

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 26 March 2015 at 2.00pm.

Present: Provost HELEN OSWALD, Depute Provost ALEX KING, Councillors BILL BOWLES, COLIN BROWN, LYNNE DEVINE, BILL DUFF, MAIRI EVANS, DAVID FAIRWEATHER, CRAIG FOTHERINGHAM, IAIN GAUL, JEANETTE GAUL, MARTYN GEDDES, SHEILA HANDS, JIM HOUSTON, DAVID LUMGAIR, DAVID MAY, IAN MCLAREN, GLENNIS MIDDLETON, DONALD MORRISON, ROB MURRAY, BOB MYLES, RONNIE PROCTOR MBE, MARK SALMOND, EWAN SMITH, BOB SPINK, PAUL VALENTINE and SHEENA WELSH.

PROVOST HELEN OSWALD, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Brian Boyd and Margaret Thomson.

2. DECLARATIONS OF INTEREST

Councillor Iain Gaul intimated that he had a declaration of interest to make in relation to agenda item 11 the details of which would be given following a decision in relation to the exclusion of public and press.

3. MINUTES OF COUNCIL AND COMMITTEES

(i) Minute of Previous Meeting

(a) Angus Council (Special)

The minute of the special meeting of Angus Council of 12 February 2015 was submitted and approved as a correct record.

(b) Angus Council

The minute of meeting of Angus Council of 12 February 2015 was submitted and approved as a correct record.

(c) Angus Council (Special)

The minute of the special meeting of Angus Council of 24 February 2015 was submitted and approved as a correct record.

(ii) Minutes of Committees

(d) Communities Committee (Special)

The minute of the special meeting of the Communities Committee of 10 February 2015 was submitted and noted.

(e) Development Standards Committee

The minute of meeting of the Development Standards Committee of 17 February 2015 was submitted and noted.

(f) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 17 February 2015 was submitted and noted.

(g) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 19 February 2015 was submitted and noted.

(h) Children and Learning Committee

The minute of meeting of the Children and Learning Committee of 24 February 2015 was submitted and noted.

Councillor Welsh made reference to the recent communication from the Strategic Director- Resources updating members on the construction programme for the new Timmergreens and Warddykes Primary Schools. Parents and Carers had been advised of the cause of the delay and further contact would be made with them to advise them of the start date of the initial works on site. A further update would be provided to members and the school community when there was confirmation of the appointment of the new contractor and the planned works schedule

Following a request from Councillor Ewan Smith, it was agreed that parents of children attending Muirfield Primary School would also be notified at the same time as parents of those attending Timmergreens and Warddykes Primary Schools.

(i) Social Work and Health Committee

The minute of meeting of the Social Work and Health Committee of 24 February 2015 was submitted and noted.

(j) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 26 February 2015 was submitted and noted.

(k) Development and Enterprise Committee

The minute of meeting of the Development and Enterprise Committee of 3 March 2015 was submitted and except as detailed hereunder, noted:-

Business Support Grants

The Council resolved to authorise the Service Manager – Economic Development, in consultation with the Convener of Development and Enterprise or Vice-Convener of Development and Enterprise to approve or reject grant applications of over £1,000 and up to £5,000 and that the Scheme of Delegation to Officers be amended accordingly.

(l) Communities Committee

The minute of meeting of the Communities Committee of 3 March 2015 was submitted and noted.

(m) Development Standards Committee

The minute of meeting of the Development Standards Committee of 10 March 2015 was submitted and noted.

(n) Social Work and Health Committee (Special)

The minute of the special meeting of the Social Work and Health Committee of 10 March 2015 was submitted and noted.

(o) Scrutiny and Audit Committee

The minute of meeting of the Scrutiny and Audit Committee of 10 March 2015 was submitted and noted.

(p) Policy and Resources Committee

The minute of meeting of the Policy and Resources Committee of 17 March 2015 was submitted and except as detailed hereunder, noted:-

Arbroath Schools Project (Phase 1) Update

Councillor Valentine, seconded by Councillor King, moved that the Council approves the decision taken by the Policy and Resources Committee of 17 March 2015 in respect of the recommendation in Report No 126/15.

