

## ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 11 December 2014 at 2.00pm.

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

PROVOST HELEN OSWALD, in the Chair.

### 1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors David May and Ewan Smith.

### 2. REQUEST FOR A DEPUTATION

The Provost indicated that the request for a deputation from Mrs Amanda Kopel had been withdrawn.

### 3. DECLARATIONS OF INTEREST

Councillor Boyd intimated that in relation to item 7 (i) and similar to the declaration that he had made on three previous occasions he was personally acquainted with the owner of the premises and had met with him. He indicated that he would participate in any discussion and voting.

### 4. PRESENTATION BY GAVIN DAVEY OBE, CHIEF EXECUTIVE OF SCOTLAND'S CHARITY AIR AMBULANCE SERVICE

Mr Gavin Davey gave a presentation to members on the work of Scotland's Charity Air Ambulance Service, including its vision and aims, the various ways that the service had helped at incidents and details of some of the missions the service had been involved in.

The Provost, on behalf of the Council, thanked Mr Davey for an interesting and informative presentation.

### 5. MINUTES OF COUNCIL AND COMMITTEES

#### (i) Minute of Previous Meeting

##### (a) Angus Council

The minute of meeting of Angus Council of 23 October 2014 was submitted and approved as a correct record.

#### (ii) Minutes of Committees

##### (b) Development Standards Committee

The minute of meeting of the Development Standards Committee of 4 November 2014 was submitted and noted.

##### (c) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 4 November 2014 was submitted and noted.

**(d) Civic Licensing Committee**

The minute of meeting of the Civic Licensing Committee of 6 November 2014 was submitted and noted.

**(e) Children and Learning Committee**

The minute of meeting of the Children and Learning Committee of 11 November 2014 was submitted and noted.

**(f) Social Work and Health Committee**

The minute of meeting of the Social Work and Health Committee of 11 November 2014 was submitted and except as detailed hereunder, noted:-

**Appointment of Chief Officer (Health and Social Care Integration)**

With reference to Article 9 of the minute, the Council resolved to homologate the decision taken by the Committee to approve the job description and person specification for the post of Chief Officer (HSCI).

**(g) Development and Enterprise Committee**

The minute of meeting of the Development and Enterprise Committee of 18 November 2014 was submitted and noted.

**(h) Communities Committee**

The minute of meeting of the Communities Committee of 18 November 2014 was submitted and except as detailed hereunder, noted:-

**Open Market Acquisition Scheme**

With reference to Article 8(iii) of the minute, the Council resolved to delegate authority to the Head of Planning and Place to approve the purchase of properties which met the Council's criteria and which could be accommodated within existing resources.

**(i) Development Standards Committee**

The minute of meeting of the Development Standards Committee of 25 November 2014 was submitted and noted.

**(j) Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 25 November 2014 was submitted and noted.

**(k) Scrutiny and Audit Committee**

The minute of meeting of the Scrutiny and Audit Committee of 25 November 2014 was submitted and noted.

**(l) Policy and Resources Committee**

The minute of meeting of the Policy and Resources Committee of 2 December 2014 was submitted and noted.

## 6. APPOINTMENTS TO THE COSLA COMMUNITY JUSTICE SUB GROUP

Members were advised that the COSLA Community Wellbeing Executive Group had agreed to establish a group on Community Justice which would act as a sounding board to inform the deliberations of the COSLA Executive Group and two nominations had been required. The deadline for nominations was Monday 27 November and the Council was asked to homologate the decision to nominate Councillors Middleton and Houston.

Councillor Myles, seconded by Councillor Fairweather, moved that Councillor Thomson be appointed to the COSLA Executive Group (to replace Councillor Houston).

COUNCILLOR MIDDLETON, SECONDED BY COUNCILLOR DEVINE, MOVED AS AN AMENDMENT, THAT COUNCILLOR FOTHERINGHAM BE APPOINTED TO THE COSLA EXECUTIVE GROUP.

On a vote being taken, the members voted:-

For the motion:

Councillors Fairweather, Morrison, Myles, Proctor (4).

For the amendment:

Provost Helen Oswald, Depute Provost Alex King, Councillor Devine, Duff, Evans, Iain Gaul, Jeanette Gaul, Geddes, Hands, Houston, Lumgair, McLaren, Middleton, Murray, Spink and Welsh (16).

No votes:

Councillors Bowles, Boyd, Brown, Fotheringham, Salmond, Thomson and Valentine (7).

The amendment was declared carried resulting in Councillor Fotheringham being appointed to the COSLA Community Justice Sub Group.

