process; and
- (ii) to note that more detailed Reports with specific recommendations would be brought forward later in the budget cycle.

10. IMPROVEMENT/REPAIRS GRANT APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY

With reference to Article 5 of the minute of meeting of this Committee of 8 October 2009, there was submitted and noted Report No 819/09 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 to 30 September 2009.

11. ARREARS UPDATE - HOUSING REVENUE ACCOUNT TENANTS

With reference to Article 6 of the minute of meeting of this Committee of 8 October 2009, there was submitted Report No 820/09 by the Director of Neighbourhood Services updating members 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 9 October 2009 in comparison with performance since 5 July 2009, as previously reported to Committee.

The Report indicated that, at the end of the financial year 2007/2008, the Council had reported current tenants' rent arrears as 13.6%, being a percentage of net rent due. Throughout the financial year 2009/2010 there had been a consistent reduction, with the figure as at week 28, 9 October 2009 being 9.83%, nearing the target of 9%. The number of current tenants in arrears fluctuated due to a number of reasons, including housing benefit issues, tenancy turnover and payment method types. However, the amount of current arrears had reduced because of various measures being taken.

The Report further indicated that, with regard to former tenant arrears, a meeting had been held with the Head of Law and Administration who had agreed to incorporate 53 cases of less than £250 totalling £4,623.18 for recovery by the Law and Administration Division. This was a pilot scheme and the progress made by Law and Administration would be reported in due course. There were 34 cases over £2,000, totalling £90,548.94 where all avenues had been exhausted by the arrears team to discover current addresses of former tenants. Law and Administration was to research the costing of using a trace and collect agency and a report would be submitted to Committee for their information in due course.

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; and
- (iii) to note the progress to date in pursuing serious arrears.

12. NEIGHBOURHOOD SERVICES DEPARTMENT MID-TERM SERVICE PERFORMANCE REPORT

With reference to Article 10 of the minute of meeting of this Committee of 20 November 2008, there was submitted Report No 821/09 by the Director of Neighbourhood Services presenting the mid-term Service Performance Report for the Neighbourhood Services Department covering the first six months of the 2009/2010 financial year.

The Report indicated that, as an integral part of the Council's performance management arrangements, each department was required to prepare a mid-term Service Performance Report covering the period 1 April to 30 September for submission to their service committee in the November/December Committee cycle.

The Reports were designed to give members, employees and the public (who would have access to the reports via the Council's website) an update of performance within departments during the first six months of the financial year. This was the first year that such reports had been presented and it was proposed to review the reports with the aim of enhancing the information given to members in future years. Attached to the Report was a Service Performance Report for the Neighbourhood Services Department for the first six months of 2009/2010.

Having heard Councillor Morrison welcome the information contained within the mid-term Service Performance Report, the Committee agreed to note the contents of the Report.

13. REPOSSESSION OF RESIDENTIAL PROPERTY: PROTECTION OF TENANTS: CONSULTATION: HOME OWNERS AND DEBTOR PROTECTION (SCOTLAND) BILL

There was submitted Report No 858/09 by the Director of Neighbourhood Services setting out Angus Council's response to the Repossession of Residential Property: Protection of Tenants: Consultation: Home Owner and Debtor Protection (Scotland) Bill. A copy of the response was appended to the Report and copies of the consultation document had been placed in the Members' Lounge for their information.

The Report indicated that the consultation had put forward three proposals to improve protection for unauthorised tenants in the event of their landlord's property being repossessed by a mortgage lender, while balancing the needs and rights of lenders, who had a duty to minimise arrears on the mortgage and obtain the best price possible for repossessed properties. The aim of the proposals was to give tenants help to find alternative accommodation. Such improvements might also have beneficial effects for authorised tenants. The proposals did not cover lodgers or arrangements where the landlord shared the property with the tenant.

In overall terms, Angus Council was supportive of the consultation document recognising the need to protect tenants whose landlord was not operating within the permission of their lender and who might not be registered as a landlord with Angus Council. Whilst it was not anticipated that the numbers affected in Angus would be significant, given that around 95% of landlords in Angus (3,500) were already registered, the consultation was a further tactic which might be helpful in preventing and alleviating homelessness.

The Committee agreed:-

- (i) to homologate the response from the Director of Neighbourhood Services, a copy of which was appended to the Report; and
- (ii) to express their concern on the short timescale given by the Scottish Government for the preparation and return of responses.

14. HEALTH AND SAFETY POLICY - RESPONSIBILITIES AND MANAGEMENT ARRANGEMENTS FOR NEIGHBOURHOOD SERVICES

With reference to Article 16 of the minute of meeting of this Committee of 21 August 2008, there was submitted Report No 822/09 by the Director of Neighbourhood Services updating the Neighbourhood Services Policy, Responsibilities and Management Arrangements for Health and Safety following the department's reorganisation in July 2009.

The Report indicated that the department had developed a revised Statement of Policy, Responsibilities and a Scheme of Management which were detailed in Appendix 1 to the Report. This would form the basis of the detailed working departmental arrangements and specialist areas of health and safety procedure and documentation at divisional and business unit level.

The Committee agreed to approve the Health and Safety Policy, Responsibilities and Management Arrangements for the Neighbourhood Services Department, as set out in Appendix 1 to the Report.

15. ACCESSING SERVICES IN RURAL AREAS

There was submitted Report No 823/09 by the Director of Neighbourhood Services seeking approval to investigate the potential to develop a mobile rural service in Angus.

The Report indicated that mobile services were not unique to Angus, being used by a number of local authorities and public sector partners across Scotland. The most popular mobile service provision tended to be a library service, although other examples included a fire and rescue community safety information bus in Dumfries and Galloway, a mobile crèche for rural areas of Perth and Kinross and a health awareness bus supported by the Rotary Society in Aberdeenshire.

Due to issues such as access to a GP surgery, concern among younger members of rural communities regarding access to recreational facilities and information regarding summer time events etc and a commitment to delivering services sustainably and collaboratively where possible, initial consideration had been given to providing additional information services in rural areas of Angus through a mobile asset. This could contain the existing mobile services provided through Angus Council, as well as information and advice related to public services from across the Angus Community Planning Partnership. This could take the form of leaflets and pamphlets, or one-to-one advice provided by an appropriately trained officer from the relevant agency. In particularly sensitive cases, this advice could be provided in a private room within the vehicle, arranged through a pre-booking system. The type of information and advice which could be considered for inclusion was detailed in the Report. Such a vehicle could also be used at large events such as Seafest, Glamis Festival and the Angus Show.

The Committee agreed:-

- (i) to instruct the Director of Neighbourhood Services to undertake work on:-
 - (a) the development of a specification of potential services that could be delivered through mobile provision across Angus;
 - (b) the development of a vehicle specification suitable to meet the requirements of (a) above; and
 - (c) operational arrangements, costings and potential grant aid for the delivery of this model of rural service delivery;
- (ii) to note that the existing two mobile library facilities were due for replacement in the near future; and
- (iii) to authorise the Director of Neighbourhood Services to make any grant aid applications for the above purposes.

16. HOMELESSNESS (SCOTLAND) ACT 2003 IMPLEMENTATION OF SECTION 11

With reference to Article 8 of the minute of meeting of this Committee of 26 February 2009, there was submitted Report No 824/09 by the Director of Neighbourhood Services advising the Committee on the impact of implementing Section 11 of the Homelessness (Scotland) Act 2003 in Angus. Section 11 placed a duty on landlords and creditors to inform the local authority when they raised proceedings for possession, or served certain other notices, to alert Councils at an early stage to households at risk of homelessness.

The Report indicated that, between 1 April and 30 September 2009, 110 Section 11 Notices had been received, 18% from registered social landlords, 2.7% from private sector landlords and 79.01% from creditors. Section 11 referrals had increased by one-third over the last two quarters and it was unclear whether this trend would continue. At present, the administration of the service and the provision of advice and assistance was manageable, equating to approximately 36 hours of administration of the service and 22 hours for assessing need, providing advice and assistance and general case management. However, the small number of private sector landlord referrals did not reflect the numbers presenting as homeless during the six month period and further work was needed to raise awareness amongst private landlords.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to note the progress to date in meeting the Council's duties under Section 11 of the Homelessness (Scotland) Act 2003.

17. HOUSING (SCOTLAND) ACT 2006 - DEVELOPING A SCHEME OF ASSISTANCE FOR ANGUS

With reference to Article 11 of the minute of meeting of this Committee of 21 August 2008, there was submitted Joint Report No 825/09 by the Director of Neighbourhood Services, the Director of Infrastructure Services and the Director of Social Work and Health advising the Committee that the Housing (Scotland) Act 2006 had introduced a requirement for every Scottish Local Authority to develop and implement a "Scheme of Assistance" which would provide assistance to owners and private tenants when carrying out work on their homes.

The broad proposals for the development of a Scheme of Assistance for Angus, which were set out in the Report, provided for the development of a scheme which would provide appropriate assistance to both owners and private tenants. It also provided for the conservation of the limited resources available to the Council, while ensuring that funding was targeted at those in greatest assessed need, as defined through the Equipment and Adaptations Risk and Need Matrix.

The principles set out in the Report made a clear decision to develop a Scheme of Assistance that was focused on delivering a service to the vulnerable, or those in need of adaptations to maintain independent lives. The vast majority of the private sector housing grant would therefore be realigned to the provision of these services and private owners, who previously had applied for grant, would, in the future, be provided with advice and assistance to resolve their own property investment needs rather than direct financial assistance. These proposals aligned with the local and national reviews into Best Value Services for Older People.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report; and
- (ii) to instruct the Director of Neighbourhood Services to draw up a Scheme of Assistance in conjunction with the Director of Infrastructure Services and the Director of Social Work and Health to be submitted to a future meeting of this Committee.

18. MANAGEMENT RULES FOR NEIGHBOURHOOD SERVICES

With reference to Article 16 of the minute of meeting of this Committee of 8 October 2009, there was submitted Report No 827/09 requesting approval of the revised Management Rules to regulate conduct within the different service areas owned, occupied, or managed by Angus Council's Neighbourhood Services Department.

The Report indicated that Section 112 of the Civic Government (Scotland) Act 1982 gave local authorities the power to make management rules to regulate (a) the use of; and (b) the conduct of persons while in or on, any land or premises owned, occupied or managed by the local authority or otherwise under its control and to which the public had access, whether on payment or not. Management Rules must be reviewed every ten years and were last reviewed during 2004. Copies of the proposed Management Rules were appended to the Report and they covered archives, libraries, museums, theatre, country parks and open spaces, public parks, gardens, recreation grounds and leisure facilities, caravan parks and outdoor recreation facilities.

The Committee agreed:-

- (i) to approve the revised draft Management Rules for Neighbourhood Services, a copy of which was attached to the Report;

- (ii) to authorise the Director of Neighbourhood Services, in conjunction with the Head of Law and Administration to make such further amendments to the draft Management Rules, as may be considered appropriate;
- (iii) to authorise the Director of Neighbourhood Services, in conjunction with the Head of Law and Administration to initiate the necessary procedures for public consultation; and
- (iv) to note that a further report on the outcome of consultations would be submitted in due course.

19. LEASE OF GROUND AT MAYFIELD TERRACE, ARBROATH

There was submitted Report No 828/09 by the Director of Neighbourhood Services seeking approval to lease ground at Mayfield Terrace, Arbroath to the Association of Residents of Cliffburn and Hayshead (ARCH) for the nominal sum of £1 per annum for up to five years.

The Report indicated that ARCH currently occupied one of the shop units at Mayfield Terrace. The drop-in facility was used for a wide variety of purposes, including Housing Officer and local Councillor Surgeries, free internet access for members of the community and various groups, such as over sixties and a children's football club. The Association now found that it had outgrown the current shop unit. With interest from other agencies, such as the Job Centre and the Health Service to use the facilities to provide services locally, they required larger premises and had expressed an interest in leasing two areas of unused open space ground to the rear of the shops in Mayfield Terrace, Arbroath.

The Association intended to site two portacabins on the larger area of ground, as illustrated in the plan attached to the Report, which would allow it to provide more services to the local community. The Fairer Scotland Regeneration Employability Project was considering funding to either lease or purchase the portacabins and additionally ARCH wished to create a community garden within the smaller area which would be maintained by members of the Association. The area of ground shown in the plan attached to the Report had been identified as surplus to current requirements and it was therefore proposed that the let be reviewed annually for a period of up to five years.

Having heard Councillor Welsh and Councillor Morrison welcome the Report, the Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the lease of two areas of unused open space ground at Mayfield Terrace, Arbroath to ARCH for the nominal sum of £1 per annum for a period of up to five years, beginning in June 2010, subject to Scottish Ministers' consent.

20. DEMOLITION OF FLATS AND FORMATION OF NEW PITCHED ROOF OVER SHOPS, MAYFIELD TERRACE, ARBROATH - REVISED TENDER REPORT

With reference to Article 13 of the minute of meeting of this Committee of 20 August 2009, there was submitted Report No 829/09 by the Director of Corporate Services advising on tenders received for the demolition of flats and formation of a new pitched roof over shops, Mayfield Terrace, Arbroath.

Having heard Councillors Welsh, Morrison and Fairweather welcome the Report, the Committee agreed:-

- (i) to approve the acceptance of the lowest tender for the demolition of flats and formation of new pitched roof over shops at Mayfield Terrace, Arbroath from Andrew Shepherd Construction Ltd, Forfar, in the amount of £402,055.95;
- (ii) to approve the estimated total cost of £600,000 (at out-turn prices);
- (iii) to note that an allowance of £660,000 for this project was contained in the latest Housing Capital Programme HRA Block 2009/2010 approved by the Neighbourhood Services Committee on 8 October 2009 (Report No 698/09 refers); and

- (iv) to note the financial implications detailed in Section 6 of the Report.

21. APPLICATION FOR SEASIDE AWARDS

With reference to Article 18 of the minute of meeting of the Environmental and Leisure Services Committee of 4 March 2004, there was submitted Report No 830/09 by the Director of Neighbourhood Services advising the Committee of the continuation of the Blue Flag application for Montrose Beach, the continuation of an application for a Rural Seaside Award for Carnoustie Beach and the new applications for the Rural Seaside Award at Lunan Bay and Arbroath West Links for award period June to September 2010.

The Report indicated that the Blue Flag Programme was administered in Scotland by Keep Scotland Beautiful on behalf of the Foundation for Environmental Education (FEE). The beach awards and coastal campaigns were also administered in Scotland by Keep Scotland Beautiful in the two categories, Resort and Rural. A total of 30 criteria had to be met for the Resort Seaside Award while a minimum of 15 criteria had to be met for a Rural Seaside Award, the reason being that rural seaside award beaches were usually not developed to the same level as resort seaside award beaches. For all award beaches to be eligible for entry to the Awards Scheme the bathing water associated with the beach must have attained at least the mandatory standard as outlined in the Bathing Water Directive 76/160/EEC, with the results of the current season's water quality monitoring and the standard of, at least, the previous three years, (where available) being posted at the beach.

Following discussion, when questions were asked and answered, the Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to make an application for 2010 for a Blue Flag at Montrose Beach;
- (iii) to make a renewed application for 2010 for a Rural Seaside Award at Carnoustie Beach;
- (iv) to make new applications for 2010 for Rural Seaside Awards at Lunan Bay and Arbroath West Links; and
- (v) to make an application to the Scottish Environmental Protection Agency (SEPA) for Monifieth Beach as a new site under the Bathing Water Directive 2006/7/EC as from 2011 to allow an application to be made for a Rural Seaside Award.

22. PARKS AND OPEN SPACES STRATEGY AND AUDIT PROGRAMME

With reference to Article 16 of the minute of meeting of the Environmental and Leisure Services Committee of 26 April 2005, there was submitted Report No 831/09 by the Director of Neighbourhood Services advising the Committee on the progress and programme to complete the draft Parks and Open Space Strategy and Open Spaces Audit.