Councillor Smith, seconded by Councillor Bowles, moved as an amendment, that this Council:

- (i) agrees that in the event that officers become aware that the overall costs for Phase 1 of the Arbroath Schools Project had increased by more than 1%, that this be reported to the next available meeting of full Council, for information and that the report be on "white paper"; and
- (ii) that for any future reports on the Arbroath Schools Project, officers prepare these reports on the basis that, where at all possible, the reports are to be considered in the public part of the agenda.

The Council agreed to support the terms of the amendment (in addition to the recommendation in Report No 126/15) and resolved accordingly.

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

Councillor Fairweather, seconded by Councillor Brown, moved that this Council:-

1. congratulates former Angus Councillor Jim Millar on his award of the Consul General of Japan's Commendation or 'Kancho-Hyosho' in recognition of his work in promoting positive relationships between Scotland and Japan, which the Consul General described as 'countless achievements' and describes Mr Millar as having 'made a distinguished contribution to the promotion of mutual understanding and friendship between Scotland and Japan'. Notes that this is not the first time that Mr Millar's work has secured recognition in the form of awards; and
2. requests that the Chief Executive submits a report to the appropriate Council Committee which would identify both existing and potential opportunities for Economic Development co-operation by Angus businesses with Japan in light of the major recent developments and inward investment by Japanese companies in Scotland.

The Council resolved to approve the motion.

5. TAYSIDE AREA SUPPORT TEAM - UPDATE

With reference to Article 11 of the minute of meeting of Angus Council of 12 February 2015, there was submitted Report No 135/15 by the Head of Legal and Democratic Services updating members on the developments on matters in relation to the Tayside Area Support Team.

Members were advised that a letter to the Minister for Children and Learning had been sent by the Chief Executive on 25 February 2015 and acknowledged on 6 March 2015. A formal complaint had also been submitted by the Head of Legal and Democratic Services to Children's Hearing Scotland in terms of their complaints procedure on 6 March and acknowledged on the same date. Children's Hearing Scotland had also confirmed that the complaint would be treated as a Stage 2 investigation.

The Council resolved:-

- (i) to note that a formal letter had been written to the Minister for Children and Young People on 25 February 2015 outlining the concerns of Angus Council officers, Area Team members and Panel members relating to the current development within the Tayside Area Support Team with specific reference to Angus; and
- (ii) to note that a formal complaint had been lodged with Children's Hearing Scotland on 6 March 2015.

6. ANGUS HEALTH AND SOCIAL CARE DRAFT INTEGRATION SCHEME

There was submitted Report No 136/15 by the Chief Executive seeking agreement on the consultation and finalisation of the Angus Health and Social Care draft Integration Scheme pending submission to the Scottish Government by 31 March 2015 for Ministerial scrutiny and approval.

The Report indicated that the draft Angus Integration Scheme had been the subject of discussion and development between partners since October 2014. The draft document had been informed and iteratively developed via a range of inputs including the Regulations of Public Bodies (Joint Working) (Scotland) Act 2014, a Model Integration Scheme and draft Guide to Reviewing an Integration Scheme, all issued by the Scottish Government and a wide consultation with partners and key stakeholders across Angus.

The Council resolved:-

- (i) to note the consultation summary attached as Appendix 1 to the Report and the follow-up actions;
- (ii) to note the final Angus draft Integration Scheme attached as Appendix 2;
- (iii) to approve the final draft Integration Scheme which had been revised following consultation and had been the subject of a report to Tayside NHS Board on 12 March 2015 and the Angus Health and Social Care Integration Shadow Board on 17 March 2015;
- (iv) to note that further technical changes were likely prior to submission to the Scottish Government and to delegate authority to the Chief Executive of Angus Council, in consultation with the Chief Executive of NHS Tayside to approve these and to report back to NHS Tayside Board and Angus Council on these changes, if required; and
- (v) to nominate Councillors Houston, May and Middleton to the Shadow Joint Board.

The Council further resolved to nominate Councillor Middleton as Chair of the Shadow Joint Board.

7. TREASURY MANAGEMENT STRATEGY STATEMENT 2015/16

With reference to Article 7 of the minute of meeting of the Scrutiny and Audit Committee of 10 March 2015, there was submitted Report No 122/15 by the Head of Corporate Improvement and Finance seeking approval of the proposed Treasury Management Strategy for Angus Council in 2015/16.

