

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 14 June 2018 at 2.00pm.

Present: Provost RONNIE PROCTOR MBE, Depute Provost COLIN BROWN, Councillors JULIE BELL, BRIAN BOYD, KENNY BRAES, DAVID CHEAPE, BRADEN DAVY, LYNNE DEVINE, ANGUS MACMILLAN DOUGLAS OBE, BILL DUFF, BRENDA DURNO, DAVID FAIRWEATHER, CRAIG FOTHERINGAM, SHEILA HANDS, ALEX KING, BEN LAWRIE, DAVID LUMGAIR, MARK McDONALD, IAN McLAREN, RICHARD MOORE, BOB MYLES, GAVIN NICOL, MARK SALMOND, LOIS SPEED, TOMMY STEWART, RON STURROCK, DEREK WANN and BETH WHITESIDE.

PROVOST RONNIE PROCTOR, in the Chair

1. APOLOGIES

There were no apologies intimated.

2. DECLARATIONS OF INTEREST

Councillor Braes declared an interest in item 11 as he had a financial interest in this matter. He indicated that he would not participate in any discussion and voting and would leave the meeting during consideration of this item.

Councillor Duff declared an interest in item 11 as he had met with the Montrose Bay Committee. He had heard their proposal, asked questions but had not expressed an opinion. He indicated that he would participate in any discussion and voting on this item.

Councillor Bell declared a financial interest in item 9 as a business owner who would be impacted if the policy was introduced. She indicated that she would not participate in any discussion and voting and would leave the meeting during consideration of this item.

Councillor Boyd declared a financial interest in item 9 as he was the owner of four flats which, if the policy was implemented, would have an effect on his tenants. He indicated that he would not participate in any discussion and voting and would leave the meeting during consideration of this item.

Councillor Sturrock declared an interest in item 11 as he had met the Steering Group and members of the Community Council. He indicated that he would participate in any discussion and voting on this item.

Councillor McLaren declared a financial interest in item 11 as he owned and operated a business at 188, East High Street Forfar. He indicated that he would not participate in any discussion and voting and would leave the meeting during consideration of this item.

Councillor Stewart declared an interest in item 11 as he had been contacted by three individuals who advised of their interest in the Traill Pavilion. He indicated that he would participate in any discussion and voting on this item.

3. MINUTES OF COUNCIL AND COMMITTEES

(i) Minute of Council Meeting

(a) Angus Council

The minute of meeting of Angus Council of 10 May 2018 was submitted and approved as a correct record.

(ii) Minutes of Committees

(b) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 15 May 2018 was submitted and noted.

(c) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 17 May 2018 was submitted and noted.

(d) Children and Learning Committee

The minute of meeting of the Children and Learning Committee of 22 May 2018 was submitted and noted.

(e) Communities Committee

The minute of meeting of the Communities Committee of 29 May 2018 was submitted and noted.

(f) Policy and Resources Committee

The minute of meeting of the Policy & Resources Committee of 5 June 2018 was submitted and noted.

4. COMMITTEE CONVENERSHIPS, VICE-CONVENERSHIPS AND REMUNERATION

(i) Children and Learning Committee

The Council resolved to approve the appointment of Councillor Wann as Convener of the Children and Learning Committee.

The Council also resolved to approve the appointment of Councillor Speed as Vice-Convener of the Children and Learning Committee and Social Care Spokesperson.

(ii) Communities Committee

The Council resolved to approve the appointment of Councillor Salmond as Convener of the Communities Committee (with special responsibility for disposal of properties).

The Council also resolved to approve the appointment of Councillor Stewart as Vice-Convener of the Communities Committee.

(iii) Policy and Resources Committee

The Council resolved to note that Councillor Fairweather had been appointed Leader of the Administration and as such, Leader of the Council.

COUNCILLOR MYLES, SECONDED BY COUNCILLOR MACMILLAN DOUGLAS, MOVED THE APPOINTMENT OF COUNCILLOR FAIRWEATHER AS CONVENER OF THE POLICY AND RESOURCES COMMITTEE.

Councillor Duff, seconded by Councillor Bell, moved as an amendment the appointment of Councillor Devine as Convener of the Policy and Resources Committee.

On a vote being taken, members voted:-

For the motion:

Provost Ronnie Proctor, Depute Provost Colin Brown, Councillors Boyd, Cheape, Davy, Fairweather, Fotheringham, Lawrie, Lumgair, MacMillan Douglas, McLaren, Moore, Myles, Nicol, Salmond, Speed, Stewart, Sturrock and Wann (19)

For the amendment:

Councillors Bell, Braes, Devine, Duff, Durno, Hands, King, McDonald and Whiteside (9).