The Report indicated that the Scottish Government had published Scottish Planning Policy 11, Open Spaces and Physical Activity, which required all Scottish Local Authorities to undertake an audit of the open spaces in their area and prepare an Open Space Strategy to help guide planning, policy and open space management and maintenance.

Adhering to these policy guidelines to develop an Open Space Strategy, the following broad headings required to be developed: to develop a Green Space Audit; to develop a draft Strategy; and to develop a draft Action Plan.

The Corporate Open Spaces audit was progressing with the audit of Open Spaces due to be completed by March 2010; in addition a review of children's play areas was being undertaken and should be completed in late December 2009, which should form part of the overall Open Space Strategy. It was proposed to complete the draft Strategy for review by Committee by May 2010.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the programme to prepare a draft Parks and Open Space Strategy document for review by Committee before putting out to a final public consultation; and
- (iii) to authorise the Director of Neighbourhood Services to carry out all the required steps under the Scottish Environmental Assessment for the Parks and Open Spaces Strategy, up to the point of its adoption by the Council, to ensure compliance with the requirements of the Environmental Assessment (Scotland) Act 2005.

23. COMMERCIAL WASTES - REVIEW OF CHARGES

With reference to Article 29 of the minute of meeting of the Infrastructure Services Committee of 25 November 2008, there was submitted Report No 832/09 by the Director of Neighbourhood Services proposing adjustment to the charges for collecting and disposal by the Council of commercial and industrial waste and proposing increases in the charges for waste glass collection and animal by-product collection and disposal.

The Report indicated that the proposed charges would operate from 1 April 2010 and the new charges reflected the full costs to the Council in collecting trade wastes and, as appropriate, the cost of disposal.

The Committee agreed:-

- (i) to approve the undernoted reviewed charges being applied from 1 April 2010 for commercial and industrial wastes uplifted and disposed of by the Council;

| | | £ | |
|--------------------------------|-------|------------|----------|
| Two wheeled 240 lt bin | 2.92 | (plus VAT) | per lift |
| Two wheeled 360 lt bin | 4.36 | " | " |
| Four wheeled 660 lt bin | 8.01 | " | " |
| Four wheeled 1100 lt container | 13.36 | " | " |
| Four wheeled 1280 lt container | 15.55 | " | " |
| Sack | 1.61 | " | " |

- (ii) to approve the undernoted charges for commercial premises which, in terms of the charging regulation, may only be charged for collection;

| | | £ | |
|--------------------------------|------|------------|----------|
| Two wheeled 240 lt bin | 1.75 | (plus VAT) | per lift |
| Four wheeled 1100 lt container | 8.02 | " | " |
| Four wheeled 1280 lt container | 9.34 | " | " |
| Sack | 1.16 | " | " |

- (iii) that the commercial charge exempt groups, including registered charities, voluntary and youth groups, should continue to have a single bin/container uplift at no charge, in accordance with the arrangements detailed in paragraph 4 of the Report, with the additional bin/containers being charged at the appropriate commercial collection rate; and
- (iv) to apply the undernoted charge, with effect from 1 April 2010 in respect of glass bottle collections from commercial services, pubs, hotels, catering etc.

| | | £ | |
|------------------------|-------|------------|--------------|
| Two wheeled 240 lt bin | 24.00 | (plus VAT) | per bin/year |

24. WASTE MANAGEMENT SERVICE ARRANGEMENTS FOR CHRISTMAS AND NEW YEAR PERIOD

With reference to Article 8 of the minute of meeting of the Infrastructure Services Committee of 14 October 2008, there was submitted Report No 833/09 by the Director of Neighbourhood Services advising the Committee that, due to statutory staff holidays over the festive period, the arrangements for various waste management services required to be altered.

The Committee agreed:-

- (i) to approve the adjusted rota for waste and recycling collections over the festive period 2009/2010, as detailed in the Report; and
- (ii) to approve the arrangements for the delivery of other cleaning and waste management services over the festive period, as detailed in the Report.

25. SCOTLAND'S ZERO WASTE PLAN/ANGUS COUNCIL RESPONSE

With reference to Article 22 of the minute of meeting of this Committee of 8 October 2009, there was submitted Report No 834/09 by the Director of Neighbourhood Services advising the Committee of Angus Council's response to the Scottish Government's Scotland Zero Waste Plan consultation document.

The Report advised that the cross-party group which had been established to consider a series of issues and questions raised in the consultation document (Report No 716/09 refers) had met on 2 November 2009 and agreed a response on behalf of Angus Council. The response was detailed in the Appendix to the Report and had been sent to the Scottish Government for their consideration within the timescale of 13 November 2009.

Having heard the Convener thank members of the cross-party group for their input, the Committee agreed to note the contents of the Report.

26. WASTE MANAGEMENT - EXTENSION OF GLASS UPLIFT AND DELIVERY CONTRACT

There was submitted Report No 835/09 by the Director of Neighbourhood Services requesting approval to extend the current contract for glass uplift and delivery until 31 March 2010.

The Report indicated that Angus Council was not in a position to undertake this work in-house at present but this formed part of the recommendations of the Waste Management Best Value Review. It was currently intended that this service would be provided in-house from 1 April 2010 and the Committee was therefore asked to approve an extension of the current contract was to allow arrangements to be put in place to facilitate in-house provision.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve an exemption from normal tendering requirements in accordance with Regulation 16.22.4(b)(vi) of the Council's Financial Regulations to utilise ACE Recycling Group in order to extend the current glass uplift and delivery contract from 1 December 2009 to 31 March 2010; and
- (iii) to accept the price received from ACE Recycling Group awarding the contract to 31 March 2010 at a total price of £22,800.

27. 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.

28. IMPROVEMENT/ADAPTATIONS GRANT APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY

With reference to Article 10 above, there was submitted Report No 836/09 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 to 30 September 2009 in respect of vulnerable people.

The Committee agreed to note the contents of the Report.

ANGUS COUNCIL

MINUTE of Special MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 19 November 2009 at 5.30pm.

Present: Depute Provost PETER MURPHY, Councillors ALISON ANDREWS, COLIN BROWN, MAIRI EVANS, DAVID FAIRWEATHER, ALEX KING, JEAN LEE, DAVID LUMGAIR, IAN MACKINTOSH, DAVID MAY, BILL MIDDLETON, GLENNIS MIDDLETON, JIM MILLAR, DONALD MORRISON, ROB MURRAY, ROBERT MYLES, PETER NIELD, RALPH PALMER, JOHN RYMER, MARK SALMOND, ROBERT SPINK, MARGARET THOMSON, PAUL VALENTINE, SHEENA WELSH, SANDY WEST and JOHN WHYTE.

Depute Provost PETER MURPHY, in the Chair.

The Depute Provost advised members that the Provost was currently unwell and as a precautionary measure had been admitted to hospital. It was his understanding that the Provost had returned home today and, on behalf of the Council, extended her best wishes for a speedy recovery.

1. APOLOGIES

Apologies for absence were intimated on behalf of Provost Ruth Leslie Melville and Councillors Iain Gaul and Helen Oswald.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. FLOODING IN CARNOUSTIE

In accordance with the provisions of Standing Order 8(4), Councillors Gaul, Palmer, Oswald, Welsh, Morrison, Glennis Middleton and Murray had requisitioned a meeting of the Council to consider the undernoted motions:-

"This Council instructs the Chief Executive and the Director of Infrastructure Services to instigate as a matter of urgency:-

- (a) to arrange a public meeting to allow the people of Carnoustie to express their concerns and to take on board public opinion;
- (b) to instruct the dredging of the Barry Burn to prevent further flooding of Ravensby Road and Macdonald Smith Drive; and
- (c) to set up a Member Officer Group with a view to working with Carnoustie Golf Hotel and the Carnoustie Golf Links Management Committee to protect Carnoustie's major tourist attraction."

First Motion

Councillor Palmer, seconded by Councillor Morrison, moved the terms of the first motion (3(a)).

COUNCILLOR MAY, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED AS AN AMENDMENT, THAT THIS COUNCIL SHOULD CONTINUE TO INFORM THE PEOPLE OF CARNOUSTIE OF THE ISSUES BEING ADDRESSED AND ACTIONS BEING TAKEN AND THE DIRECTOR OF INFRASTRUCTURE SERVICES SHOULD CONTINUE TO RESPOND TO ENQUIRIES FROM LOCAL COUNCILLORS AND OTHER INTERESTED PARTIES.

Having heard from Councillors Murray, Glennis Middleton, Whyte, Myles, Rymer, King, Nield, Bill Middleton and West, Councillor Mackintosh, seconded by Councillor Myles, moved, in accordance with Standing Order 17(1), "that the question be now put" (ie for closure of debate).

On a vote being taken, members voted:

For closure of the debate:

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

For continuation of the debate:

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

There being an equality of votes, the Depute Provost used his second and casting vote for closure of the debate.

Thereafter, in accordance with Standing Order 17(2), Councillor Palmer summed up.

On a vote being taken in relation to the first motion, members voted:-

For the motion:

Councillors Evans, King, Lee, Bill Middleton, Glennis Middleton, Morrison, Murray, Palmer, Spink, Valentine, Welsh and West (12).

For the amendment:

Depute Provost Murphy, Councillors Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Thomson and Whyte (14).

The amendment was declared carried and the Council resolved accordingly.

Second Motion

Having heard from Councillor May, Convener of Infrastructure Services Committee regarding the letting of the contract for the dredging of the Barry Burn, Councillor Palmer indicated that he wished to withdraw the second motion.

Third Motion

Councillor Palmer, seconded by Councillor Murray, moved the terms of the third motion (3(c)).

Following discussion, and having heard from the Chief Executive, the Council unanimously agreed that the Chief Executive be instructed to bring forward a report reviewing the Council's current liaison arrangements, including an option that local members be invited onto a Member/Officer Group.

ANGUS COUNCIL

MINUTE of MEETING of the **INFRASTRUCTURE SERVICES COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 24 November 2009 at 4.00 pm.

Present: Councillors DAVID MAY, ALISON ANDREWS, DONALD MORRISON, ALEX KING, JEAN LEE, DAVID LUMGAIR, JIM MILLAR, PETER MURPHY, RUTH LESLIE MELVILLE MBE, HELEN OSWALD, RALPH PALMER, JOHN RYMER, SANDY WEST and JOHN WHYTE.

Councillor MAY, Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors David Fairweather, Iain Gaul, Ian Mackintosh, Robert Myles and Mark Salmond with Councillors Alison Andrews, Donald Morrison, David Lumgair, Ruth Leslie Melville and John Rymer substituting respectively.

VALEDICTORY

At this stage in the meeting, the Convener paid tribute to Mr Derek Nisbet who was to retire from the Roads Division at the end of November and who was attending his final meeting of the Infrastructure Services Committee. The Committee thanked him for his tireless efforts over the years and wished him every success and happiness in his retirement.

Thereafter, the Convener welcomed Mr Stewart Ball, Senior Service Manager, Economic Development and Environmental & Consumer Protection to his first meeting of the Committee.

2. DECLARATIONS OF INTEREST

Councillor Andrews declared an interest in item 12 as her husband was the Chair of the South Esk Catchment Management Partnership. She indicated that she would be taking part in discussion and voting.

Councillor Oswald declared an interest item 14 as her husband was a Carnoustie Community Councillor and as her daughter and son-in-law were members of Lochlands Bowling Club. She indicated that she would be taking part in discussion and voting.

Councillor Morrison declared an interest in item 17 as one of his colleagues had contacted the Council following concerns raised by a constituent in relation to the speed limit at Woodville. He indicated that he would be taking part in discussion and voting.

Councillor Murphy declared an interest in item 14 as he attended meetings of the Carnoustie Community Council. He indicated that he would be taking part in discussion and voting.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 13 October 2009 was approved as a correct record and signed by the Convener.

4. INFRASTRUCTURE SERVICES BUDGET MONITORING FOR THE PERIOD ENDED 30 SEPTEMBER 2009

There was submitted Joint Report No 861/09 by the Director of Infrastructure Services and the Director of Corporate Services advising the Committee of the actual expenditure compared with budget in respect of the Infrastructure Services department for the period 1 April to 30 September 2009, together with the anticipated year end position.

The Report indicated that, with regard to the net capital position, in overall terms at 30 September 2009, there had been an actual spend of £1.979 million (22%) against a net budget of £8.726 million, leaving a balance of £6.747 million in 2009/2010, with a projected underspend of £42,000 at the year end. A brief commentary on each Division was detailed in the Report.

With regard to the net revenue expenditure for the period ended 30 September 2009, there was currently an underspend of £137,000 compared to the profiled monitoring budget at this stage in the year, however, the year end outturn for the department was estimated to be on budget. A brief commentary on each Division was detailed in the Report.

The Report concluded that, from the information set out, the main expenditure was currently behind the phased budget. However, there were no particular concerns arising from these areas at present but the position would continue to be monitored closely during the course of the financial year.

The Committee, for its interest, agreed to note the contents of the Report.

5. 2010/11 REVENUE BUDGET

With reference to Article 14 of the minute of meeting of the Corporate Services Committee of 11 June 2009, there was submitted Report No 862/09 by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the Infrastructure Services Department's 2010/2011 revenue budget and associated issues.

Appended to the Report was a summary of the departmental provisional base budget for 2010/2011 as submitted to, and subsequently reviewed by, the Head of Finance.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report at this stage in the budget process; and
- (ii) to note that more detailed Reports, with specific recommendations, would be brought forward later in the revenue budget cycle.

6. 2009/2013 FINANCIAL PLAN AND 2010/2011 CAPITAL BUDGET

With reference to Article 15 of the minute of meeting of the Corporate Services Committee of 11 June 2009, there was submitted Report No 863/09 by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the 2009/2013 Financial Plan, incorporating the 2010/2011 Capital Budget, for the Infrastructure Services Department.

Appended to the Report was the Infrastructure Services Departmental Financial Plan submission for 2009/2013 as returned to the Head of Finance and subsequently reviewed by the Capital Budget Sub-Group.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report at this stage in the Financial Plan process; and
- (ii) to note that more detailed Reports, with specific recommendations, would be brought forward later in the Financial Plan cycle.

7. INFRASTRUCTURE SERVICES MID TERM SERVICE PERFORMANCE REPORT

With reference to Article 6 of the minute of meeting of this Committee of 25 November 2008, there was submitted Report No 864/09 by the Director of Infrastructure Services presenting the mid term service performance report in respect of the Infrastructure Services Department for the first six months of the 2009/2010 financial year.

The Committee agreed to note the terms of the mid-term service performance report 2009/2010 in respect of the Infrastructure Services Department.

8. HOUSING (SCOTLAND) ACT 2006: DEVELOPING A SCHEME OF ASSISTANCE FOR ANGUS

With reference to Article 17 of the minute of meeting of the Neighbourhood Services Committee of 19 November 2009, there was submitted Joint Report No 825/09 by the Director of Neighbourhood Services, the Director of Infrastructure Services and the Director of Social Work and Health advising the Committee that the Housing (Scotland) Act 2006 had introduced a requirement for every Scottish Local Authority to develop and implement a "Scheme of Assistance" which would provide assistance to owners and private tenants when carrying-out work on their homes.

The Report indicated that, under Part 2 of the Housing (Scotland) Act 2006, the Council was required to develop and implement a "Scheme of Assistance" to provide assistance to owners and private tenants when carrying out work on their homes. The broad proposals for the development of the Scheme of Assistance for Angus, which were set out in the Report, provided for the development of a Scheme which would provide appropriate assistance to both owners and private tenants. It also provided for the conservation of the limited resources available to the Council, whilst ensuring that funding was targeted at those in greatest assessed need, as defined through the Equipment and Adaptations Risk and Need Matrix. The principles set out in the Report made a clear decision to develop a Scheme of Assistance that was focussed on delivering a service to the vulnerable or those in need of adaptations to maintain independent lives. The vast majority of the Private Sector Housing Grant would therefore be realigned to the provision of those services and private owners, who had previously applied for grant, would, in the future, be provided with advice and assistance to resolve their own property investment needs rather than direct financial assistance. The proposals aligned with the local and national reviews into best value services for older people.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report;
- (ii) to instruct the Director of Infrastructure Services to work with the Director of Neighbourhood Services to bring forward the Scheme of Assistance within the statutory timescales; and
- (iii) to instruct the Director of Infrastructure Services to bring forward further reports detailing the implications of the Scheme of Assistance on the individual service remits.

