

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 12 February 2015 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, DAVID MAY, IAN MCLAREN, GLENNIS MIDDLETON, DONALD MORRISON, ROB MURRAY, BOB MYLES, RONNIE PROCTOR MBE, MARK SALMOND, EWAN SMITH, BOB SPINK, MARGARET THOMSON, PAUL VALENTINE and SHEENA WELSH.

PROVOST HELEN OSWALD, in the Chair.

1. APOLOGIES

There were no apologies for absence intimated.

2. DECLARATIONS OF INTEREST

Councillors Myles, Oswald, Bowles and Welsh all declared an interest in item 12 as Council appointees to Tayside Contracts Joint Committee. All members indicated that they would participate in any discussion and voting.

Councillor Houston declared an interest in item 12 as a Vice-Convenor and member of Tayside Contracts Joint Committee. He indicated that he would participate in any discussion and voting.

Councillor Thomson declared an interest in item 13 as a member of the Shadow Board. She indicated that she would participate in any discussion and voting.

Councillor Middleton declared an interest in item 11 as a Council appointee on the Tayside Area Support Team. She indicated that she would participate in any discussion and voting.

3. REQUESTS FOR A DEPUTATION

The Council resolved to receive a deputation from Mrs Amanda Kopel in connection with the motion at item 4 -"Franks Law".

The Council further resolved to receive a deputation from Aiden Harvey, a S5 pupil at Forfar Academy and Geordie Cryle, Senior School Captain at Forfar Academy in relation to the referred item 6(ii)(g) – Review of Instrumental Music Service.

Thereafter, Mrs Kopel spoke in support of the motion and gave a very detailed and personal account of caring for her late husband, Mr Frank Kopel who had suffered from vascular dementia.

Following the deputation, Mrs Kopel withdrew to the public seating.

In accordance with the provisions of Standing Order 11 the Council resolved that the order of business be varied from the published agenda and dealt with in the following order.

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

Councillor May, seconded by Provost Helen Oswald, moved that this Council calls on the Chief Executive to write to the First Minister to introduce a "Franks Law" so that free personal care was extended to under 65's with dementia.

Having heard from a number of members, the Council unanimously resolved to approve the motion.

5. DEPUTATION

At this stage in the meeting, the Council agreed that papers in support of the deputation from Aiden Harvey and Geordie Cryle be circulated to members.

Thereafter, Aiden Harvey and Geordie Cryle spoke in detail on what they felt would be the detrimental effect the decision as taken by the Children and Learning Committee on 13 January 2015 would have on the provision of the Instrumental Music Service and urged members to reconsider this decision.

Following their deputation, Aiden Harvey and Geordie Cryle withdrew to the public seating.

6. MINUTES OF COUNCIL AND COMMITTEES

(i) Minute of Previous Meeting

(a) Angus Council

The minute of meeting of Angus Council of 11 December 2014 was submitted and approved as a correct record.

(b) Angus Council (Special)

The minute of the special meeting of Angus Council of 18 December 2014 was submitted and approved as a correct record.

(ii) Minutes of Committees

(c) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 8 December 2014 was submitted and noted.

(d) Development Standards Committee

The minute of meeting of the Development Standards Committee of 6 January 2015 was submitted and noted.

(e) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 6 January 2015 was submitted and noted.

(f) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 8 January 2015 was submitted and noted.

(g) Children and Learning Committee

The minute of meeting of the Children and Learning Committee of 13 January 2015 was submitted and except as detailed hereunder, noted:-

Review of Instrumental Music Service

Councillor Welsh, seconded by Councillor Devine, moved that this Council approves the decision taken by the Children and Learning Committee of 13 January 2015 and agrees the recommendations in section 5 of Report No 6/15 to redesign the instrumental music service.

COUNCILLOR FAIRWEATHER, SECONDED BY COUNCILLOR THOMSON, MOVED AS AN AMENDMENT, THAT THIS COUNCIL:-

- (l) DOES NOT IMPLEMENT THE RECOMMENDATIONS OF REPORT NO 6/15; AND

- (II) NOTES THAT FOR FINANCIAL YEAR 2016/17 AN ALTERNATIVE SAVINGS SOURCE WOULD REQUIRE TO BE IDENTIFIED THAT WOULD ENSURE THE CONTINUATION OF THE INSTRUMENTAL MUSIC SERVICE AT THE CURRENT LEVEL.