The motion was declared carried and the Council resolved accordingly.

(iv) Special Responsibility for Housing

The Council resolved to note that Councillor Fotheringham would have special responsibility for Housing.

(v) Remuneration of Councillors 2018/2019 and beyond

There was submitted Joint Report No 188/18 by the Chief Executive and the Head of Finance and Legal providing background information in relation to the remuneration of Councillors and making proposals for the remuneration structure to apply for 2018/19 onwards.

COUNCILLOR FAIRWEATHER, SECONDED BY COUNCILLOR MACMILLAN DOUGLAS, MOVED THAT THIS COUNCIL:-

- (I) NOTES THE BACKGROUND DETAILS PROVIDED IN RELATION TO THE REMUNERATION OF COUNCILLORS;
- (II) APPROVES THE REMUNERATION PROPOSALS, AS DETAILED IN THE APPENDIX TO THE REPORT; AND
- (III) NOMINATES COUNCILLOR MYLES TO THE TAYSIDE NHS BOARD.

Councillor Devine, seconded by Councillor Duff, moved as an amendment, to nominate Councillor Bell to the Tayside NHS Board.

On a vote being taken, members voted:-

For the motion:

Provost Ronnie Provost, Depute Provost Colin Brown, Councillors Davy, Fairweather, Fotheringham, Lawrie, Lumgair, MacMillan Douglas, McLaren, Moore, Myles, Nicol, Salmond, Speed, Stewart, Sturrock, and Wann (17)

For the amendment:

Councillors Bell, Boyd, Braes, Cheape, Devine, Duff, Durno, Hands, King, McDonald and Whiteside (11)

The motion was declared carried and Council resolved accordingly.

5. ANGUS SCHOOLS FOR THE FUTURE – MONIFIETH CLUSTER SCHOOLS OPTION APPRAISAL - UPDATE

With reference to Article 3 of the minute of the special meeting of Angus Council of 19 April 2018, there was submitted Report No 189/18 by the Strategic Director – People recommending that, following a material change in circumstances, the option to work in partnership with Perth and Kinross and Dundee City Councils to create a joint integrated community campus, serving the South Angus Area was considered as part of the stakeholder engagement on the Monifieth Cluster Schools Options Appraisal.

Having heard from a number of members who welcomed the Report, the Council resolved:-

- (i) to agree that a material change of circumstances had occurred since the Council had considered Report 130/18 on 19 April 2018;
- (ii) to agree that the scope of the Options Appraisal be expanded as detailed in paragraph 4.6 of the Report; and
- (iii) to note that the timescale to undertake the Options Appraisal may need to be adjusted to take account of the inclusion of this expansion of the scope.

6. 2017/18 FINANCIAL OUTFURN AND DRAFT ACCOUNTS UPDATE

There was submitted Report No 190/18 by the Head of Finance and Legal providing details of the unaudited Financial Outturn Position on both a revenue and capital basis for 2017/18 for Angus Council and an update with regard to the preparation of the 2017/18 Annual Accounts.

The Report indicated that the Annual Accounts for 2017/18 had been concluded to a stage sufficient to allow revenue outturn information to be prepared and commented upon. In summary, the General Fund revenue budget had a favourable performance relative to budget of £13.128 million.

Net capital expenditure of £17.853 million (General Fund) and £11.057 million (Housing) had been incurred in 2017/18. This was some £3.835 million below and £0.818 million below the respective net budgeted positions of £21.688 million and £11.875 million. Overall, the Council's reserves had shown a decrease of £0.404 million.

The Council resolved:-

- (i) to note the update with regard to the preparation of the 2017/18 Annual Accounts and that, in accordance with statutory requirements, they would be submitted to Audit Scotland by the 30 June 2018 deadline;
- (ii) to note the Council's Annual Accounts would be published on the Council's website on or around 20 June 2018;
- (iii) to note the revenue budget performance and associated commentary as set out in Section 4 and Appendix A and B of the Report;
- (iv) to note the capital budget performance and associated commentary as set out in Section 4 and Appendix D of the Report; and
- (v) to approve the end of year 100% budget carry forwards as set out in Section 4 (and Appendix C) of the Report in accordance with the Council's budget carry forward scheme, subject to none of these being affected by changes arising from the audit process.