9. TOWN CENTRE REGENERATION FUND UPDATE

With reference to Article 4 of the minute of meeting of the Executive Sub-Committee of this Committee of 10 August 2009, there was submitted Joint Report No 865/09 by the Director of Infrastructure Services and the Director of Corporate Services advising the Committee that the Council had been offered a grant of up to £1.8 million from the Scottish Government's Town Centre Regeneration Fund (TCRF) and seeking authority for the Chief Executive to accept the grant offer subject to reaching agreement with the Scottish Government on a practical time frame for claiming the grant and completing the eligible work.

The Report indicated that the grant offer from the Scottish Government provided a unique funding opportunity to improve Brechin town centre for the benefit of local people, local businesses and visitors to the town. However, it also presented a number of challenges that required to be carefully considered. Of prime importance was the need to ensure that the project would be taken forward as quickly as possible and that the officer resource required to deliver the project was made available. The Report also indicated that any failure to meet the Scottish Government's stringent timing conditions could leave the Council exposed through failure to secure grant funding for the remedial works required on the acquired properties and, therefore, it was important that this position was not allowed to develop.

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

- (i) to note that that Council's second round TCRF bid to the Scottish Government for the acquisition and renovation of property in Brechin town centre had been successful and up to £1.8 million had been offered to support the project;

- (ii) to note that the Council's first round TCRF bid and re-submitted second round bid to the Scottish Government for improvements to Monifieth Town Centre had been unsuccessful;
- (iii) to note that no other TCRF bids from the Angus area had been successful;
- (iv) to note the terms and conditions of the TCRF grant offer received from the Scottish Government, as detailed in Section 5 of the Report;
- (v) to instruct the Chief Executive to accept the TCRF grant offer of up to £1.8 million received from the Scottish Government for Brechin town centre, subject to reaching an agreement with the Scottish Government to extend the time frame for completion of the works and, if necessary, claiming the grant to beyond 31 March 2010 for an agreed extended period;
- (vi) to note that in the event that a satisfactory agreement with regard to the time frame for claiming the grant had not been reached with the Scottish Government, that a further report would be brought forward to this Committee;
- (vii) to note the risks associated with delivery of the project and the steps that were being taken to mitigate against such risk;
- (viii) to delegate authority to the Director of Infrastructure Services, the Director of Corporate Services and the Director of Neighbourhood Services, in consultation with the Convener of Infrastructure Services, to take the necessary actions to improve Brechin town centre using the TCRF grant;
- (ix) to authorise the Director of Infrastructure Services to recruit a part-time temporary officer to co-ordinate the delivery of the Brechin TCRF project; and
- (x) to note that a further Report updating progress on the Brechin town centre project would be submitted to this Committee at a future date.

10. FEED, FOOD AND SAFETY SERVICES PLAN 2009-2010

With reference to Article 28 of the minute of meeting of this Committee of 25 November 2008, there was submitted Report No 866/09 by the Director of Infrastructure Services advising the Committee that the Council was required, on an annual basis, to devise and implement a plan for the enforcement of legislation regarding the services associated with Feeding Stuffs, Food and Health and Safety.

The Report indicated that, in accordance with the requirements of the Food Standards Agency and the Health and Safety Executive, the following elements of the service provision were contained in the plan:-

- A description of the duties relating to the various areas of enforcement carried out by the staff of the Economic Development and Environmental & Consumer Protection Division;
- A brief description of the Council's Committee Structure;
- A description of the Division's Management Structure designed to deliver the Plan; and
- The resources available to deliver the Schedules of work defined within the Plan.

The Committee agreed to adopt the Feed, Food And Safety Services Plan 2009-2010, as detailed in the Report.

11. INSHORE FISHERIES GROUP FOR SOUTH EAST SCOTLAND

With reference to Article 23 of the minute of meeting of this Committee of 24 November 2005, there was submitted Report No 867/09 by the Director of Infrastructure Services detailing the progress made towards the establishment of an Inshore Fisheries Group (IFG) for South-East Scotland from the border with England up to River North Esk, and recommending that the Council continues its support.

The Report indicated that the South-East Scotland IFG had been established as part of the pilot initiative for IFG's by the Scottish Government and continued support of this initiative would show the Council's commitment to achieving the goals of promoting sustainable stocks, a healthy marine environment and a profitable fishing sector that would support strong coastal communities in Angus.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to continue to support the now formed Inshore Fisheries Group for South-East Scotland; and
- (iii) to delegate authority to the Head of Economic Development and Environmental & Consumer Protection to award match funding of up to £10,000 for individual associated projects.

12. RIVER SOUTHESK CATCHMENT MANAGEMENT PLAN

With reference to Article 7 of the minute of meeting of this Committee of 2 June 2009, there was submitted Report No 868/09 by the Director of Infrastructure Services outlining the progress made towards the production of a Catchment Management Plan for the River South Esk and seeking approval of the plan and a launch event, which was currently planned for December 2009.

The Report indicated that considerable progress had been made with the final round of consultations having taken place in August 2009. The final South Esk Catchment Management Plan had been agreed by the Steering Group on 1 October 2009.

The Committee agreed:-

- (i) to approve the consultative final text for the River South Esk Catchment Management Plan;
- (ii) to authorise the Head of Economic Development and Environmental & Consumer Protection to sign off the plan on behalf of the Council; and
- (iii) to note that the launch of the South Esk Catchment Management Plan had been timetabled for December 2009.

13. TOWARDS EMPLOYMENT TEAM:- PROGRESS REPORT

With reference to Article 6 of the minute of meeting of this Committee of 2 June 2009, there was submitted Report No 869/09 by the Director of Infrastructure Services detailing progress made by the Towards Employment Team (TET).

The Report indicated that the programme had continued to build on the work of the former Working for Families Programme and had continued to develop its remit to address the current economic difficulties facing the citizens of Angus. Due to the increasing numbers of people who had been affected by the economic downturn in Angus, it was important to acknowledge the invaluable contribution that TET had made to assist those affected back into employment. The Report highlighted the demand for TET services as well as the excellent results achieved for the people and wider economy of Angus.

The Committee agreed:-

- (i) to note the changes in provision which had been made by the TET programme in response to the current economic downturn;
- (ii) to acknowledge the success which TET had achieved in working towards their yearly targets, as detailed in Appendix 1 to the Report;
- (iii) to note the invaluable contribution which TET had made to the employability services offered to Angus residents and that should the current levels of activity continue, they were expected to exceed their key performance targets for 2009/2010; and

- (iv) to note that funding for the service had only been secured up to the end of March 2011 from the Fairer Scotland Fund.

14. **ANGUS COUNCIL COMMUNITY GRANT SCHEME - NEW APPLICATIONS**

With reference to Article 13 of the minute of meeting of this Committee of 13 October 2009, there was submitted Report No 871/09 by the Director of Infrastructure Services detailing applications for grants of over £1,000 and advising members of applications for grants of £1,000 or less which had been approved under delegated authority.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the following awards in relation to applications for grants over £1,000:-

| | |
|--|-----------|
| • Forfar Musical Society | £3,000.00 |
| • Reswallie Hall Association | £1,950.00 |
| • Inverkeilor Village Hall Committee | £1,500.00 |
| • Lochlands Bowling Club | £1,900.00 |
| • Arbroath United Cricket Club | £5,000.00 |
| • Montrose and District Choral Society | No Award |
| • Angus Dog Activities Club | £2,646.40 |
| • DeafBlind Scotland | No Award |

- (iii) to note the following decisions in respect of applications for £1,000 or less:-

| | |
|--------------------------------|-----------|
| • Carnoustie Community Council | £1,000.00 |
| • Forfar & Area Partnership | £500.00 |
| • Scottish Child Law Centre | £520.00 |
| • Monifieth Medieval Fair | £500.00 |

15. **SCOTLAND'S ROAD SAFETY TARGETS TO 2020**

With reference to Article 22 of the minute of meeting of this Committee of 2 June 2009, there was submitted Report No 872/09 by the Director of Infrastructure Services outlining the Scottish Road Safety Targets from 2010 to 2020 announced by the Scottish Government in their publication "Scotland's Road Safety Framework to 2020", and the target reduction in road casualties to be achieved in Angus.

The Report indicated that in order to achieve the targets and make headway towards the ultimate vision of a future where no one was killed on Scotland's roads and the injury rate was much reduced, specific topics had been identified in the Framework as priorities to be addressed. The Scottish targets to be achieved by 2015 and 2020 were detailed in the Report together with the target reductions to be achieved in Angus based on the 2004-2008 baseline average.

The Committee agreed:-

- (i) to note the Scottish road casualty reduction targets from 2010 to 2020;
- (ii) to note the reduction in road casualties to be achieved in Angus by 2020;
- (iii) to instruct the Head of Roads to engage with the other agencies who had been actively involved in road safety with a view to producing a Road Safety Plan for Angus covering the initial period of the new targets, namely 2010-2015.

16. ACCIDENT INVESTIGATION PROGRAMME UPDATE

With reference to Article 22 of the minute of meeting of this Committee of 2 June 2009, there was submitted Report No 873/09 by the Director of Infrastructure Services outlining the progress of work implemented as part of the Accident Investigation Programme and highlighting the accident cluster sites identified from the most recent three year accident data period, 2006-08.

The Report indicated that a series of engineering measures had been identified to be carried out at a number of locations following analysis of the accident data and associated site surveys. Works had been carried out at 22 of the 35 accident cluster sites previously identified from the accident data from 2005-2007, consisting of mainly signing and lining works as well as road safety surface treatment works. No immediate works had been required at nine of the other locations due to remedial works having already taken place in recent years and the works identified at the four remaining accident cluster locations had been included as part of larger scale works to be undertaken in the near future. The accident analysis for the three year period 2006-2008 had identified a total of 39 accident cluster sites, 18 of which were existing sites and 21 new locations. A list of the sites identified were detailed in Appendix 1 to the Report.

Having heard from a number of members in relation to specific locations, the Committee agreed:-

- (i) to note the work which had been carried out at accident cluster locations previously identified in Report Nos. 580/08 and 460/09; and
- (ii) to note the accident cluster locations identified from the 2006-2008 accident data and the remedial proposals which had been recommended to be undertaken in the financial year 2010-2011.

17. C51 WOODVILLE - REQUEST FOR REDUCED SPEED LIMIT AND SPEED LIMIT REVIEW - C & U CLASS ROADS

There was submitted Report No 874/09 by the Director of Infrastructure Services advising the Committee of a recent request for consideration of a reduced speed limit on the C51 at Woodville, by Arbroath and the outcome of the subsequent assessment. The Report also outlined the intention to progress a review of speed limits in Angus of the remaining C and U class roads.

The Report indicated that earlier in 2009, the Roads Division had received a request on behalf of local residents for a reduced speed limit on the C51 at Woodville in view of the number and density of residential properties in the vicinity. An assessment of the section of the C51 through Woodville had been carried out using the Angus Council Speed Limit Strategy notwithstanding that it was on a C class road and, whilst Woodville did not meet the criteria for a 30mph speed limit, the lesser criteria for a number of houses and housing density could be applied and a 40mph speed limit was appropriate.

The Report also indicated that although there was currently still no requirement to review the existing speed limits on C and U class roads, it was intended to carry out a review similar to that of the A and B class review.

The Committee agreed:-

- (i) to note the outcome of the assessment carried out following a request for a reduced speed limit on the C51 at Woodville;
- (ii) to approve the promotion of the necessary Speed Limit Order to enable the implementation of the reduced 40mph speed limit in Woodville; and
- (iii) to instruct the Head of Roads to undertake a speed limit review of C and U Class roads in Angus utilising the Angus Council Speed Limit Strategy 2008, previously established through Committee.

18. FIXED PENALTY NOTICES FOR ROADWORKS

With reference to Article 23 of the minute of meeting of this Committee of 28 August 2007, there was submitted Report No 875/09 by the Director of Infrastructure Services detailing the issues relating to Fixed Penalty Notices (FPN) under the Transport (Scotland) Act for roadworks and proposing a policy for the Committee's consideration.

The Report indicated that the Roads (Scotland) Act 1984 (Fixed Penalty) Regulations 2008, had come into force on 1 October 2008 and enabled roads authorities to issue Fixed Penalty Notices for various offences, as detailed in Appendix 1 to the Report. The offences related to statutory undertakers failure to provide proper notice of their works on the road network. Furthermore, the Roads (Scotland) Act 1984 (Fixed Penalty) Regulations 2008, which had also come into force on 1 October 2008, enabled roads authorities to issue Fixed Penalty Notices for various offences, as detailed in Appendix 2 to the Report. These related to offences involving building materials, skips and scaffolds placed on the road network without proper permission of the roads authority or failure to comply with any conditions of that permission.

Whilst the Council had the powers to issue FPNs, it had not established the processes and resources with which to do so. Due to the high costs of applying the necessary procedures and the relatively low numbers of anticipated noticing failures in Angus by the utility companies, it was recommended not to utilise these powers at this time. However, if the number of potential FPNs increased significantly to justify the cost of implementing a suitable system to enforce FPNs, this would be reviewed.

The Committee agreed:-

- (i) to note the legislation regarding powers available to the Council to issue Fixed Penalty Notices for roadworks;
- (ii) to note the resource implications to implement such powers; and
- (iii) not to utilise the powers available to the Council to issue Fixed Penalty Notices for the works, at this time.

19. TRAFFIC ORDERS - NOTIFICATION OF MAKING

There was submitted Report No 876/09 by the Director of Infrastructure Services advising the Committee of the making of several Traffic Orders which had recently been made by the Head of Law and Administration.

The Committee agreed:-

- (i) to note the making of the Angus Council (Part of Footway at Don Street and Carseburn Road, Forfar) (Stopping Up) Order 2009 which had been made on 8 July 2009 and had come into operation on 13 July 2009;
- (ii) to note the making of the Angus Council (Bowriefauld and Tannadice) (Variation of Speed Limits) Order 2009 which had been made on 24 August 2009 and had come into operation on 31 August 2009;
- (iii) to note the making of the Angus Council (School Keep Clear Areas) (Variation) Order 2009 which had been made on 24 August 2009 and had come into operation on 31 August 2009;
- (iv) to note the making of the Angus Council (Various Roads Adjacent to Schools) (20mph Variable Speed Limit) (Variation) Order 2009 which had been made on 24 August 2009 and had come into operation on 31 August 2009; and
- (v) to note the making of the Angus Council (Forfar Town Centre) (Traffic Management Variation) Order 2009 which had been made on 6 October 2009 and had come into operation on 12 October 2009.

20. PARK STREET, ARBROATH - STOPPING UP OF ROAD

There was submitted Report No 877/09 by the Director of Infrastructure Services seeking approval to promote a Stopping-Up Order for Park Street, Arbroath.

The Report indicated that following the recent redevelopment of the area to form the new Lidl store and car park on Gravesend, there now remained only one property which had pedestrian access from Park Street. The owners of No 4 Gravesend, Angus Decorating Co. Ltd, had approached the Council with a view to Stopping Up the road adjacent to their property.

The Committee agreed to the promotion of a Stopping Up Order in respect of the entire length of Park Street, Arbroath.

21. VARIATION OF WAITING RESTRICTIONS

There was submitted Report No 878/09 by the Director of Infrastructure Services detailing proposed amendments to current waiting restrictions to take account of changing circumstances at various locations within the Council area.