The Report indicated that the production of a Treasury Management Strategy Statement for the forthcoming financial year was a requirement of the Treasury Management and the Public Services Code of Practice issued by the Chartered Institute of Public Finance and Accountancy.

The Strategy Statement and Annual Investment Strategy set out the expected Treasury Management Activities for Angus Council for the forthcoming financial year, attached as Appendix A to the Report. Members were asked, in the event of reductions in credit ratings and only until an amended strategy could be approved, to delegate authority to the Head of Corporate Improvement and Finance to operate the Council's Treasury Management activity within his best judgement taking cognisance of any updated creditworthiness information, analysis and advice from Capita.

The Council resolved:-

- (i) to approve the proposed Treasury Management Strategy Statement and Annual Investment Strategy for 2015/16, attached as Appendix A to the Report;
- (ii) to approve that, in the event of the circumstances arising as set out in Section 4 of the Report, to delegate authority to the Head of Corporate Improvement and Finance as detailed at para 4.7 and to approve the reporting arrangements contained therein; and
- (iii) to approve the Treasury Indicators in Appendix A - Annex D (Tables 2 and 3).

8. DUNDEE, PERTH, ANGUS AND NORTH FIFE STRATEGIC DEVELOPMENT PLANNING AUTHORITY: TAYplan PROPOSED STRATEGIC DEVELOPMENT PLAN 2016-2036

With reference to Article 12 of the minute of meeting of Angus Council of 19 June 2014, there was submitted Report No 137/15 by the Head of Planning and Place seeking ratification of the decision of the Joint Committee of the Dundee, Perth, Angus and North Fife Strategic Development Planning Authority to approve and publish the TAYplan proposed Strategic Development Plan and related documents with an eight week period for representation.

In connection with Report No 137/15 there was also submitted a paper detailing a number of corrections which were minor in nature, principally in relation to labelling on maps and diagrams, none of which proposed corrections affected policies or proposals in Angus.

The Council resolved:-

- (i) to ratify the decision of the Joint Committee and:-
 - (1) to approve the TAYplan Proposed Strategic Development Plan, Proposed Action Programme, Habitats Regulations Appraisal and Equalities Impact Assessment for the publication with an eight week period for representation (along with the minor corrections);
 - (2) to adopt the Schedule of TAYplan's Response to Representations Received at the Main Issues Report Stage and the Background Topic Papers which were available in the members Information Hub;
- (ii) to note the proposed publication of the TAYplan Proposed Strategic Development Plan and related documents with the period for representations running for eight weeks from 11 May to 3 July 2015; and
- (iii) to inform any consultation response from Angus Council to the published TAYplan Proposed Strategic Development Plan, the Member/Officer Working Group as established in March 2014 be reconvened with an extended remit.

9. POLICE SCOTLAND DIVISIONAL STRATEGIC ASSESSMENT

The Provost intimated that due to operational requirements it was not possible for a briefing to be given to members today, however dialogue was ongoing and members would be advised of an alternative date for the briefing in due course.

STATEMENT BY HEAD OF LEGAL AND DEMOCRATIC SERVICES AS MONITORING OFFICER AND BY THE CHIEF EXECUTIVE

The Head of Legal and Democratic Services and Monitoring Officer referred to the fact that two of the Reports which were issued on "green paper" had found their way into the public domain. Members were reminded of their obligations in terms of the Code of Conduct and that by revealing the papers the democratic process had been undermined. As a result of the breaches a review would be undertaken of the method of distribution of "green papers".

The Chief Executive then supported these comments adding that if the perpetrator transpired to be an employee, then the Council's disciplinary procedures would be invoked.

10. EXCLUSION OF PUBLIC AND PRESS – ITEM 11

Provost Helen Oswald, seconded by Councillor Iain Gaul, moved that the public and press be excluded during consideration of Item 11 so as to avoid the possible disclosure of exempt information in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

Councillor Brown, seconded by Councillor Smith, moved as an amendment, that consideration of Item 11 be taken in public.