On a vote being taken, the members voted:-

For the motion:

Provost Helen Oswald, Depute Provost Alex King, Councillors Devine, Duff, Evans, Iain Gaul, Jeanette Gaul, Hands, Houston, Middleton, Morrison, Murray, Valentine and Welsh (14).

For the amendment:

Councillors Bowles, Boyd, Brown, Fairweather, Fotheringham, Geddes, Lumgair, May, McLaren, Myles, Proctor, Salmond, Smith, Spink and Thomson (15).

The amendment was declared carried and the Council resolved accordingly.

(h) Social Work and Health Committee

The minute of meeting of the Social Work and Health Committee of 13 January 2015 was submitted and noted.

(i) Development and Enterprise Committee

The minute of meeting of the Development and Enterprise Committee of 20 January 2015 was submitted and except as detailed hereunder, noted:-

National Loan Fund for Businesses

The Council resolved to delegate authority to the Service Manager – Economic Development, in consultation with the Convener of Development and Enterprise, or the Depute Convener in her absence, to approve all loans offered to Angus businesses through the National Loan Fund and that the Scheme of Delegation for Officers be amended accordingly.

(j) Communities Committee

The minute of meeting of the Communities Committee of 20 January 2015 was submitted and noted.

(k) Development Standards Committee

The minute of meeting of the Development Standards Committee of 27 January 2015 was submitted and noted.

(l) Scrutiny and Audit Committee

The minute of meeting of the Scrutiny and Audit Committee of 27 January 2015 was submitted and noted.

(m) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 29 January 2015 was submitted and noted.

(n) Policy and Resources Committee

The minute of meeting of the Policy and Resources Committee of 3 February 2015 was submitted and noted.

7. MINUTES OF BOARDS AND PARTNERSHIPS

(i) Angus Health and Social Care Integration Shadow Joint Board

The minutes of meetings of the Angus Health and Social Care Integration Shadow Joint Board of 19 and 27 November 2014 were submitted and noted.

Councillor Iain Gaul advised members that the Angus Health and Social Care Integration Shadow Joint Board would hold its last meeting under its current constitution in March following which membership of the new Shadow Integration Joint Board would be considered by the Council at its meeting on 26 March 2015.

8. APPOINTMENTS

(i) Carnoustie Golf Links Management Committee Limited

With reference to Article 10(c) of the minute of meeting of Angus Council of 15 May 2012, the Council resolved to note that Councillor Boyd had served his term and that Councillor Bowles had now taken up his term of office on the Carnoustie Golf Links Management Committee Limited.

(ii) Local Pension Board

Members were advised that the Public Services Pensions Act (PSPA) 2013 had introduced a number of changes to Public Service Pension Schemes including governance changes. One of the key changes was the requirement for each administering authority in the Local Government Pension Scheme to create a Local Pension Board. A nomination was required from Angus Council to be one of four employer representatives on the Pension Board. The Council was asked to also nominate a named substitute. Nominees would serve a five year term (subject to any changes arising because of local government elections).

The Council resolved to nominate Councillor Rob Murray as one of the four employer representatives on the Pension Board and that Councillor Brian Boyd be the named substitute.

9. SOUTH ANGUS PLANNING APPLICATIONS: PROPOSED PLANNING OBLIGATIONS, HEADS OF TERMS AND CONDITIONS

With reference to Articles 9 and 12 of the minute of the special meeting of Angus Council of 18 December 2014, there was submitted Report No 65/15 identifying the proposed planning obligation requirements and planning conditions for the housing development at the former Strathmartine Hospital and for the housing and employment land development on land at Pitskelly Farm, Carnoustie.