The Report indicated that, in the interest of pedestrian and traffic safety and free traffic flow, and in order to maintain access to premises, alterations to waiting restrictions were considered appropriate and the variation of existing Traffic Regulation Orders to implement these alterations was therefore necessary.

The Committee agreed:-

- (i) to approve the promotion of the necessary Traffic Regulation Variation Orders to effect changes to current waiting restrictions in Arbroath, Brechin, Forfar, Kirriemuir and Monifieth; and
- (ii) to approve an amendment to all current Waiting Restriction Parent Orders to include an article relating to the manner in which a vehicle may wait in an on-street parking area.

22. REMOVAL OF PART TIME 20MPH SPEED LIMITS AT VARIOUS SCHOOLS

There was submitted Report No 879/09 by the Director of Infrastructure Services detailing proposals to delete part time 20mph speed limit restrictions at various schools.

The Report indicated that, following the merging of the Pitkenney and Aberlemno Primary Schools on the campus of the current Aberlemno Primary School, Pitkenney School had subsequently closed and the building was no longer in use for education purposes. As a result, the intended part-time speed limit at Pitkenney School had not been implemented. Also, when formal traffic calming measures had been introduced in Taylor Street, Forfar, a permanent 20mph speed limit zone had been introduced covering the whole length of Taylor Street which had made the part-time 20mph speed limit on the section adjacent to Forfar Academy redundant.

The Committee agreed to approve the promotion of a Traffic Regulation Order to delete from the current parent Order the part-time 20mph speed limit restrictions in the roads adjacent to Pitkenney School and Forfar Academy.

23. TRAFFIC REGULATION ORDERS - UPDATE

There was submitted and noted Report No 880/09 by the Director of Infrastructure Services detailing the current stage of progress regarding pending Traffic Regulation Orders.

24. ROADS CONSTRUCTION CONSENT - NEW ROAD AT MILTON MILL, MONIFIETH

There was submitted Report No 881/09 by the Director of Infrastructure Services advising the Committee of a Roads Construction Consent application by H & H Properties Ltd in respect of a proposed new road associated with a residential and retail development at Milton Mill, Ferry Road, Monifieth.

The Report indicated that H & H Properties Ltd had been granted planning permission to erect a housing development of 77 flats and a small retail unit on the site of the former Milton Mill, Monifieth. The planning permission included a new road to serve the development with a junction on Ferry Road in the vicinity of the existing access serving the site. The applicant had subsequently applied for separate Roads Construction Consent for the formation of the new road and a copy of the road layout plan was attached as Appendix 1 to the Report. No objections had been received from individual persons who were legally notifiable, however, one of the non-notifiable persons had made representations in respect of the application.

The Committee agreed:-

- (i) to note the representations received from the "non-notifiable" person; and
- (ii) to grant the Roads Construction Consent, subject to such conditions as agreed between the developer and the Council, as represented by the Head of Roads.

25. SALT STORAGE FOR WINTER ROADS SERVICES PURPOSES

There was submitted Report No 882/09 by the Director of Infrastructure Services seeking approval for the construction of salt stores at the Kirriemuir Road depot, Forfar and at the Cairnie Road depot, Arbroath as a medium term efficiency saving with a view to reducing the impact on the environment of external stock piling of salt required for winter road maintenance purposes.

The Report indicated that it had been found through experience that marine salt, which is of a high quality, performed better in practice than rock salt which tended to be of lower quality. Nevertheless, in recent years, it had become evident that rock salt could be employed successfully and the purchase price differential between the two could be quite significant. Marine salt could be stored in the open air quite successfully whereas rock salt generally required to be covered, although both suffered losses through dilution from leachate when stored in the open. In the past, the purchase price of both marine and rock salt had been subject to significant increases and relative fluctuations between the two and the proportion of stocks lost through leachate was wasteful. Accordingly, consideration had been given to the details and merits of providing storage of salt indoors, full details of which were detailed in Appendix 1 to the Report.

The Committee agreed:-

- (i) to note the merits of the provision of storage buildings for road salt, as detailed in the Report;
- (ii) to instruct the Head of Roads to pursue the procurement and construction of a salt storage building at each of the depots operated by Tayside Contracts at Kirriemuir Road, Forfar and at Cairnie Road, Arbroath; and
- (iii) to approve £100,000 of the necessary capital costs to be met from the Roads Capital budget provision in 2010/2011.

26. TEMPORARY TRAFFIC ORDERS

There was submitted and noted Report No 883/09 by the Director of Corporate Services advising that, at the request of the Head of Roads, five Temporary Traffic Orders had been made, as detailed in the Report.

27. 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 disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 6, 8 and 9.

28. CAPITAL WORKS IN PICTAVIA VISITOR CENTRE, BRECHIN

There was submitted Report No 870/09 by the Director of Infrastructure Services seeking approval to proceed with proposed capital works in Pictavia, as detailed in the Report.

Having heard from the Convener, the Committee agreed to defer consideration of the item to the Council meeting on 17 December 2009.

ANGUS COUNCIL

MINUTE of MEETING of the **EDUCATION COMMITTEE** held in the Town and County Hall, Forfar on Thursday 26 November 2009 at 4.00 pm.

Present: Councillors PETER NIELD, MARGARET THOMSON, COLIN BROWN, MAIRI EVANS, ALEX KING, JEAN LEE, DAVID LUMGAIR, DONALD MORRISON, PETER MURPHY, ROB MURRAY, JOHN RYMER, PAUL VALENTINE SHEENA WELSH and JOHN WHYTE.

Church Representatives: Mrs PATRICIA MILLAR and Mr BILL SIMPSON.

Teacher Representative: Mr BRIAN McHARDY.

Councillor NIELD, Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Alison Andrews, Iain Gaul, David May and Robert Myles with Councillors Colin Brown, Alex King, Peter Murphy and John Whyte, respectively, substituting.

Apologies for absence were also intimated on behalf of Councillors Mark Salmond, Mr David Adams and Mr Philip Jackson

2. DECLARATIONS OF INTEREST

The Committee noted that no declarations of interest were made.

3. MINUTES

(a) Previous Meeting

The minute of meeting of this Committee of 21 October 2009 was approved as a correct record and signed by the Convener.

(b) Staffing Sub-Committee

The minute of meeting of the Staffing Sub-Committee of 21 October 2009, a copy of which is appended hereto, was submitted and noted (**APPENDIX I**).

4. 2010/2011 REVENUE BUDGET

With reference to Article 14 of the minute of meeting of the Corporate Services Committee of 11 June 2009, there was submitted Report No 884/09 by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the Education Department's 2010/2011 Revenue Budget and associated issues.

Appended to the Report was a summary of the departmental provisional base budget for 2010/2011 as submitted to, and subsequently reviewed by the Head of Finance.

The Committee agreed:-

- (i) to note the contents of the Report for its interest at this stage in the budget process; and
- (ii) to note that more detailed reports, with specific recommendations, would be brought forward later in the revenue budget cycle.

5. 2009/2013 FINANCIAL PLAN AND 2010/11 CAPITAL BUDGET

With reference to Article 15 of the minute of meeting of the Corporate Services Committee of 11 June 2009, there was submitted Report No 885/09 by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the 2009/2013 Financial Plan (incorporating the 2010/2011 capital budget) for the Education Department.

Appended to the Report was the departmental financial plan submission for 2009/2013 as returned to the Head of Finance and subsequently reviewed by the Capital Budget Sub-Group.

The Committee agreed:-

- (i) to note the contents of the Report for its interest at this stage in the financial plan process; and
- (ii) to note that more detailed reports, with specific recommendations, would be brought forward later in the financial plan cycle.

6. THE SCOTTISH GOVERNMENT'S RESPONSE TO COMMENTS REGARDING THE DRAFT CHILDREN'S HEARINGS (SCOTLAND) BILL

With reference to Article 13 of the minute of meeting of the Social Work and Health Committee of 12 November 2009, there was submitted Joint Report No 811/09 by the Director of Social Work and Health and the Director of Education highlighting the Scottish Government's response to the concerns expressed by the Council on the terms of the draft Children's Hearings (Scotland) Bill and concerns on the Scottish Government's proposals to move the Bill forward.

The Report indicated that during the consultation process, the Scottish Government had received a wide range of comments and concerns with regard to the proposals and had decided to take additional time to discuss these issues with stakeholders and introduction of the Bill was now planned for early 2010.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report; and
- (ii) to instruct the Director of Education, in consultation with the Director of Social Work and Health to continue to monitor and review the impact of the new guidance and proposed legislation and submit further reports to the Committee as necessary.

7. IMPLEMENTATION OF THE NATIONAL AGREEMENT, "A TEACHING PROFESSION FOR THE 21ST CENTURY IN SECONDARY SCHOOLS": REPORT ON AJNCT REVIEW

With reference to Article 10 of the minute of meeting of the Education Committee of 8 January 2004, there was submitted Report No 886/09 by the Director of Education advising members of the key outcomes of a major review by the Angus Joint Negotiating Committee for Teachers of progress in implementing "a Teaching Profession for the 21st Century" in Angus secondary schools.

The Report indicated that the review had highlighted many successes recorded across the eight secondary schools in Angus and responding to the challenges of the National Agreement and these successes had served to enrich the ethos of the schools in ways which would assist teachers to plan and deliver, through the new curriculum, improvements in the quality of pupils' learning experiences and in the quality of outcomes that they achieved both as learners and as young people.

Having heard Mr McHardy who commended the outcome of the review as an example of excellent working between teachers and officers of the Education Department, the Committee agreed:-

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

- (ii) to note the key outcomes of the major review undertaken in the period March 2008 to October 2009;
- (iii) to note that the Report of the Review Team had been formally approved by the Angus Joint Negotiating Committee for Teachers at its meeting on 18 November 2009;
- (iv) to issue the Review to the Scottish Negotiating Committee for Teachers as an example of good practice; and
- (v) to express thanks and appreciation to Neil Logue, Senior Education Manager and to all teachers and staff concerned for their work in drawing up the Review.

8. ATTENDANCE DEFAULT PROCEDURES

There was submitted Report No 888/09 by the Director of Education advising members of proposals to improve the procedures for managing attendance default in Angus Primary and Secondary Schools.

The Report indicated that school attendance across Angus was generally very good and although national figures for 2008/2009 were not yet available, Angus figures had been generally static over the past three sessions and attendance in Angus was consistently higher than the national average.

It was proposed that a review of the attendance default guidelines be undertaken which would be an integral part of the Council's commitments to "Getting it Right for Every Child" and the review, which should take account of recent changes to the Angus Children's Services structure, would explore pupil attendance matters in the context of:-

- Curriculum for Excellence, skills for learning, skills for life and skills for work
- Amendments to the Additional Support for Learning Act
- Looked after children provision and updated guidance
- New guidance on exclusion from school
- Extended support for pupils (formerly offsite) arrangements
- Partnerships with Angus College and the voluntary sector
- The Early Years Framework
- The Authority's staged intervention process.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note the intention to undertake a review of current attendance default procedures; and
- (iii) to note the arrangements being made to put in place immediate improvements pending arrangements for that review.

9. SCHOOL TERMS AND HOLIDAY DATES 2010/2011

With reference to Article 8 of the minute of meeting of this Committee of 27 November 2008, there was submitted Report No 889/09 by the Director of Education detailing the outcome of a recent consultation exercise on school terms and holidays for 2010/2011 and recommending that a final decision be now taken in this regard.

The Report indicated that a consultation exercise had been undertaken with schools, Parent Councils and Trade Unions.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note the outcome of the discussions at the Central Consultative Committee meeting, held earlier this day;
- (iii) to approve the final schedule of school term and holiday dates for 2010/2011 as detailed in Appendix 1 of the Report; and
- (iv) to instruct the Director of Education to continue to maintain a dialogue with neighbouring Councils with a view to achieving as much harmony as possible in respect of future school terms and holiday dates.

10. EDUCATION DEPARTMENT MID TERM SERVICE PERFORMANCE REPORT

With reference to Article 15 of the minute of meeting of this Committee of 27 November 2008, there was submitted Report No 887/09 by the Director of Education presenting the mid-term Service Performance Report in respect of the Education Department for the first six months of the financial year 2009/2010.

Having heard Councillors Murray and Lee, the Committee agreed:-

- (i) to note the terms of the mid-term Service Performance Report 2009/2010 in respect of the Education Department;
- (ii) to instruct that an explanation be given in future reports on any projects which were overdue; and
- (iii) to note that the number of indicators relating to Hayshead Primary School, as detailed at section 5.1 of the Report, be five.

The following item was, on the determination of the Convener, dealt with as a matter of urgency in view of the consultation which was to be take place at an early date.

11. ARBROATH SCHOOLS PROJECT

The Committee noted that Phase 2 of the consultation exercise for the Arbroath Schools Project was to be held in Arbroath High School on Wednesday 2 December 2009 at 7.00 pm to which all members were invited to attend.

Following conclusion of the meeting the Convener welcomed Rachael Seitz to the meeting following her recent appointment as Director of Education; Mrs Seitz replied in suitable terms.

MINUTE of MEETING of the **STAFFING SUB-COMMITTEE** of the **EDUCATION COMMITTEE** held in the Town and County Hall, Forfar on Wednesday 21 October 2009 at 4.45 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 3 June 2009 was submitted and approved as a correct record.

4. MANAGEMENT TIME ALLOCATIONS IN PRIMARY SCHOOLS

With reference to Article 3 of the minute of meeting of the Angus Joint Negotiating Committee for Teachers of 16 September 2009, there was submitted amended Appendix AJNCT/22 on Management Time Allocations in Primary Schools.

The Sub-Committee agreed to ratify the amended Appendix.

5. EDUCATIONAL DEVELOPMENT SERVICE AND PSYCHOLOGY SERVICE

With reference to Article 4 of the minute of meeting of the Angus Joint Negotiating Committee for Teachers of 16 September 2009, there were submitted amended Appendices to AJNCT/5 and AJNCT/6 containing updated conditions of service for staff in the Educational Development Service and the Psychology Service.

The Sub-Committee agreed to ratify these amended Appendices.

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 1 December 2009 at 10.00 am.

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

Councillor LUMGAIR, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Mark Salmond and Bob Spink.

2. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct and the Council's Good Practice Guidelines, the following undernoted declarations of interest/intimations of contact were made:-

- Councillor Lumgair declared an interest in item 6 (request to remove the Section 75 legal agreement from application No 04/01385/FUL) he was an acquaintance of the landowner and he would not be taking part in the discussion and voting.
- Councillor Rymer declared an interest in respect of Application Nos 07/00041/FUL and 09/00494/FUL, (items 9 and 10), as he had a similar application pending on farm land, he advised that he would not be taking part in the discussion and voting.

3. MINUTE OF PREVIOUS MEETING

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

4. BUILDING WARRANTS

The Committee noted that during the period 2-20 November 2009, a total of 1 Demolition Warrant, 1 Staged Warrant, 12 Amendments to Warrants and 83 Building Warrants had been approved with an estimated cost of £3,983,552.

5. DELEGATED APPROVALS

The Committee noted that during the period 31 October - 21 November 2009, a total of 48 planning applications had been approved and 5 refused under the Scheme of Delegation to officers.

PLANNING APPLICATIONS

Councillor Lumgair, having declared an interest at item 2 above, left the meeting during consideration of the following item. Councillor Rymer took the chair.

6. REQUEST TO REMOVE SECTION 75 LEGAL AGREEMENT, LAND AT KINGSTON FARM, KINGSMUIR

There was submitted Report No 892/09 by the Director of Infrastructure Services which detailed a request to remove the Section 75 legal agreement from application No 04/01385/FUL which limited the occupancy of the house to an essential workers house on land at Kingston Farm, Kingsmuir. It was recommended that the Section 75 Agreement be not removed.

