

## ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 18 June 2015 at 2.00pm.

**Present:** Provost HELEN OSWALD, Depute Provost ALEX KING, Councillors 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, 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 Bill Bowles, Mark Salmond and Margaret Thomson.

### 2. DECLARATIONS OF INTEREST

Councillors Jeanette Gaul, Bill Duff, David Fairweather and Colin Brown declared an interest in item 15 as they were Council appointed directors to the Shadow Board for Angus Alive. All indicated that they would participate in any discussion and voting.

Councillor Spink declared an interest in item 17. As this matter was recommended to be taken in private, he would give a fuller declaration prior to the Council considering the item.

### 3. MINUTES OF COUNCIL AND COMMITTEES

#### (i) Minute of Previous Meeting

##### (a) Angus Council

The minute of meeting of Angus Council of 14 May 2015 was submitted and approved as a correct record.

With reference to Article 10 of the minute, the Head of Legal and Democratic Services indicated that in accordance with the decision of the Council she had written to the National Convener of Children's Hearings Scotland seeking to revoke the Tayside AST and designate Angus as a stand-alone AST. The Chief Executive had also submitted the matter to the Scottish Public Services Ombudsman. To date, acknowledgements had been received to both these letters. In accordance with the provisions of the Children's' Hearings Scotland Act 2011 the National Convener had written to the other two local authorities in Tayside seeking their views.

Having heard from Councillor Middleton who highlighted the need to progress this as a matter of urgency, so as to prevent any further diminution of the service and to minimise any problems arising with regard to some re-appointments, the Council resolved that the Head of Legal and Democratic Services make further contact with the National Convener seeking an urgent response to the matter and report back to the meeting of Angus Council on 10 September 2015.

#### (ii) Minutes of Committees

##### (b) Development Standards Committee

The minute of meeting of the Development Standards Committee of 12 May 2015 was submitted and noted.

**(c) Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 12 May 2015 was submitted and noted.

**(d) Civic Licensing Committee**

The minute of meeting of the Civic Licensing Committee of 14 May 2015 was submitted and noted.

**(e) Children and Learning Committee**

The minute of meeting of the Children and Learning Committee of 19 May 2015 was submitted and noted.

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

The minute of meeting of the Social Work and Health Committee of 19 May 2015 was submitted and noted.

**(g) Development and Enterprise Committee**

The minute of meeting of the Development and Enterprise Committee of 26 May 2015 was submitted and noted.

**(h) Communities Committee**

The minute of meeting of the Communities Committee of 26 May 2015 was submitted and noted.

**(i) Development Standards Committee**

The minute of meeting of the Development Standards Committee of 2 June 2015 was submitted and noted.

**(j) Policy and Resources Committee**

The minute of meeting of the Policy and Resources Committee of 9 June 2015 was submitted and noted.

**4. ANGUS HEALTH AND SOCIAL CARE INTEGRATION SHADOW JOINT BOARD**

With reference to Article 6 of the minute of meeting of Angus Council of 26 March 2015, the Council resolved to nominate Councillors Devine, Hands and Brown as named proxies for the Angus Health and Social Care Integration Shadow Joint Board.

**5. PRIDE IN PLACE MEMBER OFFICER GROUP**

The Council resolved to note that Councillor Duff would replace Councillor Oswald on the Pride and Place Member Officer Group.

**6. REVIEW OF COMMITTEE STRUCTURE**

With reference to Article 3 of the minute of the special meeting of Angus Council of 19 November 2013, there was submitted Joint Report No 237/15 by the Chief Executive and the Head of Legal and Democratic Services summarising the steps that had been taken to collect comments on the operation of the current structure and proposing possible changes for consideration by the Council which, if agreed, would be implemented immediately after the 2015 summer recess.

