

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 14 May 2015 at 10.00am.

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, EWAN SMITH, BOB SPINK, MARGARET THOMSON, PAUL VALENTINE and SHEENA WELSH.

PROVOST HELEN OSWALD, in the Chair.

1. APOLOGIES

There were no apologies intimated.

2. DECLARATIONS OF INTEREST

Councillor Proctor declared an interest in item 6 as he had received emails from constituents and also some promotional literature from the developer. He indicated that he would participate in any discussion and voting.

Councillor Jeanette Gaul declared an interest in item 6 as she had received emails and correspondence from constituents. She was also a Council appointee on the Cairngorms National Park Authority Board. She indicated that she would participate in any discussion and voting.

Councillor Iain Gaul declared an interest in item 6 as he had received emails and correspondence from constituents. He indicated that he would participate in any discussion and voting.

3. MINUTES OF COUNCIL AND COMMITTEES

(i) Minute of Previous Meeting

(a) Angus Council

The minute of the meeting of Angus Council of 26 March 2015 was submitted and approved as a correct record.

With reference to Article 5 of the minute, the Provost intimated that the Head of Legal and Democratic Services had produced a confidential briefing paper. As some elements of the paper contained personal information in terms of the Data Protection Act 1998, the Provost proposed that, following the paper being circulated to members, the Council should resolve that consideration of this matter be taken in private at the end of the meeting.

The confidential briefing paper was then circulated.

Having considered the contents of the paper, the Council resolved that the item be taken in private at the end of the meeting.

(ii) Minutes of Committees

(b) Development Standards Committee

The minute of meeting of the Development Standards Committee of 31 March 2015 was submitted and noted.

(c) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 2 April 2015 was submitted and noted.

(d) Children and Learning Committee

The minute of meeting of the Children and Learning Committee of 2 April 2015 was submitted and noted.

(e) Social Work and Health Committee

The minute of meeting of the Social Work and Health Committee of 7 April 2015 was submitted and noted.

(f) Development and Enterprise Committee

The minute of meeting of the Development and Enterprise Committee of 14 April 2015 was submitted and noted.

(g) Communities Committee

The minute of meeting of the Communities Committee of 14 April 2015 was submitted and noted.

(h) Development Standards Committee

The minute of meeting of the Development Standards Committee of 21 April 2015 was submitted and noted.

(i) Scrutiny and Audit Committee

The minute of meeting of the Scrutiny and Audit Committee of 21 April 2015 was submitted and noted.

(j) Policy and Resources Committee

The minute of meeting of the Policy and Resources Committee of 28 April 2015 was submitted and noted.

4. MEMBERS REMUNERATION, ALLOWANCES AND EXPENSES 2014/2015

With reference to Article 6 of the minute of meeting of Angus Council of 8 May 2014 there was submitted Report No 195/15 by the Strategic Director – Resources bringing to the Council's attention the amount of remuneration, allowances and expenses paid to Councillors for the period 1 April 2014 to 31 March 2015, along with information on members' training.

The Council resolved:-

- (i) to note the contents of the Report; and
- (ii) to note that the information in Appendix 1 would be published on the Council's website in accordance with legislative requirements.

5. DEVELOPMENT OF PRIORITY BASED BUDGETING

There was submitted Report No 196/15 by the Head of Corporate Improvement and Finance seeking approval of changes to how the Council prepared its revenue and capital budgets in order that the Council had a priority based approach to the allocation of scarce budget resources which focussed on the outcomes that investment achieved.

The intention was that the new approach to budget setting would apply to the Council's revenue and capital budgets and decisions on the Council's Special Funds. For revenue purposes a rolling three year budget strategy would be in place but for capital a five year

budget strategy would continue to be in place to recognise the need for longer term capital project planning.

The Head of Corporate Improvement and Finance gave a presentation to members in relation to this item.

The Council resolved:-

- (i) to note the benefits of developing a priority based approach to budget setting as set out in the Report;
- (ii) to approve the approach to the development of future revenue and capital budgets as outlined in section 3 and Appendix 1 of the Report, with this approach being adopted for the 2016/2017 budget setting;
- (iii) that the membership of the Policy and Budget Strategy Group be extended to include two further members of the non-administration and that expressions of interest be intimated to the Head of Legal and Democratic Services as soon as possible; and
- (iv) to note that further updates on the detailed development of the proposals in section 3 and Appendix 1 of the Report would be brought to future meetings of the Policy and Resources Committee or Council, as appropriate.

6. SECTION 36 CONSULTATION – PROPOSED WIND TURBINE DEVELOPMENT ON LAND AT MACRITCH HILL, GLEN ISLA

There was submitted Report No 197/15 (and Addendum) by the Head of Planning and Place indicating that the Scottish Government Energy Consents Unit had received an application for consent under the Electricity Act 1989 to construct and operate a wind farm comprising 18 wind turbines measuring 80 metres to hub and 125 metres to blade tip and associated works for Eneco Wind UK Limited on a site to the north and east of Backwater Reservoir, near Kirriemuir, Angus. The windfarm would have a maximum generating capacity of 59.4 megawatts (MW) and as Angus Council was a statutory consultee on this proposal the Report sought approval for the Council's response to the consultation which was that the Council object to this proposal.

The Council resolved to object to the application for the reasons detailed below:-

That the proposed wind turbine development would result in unacceptable adverse landscape impacts, including cumulative impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types. Accordingly the application was contrary to Policy 3 of TAYplan and Policies S1, ER5 and ER34 and ER35 of the Angus Local Plan Review.