## 7. MOTIONS IN TERMS OF STANDING ORDER 24(1)

### (i) 18 High Street, Carnoustie

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

1. Is of the opinion that the decision as taken by full Council on 13 February 2014 was fundamentally flawed as a full economic assessment of the demand for retail provision was not carried out and that consequently the grant funding application to the Scottish Government's Town Centre Housing Fund was inaccurate and incomplete;
2. Instructs the Chief Executive to carry out a full enquiry of the whole decision making process, with the findings to be reported to the next Council meeting in February 2015;
3. Pending the outcome of this enquiry, all works associated with the provision of affordable housing at 18 High Street, Carnoustie are to cease; and
4. Notes that as the decision of the Council was taken in February 2014, the "six month rule" in Standing Orders does not apply.

COUNCILLOR MORRISON, SECONDED BY COUNCILLOR JEANETTE GAUL, MOVED AS AN AMENDMENT, THAT THIS COUNCIL DOES NOT APPROVE THE MOTION.

On a vote being taken, the members voted:-

For the motion:

Councillors Bowles, Fairweather, Myles and Thomson (4).

For the amendment:

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

The amendment was declared carried and the Council resolved accordingly.

**(ii) “Franks Law”**

The Provost indicated that the motion from Councillor May had been withdrawn.

**8. INFORMATION REPORT FOR THE PERIOD MID DECEMBER 2014 TO MID FEBRUARY 2015**

There was submitted and noted Report No 500/14 by the Chief Executive providing information to members with regard to the consultation on the draft Integration Scheme for Health and Social Care Integration in Angus in accordance with the Public Bodies (Joint Working) (Scotland) Act 2014.

**9. PROPOSED ANGUS LOCAL DEVELOPMENT PLAN**

With reference to Article 16 of the minute of the Infrastructure Services Committee of 24 August 2010, there was submitted Report No 501/14 by the Head of Planning and Place seeking approval of the proposed Angus Local Development Plan and supporting documents and seeking agreement to publish the proposed Angus Local Plan and Environmental Report for a nine week period for representations.

Councillor Iain Gaul, seconded by Councillor Valentine, moved that this Council:-

- (i) approves the Proposed Angus Local Development Plan and accompanying Environmental Report and agrees to their publication for a nine week period for representations;
- (ii) notes the contents of the Transport Appraisal prepared in support of the Proposed Angus Local Development Plan;
- (iii) authorises the Head of Planning and Place to make changes to the format, appearance and technical details of the Proposed Plan, Proposals Map and associated documents prior to their publication;
- (iv) delegates authority to the Development and Enterprise Committee to agree a Draft Action Programme, Consultation Statement, Equalities Impact Statement and Strategic Flood Risk Assessment;
- (v) delegates authority to the Development and Enterprise Committee to agree a Draft Habitat Regulations Appraisal Record and authorises the Head of Planning and Place to make minor changes to the Proposed Plan and associated documents as a result;
- (v) agrees that copies of the Proposed Angus Local Development Plan, Environmental Report and other supporting documents be freely available to view and download from the Council’s website and available on a CD; and that the charge for a paper copy of the Proposed Angus Local Development Plan would be £20; and
- (vi) instructs the Head of Planning and Place to report the representations received on the Proposed Plan back to the Council.

In relation to Carnoustie, Councillor Bowles, seconded by Councillor Boyd, moved as an amendment, that this Council:-

1. does not approve the proposals as contained in Report No 501/14 and on page 128 of the Proposed Angus Local Development Plan. The effect would be to delete the proposal to allocate housing land to the west of Carlogie Road, Carlogie, as detailed on pages 127 and 128 of the proposed Angus Local Development Plan;
2. notes that the proposals in (1) above would not affect the allocation for employment use of this site;
3. approves the proposals as contained in the paper and associated map circulated with the amendment; and
4. authorises the relevant officers to make the subsequent amendments to the supporting text and supporting documents.

Having heard the terms of Councillor Bowles's amendment, Councillor Iain Gaul agreed to accept this proposal and the Council resolved accordingly.

Councillor Middleton intimated that in relation to the proposals for Forfar, she had an amendment, the terms of which had not been passed to the Head of Legal and Democratic Services.

Councillor Jeanette Gaul intimated that in relation to the proposals for Kirriemuir, she had an amendment, the terms of which had not been passed to the Head of Legal and Democratic Services

*At this point in the meeting, the Council agreed to adjourn for a 10 minute period to allow the terms of the respective amendments to be submitted to the Head of Legal and Democratic Services, in accordance with Standing Orders.*

The meeting having re-convened, Councillor Glennis Middleton, seconded by Councillor Brown, moved as an amendment, that in relation to Forfar:

- (i) the site at Turfbeg should be developed within the first phase of the Plan and provision should be made for primary education as a result of the development and that there should be no restriction on 30 houses per annum; and
- (ii) that in relation to Westfield this should be developed in the second phase and only when there was a resolution to the issues stated on page 143 of the Angus Local Development Plan.

Having heard the terms of Councillor Middleton's amendment, Councillor Iain Gaul agreed to accept this proposal and the Council resolved accordingly.