The Report set out a number of proposals for members' consideration as follows:-

- no changes to the committee cycle as it was considered that with the extended Scheme of Delegation the normal or routine business of the Council could be carried out without the need for more regular meetings.
- the Council continue to make use of Member Officer Groups and member briefings as required and that the gradual development of electronic and digital services for elected members be pursued.
- the Development and Enterprise Committee is ceased with its remit being transferred to the Policy and Resources Committee with the roles of Convener and Vice-Convener being maintained as "leading member" roles similar to those of the Convener and Vice-Convener for Finance.
- the Social Work and Health Committee is maintained in the Council's structure during the implementation and bedding in of the new integrated arrangements with a review being undertaken in 2017 after a full year of the Integrated Joint Board's formal operation.
- the Police and Fire and Rescue Sub-Committee is ceased with the scrutiny of the police and fire and rescue services activities being delivered via the Scrutiny and Audit Committee.

COUNCILLOR MURRAY, SECONDED BY COUNCILLOR IAIN GAUL, MOVED THAT THE COUNCIL APPROVES THE PROPOSALS AS DETAILED ABOVE.

Councillor Fairweather, seconded by Councillor Myles, moved as an amendment, that this Council agrees:-

- (i) not to continue the roles of Convener and Vice-Convener of the Development and Enterprise Committee as "leading members";
- (ii) consequently, the senior council remuneration payable for these roles cease from the date of implementation of the new committee structure; and
- (iii) to note that the terms of this amendment would result in savings of £6,700 in a full financial year.

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, Smith, Valentine and Welsh (15).

For the amendment:

Councillors Brown, Fairweather, Geddes, May and Myles (5).

No votes:

Councillors Boyd, Fotheringham, Lumgair, McLaren, Proctor and Spink (6).

The motion was declared carried and the Council resolved accordingly.

## **7. ASSURANCE BASED INVESTIGATION OF THE PROCESSES INVOLVED IN THE DISTRIBUTION OF EXEMPT REPORTS**

With reference to the statement by the Chief Executive at the Council meeting on 14 May 2015, there was submitted Report No 238/15 by the Chief Executive updating members on the investigation of the recent unauthorised release of exempt information included in so called "green papers" and advising members of the conclusions drawn and recommendations made by Audit Scotland following their review of the Council's processes for the production and distribution of exempt papers not for publication.

The Report indicated that Audit Scotland had undertaken an assurance based investigation of the Council's processes for the production and distribution of exempt reports. This investigation had included some assessment of Angus Council's processes in comparison to those of a small number of other Councils, with a draft Audit Scotland report attached as Appendix 1 to the Report.

The Council resolved:-

- (i) to note the contents of the Report and in particular the findings of the draft report on the investigation conducted by Audit Scotland; and
- (ii) that the Chief Executive and the Head of Legal and Democratic Services take such action as was needed to agree the final report with Audit Scotland and in light of the recommendations included in the report, take such steps as may be needed to improve the security and reliability of the Council's administrative processes for the production and distribution of exempt reports.

## **8. 2014/15 FINANCIAL OUTTURN AND DRAFT ACCOUNTS UPDATE**

With reference to Article 6 of the minute of meeting of the Policy and Resources Committee of 3 February 2015, there was submitted Report No 239/15 by the Head of Corporate Improvement and Finance providing details of the unaudited financial outturn position on both a revenue and capital basis for 2014/15 for Angus Council and updating members with regard to the preparation of the 2014/15 Accounting Statements.

The Report indicated that the Accounts for 2014/15 had been concluded to a stage sufficient to allow revenue outturn information to be prepared and commented upon. In summary, the Council had delivered a revenue underspend on General Fund Services of £11.685 million and £0.382 million Housing Revenue Account Services. Net capital expenditure of £26.501 million (General Fund) and £11.125 million (Housing) had been incurred in 2014/15. This was some £8.999 million and £0.724 million below the respective net budgeted positions of £35.500 million and £11.849 million.

The draft Accounts would be submitted to Audit Scotland for 30 June 2015 and thereafter considered by the Scrutiny and Audit Committee at their first meeting after the summer recess.

The Council resolved:-

- (i) to note the update with regard to the preparation of the 2014/15 Accounting Statements and that, in accordance with statutory requirements, they would be submitted to Audit Scotland by the 30 June 2015 deadline;
- (ii) to note that the Council's Accounting Statements would be published on-line at or around 30 June 2015 for members wishing to look at these and that copies of the draft Accounts would also be placed in the Members Information Hub;
- (iii) to note the revenue budget performance and associated commentary as set out in Section 4 and Appendix 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;
- (v) to approve the end of year 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.