On a vote being taken, members voted:-

For the motion:

Provost Helen Oswald, Depute Provost Alex King, Councillors Bowles, Devine, Duff, Evans, Fotheringham, Iain Gaul, Jeanette Gaul, Hands, Houston, Lumgair, May, McLaren, Middleton Morrison, Murray, Myles, Proctor, Salmond, Spink, Valentine and Welsh (23).

For the amendment:-

Councillors Brown, Fairweather, Geddes and Smith (4).

The motion was declared carried and the Council resolved accordingly.

EXCLUSION OF PUBLIC AND PRESS – ITEM 12

The Council further resolved in terms of Standing Order 27(2) that the public and press be excluded during consideration of Item 12 so as to avoid the possible disclosure of information which was exempt in terms of Part 1 Schedule 7A to the Local Government (Scotland) Act 1973.

11. PROPOSED SALE OF A COUNCIL BUILDING

With reference to Article 12 of the minute of meeting of Angus Council of 11 September 2014, there was submitted Report No 138/15 by the Chief Executive informing the Council of the outcome of the recent marketing exercise in relation to the purchase of 5-7 The Cross, Forfar and inviting the Council to determine the next steps to be taken.

COUNCILLOR IAIN GAUL, SECONDED BY COUNCILLOR VALENTINE, MOVED THAT THE COUNCIL NOTES RECOMMENDATIONS (I) AND (II), ACCEPTS THE OFFER FROM J D WETHERSPOON PLC, SUBJECT TO CONDITIONS AS DETAILED IN THE REPORT AND AGREES RECOMMENDATIONS (IV), (V) AND (VI) OF THE REPORT.

Councillor Brown, seconded by Councillor McLaren, moved as an amendment, that the Council:-

- (i) notes recommendations (i) and (ii) of the Report;
- (ii) does not accept the offer received from J D Wetherspoon plc; and
- (iii) confirms that 5-7 The Cross be retained in Council ownership and use.

On a vote being taken, members voted:-

For the motion:

Provost Helen Oswald, Depute Provost Alex King, Councillors Bowles, Devine, Duff, Evans, Fotheringham, Iain Gaul, Jeanette Gaul, Hands, Houston, Lumgair, May, Morrison, Murray, Smith, Spink, Valentine and Welsh (19).

For the amendment:

Councillors Brown, Fairweather, Geddes, McLaren, Middleton, Myles, Proctor and Salmond (8).

The motion was declared carried.

Thereafter, Councillor Fairweather, (having given notice of a further amendment) seconded by Councillor Smith, moved that the Council:-

- (i) notes recommendations (i) and (ii) of the Report;
- (ii) does not accept the offer received from J D Wetherspoon plc; and
- (iii) instructs the Chief Executive to go back to J D Wetherspoon plc to seek their agreement to commit to their first offer.

On a vote being taken, the members voted:-

For the motion:

Provost Helen Oswald, Depute Provost Alex King, Councillors Bowles, Devine, Duff, Evans, Iain Gaul, Jeanette Gaul, Hands, Houston, May, Middleton, Morrison, Murray, Spink, Valentine and Welsh (17).

For the (second) amendment:

Councillors Brown, Fairweather, Fotheringham, Geddes, Lulgair, McLaren, Myles, Proctor, Salmond and Smith (10).

The motion was declared carried and the Council resolved accordingly.

At this stage in the meeting, Councillor Iain Gaul declared an interest in the following item as he had been contacted by a developer. He indicated that he would participate in any discussion and voting on the item.

Councillor Proctor declared an interest in the following item as he had been contacted by a developer. He indicated that he would participate in any discussion and voting on the item

Councillor Myles declared an interest in the following item as he had been contacted by a relevant party. He indicated that he would participate in any discussion and voting on the item.

Councillor Smith left the meeting at this stage.

12. SOUTH ANGUS HOUSING MARKET AREA PLANNING APPLICATIONS – JUDICIAL REVIEW

With reference to Articles 9,10 and 12 of the minute of the special meeting of Angus Council of 18 December 2014, there was submitted Report No 139/15 by the Head of Legal and Democratic Services advising members of the lodging of a Judicial Review challenge in respect of the major housing developments at Carnoustie, Monifieth and Strathmartine.

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