Slides were shown and Mrs Soutar, the applicant, addressed the meeting.

Councillor Rymer, seconded by Councillor Andrews, moved that the request be refused for the reasons detailed in the Report.

Councillor Fairweather, seconded by Councillor Brown, moved as an amendment, that the Section 75 Agreement be removed from application No 04/01385/FUL.

On a vote being taken, the members voted:-

For the motion:-

Councillors Rymer, Andrews and Myles (3).

For the amendment:-

Councillors Brown and Fairweather (2).

The motion was declared carried.

THEREAFTER, COUNCILLOR MYLES, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED AS A FURTHER AMENDMENT, THAT THE REQUEST TO REMOVE THE SECTION 75 BE DEFERRED TO ALLOW FURTHER CONSULTATION WITH THE PLANNING DIVISION TO LIMIT THE USE OF THE HOUSE TO OVERSEES VISITORS WITH FARMING INTERESTS AND A HOLIDAY COTTAGE.

On a vote being taken, the members voted:-

For the original motion:-

Councillors Rymer and Andrews (2).

For the further amendment:-

Councillors Brown, Fairweather and Myles (3).

The amendment was declared carried resulting in the request being deferred for further consultation.

7. AVIATION MUSEUM, BELLIES BRAE, KIRRIEMUIR

There was submitted Report No 893/09 by the Director of Infrastructure Services detailing application No 09/01106/FUL by Mr Steven Gibbons, for the alterations and change of use from museum to rehearsal/recording studio/learning facilities at the former Aviation Museum, Bellies Brae, Kirriemuir. The application was recommended for approval.

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

8. KIRKTON OF KINGOLDRUM FARM, KIRKTON OF KINGOLDRUM, KIRRIEMUIR

There was submitted Report No 894/09 by the Director of Infrastructure Services detailing application No 09/01176/FUL by Mr Ian Mackintosh, for the erection of a general purposes, agricultural building at Kirkton of Kingoldrum Farm, Kirriemuir. The application was recommended for approval.

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

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

9. LAND AT EAST SKICHEN FARM, MONIKIE

There was submitted Report No 895/09 by the Director of Infrastructure Services detailing application No 07/00041/FUL by N Power, for the erection of three wind turbines and associated infrastructure on land at East Skitchen Farm, Monikie. The application was recommended for refusal.

Slides were shown and Mr Richmond, an objector, Mr Baxter, the landowner, and Ms Gascoigne, the applicant's agent, addressed the meeting. Ms Gascoigne also presented photographs.

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

10. LAND AT DUSTY DRUM, CARMYLLIE

There was submitted Report No 896/09 by the Director of Infrastructure Services detailing application No 09/00494/FUL by A7 Energy Limited, for the erection of three wind turbines and ancillary works at Dusty Drum, Carmyllie. The application was recommended for refusal.

Slides were shown and Mr Bigham, and Mr Lindsay, objectors, addressed the meeting and presented photographs.

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

11. THE PADDOCK, CRAIGO

There was submitted Report No 897/09 by the Director of Infrastructure Services detailing application No 09/01089/PPPL by Mr Edward Russell for planning permission in principle for the erection of a dwellinghouse at The Paddock, Craigo. The application was recommended for approval.

Slides were shown.

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

12. FOOTWAY ADJACENT TO ST FERGUS CHURCH, DUNDEE ROAD, FORFAR

With reference to Article 9 of the minute of meeting of this Committee of 28 April 2009, there was submitted Report No 898/09 by the Director of Infrastructure Services detailing application No 09/00994/FUL by Vodaphone/LT, for the erection of a 15 metre high monopole mast incorporating three Vodaphone/02/3G antennas at the footway adjacent to St Fergus Church, Dundee Road, Forfar. The application was recommended for approval.

Slides were shown.

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

13. TREE PRESERVATION ORDER 2009 - NUMBER 2 - TEALING HOUSE, TEALING, DUNDEE

With reference to Article 15 of the minute of meeting of this Committee of 11 August 2009, there was submitted Report No 899/09 by the Director of Infrastructure Services advising that in terms of Section 160 of the Town and Country Planning (Scotland) Act 1997, a provisional Tree Preservation Order 2009 Number 2 had come into effect on 4 September 2009. The Report sought the confirmation of the Order as detailed in the Report.

Slides were shown and Mr Meiklejohn, a representative of the owner of the trees, addressed the meeting.

COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR RYMER, MOVED THAT THE ORDER BE CONFIRMED AS DETAILED IN THE REPORT.

Councillor Myles, seconded by Councillor Fairweather, moved as an amendment, that only the four horse chestnut trees along the public road be confirmed and the TPO on the fifth tree be removed.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer and Andrews (3).

For the amendment:-

Councillors Brown, Fairweather and Myles (3).

There being an equality of votes, the Convener exercised his casting vote in favour of the motion, which was declared carried, resulting in the Tree Preservation Order being confirmed as detailed in the Report.

14. ENFORCEMENT UPDATE

There was submitted Report No 890/09 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) to note the progress made to date; and
- (ii) that the Head of Planning and Transport obtain quotes in respect of urgent works at 83-87 High Street, Brechin and instigate the works, should they not have commenced by 7 January 2010.

15. 2010/11 REVENUE BUDGET

With reference to Article 5 of the minute of meeting of the Infrastructure Services Committee of 24 November 2009, there was submitted Report No 862/09 by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the Infrastructure Services Department's 2010/2011 revenue budget and associated issues.

Appended to the Report was a summary of the departmental provisional base budget for 2010/2011 as submitted to, and subsequently reviewed by, the Head of Finance.

The Committee, for its interest, agreed to note the contents of the Report at this stage in the budget process.

ANGUS COUNCIL

MINUTE of MEETING of the **CORPORATE SERVICES COMMITTEE** held in the Town and County Hall, Forfar on Thursday 3 December 2009 at 4.00 pm.

Present: Councillors JOHN WHYTE, COLIN BROWN, ALEX KING, IAN MACKINTOSH, DAVID MAY, BILL MIDDLETON, PETER MURPHY, ROB MURRAY, ROBERT MYLES, PETER NIELD, HELEN OSWALD, RALPH PALMER, JOHN RYMER, PAUL VALENTINE and SANDY WEST.

Councillor WHYTE, Vice-Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Mark Salmond and Iain Gaul with Councillors Colin Brown and Paul Valentine, respectively, substituting.

2. DECLARATIONS OF INTEREST

The Committee noted that no declarations of interest were intimated.

3. MINUTES

(a) Previous Meeting

The minute of meeting of this Committee of 22 October 2009 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 12 November 2009, a copy of which is appended hereto, was submitted and noted (**APPENDIX I**).

4. 2010/2011 REVENUE BUDGET

With reference to Article 14 of the minute of meeting of this Committee of 11 June 2009, there was submitted Report No 900/09 by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the Corporate Services Department (Finance, Law and Administration, Information Technology and Property) 2010/2011 Revenue Budget and associated issues.

Appended to the Report was a summary of the departmental provisional base budget for 2010/2011 as submitted to, and subsequently reviewed by the Head of Finance.

The Committee agreed:-

- (i) to note the contents of the Report for its interest at this stage in the budget process; and
- (ii) to note that more detailed reports, with specific recommendations, would be brought forward later in the revenue budget cycle.

5. 2009/2013 FINANCIAL PLAN AND 2010/2011 CAPITAL BUDGET

With reference to Article 15 of the minute of meeting of this Committee of 11 June 2009, there was submitted Report No 901/09 by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the 2009/2013 Financial Plan (incorporating the 2010/2011 capital budget) for the Corporate Services Department.

Appended to the Report was the departmental financial plan submission for 2009/2013 as returned to the Head of Finance and subsequently reviewed by the Capital Budget Sub-Group.

The Committee agreed:-

- (i) to note the contents of the Report for its interest at this stage in the financial plan process; and
- (ii) to note that more detailed reports, with specific recommendations, would be brought forward later in the financial plan cycle.

6. SOCIAL WORK AND HEALTH REVENUE AND CAPITAL BUDGET OUT-TURN 2009/2010

With reference to Article 7 of the minute of meeting of the Social Work and Health Committee of 12 November 2009, there was submitted Joint Report No 805/09 by the Director of Social Work and Health and the Director of Corporate Services advising members of the projected out-turn position for the Social Work and Health Department Revenue Budget, 2009/2010, commenting on the major variances arising and detailing a number of budget virements which had been approved by this Committee.

The Report also gave a brief update on the Capital Budget in respect of the Social Work and Health Department.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report; and
- (ii) to note that there was a projected overspend on the Social Work and Health budget of £345,000, although action would be taken to bring this back in on target.

7. INFRASTRUCTURE SERVICES BUDGET MONITORING FOR THE PERIOD ENDED 30 SEPTEMBER 2009

With reference to Article 4 of the minute of meeting of the Infrastructure Services Committee of 24 November 2009, there was submitted Joint Report No 861/09 by the Director of Infrastructure Services and the Director of Corporate Services advising members of the actual expenditure compared with budget in respect of the Infrastructure Services Department for the period 1 April to 30 September 2009, together with the anticipated year-end position.

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

The Committee, for its interest, agreed to note the contents of the Report.

8. SALT STORAGE FOR WINTER ROADS SERVICES PURPOSES

With reference to Article 25 of the minute of meeting of the Infrastructure Services Committee of 24 November 2009, there was submitted Report No 882/09 by the Director of Infrastructure Services recommending the construction of salt stores at Kirriemuir Road Depot, Forfar and at Cairnie Road Depot, Arbroath as a medium term efficiency saving and to reduce the impact on the environment of external stock piling of salt required for winter road maintenance purposes.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report;
- (ii) to note the discussions on the merits of the provision of storage buildings for road salt, as detailed in the Report; and
- (iii) to approve the necessary capital costs of £100,000 to be met from the Efficiency and Reform Fund Capital allocation in 2010/2011 for this purpose.

9. TOWN CENTRE REGENERATION FUND UPDATE

With reference to Article 9 of the minute of meeting of the Infrastructure Services Committee of 24 November 2009, there was submitted Joint Report No 865/09 by the Director of Infrastructure Services and the Director of Corporate Services advising members that the Council had been offered a grant of up to £1.8 million from the Scottish Government's Town Centre Regeneration Fund and seeking authorisation for the Chief Executive to accept the grant offer, subject to reaching agreement with the Scottish Government on a practical timetable for claiming the grant and completing the eligible work.

The Report indicated that the grant offer provided a unique funding opportunity to improve Brechin Town Centre. The need to ensure that the project was taken forward as quickly as possible and that the officer resource required to deliver the project was made available were of prime importance.

The Committee heard several members who welcomed the funds being made available to assist with the Brechin regeneration programme and they expressed the hope that other burghs in Angus might similarly benefit in future. The view was also expressed that where possible, consideration might be given to utilising the grant funds locally with a view to creating employment.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report and the issues surrounding acceptance of the grant offer;
- (ii) to authorise the Director of Corporate Services, in consultation with the Director of Infrastructure Services, the Head of Law and Administration, the Head of Property and the Head of Finance to purchase the necessary properties in Brechin at no more than market value;
- (iii) to authorise the Director of Corporate Services to instruct renovation works associated with this project where the work involved was above the £250,000 delegated limit, as set out in the Financial Regulations, subject to details of any contracts awarded under such delegated authority being reported for information to the Infrastructure Services and the Corporate Services Committees; and
- (iv) to note that a further Report updating progress on the Brechin Town Centre project would be submitted to these Committees at a future date.

10. NEIGHBOURHOOD SERVICES (NON-HRA) BUDGET MONITORING FOR THE PERIOD ENDED 30 SEPTEMBER 2009

With reference to Article 5 of the minute of meeting of the Neighbourhood Services Committee of 19 November 2009, there was submitted Joint Report No 890/09 by the Director of Neighbourhood Services and the Director of Corporate Services advising members of the actual expenditure compared with budget in respect of the Neighbourhood Services Department (non-HRA) for the period 1 April to 30 September 2009, together with the anticipated year-end position.

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

The Committee, for its interest, agreed to note the contents of the Report.

11. PUBLIC BUILDING CLEANING CLIENT MONITORING 2008/2009

With reference to Article 14 of the minute of meeting of this Committee of 4 September 2008, there was submitted Report No 902/09 by the Director of Corporate Services outlining the monitoring of notified complaints in respect of the Public Building Cleaning contract carried out by Community Services, Direct Services - Waste Operations, in accordance with the requirements of external audit.

The Report indicated that no official complaints were recorded during the year ended 31 March 2009 and that only one complaint had been recorded in the previous year, which made it clear that Community Services continued to provide a very satisfactory standard of service in accordance with the terms of the contract.

The Committee, for its interest, agreed to note the contents of the Report.

12. DISPOSAL OF SEAVIEW PRIMARY SCHOOL - NURSERY BUILDING, MONIFIETH

With reference to Article 6 of the minute of meeting of this Committee of 4 December 2008, there was submitted Report No 903/09 by the Director of Corporate Services advising members of the outcome of the recent marketing exercise to dispose of Seaview Primary School Nursery building and grounds, Monifieth.

The Report indicated that three offers had been received and that the highest offer would result in the Council receiving a capital receipt of £500,000.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve disposal of Seaview Primary School Nursery building and grounds, Monifieth at a price of £500,000, being the highest offer received subject to the purchaser obtaining planning consent and on the terms and conditions contained in the Report;
- (iii) to note the proposal to utilise £150,000 of the Education Department 2009/2010 revenue budget underspend to fund the community learning and development enhanced provision at Monifieth High School; and
- (iv) to note that the £250,000 net funding imbalance would be considered and reported upon as part of the 2010/2011 capital budget preparation.

13. PROPOSED DISPOSAL OF LAND AT BRAIKS CLOSE, BRECHIN

There was submitted Report No 904/09 by the Director of Corporate Services advising members that a site at Braiks Close, Brechin was surplus to the requirements of the Council and proposing that this be advertised for sale or lease.

The Report indicated that the site was held on the Infrastructure Services account and had been used for occasional car parking and as a pedestrian route but was not on the list of public car parks.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to declare the site at Braiks Close, Brechin, as detailed in the Report, as surplus to the requirements of the Council; and
- (iii) to authorise the site to be marketed for sale or lease subject to any purchaser agreeing to maintain the existing right of way between City Road and the High Street.

14. PROPOSED DISPOSAL OF LAND AT ANDOVER HILL, BRECHIN

With reference to Article 5 of the minute of meeting of the Resources and Central Services Committee of 15 June 2006, there was submitted Report No 905/09 by the Director of Corporate Services advising members of the proposed disposal of land extending to 0.014 hectares at Andover Hill, Brechin.

The Report indicated that the site was held on the Brechin Common Good account and one individual had now shown an interest in purchasing.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve disposal of the site at Andover Hill, Brechin extending to 0.014 hectares, to a private individual, on the terms and conditions detailed in the Report.

15. PROPERTY MAINTENANCE PROGRESS REPORT 2009/2010

With reference to Article 10 of the minute of meeting of this Committee of 23 October 2008, there was submitted and noted Report No 906/09 by the Director of Corporate Services presenting the current status of expenditure on the maintenance of non-housing properties.

16. PROPERTY TRANSACTIONS

With reference to Article 11 of the minute of meeting of this Committee of 22 October 2009, there was submitted Report No 907/09 by the Director of Corporate Services advising members of the outcome of negotiations for rent reviews, lease renewal, negotiated disposal and a new lease.

The Committee agreed to note and approve, as appropriate, the conclusion of these negotiations as detailed in Appendices 1, 2, 3 and 4 of the Report.

17. EUROPEAN SERVICES DIRECTIVE

There was submitted Report No 908/09 by the Director of Corporate Services advising members of the European Services Directive which required local authorities to accept applications for various licences, electronically.

The Report indicated that the Directive aimed to break down barriers for cross-border trade in services and would make it easier for service providers to set up or offer their services anywhere in the EU by removing unnecessary administrative burdens and by providing for electronic processing of licence applications.