## **9. PRIORITY BASED BUDGETING – IMPLEMENTATION UPDATE**

With reference to Article 5 of the minute of meeting of Angus Council of 14 May 2015, there was submitted Report No 240/15 by the Head of Corporate Improvement and Finance providing members with an update on the development of the new Priority Based Budgeting (PBB) approach, setting out details of Stage 1 of this new approach and seeking agreement as to how this would work in practice.

The Report indicated that in order that the Council could reach agreement on its priorities and set a high level budget strategy, the Policy and Budget Strategy Group (PBSG) had agreed that a workshop be held in August involving all the elected members and the Council's Management Team. The workshop would allow members to consider and discuss core background information on the Council's key services and other relevant information. This would assist members make informed choices about priorities and ultimately determine the relative priority of services and what changes to those services and their funding might be considered acceptable.

The Council resolved:-

- (i) to approve the approach to Stage 1 of the Priority Based Budgeting (PBB) approach to future revenue and capital budget setting, as outlined in the Report;
- (ii) to note that further updates on the new PBB approach would be brought to future meetings of the Policy and Resources Committee/full Council as appropriate; and
- (iii) to note that two places for non-administration members remained available on the Policy and Budget Strategy Group.

#### **10. ANGUS COUNCIL RESPONSE TO THE COMMISSION ON LOCAL TAX REFORM**

There was submitted Report No 241/15 by the Head of Corporate Improvement and Finance setting out a proposed officer response to a recent call for evidence issued by the Commission on Local Tax Reform.

The Report indicated that the Commission on Local Tax Reform which had been set up by the Scottish Government in February 2015 to examine funding and taxation arrangements for local government services had invited organisations and citizens in Scotland to get involved in the work and the debate on this issue, with a proposed officer response attached as Appendix 1 to the Report.

The Council resolved:-

- (i) to note the background to the Commission and its call for evidence, as set out in the Report; and
- (ii) to approve the proposed officer response attached as Appendix 1 and approve it for submission to the Commission without amendment.

#### **11. BRECHIN AND CARNOUSTIE CHARRETTES**

With reference to Article 5 of the minute of meeting of the Communities Committee of 19 August 2015, there was submitted Report No 242/15 by the Head of Planning and Place outlining the results of charrettes in Brechin and Carnoustie and detailing plans for future events in Angus.

The Report indicated that a charrette was an interactive design process, in which stakeholders, including community members, public bodies and private sector organisations worked directly with a specialist design team to generate a specific community vision and develop a framework and actions to achieve this shared vision. The Report outlined the results and emerging action plans of the two charrettes that had taken place in February and March 2015 in Brechin and Carnoustie respectively.

The charrettes themselves had been intensive multi day events involving workshops, walkabouts, presentations and refinements to emerging actions. There had been very positive levels of engagement at both events and attendance had been drawn from a wider cross section of the local community than those normally engaged in community and planning activity. During the launch events there had been particularly high attendance levels and during the course of both charrettes hundreds of people had contributed to the discussions.

The Council resolved:-

- (i) to note the outcomes of the two charrettes in Brechin and Carnoustie, as detailed in Appendices 1 and 2 Report respectively;
- (ii) to approve the framework for the actions identified within the charrette reports; and
- (iii) to approve the proposed rollout programme of charrettes across Angus.

## **12. PROCUREMENT AUTHORITY - CHARRETTES**

With reference to Article 11 above, there was submitted Report No 243/15 by the Head of Planning and Place seeking authorisation to set in place procurement arrangements for the delivery of the Charrettes Programme in Angus.

The Report indicated that the purpose of the procurement was to secure delivery of professional consultancy services for the management of and delivery of the required community planning outputs from up to six charrettes between October 2015 and May 2017 with the possibility of further charrettes in 2017/18. The proposed duration for the framework was two years with the option to extend on a year by year basis, with a maximum duration of four years.