7. PROCUREMENT ANNUAL REPORT – 2017/18 AND PROCUREMENT STRATEGY REVIEW 2018

There was submitted Report No 191/18 by the Head of Finance and Legal presenting the Council's first statutory Annual Procurement Report under the Procurement Reform (Scotland) Act 2014, proposing a way forward to complete the first statutory review of the Council's Procurement Strategy and publish both the revised strategy and the annual procurement report by the end of July 2018 in line with Good Practice Guidance from the Scottish Government.

The Council resolved:-

- (i) to note the Angus Council Procurement Annual Report 2017/18 annexed to the Report as Appendix 1 and as summarised in Section 4 of the Report and approve same for publication;
- (ii) to approve the review of the Council's Procurement Strategy through the Procurement Annual Report process as cited in Section 5 of the Report and in terms of the draft Angus Council Procurement Strategy 2018/19 annexed to this Report as Appendix 2; and
- (iii) to authorise the Head of Finance and Legal, in consultation with the Procurement Sounding Board Member Officer Group to undertake further consultation on the Procurement Strategy Review as set out in Section 6 of the Report and to finalise and publish same as the Procurement Strategy 2018/19 along with the Procurement Annual Report 2017/18.

8. INFORMATION REPORT FOR THE PERIOD 18 APRIL TO 29 MAY 2018

With reference to Article 3 of the minute of meeting of Angus Council of 31 October 2017, there was submitted and noted Report No 192/18 by the Strategic Director – Place in relation to recycling centres.

Having declared a financial interest at Item 2 above, Councillors Bell, Boyd and McLaren left the meeting during consideration of this Item.

9. PARKING CHARGES

With reference to Article 3(13) of the minute of the special meeting of Angus Council of 15 February 2018, there was submitted Report No 193/18 by the Head of Infrastructure detailing the outcome of the public consultation following the agreement to introduce parking charges and proposing how the charges would be implemented.

The Report indicated that following public consultation it was proposed to retain free 30 minute parking on-street and retain the existing enforcement to reintroduce off-street car parking charges as agreed in Report No 59/18. Given the consultation feedback and having reviewed the previous assumptions about costs and income generating potential, it was estimated that the £300,000 budgeted income target for 2018/19 could be met from introducing off-street parking charges only, providing that the one-off costs associated with setting this up were met from another funding source. Although it would depend on uses etc., the proposals in the Report were expected to achieve £700,000 in charges income in the full first year of operation (2019/20)

Councillor Salmond, seconded by Councillor Stewart moved that the Council:-

- (i) notes the consultation responses regarding the implementation of parking charges;
- (ii) agrees not to implement on-street charges at this time;
- (iii) approves the details for off-street parking charges, as set out in the Report and Section 5.1; and
- (iv) notes a parking permit would be introduced for the one-off street car parks and blue badge holders would continue to park for free.

Councillor Duff moved an amendment, the terms of which were circulated.

The Council resolved to adjourn for a ten minute period to allow the Provost to obtain advice from the relevant Officers.

The meeting reconvened at 3.07pm at which point the Provost ruled that the terms of the amendment was not competent as there was sufficient financial information in the Report; that the anticipated income in relation to charges had been strongly modelled and the Report did include the costs of enforcement.

Thereafter Councillor Duff moved a further amendment, the terms of which were circulated.

The Council resolved to adjourn for a five minute period to allow the Provost to obtain advice from the relevant Officers.

The meeting reconvened at 3.17pm at which point the Provost ruled that the further amendment was not competent as the proposals would not bring in the income required within the budget.

Thereafter, having heard from a number of members, the Council resolved to approve the recommendations of Report No 193/18 (ie: (i) - (iv) above).

Thereafter, in accordance with the provisions of Standing Order 16(11)(ii) Councillors Bell, Braes, Cheape, Devine, Durno, Duff, Hands, King, McDonald and Whiteside requested that their dissent be recorded from the foregoing decision.

10. EXCLUSION OF PUBLIC AND PRESS

The Council resolved that the public and press be excluded from the meeting during consideration of the following item, so as to avoid the disclosure of exempt information in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 6 and 9.

11. TRAILL PAVILION, MONTROSE

There was submitted Report No 194/18 by the Head of Infrastructure seeking a decision on the future of the Traill Pavilion which had been declared surplus and marketed for sale.

The Council resolved to approve the sale of the property to a private individual for the sum as detailed in Appendix 1 to the Report.