The Council, having noted that only those members of the Council who were present at the special Council meeting on 18 December 2014 could participate in any discussion and voting on this item, resolved:-

- (i) to approve the proposed Heads of Terms for the Planning Obligation and planning conditions detailed in Appendix 1 to the Report in respect of planning application 13/00268/EIAM for the housing development at Strathmartine Hospital; and
- (ii) to approve the proposed Heads of Terms for the Planning Obligation and planning conditions detailed in Appendix 2 to the Report in respect of planning application 14/00573/PPPM for housing and employment land development at Pitskelly Farm, Carnoustie.

10. THE LOCAL AUTHORITY ACCOUNTS (SCOTLAND) REGULATIONS 2014 – STATUTORY ANNUAL ACCOUNTS 2014/15

With reference to Article 8 of the minute of meeting of the Scrutiny and Audit Committee of 27 January 2015, there was submitted Report No 39/15 by the Head of Corporate Improvement and Finance advising members on the Local Authority Accounts (Scotland) Regulations 2014 which had come into effect on 10 October 2014; outlining the implications

for the Scrutiny and Audit Committee's role in scrutinising the Council's Accounting Statements and highlighting that the Standing Orders of the Council and the Order of Reference of Committees would require to be revised in light of the new requirements of the legislation.

The Council resolved to note that revisions would require to be made to the Standing Orders of the Council and the Order of Reference of Committee and that these would be brought forward in due course.

11. TAYSIDE AREA SUPPORT TEAM

With reference to Article 8 of the minute of meeting of the Social Work and Health Committee on 8 November 2012, there was submitted Report No 66/15 by the Head of Legal and Democratic Services advising members on the development of the Tayside Area Support Team and on the recent review of the Minute of Agreement governing the Council's involvement in the Tayside Area Support Team.

The Report recommended that the Council:-

- (i) agrees not to amend the Minute of Agreement between Angus Council, Dundee City Council and Perth & Kinross Councils and Children's Hearings Scotland;
- (ii) notes that a meeting had been held between the National Convener of Children's Hearings Scotland (CHS) and the Leader of the Council on 4th February 2015;
- (iii) considers whether Angus Council wished to remain as part of the Tayside Area Support Team with an Area Convener providing a strategic and monitoring role but retaining the emphasis on locality for the administration and delivery of panel members support all as provided within the Minute of Agreement; and
- (iv) reserves the right to revert to the National Convener in the event of what appears to the Council to be non-compliance with the Minute of Agreement, for the purpose of applying to the National Convener to become a stand-alone Angus Area Support Team should this be deemed to be in the best interests of the Children's Panel Members and the children of Angus whom they serve.

Councillor Glennis Middleton moved that this Council:-

- (i) accepts recommendations (i) and (ii) of the Report No 66/15;
- (ii) in relation to recommendations (iii) and (iv) to defer any decision on the next steps to give Children's Hearings Scotland the opportunity to come back to the Council with a response;
- (iii) instructs the Head of Legal and Democratic Services to bring back a further update report at the next meeting of Angus Council;
- (iv) instructs the Chief Executive to write to the Scottish Minister for Children and Young People outlining the concerns of the Angus volunteers and copying Report No 66/15 to her; and
- (v) instigates a complaint against the Tayside Area Convener in terms of the Children's Hearings Complaints Handling Procedure.

Having heard from a number of members, the Council unanimously agreed to approve the proposal from Councillor Middleton.

12. TAYSIDE CONTRACTS REVISED MINUTE OF AGREEMENT

There was submitted Report No 67/15 by the Head of Legal and Democratic Services seeking approval to the terms of a revised Minute of Agreement between Angus Council, Dundee City Council and Perth and Kinross Council in respect of Tayside Contracts.

The Report indicated that the Minute of Agreement had been reviewed and a new Minute of Agreement had been framed in the context of recent transfers of services from the Councils to Tayside Contracts.

The Council resolved to approve the revised Minute of Agreement between Angus Council, Dundee City Council and Perth and Kinross Council in respect of the continued operation of Tayside Contracts.