The Council resolved to authorise the Head of Planning and Place to procure a Supply Framework Agreement for the appointment of consultant(s) to deliver public engagement events (charrettes) for the period 2015-2017.

## **13. TAYPLAN – PROPOSED STRATEGIC DEVELOPMENT PLAN 2016-2036**

With reference to Article 8 of the minute of meeting of Angus Council of 26 March 2015, there was submitted Report No 244/15 by the Head of Planning and Place setting out a suggested response by Angus Council to the formal publication of the TAYplan Proposed Strategic Development Plan 2016-2036 by the Dundee, Perth, Angus and North Fife Strategic Development Planning Authority on 11 May 2015.

The Report indicated that the TAYplan Proposed Plan 2016-2036 would provide the strategic land use planning guidance for the Dundee, Perth, Angus and North Fife areas replacing the current TAYplan approved in June 2012. The guidance set out in the document was compatible with the vision and objectives of Angus Council and would provide a positive framework from which the Council could review the Angus Local Development Plan.

The Council resolved to support the TAYplan strategy, policies and proposed Action Programme and that no formal representation be made by Angus Council to the proposed TAYplan Strategic Development Plan 2016-2036 and related documents.

## **14. ARBROATH SCHOOLS PROJECT (PHASE 1) UPDATE**

With reference to Article 3(ii)(p) of the minute of meeting of Angus Council of 26 March 2015, there was submitted Joint Report No 245/15 by the Strategic Director – People and the Strategic Director – Resources providing an update in relation to the Arbroath Schools Project (Phase 1).

The Report indicated that the overall costs (gross) had increased by £347,000 which equated to 2.7%. These increased costs could be identified as construction inflation, omissions by the original contractor and start-up inefficiencies due to the requirement to replace the contractor. The updated net capital cost for the project was £11.281 million, an increase of £281,000 compared to the last update reported to members.

The Council resolved to note the updated position with the Arbroath Schools Project (Phase 1).

**15. ANGUS ALIVE – TRUSTEES AND CHIEF EXECUTIVE RECRUITMENT**

With reference to Article 4 of the minute of meeting of the Communities Committee of 26 May 2015, there was submitted Report No 246/15 by the Strategic Director – Communities seeking approval to accelerate the recruitment of the independent trustees for Angus Alive and of the Chief Executive in order to achieve charitable status and the agreed go live date of 1 December 2015.

The Report outlined the circumstances, the risks and associated mitigation of an accelerated timetable to allow Angus Council to fully consider any implications of approving accelerated recruitment in advance of their decision in September.

The Council resolved to approve the acceleration of the recruitment process for the appointment of the independent trustees to the Angus Alive Board and to the recruitment process for the Chief Executive of Angus Alive, as set out in the Report.

**16. 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 items 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.

Councillor Spink declared an interest in the following item as until his retirement, he had been the Managing Director of one of the companies named in the Report. He indicated that he would participate in any discussion and voting on the matter.

**17. PROPOSALS FOR FUTURE ECONOMIC DEVELOPMENT CAPITAL INVESTMENTS**

There was submitted Report No 247/15 by the Chief Executive informing members of potential activity and options to deliver future capital investments in employment land and property; seeking consideration of the individual products and associated funding implications as and when proposals were required to be developed and brought to committee for decision.

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

**18. SOUTH LINKS CARAVAN PARK, MONTROSE**

With reference to Article 13 of the minute of meeting of Angus Council of 28 June 2012, there was submitted Report No 248/15 by the Head of Legal and Democratic Services in relation to South Links Caravan Park, Montrose.

The Council resolved to note the contents of the Report.

**19. REGENERATION OF SOUTH MONTROSE**

With reference to Article 11 of the minute of meeting of the Policy and Resources Committee of 9 June 2015, there was submitted Report No 249/15 by the Chief Executive in relation to a number of matters associated with the regeneration of South Montrose.

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

**20. HELP TO LIVE AT HOME PROJECT**

With reference to Article 7 of the minute of meeting of the Policy and Resources Committee of 3 February 2015, there was submitted Report No 250/15 by the Head of Adult Services in relation to the Help to Live at Home Project.

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