Angus Council was well advanced in its preparations for implementation of the Directive on 28 December 2009 and the list of the activities requiring licences or permits from the Council in terms of the new provisions were detailed in the Appendix to the Report.

The Committee agreed to note the contents of the Report and the work undertaken by a number of departments to implement the European Services Directive.

18. HOUSING CAPITAL AND REVENUE BUDGET PERFORMANCE 2009/2010

With reference to Article 6 of the minute of meeting of the Neighbourhood Services Committee of 19 November 2009, there was submitted Joint Report No 816/09 by the Director of Neighbourhood Services and the Director of Corporate Services with regard to the Housing Revenue Account Capital Planned Maintenance and overall Revenue Budget performance in 2009/2010 and setting out the actual expenditure, planned maintenance and revenue spends to 30 September 2009, together with a projected out-turn for the year to 31 March 2010, with 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 Programmes for the period to 30 September 2009;
- (iii) to note the Capital Receipts position for the period to 30 September 2009;
- (iv) to note the projected year end Capital and Planned Maintenance expenditure positions and updated indicative funding proposals;
- (v) to note the revenue budget performance statement for the period 1 April to 30 September 2009; and

- (vi) to note that appropriate officers were endeavouring to ensure that the Capital Programme and Planned Maintenance Programme remained within overall available resources.

19. CORPORATE SERVICES BUDGET MONITORING FOR THE PERIOD ENDED 30 SEPTEMBER 2009

There was submitted Report No 909/09 by the Director of Corporate Services advising members of the actual expenditure compared with budget in respect of the Corporate Services Department for the period 1 April to 30 September 2009, together with the anticipated year-end position.

The Report indicated that, in the main, expenditure was currently behind the phased budget, and while 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 to note the contents of the Report.

20. CAPITAL MONITORING - GENERAL FUND CAPITAL PROGRAMME 2009/2010

With reference to Article 19 of the minute of meeting of this Committee of 22 October 2009, there was submitted Report No 910/09 by the Director of Corporate Services advising members of the capital expenditure incurred for the period 1 April to 30 September 2009, 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 £539,000 lower than the budgeted level of £26.847 million and net expenditure was £786,000 lower than the budget of £17.875 million.

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 30 September 2009, as per tables 1 and 2 of the Report and the accompanying capital monitoring statement;
- (iii) to note that projections of the 2009/2010 year end position on the General Fund Capital Programme would be ongoing and brought forward on a regular basis to future meetings of this Committee; and
- (iv) to note that the next meeting of the Capital Projects Monitoring Group was scheduled to take place on 8 December 2009.

21. REVENUE MONITORING/PROJECTED OUT-TURN STATEMENT 2009/2010

With reference to Article 20 of the minute of meeting of this Committee of 22 October 2009, there was submitted Report No 911/09 by the Director of Corporate Services advising members of the actual revenue expenditure incurred and income received for the period 1 April to 30 September 2009, 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.

Having heard Councillor King who asked whether it might be possible for future reports to contain figures as close as practical to the date of the meeting of this Committee, 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.

22. RENEWAL AND REPAIRS FUNDS AS AT 30 SEPTEMBER 2009

With reference to Article 21 of the minute of meeting of this Committee of 22 October 2009, there was submitted Report No 912/09 by the Director of Corporate Services advising members 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 30 September 2009, which showed an effective uncommitted balance of £821,512.

The Committee agreed to note the contents of the Report.

23. REMISSION OF RATES

With reference to Article 22 of the minute of meeting of this Committee of 22 October 2009, there was submitted Report No 913/09 by the Director of Corporate Services advising members of applications for Remission of Rates and recommending that these be granted, which would result in an annual cost of £632.82 to the Council.

The Committee agreed to approve the applications for Remission of Rates, as detailed in the Report.

24. CORPORATE SERVICES DEPARTMENT MID YEAR SERVICE PERFORMANCE REPORT

With reference to Article 18 of the minute of meeting of this Committee of 4 December 2008, there was submitted Report No 914/09 by the Director of Corporate Services presenting the mid year Service Performance Report in respect of the Corporate Services Department for the first six months of the financial year 2009/2010.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to express thanks and appreciation to the staff concerned in drawing up the mid year Service Performance Report and for the clear explanations given therein.

ANGUS COUNCIL

MINUTE of MEETING of the **CORPORATE SERVICES COMMITTEE** held in the Town and County Hall, Forfar on Thursday 3 December 2009 at 4.00 pm.

Present: Councillors JOHN WHYTE, COLIN BROWN, ALEX KING, IAN MACKINTOSH, DAVID MAY, BILL MIDDLETON, PETER MURPHY, ROB MURRAY, ROBERT MYLES, PETER NIELD, HELEN OSWALD, RALPH PALMER, JOHN RYMER, PAUL VALENTINE and SANDY WEST.

Councillor WHYTE, Vice-Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Mark Salmond and Iain Gaul with Councillors Colin Brown and Paul Valentine, respectively, substituting.

2. DECLARATIONS OF INTEREST

The Committee noted that no declarations of interest were intimated.

3. MINUTES

(a) Previous Meeting

The minute of meeting of this Committee of 22 October 2009 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 12 November 2009, a copy of which is appended hereto, was submitted and noted (**APPENDIX I**).

4. 2010/2011 REVENUE BUDGET

With reference to Article 14 of the minute of meeting of this Committee of 11 June 2009, there was submitted Report No 900/09 by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the Corporate Services Department (Finance, Law and Administration, Information Technology and Property) 2010/2011 Revenue Budget and associated issues.

Appended to the Report was a summary of the departmental provisional base budget for 2010/2011 as submitted to, and subsequently reviewed by the Head of Finance.

The Committee agreed:-

- (i) to note the contents of the Report for its interest at this stage in the budget process; and
- (ii) to note that more detailed reports, with specific recommendations, would be brought forward later in the revenue budget cycle.

5. 2009/2013 FINANCIAL PLAN AND 2010/2011 CAPITAL BUDGET

With reference to Article 15 of the minute of meeting of this Committee of 11 June 2009, there was submitted Report No 901/09 by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the 2009/2013 Financial Plan (incorporating the 2010/2011 capital budget) for the Corporate Services Department.

Appended to the Report was the departmental financial plan submission for 2009/2013 as returned to the Head of Finance and subsequently reviewed by the Capital Budget Sub-Group.

The Committee agreed:-

- (i) to note the contents of the Report for its interest at this stage in the financial plan process; and
- (ii) to note that more detailed reports, with specific recommendations, would be brought forward later in the financial plan cycle.

6. SOCIAL WORK AND HEALTH REVENUE AND CAPITAL BUDGET OUT-TURN 2009/2010

With reference to Article 7 of the minute of meeting of the Social Work and Health Committee of 12 November 2009, there was submitted Joint Report No 805/09 by the Director of Social Work and Health and the Director of Corporate Services advising members of the projected out-turn position for the Social Work and Health Department Revenue Budget, 2009/2010, commenting on the major variances arising and detailing a number of budget virements which had been approved by this Committee.

The Report also gave a brief update on the Capital Budget in respect of the Social Work and Health Department.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report; and
- (ii) to note that there was a projected overspend on the Social Work and Health budget of £345,000, although action would be taken to bring this back in on target.

7. INFRASTRUCTURE SERVICES BUDGET MONITORING FOR THE PERIOD ENDED 30 SEPTEMBER 2009

With reference to Article 4 of the minute of meeting of the Infrastructure Services Committee of 24 November 2009, there was submitted Joint Report No 861/09 by the Director of Infrastructure Services and the Director of Corporate Services advising members of the actual expenditure compared with budget in respect of the Infrastructure Services Department for the period 1 April to 30 September 2009, together with the anticipated year-end position.

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

The Committee, for its interest, agreed to note the contents of the Report.

8. SALT STORAGE FOR WINTER ROADS SERVICES PURPOSES

With reference to Article 25 of the minute of meeting of the Infrastructure Services Committee of 24 November 2009, there was submitted Report No 882/09 by the Director of Infrastructure Services recommending the construction of salt stores at Kirriemuir Road Depot, Forfar and at Cairnie Road Depot, Arbroath as a medium term efficiency saving and to reduce the impact on the environment of external stock piling of salt required for winter road maintenance purposes.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report;
- (ii) to note the discussions on the merits of the provision of storage buildings for road salt, as detailed in the Report; and
- (iii) to approve the necessary capital costs of £100,000 to be met from the Efficiency and Reform Fund Capital allocation in 2010/2011 for this purpose.

9. TOWN CENTRE REGENERATION FUND UPDATE

With reference to Article 9 of the minute of meeting of the Infrastructure Services Committee of 24 November 2009, there was submitted Joint Report No 865/09 by the Director of Infrastructure Services and the Director of Corporate Services advising members that the Council had been offered a grant of up to £1.8 million from the Scottish Government's Town Centre Regeneration Fund and seeking authorisation for the Chief Executive to accept the grant offer, subject to reaching agreement with the Scottish Government on a practical timetable for claiming the grant and completing the eligible work.

The Report indicated that the grant offer provided a unique funding opportunity to improve Brechin Town Centre. The need to ensure that the project was taken forward as quickly as possible and that the officer resource required to deliver the project was made available were of prime importance.

The Committee heard several members who welcomed the funds being made available to assist with the Brechin regeneration programme and they expressed the hope that other burghs in Angus might similarly benefit in future. The view was also expressed that where possible, consideration might be given to utilising the grant funds locally with a view to creating employment.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report and the issues surrounding acceptance of the grant offer;
- (ii) to authorise the Director of Corporate Services, in consultation with the Director of Infrastructure Services, the Head of Law and Administration, the Head of Property and the Head of Finance to purchase the necessary properties in Brechin at no more than market value;
- (iii) to authorise the Director of Corporate Services to instruct renovation works associated with this project where the work involved was above the £250,000 delegated limit, as set out in the Financial Regulations, subject to details of any contracts awarded under such delegated authority being reported for information to the Infrastructure Services and the Corporate Services Committees; and
- (iv) to note that a further Report updating progress on the Brechin Town Centre project would be submitted to these Committees at a future date.

10. NEIGHBOURHOOD SERVICES (NON-HRA) BUDGET MONITORING FOR THE PERIOD ENDED 30 SEPTEMBER 2009

With reference to Article 5 of the minute of meeting of the Neighbourhood Services Committee of 19 November 2009, there was submitted Joint Report No 890/09 by the Director of Neighbourhood Services and the Director of Corporate Services advising members of the actual expenditure compared with budget in respect of the Neighbourhood Services Department (non-HRA) for the period 1 April to 30 September 2009, together with the anticipated year-end position.

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

The Committee, for its interest, agreed to note the contents of the Report.

11. PUBLIC BUILDING CLEANING CLIENT MONITORING 2008/2009

With reference to Article 14 of the minute of meeting of this Committee of 4 September 2008, there was submitted Report No 902/09 by the Director of Corporate Services outlining the monitoring of notified complaints in respect of the Public Building Cleaning contract carried out by Community Services, Direct Services - Waste Operations, in accordance with the requirements of external audit.

The Report indicated that no official complaints were recorded during the year ended 31 March 2009 and that only one complaint had been recorded in the previous year, which made it clear that Community Services continued to provide a very satisfactory standard of service in accordance with the terms of the contract.

The Committee, for its interest, agreed to note the contents of the Report.

12. DISPOSAL OF SEAVIEW PRIMARY SCHOOL - NURSERY BUILDING, MONIFIETH

With reference to Article 6 of the minute of meeting of this Committee of 4 December 2008, there was submitted Report No 903/09 by the Director of Corporate Services advising members of the outcome of the recent marketing exercise to dispose of Seaview Primary School Nursery building and grounds, Monifieth.

The Report indicated that three offers had been received and that the highest offer would result in the Council receiving a capital receipt of £500,000.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve disposal of Seaview Primary School Nursery building and grounds, Monifieth at a price of £500,000, being the highest offer received subject to the purchaser obtaining planning consent and on the terms and conditions contained in the Report;
- (iii) to note the proposal to utilise £150,000 of the Education Department 2009/2010 revenue budget underspend to fund the community learning and development enhanced provision at Monifieth High School; and
- (iv) to note that the £250,000 net funding imbalance would be considered and reported upon as part of the 2010/2011 capital budget preparation.

13. PROPOSED DISPOSAL OF LAND AT BRAIKS CLOSE, BRECHIN

There was submitted Report No 904/09 by the Director of Corporate Services advising members that a site at Braiks Close, Brechin was surplus to the requirements of the Council and proposing that this be advertised for sale or lease.

The Report indicated that the site was held on the Infrastructure Services account and had been used for occasional car parking and as a pedestrian route but was not on the list of public car parks.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to declare the site at Braiks Close, Brechin, as detailed in the Report, as surplus to the requirements of the Council; and
- (iii) to authorise the site to be marketed for sale or lease subject to any purchaser agreeing to maintain the existing right of way between City Road and the High Street.

14. PROPOSED DISPOSAL OF LAND AT ANDOVER HILL, BRECHIN

With reference to Article 5 of the minute of meeting of the Resources and Central Services Committee of 15 June 2006, there was submitted Report No 905/09 by the Director of Corporate Services advising members of the proposed disposal of land extending to 0.014 hectares at Andover Hill, Brechin.

The Report indicated that the site was held on the Brechin Common Good account and one individual had now shown an interest in purchasing.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve disposal of the site at Andover Hill, Brechin extending to 0.014 hectares, to a private individual, on the terms and conditions detailed in the Report.

15. PROPERTY MAINTENANCE PROGRESS REPORT 2009/2010

With reference to Article 10 of the minute of meeting of this Committee of 23 October 2008, there was submitted and noted Report No 906/09 by the Director of Corporate Services presenting the current status of expenditure on the maintenance of non-housing properties.

16. PROPERTY TRANSACTIONS

With reference to Article 11 of the minute of meeting of this Committee of 22 October 2009, there was submitted Report No 907/09 by the Director of Corporate Services advising members of the outcome of negotiations for rent reviews, lease renewal, negotiated disposal and a new lease.

The Committee agreed to note and approve, as appropriate, the conclusion of these negotiations as detailed in Appendices 1, 2, 3 and 4 of the Report.

17. EUROPEAN SERVICES DIRECTIVE

There was submitted Report No 908/09 by the Director of Corporate Services advising members of the European Services Directive which required local authorities to accept applications for various licences, electronically.

The Report indicated that the Directive aimed to break down barriers for cross-border trade in services and would make it easier for service providers to set up or offer their services anywhere in the EU by removing unnecessary administrative burdens and by providing for electronic processing of licence applications.

Angus Council was well advanced in its preparations for implementation of the Directive on 28 December 2009 and the list of the activities requiring licences or permits from the Council in terms of the new provisions were detailed in the Appendix to the Report.

The Committee agreed to note the contents of the Report and the work undertaken by a number of departments to implement the European Services Directive.

18. HOUSING CAPITAL AND REVENUE BUDGET PERFORMANCE 2009/2010

With reference to Article 6 of the minute of meeting of the Neighbourhood Services Committee of 19 November 2009, there was submitted Joint Report No 816/09 by the Director of Neighbourhood Services and the Director of Corporate Services with regard to the Housing Revenue Account Capital Planned Maintenance and overall Revenue Budget performance in 2009/2010 and setting out the actual expenditure, planned maintenance and revenue spends to 30 September 2009, together with a projected out-turn for the year to 31 March 2010, with 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 Programmes for the period to 30 September 2009;
- (iii) to note the Capital Receipts position for the period to 30 September 2009;
- (iv) to note the projected year end Capital and Planned Maintenance expenditure positions and updated indicative funding proposals;
- (v) to note the revenue budget performance statement for the period 1 April to 30 September 2009; and

- (vi) to note that appropriate officers were endeavouring to ensure that the Capital Programme and Planned Maintenance Programme remained within overall available resources.