That the proposed wind turbine development would give rise to unacceptable visual impacts, including cumulative impacts on occupants of residential properties and on those using the wider area for recreational purposes. Accordingly the application was contrary to Policies S1, S6, ER34 and ER35 of the Angus Local Plan Review.

That the proposed wind turbine development would give rise to adverse impacts on the setting of Scheduled Ancient Monuments and there was no overriding public interest to allow the development in a form that would have such impact. Accordingly the application was contrary to Policy 3 of TAYplan and Policies ER18 and ER34 of the Angus Local Plan Review.

That insufficient information has been submitted to demonstrate that the proposed wind turbine development would not have a significant adverse impact on protected bird species. Accordingly the application was contrary to Policies ER4 and ER35 of the Angus Local Plan Review.

That insufficient information has been submitted to demonstrate that the proposed wind turbine development would not have a significant adverse impact on private water supplies. Accordingly the application was contrary to Policies S6 and ER25 of the Angus Local Plan Review.

That insufficient information has been submitted to demonstrate that the proposed wind turbine development would not have a significant adverse impact on the amenity of occupants of nearby residential property by virtue of operational noise. Accordingly the application was contrary to Policies S4, S6, ER11 and ER35 of the Angus Local Plan Review.

In accordance with the provisions of Standing Order 15 (11)(ii) Councillor Myles requested that his dissent be recorded from the foregoing decision.

7. PROPOSED ANGUS LOCAL DEVELOPMENT PLAN – CONSULTATION UPDATE

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 198/15 by the Head of Planning and Place providing the Council with an update of the overall response to the period for representations undertaken on the Proposed Angus Local Development Plan, Environmental Report and Draft Action Plan programme between 27 February and 30 April 2015 and seeking agreement on the next steps in the consideration and assessment of submissions.

The Report indicated that some 170 submissions had been received to the proposed ALDP, Environmental Report and Draft Action Plan by the end of the advertised period for representation. In line with the timetable included in the Angus Development Plan Scheme 2015 work was progressing on formally registering responses received by this date, identifying individual representations and grouping them together under issues for consideration and response by Angus Council. Until this task had been completed it would not be possible to indicate the range and scale of representations received on individual elements of the Proposed Plan, Environmental Report or Draft Action Plan.

It was anticipated that a number of late representations would be received after the end of the formal period for representation on 30 April 2015. To allow Angus Council to progress the consideration of representations and agreement on the response in line with the indicative timetable it was recommended that late submissions on the proposed ALDP received up to 29 May 2015 should be accepted.

The Council resolved:-

- (i) to note the scale of submissions received during the period for representation;
- (ii) to agree to accept late submissions up to Friday 29 May 2015; and
- (iii) to agree that all submissions received, including late submissions received by 29 May 2015 be made publically available on the Council's website.

STATEMENT FROM THE CHIEF EXECUTIVE

The Chief Executive updated members in connection with the issuing of “green papers” and that following a Police Scotland investigation there had been no evidence found of any criminality, however Audit Scotland would be carrying out a review of the processes involved in the sharing and distribution of “green papers” and that a report would be submitted to Council in due course.

8. EXCLUSION OF PUBLIC AND PRESS

The Council 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 Schedule 7A to the Local Government (Scotland) Act 1973 (having resolved at Article 3(i)(a) above that the briefing paper, as circulated, be taken in private).

9. EAST CENTRAL TERRITORY HUB – FORFAR COMMUNITY CAMPUS PROJECT

With reference to Article 17 of the minute of meeting of Angus Council of 12 February 2015, there was circulated Report No 199/15 by the Strategic Director – People and the Strategic Director – Resources providing a further update in respect of the East Central Territory Hub and the current position with regard to the Forfar Community Campus.

Members were advised that all references to "21 May 2015" in the Report should read "towards the end of May".

The Council resolved to approve the recommendations in the Report (subject to "21 May 2015" to read "towards the end of May").

10. TAYSIDE AREA SUPPORT - UPDATE

The Head of Legal and Democratic Services briefed members in relation to the formal determination of the complaint.

Thereafter, Councillor Middleton intimated that she wished to move an emergency motion in terms of Standing Order 11(1)(vii).

The Provost, having read the contents of the motion, ruled that the motion be considered as a matter of urgency, as any delay in making a decision would have a detrimental effect on the operation of the Children's Hearing system within the Angus area.

Thereafter, Councillor Middleton, seconded by Councillor Thomson, moved that this Council:-

- (i) is of the view that the investigation carried out by Children's Hearing Scotland was significantly flawed and consequently this Council cannot endorse the recommendations, as reported;
- (ii) instructs the Chief Executive to submit the matter to the Scottish Public Services Ombudsman to consider the complaint;
- (iii) has grave concerns that the local nature of the administration and management of Panel members has been eroded to the extent that the current arrangements are untenable; and
- (iv) instructs the Head of Legal and Democratic Services to explore the possibility of a "stand alone " Angus Support Team and report back to the Council meeting in June.

Having heard from a number of members in support of the motion and of the importance stressed by the members on behalf of the volunteers of having a stand-alone Angus Area Support Team, the Council resolved unanimously to approve the motion and that the Head of Legal and Democratic Services request the National Convener to revoke the Tayside AST and designate Angus as an AST and report back to the meeting in June.