Councillor Jeanette Gaul, seconded by Councillor Proctor, moved as an amendment, that in relation to Kirriemuir, development be permitted at the rate of 50 houses in the current Plan and 50 in the next Plan on land south of Beechwood Place.

Having heard the terms of Councillor Jeanette Gaul's amendment, Councillor Iain Gaul agreed to accept this proposal and the Council resolved accordingly.

The Council further resolved that in relation to the amended proposals for Carnoustie, Forfar and Kirriemuir, to delegate authority to the Head of Planning and Place to make any subsequent changes to the proposed Angus Local Development Plan and supporting documents including any changes required as a result of a Strategic Environmental Assessment of Habitats Regulations Appraisal.

## **10. TIMETABLE OF COUNCIL MEETINGS FOR THE PERIOD AUGUST 2015 – JUNE 2016**

With reference to Article 3 of the minute of the special meeting of Angus Council of 19 November 2013, there was submitted Report No 502/14 by the Head of Legal and Democratic Services setting out a timetable of meetings for the period August 2015 – June 2016 which would provide a platform for the Council's decision making process to continue, pending any decisions on the current committee structure.

The Council resolved:-

- (i) to note that an evaluation report on the operation of the current committee structure would be submitted to the first available Council meeting after June 2015; and
- (ii) meantime, to approve the timetable of meetings for the period August 2015 – June 2016, as appended to the Report (subject to the meeting of the Children and Learning Committee on 12 April 2016 commencing at 10am).

## **11. ANGUS COUNCIL ANNUAL ACCOUNTS 2013/14 AND THE REPORT TO MEMBERS ON THE 2013/14 AUDIT OF ANGUS COUNCIL**

With reference to Article 8 of the minute of meeting of the Scrutiny and Audit Committee of 25 November 2014, there was submitted Joint Report No 480/14 by the Chief Executive, the Strategic Director - Resources and the Head of Corporate Improvement and Finance covering Audit Scotland's Report to members on the 2013/14 audit of Angus Council and asking members to formally note the 2013/14 Annual Accounts including the Audited Accounting Statements for Angus Council; and also advising members of the intention to publish a summarised version of the Accounts.

The Council resolved:

- (i) to note the contents of Audit Scotland's Report to Members on the 2013/14 Audit of Angus Council;
- (ii) to note the 2013/14 audited Annual Accounts for Angus Council: and
- (iii) to note that a summarised version of the 2013/14 Annual Accounts would be published electronically.

## **12. TREASURY MANAGEMENT 2014/15 MID YEAR REVIEW REPORT**

With reference to Article 8 of the minute of meeting of Angus Council of 27 March 2014, there was submitted Report No 503/14 by the Head of Corporate Improvement and Finance on the Angus Council's mid year review of the treasury management activities for the period 1 April to 30 September 2014.

The Report indicated that whilst there were no direct financial implications arising from the recommendations in the Report, an effective treasury management service did however form a significant part of the Council's financial arrangements and financial well-being.

The Council resolved to note the Angus Council mid-year review report on treasury management activities for the period 1 April 2014 to 30 September 2014, attached as Appendix 1 to the Report.

## **13. REVENUE MONITORING PROJECTED OUTTURN 2014/15 – PROPOSALS FOR REINVESTMENT/100% CARRY FORWARD OF PROJECTED UNDERSPEND**

With reference to Article 7 of the minute of meeting of the Policy and Resources Committee of 2 December 2014, there was submitted Report No 504/14 by the Head of Corporate Improvement and Finance apprising members of the projected outturn position for the current financial year and seeking approval for utilising of some of the underspend on service proposals on priority areas across the Council.

The Council, having noted that the proposal in relation to the Hope Paton War Memorial would be funded from Common Good, resolved:-

- (i) to approve the reinvestment/100% carry forward proposals, as detailed in Appendix A to the Report; and
- (ii) to note that further reinvestment/100% carry forward proposals were currently under review for possible submission to the next Policy and Resources Committee meeting in February 2015.

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

The Council resolved that the public and press be excluded during consideration of the following items, so as to avoid the possible disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, Paragraphs 6, 8, 9 and 11.

#### **15. RESIDUAL WASTE PROJECT UPDATE**

With reference to Article 15 of the minute of meeting of Angus Council of 19 June 2014, there was submitted Report No 505/14 by the Strategic Director – Communities, updating members on the negotiations for the development of a partnership with Dundee City Council for the disposal of residual waste in compliance with the Waste (Scotland) Regulations 2012.

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

#### **16. FUTURE SERVICE DELIVERY MODEL FOR CULTURE AND LEISURE SERVICES**

With reference to Article 9 of the minute of meeting of Angus Council of 27 March 2014, there was submitted Report No 506/14 by the Strategic Director – Communities, providing the Council with an update on a Transforming Angus project which was developing options for the future of service delivery of Culture and Leisure Services.

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