19. CORPORATE SERVICES BUDGET MONITORING FOR THE PERIOD ENDED 30 SEPTEMBER 2009

There was submitted Report No 909/09 by the Director of Corporate Services advising members of the actual expenditure compared with budget in respect of the Corporate Services Department for the period 1 April to 30 September 2009, together with the anticipated year-end position.

The Report indicated that, in the main, expenditure was currently behind the phased budget, and while 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 to note the contents of the Report.

20. CAPITAL MONITORING - GENERAL FUND CAPITAL PROGRAMME 2009/2010

With reference to Article 19 of the minute of meeting of this Committee of 22 October 2009, there was submitted Report No 910/09 by the Director of Corporate Services advising members of the capital expenditure incurred for the period 1 April to 30 September 2009, 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 £539,000 lower than the budgeted level of £26.847 million and net expenditure was £786,000 lower than the budget of £17.875 million.

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 30 September 2009, as per tables 1 and 2 of the Report and the accompanying capital monitoring statement;
- (iii) to note that projections of the 2009/2010 year end position on the General Fund Capital Programme would be ongoing and brought forward on a regular basis to future meetings of this Committee; and
- (iv) to note that the next meeting of the Capital Projects Monitoring Group was scheduled to take place on 8 December 2009.

21. REVENUE MONITORING/PROJECTED OUT-TURN STATEMENT 2009/2010

With reference to Article 20 of the minute of meeting of this Committee of 22 October 2009, there was submitted Report No 911/09 by the Director of Corporate Services advising members of the actual revenue expenditure incurred and income received for the period 1 April to 30 September 2009, 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.

Having heard Councillor King who asked whether it might be possible for future reports to contain figures as close as practical to the date of the meeting of this Committee, 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.

22. RENEWAL AND REPAIRS FUNDS AS AT 30 SEPTEMBER 2009

With reference to Article 21 of the minute of meeting of this Committee of 22 October 2009, there was submitted Report No 912/09 by the Director of Corporate Services advising members 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 30 September 2009, which showed an effective uncommitted balance of £821,512.

The Committee agreed to note the contents of the Report.

23. REMISSION OF RATES

With reference to Article 22 of the minute of meeting of this Committee of 22 October 2009, there was submitted Report No 913/09 by the Director of Corporate Services advising members of applications for Remission of Rates and recommending that these be granted, which would result in an annual cost of £632.82 to the Council.

The Committee agreed to approve the applications for Remission of Rates, as detailed in the Report.

24. CORPORATE SERVICES DEPARTMENT MID YEAR SERVICE PERFORMANCE REPORT

With reference to Article 18 of the minute of meeting of this Committee of 4 December 2008, there was submitted Report No 914/09 by the Director of Corporate Services presenting the mid year Service Performance Report in respect of the Corporate Services Department for the first six months of the financial year 2009/2010.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to express thanks and appreciation to the staff concerned in drawing up the mid year Service Performance Report and for the clear explanations given therein.

**APPENDIX I to the minute of meeting
of the Corporate Services Committee
of 3 December 2009 (Article 3(b)
refers)**

MINUTE of MEETING of the **EXECUTIVE SUB-COMMITTEE** of the **CORPORATE SERVICES COMMITTEE** held in the First Floor Meeting Room, 7 The Cross, Forfar on Thursday 12 November 2009 at 1.00 pm.

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 3 September 2009 was approved as a correct record and signed by the Vice-Convener.

4. ALTERATIONS AND EXTENSION TO FORM COMMUNITY LEARNING AND DEVELOPMENT CENTRE AT MONIFIETH HIGH SCHOOL – TENDER LIST

With reference to Article 7 of the minute of meeting of the Education Committee of 20 April 2009, there was submitted Report No 856/09 by the Director of Corporate Services containing details of the contractors who it was proposed be invited to tender for the construction of a single storey extension to provide a community learning development centre at Monifieth High School.

The Report indicated that each firm had been asked to supply information on its history, capability, financial standing and present and future commitments, health and safety record, sustainability awareness and on other relevant information using Constructionline.

The Sub-Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to invite the undernoted six contractors to tender for the project, subject to any financial assessment as required by the Head of Finance in consultation with the Head of Property:-
 - CHAP Construction (Aberdeen) Ltd., Aberdeen
 - Clachan Construction Ltd., Perth
 - Muirfield (Contracts) Ltd., Dundee
 - Robertson Construction Group Ltd., Dundee
 - Rok Building Limited, Stirling
 - Torith Ltd., Drumoig; and
- (iii) to approve the undernoted two contractors being held as reserves and only to be invited to tender, in sequence, should any of the six contractors detailed above decline the invitation to tender, subject to any financial assessment as required by the Head of Finance in consultation with the Head of Property:-
 - Forman Construction Ltd., Dundee
 - Andrew Shepherd Construction Ltd., Forfar

ANGUS COUNCIL

MINUTE of MEETING of the **STRATEGIC POLICY COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 8 December 2009 at 4.00 pm.

Present: Councillors BOB MYLES, IAN MACKINTOSH, ALISON ANDREWS, RALPH PALMER, ALEX KING, DAVID MAY, GLENNIS MIDDLETON, JIM MILLAR, DONALD MORRISON, PETER MURPHY, ROB MURRAY, HELEN OSWALD, DAVID FAIRWEATHER, PAUL VALENTINE and JOHN WHYTE.

Councillor MYLES, Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Iain Gaul, Mark Salmond and Sheena Welsh, with Councillors Ralph Palmer, David Fairweather and Paul Valentine substituting respectively.

2. DECLARATIONS OF INTEREST

Councillor Morrison declared a financial interest in item 8 as he was a Board member of Volunteer Centre Angus and indicated that he would not participate in any discussion and voting.

Councillor Oswald declared an interest in item 9 as she was a member of "Carnoustie Forward" and presently acted as Secretary. She indicated that she would participate in any discussion and voting.

3. MINUTES

(a) Previous Meeting

The minute of meeting of this Committee of 27 October 2009 was approved as a correct record and signed by the Convener.

(b) Scrutiny and Audit Sub-Committee

The minute of meeting of the Scrutiny and Audit Sub-Committee of 17 November 2009, a copy of which is appended hereto, was submitted and noted (**APPENDIX I**).

4. 2010/2011 REVENUE BUDGET

With reference to Article 14 of the minute of meeting of the Corporate Services Committee of 11 June 2009, there was submitted Report No 915/09 by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the Chief Executive's Department 2010/2011 Revenue Budget and associated issues. Appended to the Report was a summary of the departmental provisional base budget for 2010/11 as submitted to, and subsequently reviewed by, the Head of Finance.

The Committee agreed:-

- (i) to note the contents of the Report at this stage in the budget process; and
- (ii) to note that more detailed reports with specific recommendations would be brought forward later in the revenue budget cycle.

5. MID-TERM CORPORATE PERFORMANCE REPORT

With reference to Article 13 of the minute of meeting of the Scrutiny and Audit Sub-Committee of 17 November 2009, there was submitted Report No 841/09 by the Chief Executive presenting the mid-term Corporate Performance Report covering the first six months of the 2009/2010 financial year.

The Report had been designed to give Members, employees and the public (who had access to the Report via the Council's website) an overview of progress against the annual Corporate Improvement Plan during the first six months of the financial year. The Report also complemented the mid-term service performance reports which departments submitted to their service committees in the November/December committee cycle. This was the first year that the Report had been presented in its current format and it was proposed to review the format with the aim of enhancing the information to Members in future years.

Having heard from Councillor Palmer and having also heard the Chief Executive update the Committee on progress in relation to the implementation of the Brechin THI, the Committee, for its interest, agreed:-

- (i) to note the terms of the mid-term Corporate Performance Report 2009/2010; and
- (ii) to note that, in relation to the Arbroath Schools Project, the Chief Executive would issue to all elected members the outcomes of the initial consultation exercise.

6. CORPORATE IMPROVEMENT PLAN

There was submitted Report No 916/09 by the Chief Executive seeking formal adoption of a corporate improvement plan for the Council.

The Report indicated that as an integral part of the BV2 Audit, the Council was required to submit a self evaluation which was based on Audit Scotland's document "Proposed Characteristics of a BV2 Council", which highlighted the strengths and areas for improvement against each of the characteristics. In preparing the self evaluation document, it had become evident that from a performance management perspective there would be merit in consolidating the areas for improvement within an overarching corporate improvement plan and thereafter monitoring progress against such. Six monthly updates on progress against the plan would be provided to the Strategic Policy Committee and the Scrutiny and Audit Sub-Committee.

The Committee agreed:

- (i) to note the terms of the report; and
- (ii) to formally endorse the corporate improvement plan, as appended to the report.

7. CHIEF EXECUTIVE'S DEPARTMENT MID TERM SERVICE PERFORMANCE REPORT

There was submitted Report No 917/09 by the Chief Executive presenting the Mid Term Service Performance Report for the Chief Executive's Department covering the first six months of the 2009/2010 financial year.

The Report indicated that this was the first year that such reports had been presented and it was proposed to review the reports with the aim of enhancing the information given to members in future years. Appended to the report was the Service Performance Report for the Chief Executive's Department for the first six months of 2009/2010.

The Committee agreed to note:-

- (i) the terms of the Chief Executive's Department Mid Term Service Performance Report 2009/2010;
- (ii) that, in relation to the projected year end underspend within the Chief Executive's Department, the Chief Executive would report back to this Committee clarifying the precise details of the projected underspend;
- (iii) that for future performance reports, where targets were shown as "overdue", additional information would be provided; and
- (iv) to note that the Chief Executive would continue to monitor the effects of staff slippage within his department.

8. SERVICE LEVEL AGREEMENT WITH THE VOLUNTEER CENTRE ANGUS

Councillor Morrison, having declared an interest at item 2 above, left the meeting during consideration of this item of business.

There was submitted Report No 918/09 by the Chief Executive advising the Committee of the service level agreement entered into with the Volunteer Centre Angus by the Chief Executive's Department for 2009/2010.

The Report indicated that the Volunteer Centre Angus received core funding from the Scottish Government with other sources of funding from contracts and services, service level agreements, grants, trusts and earned income. As part of the agreement a monitoring report would be submitted by the Volunteer Centre Angus to the Council by 1 May 2010.

The Committee agreed to note the contents of the Report.

9. COMMUNITY PLANNING IN ANGUS - QUARTERLY REPORT

With reference to Article 11 of the minute of meeting of this Committee of 8 September 2009, there was submitted Report No 919/09 by the Chief Executive providing members with an update of community planning activities in Angus for the period July to September 2009.

The Report detailed the activities in which the Angus Community Planning Partnership had been engaged along with the activities of the Thematic Partnership Groups and an update of local community planning activities.

The Committee agreed to note the contents of the Report.

10. FINANCIAL SUPPORT PROVIDED TO ANGUS COMMUNITY COUNCILS

With reference to Article 7 of the minute of meeting of this Committee of 9 December 2008, there was submitted Report No 920/09 by the Chief Executive informing members of the total financial support provided to Angus Community Councils for the period 1 October 2008 to 30 September 2009, which had amounted to £28,415.65.

The Committee agreed to note the contents of the Report.

11. ESTABLISHMENT CHANGES

With reference to Article 14 of the minute of meeting of this Committee of 27 October 2009, there was submitted Report No 921/09 by the Chief Executive summarising changes to the Education, Infrastructure Services, Neighbourhood Services and Social Work and Health establishments during the period 28 September to 6 November 2009.

Having heard the Director of Social Work and Health clarify the reasons regarding the deletion of 30 part-time posts of Home Support Worker, the Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to note that the Chief Executive would forward details to Councillor Morrison regarding the deletion of the post of Road Sweeper.

12. SICKNESS ABSENCE JULY – SEPTMEBER 2009

With reference to Article 17 of the minute of meeting of this Committee of 27 October 2009, there was submitted and noted Report No 922/09 by the Chief Executive advising members of the level of sickness absence within Angus Council for the period 1 July to 30 September 2009.

13. QUARTERLYJOINT STAFFING WATCH

With reference to Article 11 of the minute of meeting of this Committee of 8 September 2009, there was submitted and noted Report No 923/09 by the Chief Executive advising members of the Council's quarterly joint staffing watch return to the Scottish Government for the period to September 2009.

**APPENDIX I to the minute of meeting
of the Strategic Policy Committee of
8 December 2009 (Article 3(b) refers)**

MINUTE of MEETING of the **SCRUTINY AND AUDIT SUB-COMMITTEE** of the **STRATEGIC POLICY COMMITTEE** held in the Board Room, Angus House, Forfar on Tuesday 17 November 2009 at 10.30 am.

Present: Councillors BOB MYLES, IAN MACKINTOSH, ALEX KING, HELEN OSWALD, MARK SALMOND, PAUL VALENTINE and JOHN WHYTE,

Also in

Attendance: CATHIE WYLIE and MARGARET RICHARDSON, Henderson Loggie, External Auditors

Councillor MYLES, Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

An apology for absence was intimated on behalf of Councillor Iain Gaul with Councillor Paul Valentine substituting.

2. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Sub-Committee of 27 October 2009 was submitted and approved as a correct record.

Having heard from Councillor Oswald it was agreed that the Chief Executive would clarify what mechanism existed to allow elected members to refer a matter to this Sub-Committee.

3. EDUCATION DEPARTMENT

The Sub-Committee welcomed the new Director of Education, Rachael Seitz.

(a) Summary Profiles of Carmyllie and Letham Primary School

There was submitted and noted Summary Profiles of Carmyllie and Letham Primary Schools and Nursery Classes which gave details of the Primary and Nursery Roll, the FTE complement of Teachers, Early Years Practitioners and Primary School/Clerical Assistants.

(b) HMIE Inspection of Carmyllie Primary School and Nursery Class

Mrs Angela McGechaen, Head Teacher, Carmyllie Primary School was invited into the meeting for this item.

There were submitted:-

(i) HMIE Report on Carmyllie Primary School which identified the key strengths as being:

- Children's learning experiences in the Nursery and in P1 to P3;
- The success of staff in improving the curriculum to make learning more active;
- Links with a wide range of groups to support children's health and wellbeing;
- Partnership with parents and the local community;

The Report had identified the following areas for improvement with the school and education authority:-

- Ensure that all children have work at the right level and know what they need to do to improve further;
 - Further develop individualised education programmes to meet the needs of children more fully;
 - Continue to strengthen approaches to self evaluation.
- (ii) Action Plan from the Head Teacher which set out against each of the recommendations from the HMIE Report the action to be taken, including identifying the staff members responsible for taking the actions, timescales for completion and the success criteria.

The Head Teacher took the Group through the Action Plan in detail and indicated that the HMIE Inspection had been a positive experience for both herself and her staff. During discussion it was noted that Mrs McGechaen was also joint head teacher at Arbirlot Primary School and this arrangement was working well.

Following questions being asked and answered, the Group agreed to note the Report and Action Plan.

(c) HMIE Inspection of Letham Primary School and Nursery Class

Ms Karen Frain, Head Teacher, Letham Primary School was invited into the meeting for this item.

There were submitted:-

- (i) HMIE Report on Letham Primary School and Nursery Class which identified the key strengths as being:
- Polite, confident children who are keen to learn;
 - Children's learning experiences;
 - Staff commitment and teamwork;
 - The Head Teacher's success in developing strong links with parents and the wider community.

The Report had identified the following areas for improvement with the school and education authority:-

- Continue to strengthen the curriculum, including extending children's opportunities to learn through play at P1 and P2;
 - Meet the learning needs of all children more fully;
 - Improve the monitoring and tracking of children's attainment and achievement to build more effectively upon their prior learning, particularly from Nursery to P1.
- (ii) Action Plan from the Head Teacher which set out against each of the recommendations from the HMIE Report the action to be taken, including identifying the staff members responsible for taking the actions, timescales for completion and the success criteria.