13. ANGUS SHARED APPRENTICESHIP PROGRAMME

With reference to Article 8 of the minute of meeting of the Policy and Resources Committee of 10 June 2014, there was submitted Joint Report No 69/15 by the Chief Executive, the Strategic Director – Resources and Head of Planning and Place seeking approval to establish the Angus Shared Apprenticeship Programme Limited, a company limited by guarantee which would deliver a programme of shared apprenticeships in partnership with other key stakeholders.

The Council resolved:-

- (i) to establish the Angus Shared Apprenticeship Programme Limited (ASAP Ltd) and Company Articles of Association at Appendix 1 of the Business Plan, subject to such adjustments as may be approved by Head of Legal and Democratic Services as the programme was rolled out;
- (ii) to appoint three Council representatives as members of the ASAP Company Board from the existing ASAP Shadow Board members (being Councillors Paul Valentine (Chair), Donald Morrison and Margaret Thomson);
- (iii) to note the Business Plan which had been prepared by the Shadow Board and approve the financial framework for the programme at Appendix 4 of the Plan;
- (iv) to note that Angus Council's procurement process was being developed to support the programme as part of the Council's broader commitment to community benefit;
- (v) to note the financial commitment/contributions of Construction Industry Training Board (CITB), Skills Development Scotland (SDS) and Dundee and Angus College;
- (vi) to note the financial implications as set out in Section 6 and the risks and challenges set out in Section 7 of the Report;
- (vii) to agree the one-off funding contribution of £25,000 and the on-going in-kind support from the Council required to help with the day-to-day running of the company;
- (viii) to agree to keep the financial health of the company under review and to bring forward future reports should this be necessary;
- (ix) to note that in the event the company was unsustainable, Angus Council and its partners would seek to support any apprentices in the scheme to the conclusion of their apprenticeship; and
- (x) to authorise the Head of Corporate Improvement and Finance and Head of Planning and Place to provide temporary financial support from the Council to the Company for cashflow purposes only, up to a maximum of £40,000.

14. PROPOSED ANGUS LOCAL DEVELOPMENT PLAN ADDENDUM TO CONSULTATION REPORT

With reference to Article 10 of the minute of meeting of the Development and Enterprise Committee of 20 January 2015, there was submitted Report No 70/15 by the Head of Planning and Place seeking approval of an addendum to the Consultation Report for the Proposed Angus Local Development Plan.

The Report indicated that a number of comments had been received after the initial consultation period had closed which had been omitted from the original Report. These comments and the Council's suggested responses were set out in Appendix 1 to the Report which, if approved, would be incorporated into the final Consultation Report when it was published for information alongside the proposed Angus Local Development Plan.

The Council resolved to approve the addendum to the Consultation Report as agreed at the Development and Enterprise Committee on 20 January 2015.

15. 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.

16. FUTURE SERVICE DELIVERY MODEL FOR CULTURE AND LEISURE SERVICES - UPDATE

With reference to Article 16 of the minute of meeting of Angus Council of 11 December 2014, there was submitted Joint Report No 71/15 by the Strategic Director – Communities and the Interim Head of Services to Communities providing the Council with an update on a Transforming Angus project for the future service delivery of Culture and Leisure Services.

The Council resolved:-

- (i) to approve the recommendations, as detailed in the Report;
- (ii) to note that the Strategic Director – Communities had briefed all affected Council staff on the proposals within the Report; and
- (iii) to revise the proposed membership of the Culture and Leisure Trust Shadow Board to consist of four elected members and to appoint Councillors Duff, Jeanette Gaul, Fairweather and Brown to the Shadow Board.

17. EAST CENTRAL TERRITORY HUB: FORFAR COMMUNITY CAMPUS PROJECT AND ARBROATH SCHOOLS PROJECT (PHASE 1) UPDATES

With reference to Article 10 of the minute of meeting of the Policy and Resources Committee of 2 December 2014, there was submitted Joint Report No 68/15 by the Strategic Director – People and the Strategic Director – Resources providing an update in relation to a number of matters concerning the Forfar Community Campus Project and the Arbroath Schools Project (Phase 1) and also making amendments to the East Central Territory Hub Shareholders Agreement, as set out in principle to the Report

Having heard from the Strategic Director – Resources, the Council resolved to approve the recommendations, as detailed in the Report.