The Head Teacher expressed her disappointment with the Report but indicated she was confident that she and her staff would now move forward with the Action Plan. During discussion, it was noted that Letham Primary School had a number of children for whom English was not their first language and Ms Frain explained the challenges this presented and how they were being dealt with successfully within the school.

Following questions being asked and answered, the Group agreed to note the Report and Action Plan.

4. SICKNESS ABSENCE 2008/2009

With reference to Article 17 of the minute of meeting of the Strategic Policy Committee of 27 October 2009, there was submitted Report No 780/09 by the Chief Executive which gave details of the sickness absence within the Council during the 2008/2009 financial year.

The Report indicated that the figures were expressed for three employee categories: namely local government employees (LGE) which included chief officers; craft employees and teachers. This would be the last year for which there would be separate figures for craft workers as from 1 April 2009 their conditions had been now been harmonised with local government employees.

The Report indicated that the overall percentage of days lost had increased slightly from 5.18% in 2007/08 to 5.39% in 2008/09. Analysis of the reasons for sickness absence showed that the major causes of absences were stress related, stomach conditions, colds/flu, respiratory/circulatory and heart conditions, and back problems. Stress related absence accounted for one in five days lost, a situation which appeared to be reflected across organisations.

Having heard from Councillor Oswald, the Assistant Chief Executive confirmed that work was progressing on ensuring all departments were using the same recording system for sickness absence.

The Sub-Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note that efforts were being made to monitor and review the incidence of stress related absences in the Council;
- (iii) to note that for future annual sickness absence reports would include trend information for previous years in relation to % of days lost and average days lost per employee.

5. PREMIUM PAYMENT AND ADDITIONAL HOURS COSTS 2008/2009

With reference to Article 18 of the minute of meeting of the Strategic Policy Committee of 27 October 2009, there was submitted Report No 781/09 by the Chief Executive advising members of the premium payment and additional hours costs within the Council during the 2008/2009 financial year. In addition, there was circulated a more detailed breakdown of overtime/additional hours for each Department for the period 08/09.

The Report indicated that premium payments costs had decreased by £189,676.12 (10.58%) in 2008/2009. In relation to additional hours costs, the total incurred in 2008/2009 had amounted to £1,625,092.57, compared to £1,546,814.85 in 2007/2008, an increase of £78,277.72 (4.81%).

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

6. BUSINESS MILEAGE AND SUBSISTENCE COSTS 2008/2009

With reference to Article 19 of the minute of meeting of the Strategic Policy Committee of 27 October 2009, there was submitted Report No 782/09 by the Chief Executive advising of business mileage and subsistence costs within the Council during the period 2008/2009 financial year.

The Report indicated that in 2008/2009 there had been business mileage and subsistence costs payments of £1,274,954.14. This was a decrease in overall business mileage and subsistence costs of £194,786.77 (13.24%) with business mileage costs falling by 12.77% and subsistence costs by 52.5%.

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

7. STATUTORY PERFORMANCE INDICATORS 2008/2009

With reference to Article 7 of the minute of meeting of the Strategic Policy Committee of 5 May 2009, there was submitted Report No 837/09 by the Chief Executive providing an analysis of performance against the statutory performance indicators for the 12 months to 31 March 2009.

The Report indicated that in accordance with the Council's previously agreed performance management arrangements, each year a Report was to be submitted which analysed Council performance within the previous financial year against the statutory performance indicators which were reported to Audit Scotland. In total the Council reported on 104 performance indicators in 2008/2009, and of these, a total of eight indicators could not be compared against 2007/2008 due to definitional and other changes. Of the 96 indicators for which the 2008/2009 performance could be compared against performance in 2007/2008:-

- 55 (57%) showed an improvement in performance;
- 8 (8%) maintained performance;
- 33 (34%) showed a deterioration in performance.

For those indicators where performance had deteriorated by greater than 10% a commentary from the Director responsible for that indicator had been incorporated in Appendix 4 to the Report, highlighting, where appropriate, any actions which would be put in place to improve future performance.

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

- (i) to note the performance of the Council in the 2008/2009 financial year in terms of the statutory performance indicators;
- (ii) to note the comments in relation to those indicators where performance had deteriorated by 10%+, as outlined in Appendix 4;
- (iii) to note that the Director of Neighbourhood Services would be bringing forward a Report to Neighbourhood Services Committee on administrative arrangements on housing lets;
- (iv) to note that the Director of Corporate Services would monitor and review the process time taken in respect of Housing Benefit; and
- (v) to note that for future reports, where there was any significant adverse movement between years, further comments would be incorporated.

8. CORPORATE RISK REGISTER

With reference to Article 5 of the minute of meeting of the Strategic Policy Committee of 17 March 2009, there was submitted Report No 838/09 by the Chief Executive presenting the Corporate Risk Register to members following its most recent quarterly review which had been undertaken by the Programme Monitoring Sub-Group.

The Report indicated that the review had considered those risks presently on the register (both above and below the risk tolerance line) together with any emerging risks. Attached at Appendix 1 to the Report were details of those risks included within the register following the review including action plans relating to those risks which fell above the risk tolerance line.

Having heard from Councillor Oswald, the Assistant Chief Executive confirmed that these risks were being actively managed and progress on this would be reported to the appropriate Committee in due course.

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

9. INTERNAL AUDIT REPORTS

With reference to Article 8 of the minute of meeting of this Sub-Committee of 29 September 2009, there was submitted under cover of Report No 839/09 by the Head of Finance, a summary by the Chief Internal Auditor of the main findings of the Internal Audit Reports which had been issued since the last meeting of this Sub-Committee.

The Report indicated that Internal Audit had issued a formal report for each audit undertaken as part of the annual audit plan with each audit report containing an action plan which incorporated all the recommendations made.

In relation to Regulatory Audit Report (No 09/03 - Birkhill Primary School) the audit outcomes were satisfactory with a number of areas of good practice identified and generally sound internal controls.

In relation to follow-up audits:-

(i) Corporate Procurement - McClelland Compliance - 08/44

There were still a few areas which needed to be taken forward to further comply with the McClelland Report, the more material being the areas of scrutiny, risk and assurance to enhance the procurement governance in Angus Council. A short action plan had been developed and agreed by management in relation to these areas.

It was noted that in relation to objective 4.2 (collaboration within the organisation) a central team had been established and further work had been carried out since the Report had been written.

(ii) Service Level Agreements follow-ups 08/25 -

The results of the follow-up audit within the Education Department in relation to Service Level Agreements had improved with 12 of the 16 applicable recommendations being fully implemented. The Social Work and Health Department follow-up audit had indicated that the department had fully discharged all applicable recommendations with the exception of one which was partially discharged;

(iii) Torex Leisure Management System 09/09 and 09/10

The Report highlighted that a number of recommendations from previous audit follow-up reports had still to be addressed. The Director of Neighbourhood Services had established a Project Board, which he would chair, to review all the matters raised in the two audit reports and develop a project plan, to ensure that all outstanding issues were addressed and appropriate recommendations made for possible future action by 31 March 2010.

In this regard Alastair Wilson, Senior Service Manager, answered a number of members' questions, highlighting that the newly established Project Board would be addressing the actions and seeking to resolve the existing difficulties with the Torex Leisure Management System.

The Chief Executive indicated that regular Reports would come forward to this Sub-Committee on progress of the Project Board and confirmed that the issues outlined in the audit follow-up reports would be addressed as a matter of urgency.

The Sub-Committee agreed:-

- (i) to note the summaries of the audit reports and follow-ups; and
- (ii) to note the Chief Internal Auditor would bring back to future Sub-Committee meetings update reports in relation to follow-up audits, including any outstanding actions.

10. BENEFIT FRAUD INVESTIGATION

With reference to Article 10 of the minute of meeting of the Audit Sub-Committee of 27 October 2008, there was submitted Report No 840/09 by the Head of Finance providing background to the work of the Benefit Fraud Team and summarising the activity undertaken in the year to 31 March 2009.

The Report indicated that the primary role of the Benefit Fraud Team (BFT) was to investigate allegations received by the Council for Housing Benefit/Council Tax Benefit fraud and to provide fraud awareness training to front line staff and managers involved in Housing Benefit/Council Tax Benefit administration. In discharging these responsibilities the BFT worked with a number of partner organisations including the Department for Work and Pensions, other local authorities and the National Anti Fraud Network.

The Report gave an overview of the main features of BFT activity in the year to 31 March 2009 which saw a strong performance from the BFT with growth in the number of cases reported to the Procurator Fiscal and an increase in the value of Housing Benefit/Council Tax Benefit overpayments identified.

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

11. EXTERNAL AUDIT REPORTS

With reference to Article 9 of the minute of meeting of this Sub-Committee of 29 September 2009, there was submitted Report No 842/09 by the Head of Finance appending:-

- (i) Report to Members and the Controller of Audit;
- (ii) Angus Audit Progress Report.

The Report indicated that Henderson Loggie had been appointed for the five year period beginning 2006/2007 as External Auditors of Angus Council. Integral to that role was the provision of an annual report to Angus Council Members and to the Controller of Audit, which was to provide an opinion on the financial statements in accordance with relevant legal and regulatory matters; review and report on the Council and its group's corporate governance arrangements; review and report on the Council's arrangements to manage performance as it related to economy, efficiency and effectiveness on the use of resources and in securing best value and to review and report on whether the Council had made adequate arrangements for collecting, recording and publishing precise performance information.

The Report to Members as appended, had been the subject of detailed discussions with officers and, while it had identified a few issues for the Council or the Controller of Audit the Report, overall, was a positive one for the Council.

The Report on the Angus Audit gave details of the stages of progress against outputs proposed within the Council's operational plan under the headings of:

- Planning
- Governance
- Performance
- Finance
- Outputs to Audit Scotland

- Reports from Earlier Years Audit Plans

The Sub-Committee, for its interest, agreed to note the External Audit Reports.

12. ANGUS COUNCIL ANNUAL ACCOUNTS 2008/2009

With reference to Article 10 of the minute of meeting of Angus Council of 5 November 2009, there was submitted Joint Report No 798/09 by the Chief Executive, the Director of Corporate Services and the Head of Finance seeking the Council to formally note the 2008/2009 Annual Accounts including the audited accounting statements for Angus Council, advising members of the intention to publish a summarised version of the accounts and seeking approval of further carry forwards under the terms of the budget virement flexibility scheme.

The Report indicated that the Council had achieved the statutory deadline for the submission of its draft accounts for audit, with the issue of an unqualified audit opinion on 29 September 2009.

The Sub-Committee, for its interest, agreed to note the contents of the Report.

13. MID-TERM CORPORATE PERFORMANCE REPORT

With reference to Article 7 of the minute of meeting of the Strategic Policy Committee of 8 September 2009, there was submitted Report No 841/09 by the Chief Executive presenting the mid-term Corporate Performance Report covering the first six months of the 2009/2010 financial year.

The Report had been designed to give Members, employees and the public (who had access to the Report via the Council's website) an overview of progress against the annual Corporate Improvement Plan during the first six months of the financial year. The Report also complemented the mid-term service performance reports which departments submitted to their service committees in November/December committee cycle. This was the first year that the Report had been presented in its current format and it was proposed to review the format with the aim of enhancing the information to Members in future years.

The Sub-Committee agreed to note the terms of the mid-term Corporate Performance Report 2009/2010.

14. EXCLUSION OF PUBLIC AND PRESS

The Sub-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 which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973 paragraph 6.

15. INTERNAL AUDIT INVESTIGATION REPORTS

With reference to Article 12 of the minute of meeting of this Sub-Committee of 29 September 2009, there was submitted Report No 843/09 by the Head of Finance summarising the main findings of Internal Audit Investigation Reports since the date of the last meeting of this Sub-Committee.

The Sub-Committee agreed:-

- (i) to note the summary investigation reports and follow-ups; and
- (ii) to note that the Chief Internal Auditor would bring back to future Sub-Committee meetings update Reports as necessary.

ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 8 December 2009 at 6.00 pm.

Present: Councillors IAN MACKINTOSH, DAVID FAIRWEATHER, MAIRI EVANS, JIM MILLAR, ROB MURRAY, BOB SPINK and MARGARET THOMPSON.

Councillor MACKINTOSH, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors David Lumgair 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 17 November 2009 was approved as a correct record and signed by the Convener.

4. DELEGATED APPROVALS

There was submitted Report No 924/09 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 5 to 26 November 2009.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – STREET TRADERS LICENCES

There was submitted Report No 925/09 by the Director of Corporate Services regarding a proposed amendment to the conditions applicable to street traders' licences.

The Report advised that in recent years concerns had been expressed about the presence of fast food outlets operating in the vicinity of school premises. A number of local authorities were now addressing this issue in so far as street traders were concerned, by imposing restrictions on street traders who operate as food vendors. Authorities had been imposing restrictions to the effect that food vendors, such as burger vans, ice creams vans etc would not be permitted to operate adjacent to school premises during school hours.

The Report indicated that the introduction of such a policy would apply not only to new licences, but also to existing licensees who may have operated their business in or around school premises for a number of years. It was understood that there were two or three licensees who would be directly affected by the new licensing conditions and such licensees would still be allowed to make a case to the licensing authority that the provisions of the licensing policy should not apply to their particular business. This would then be a matter for the Committee to determine, taking into account all relevant circumstances, including the provision of the new policy.

Discussion took place and the Committee heard from Mr Craig Clement, Senior Education Manager.

The Committee agreed to approve an amendment to the standard conditions applicable to street traders' licences to the effect that street traders who operated as food take-away premises would not be permitted to trade during school hours and school term time within 500 metres of the perimeter of any of the Angus secondary schools.

6. MONARCH OF THE GLEN PARK, MONTROSE

With reference to Article 6 of the minute of meeting of this Committee of 17 November 2009, there was submitted Report No 926/09 by the Director of Infrastructure Services regarding an application received from New Lauriston Caravan Park Ltd, owner and licensee of the Monarch of the Glen Park, Montrose for an amendment to the existing Caravan Site licence which presently permitted 10 residential caravans, 32 holiday static caravans and 10 touring caravans. The amendment sought permission to replace these with a maximum of 38 residential caravans, with no holiday statics or tourers.

Miss Fox, the applicant's agent, addressed the Committee. The Committee then heard from Ian Mitchell, Senior Service Manager, Planning and Transport Division and Stewart Ball, Senior Service Manager, Economic Development and Environmental and Consumer Protection Division.

The Committee agreed to grant the amendment to the Caravan site licence held by New Lauriston Caravan Park Ltd in respect of Monarch of the Glen Park, Montrose (previously known as Littlewoods Caravan Park) for 38 residential caravans.

7. BARRY DOWNS CARAVAN PARK TOURING SITE, BARRY – APPLICATION FOR CARAVAN SITE LICENCE

There was submitted Report No 927/09 by the Director of Infrastructure Services regarding an application received from Mr Andrew Young, Shoreline Management, 19 Peel Street, Douglas, Isle of Man to operate a holiday touring Caravan Site at Barry Downs Caravan Park, Barry, By Carnoustie.

Following discussion, the Committee agreed:-

- (i) to grant a Caravan Site licence to Mr Andrew Young, Shoreline Management, 19 Peel Road, Douglas, Isle of Man for up to 61 holiday touring caravans; and
- (ii) to allow the site to operate for 50 weeks only per year, the applicant to agree with the Director of Infrastructure Services on the two weeks closure period.

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 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 and 6.

9. NEW APPLICATION

There was submitted Report No 928/09 by the Director of Corporate Services on an application received for a new licence under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee, as detailed in the Appendix to the Report.

TAXI DRIVER'S LICENCE – TD2

The Committee considered an application for a Taxi Driver's Licence – TD2 received on 24 June 2009 and noted that the applicant had not submitted a satisfactory medical examination certificate.

The Clerk advised the Committee that the applicant had requested that his application be withdrawn.

The Committee agreed to note the withdrawal.