

# ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 19 October 2017 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, BILL DUFF, BRENDA DURNO, DAVID FAIRWEATHER, CRAIG FOTHERINGAM, SHEILA HANDS, ALEX KING, BEN LAWRIE, DAVID LUMGAIR, ANGUS MACMILLAN DOUGLAS OBE, MARK McDONALD, IAN McLAREN, BOB MYLES, GAVIN NICOL, MARK SALMOND, LOIS SPEED, RON STURROCK, DEREK WANN and BETH WHITESIDE.

PROVOST RONNIE PROCTOR, in the Chair

## 1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Richard Moore and Tommy Stewart.

## 2. DECLARATIONS OF INTEREST

Councillor Lawrie declared an interest in item 11 as the Chair of the East of Scotland European Consortium. He indicated that he would participate in any discussion and voting on this item.

## 3. RECEPTION OF A DEPUTATION

The Provost intimated that a request for a deputation had been received from Mr Ian McIntosh, Managing Director of Duncan McIntosh Trailers, Brechin in relation to the new control measures at recycling centres.

The Council resolved to receive the deputation following which Mr McIntosh urged the Council not to impose a ban on six foot trailers at certain recycling centres. Following a number of questions, Mr McIntosh withdrew to the public benches.

## 4. MINUTES OF COUNCIL AND COMMITTEES

### (i) Minutes of Council Meetings

#### (a) Angus Council

The minute of meeting of Angus Council of 7 September 2017 was submitted and approved as a correct record.

#### (b) Angus Council (Special)

The minute of the special meeting of Angus Council of 28 September 2017 was submitted and approved as a correct record.

### (ii) Minutes of Committees

#### (c) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 14 September 2017 was submitted and noted.

#### (d) Children and Learning Committee

The minute of meeting of the Children and Learning Committee of 19 September 2017 was submitted and noted.

#### (e) Scrutiny and Audit Committee

The minute of meeting of the Scrutiny and Audit Committee of 26 September 2017 was submitted and noted.

**(f) Communities Committee**

The minute of meeting of the Communities Committee of 26 September 2017 was submitted and noted.

**(g) Development Standards Committee**

The minute of meeting of the Development Standards Committee of 3 October 2017 was submitted and noted.

**(h) Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 3 October 2017 was submitted and noted.

**(i) Policy and Resources Committee**

The minute of meeting of the Policy and Resources Committee of 10 October 2017 was submitted and noted.

**5. MOTION IN TERMS OF STANDING ORDER 25 (1)**

**Kirkin' of the Council**

COUNCILLOR DUFF, SECONDED BY COUNCILLOR BRAES, MOVED THAT THIS COUNCIL CARRIES OUT THE KIRKIN' OF THE COUNCIL ONCE, AT THE START OF A FIVE YEAR TERM.

Councillor Myles, seconded by Councillor Nicol, moved as an amendment, that this Council continues to carry out the Kirkin' of the Council annually

On a vote being taken, members voted:

For the motion:

Councillors Bell, Braes, Cheape, Davy, Devine, Duff, Durno, Fairweather, Fotheringham, Hands, King, Lawrie, Lumgair, McDonald, Salmond, Speed, Wann and Whiteside (18).

For the amendment:

Provost Ronnie Proctor, Depute Provost Colin Brown, Councillors Boyd, MacMillan Douglas, McLaren, Myles and Nicol (7).

No vote:

Councillor Sturrock.

The motion was declared carried and the Council resolved accordingly.

**6. APPOINTMENTS**

**(i) Vice Convener of the Policy and Resources Committee and Depute Leader of the Council**

Having noted the resignation of Councillor David Fairweather as Depute Leader of the Council (and consequently Vice Convener of the Policy and Resources Committee), the Council resolved to appoint Councillor MacMillan Douglas as Depute Leader of the Council and Vice Convener of the Policy and Resources Committee.

The Council resolved to note that as Vice Convener, Councillor MacMillan Douglas was *ex officio* appointed to the Policy and Resources Executive Sub Committee and the Personnel Appeals Sub Committee.

*The Provost intimated that the appointments in relation to Angus Health and Social Care Integration Joint Board and NHS Tayside Board were being deferred to allow consideration of a number of issues.*

**(ii) Tay Cities Deal Joint Committee**

The Council resolved to appoint Councillor MacMillan Douglas, in his capacity as Depute Leader, to the Tay Cities Deal Joint Committee (to replace Councillor Fairweather who had resigned as Depute Leader).

**7. THE TAYSIDE CHILDREN'S SERVICES IMPROVEMENT COLLABORATIVE**

With reference to Article 8 of the minute of meeting of the Policy and Resources Committee of 29 November 2016, there was submitted Report No 354/17 by the Chief Executive providing an update on the progress made in establishing a Children's Services Improvement Collaborative comprising Angus, Dundee and Perth and Kinross Councils, NHS Tayside and other local and national partners.

The Report indicated that the Tayside Children's Services Collaborative had developed and agreed a Joint Integrated Children's Services Plan which reflected shared leadership towards a multi-agency cross border collaboration in the planning, management, commissioning, delivery, evaluation and improvement of services to children, young people and families. It also reflected a shared and long standing commitment to implementing "Getting it Right for Every Child".

The Tayside Plan for Children and Young People and Families 2017-2020 was the first Joint Plan to be produced by the three Community Planning Areas of Angus, Dundee and Perth and Kinross and was a significant first step in presenting the aspiration of collaboration with and for children and families.

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

- (i) to note the background information and progress made to date;
- (ii) to note the recommendations within the secondment Report, as appended to the Report;
- (iii) to approve the approach to establishing an education improvement collaborative, as detailed in section 4.2 of the Report; and
- (iv) to request that the Strategic Director - People bring a progress Report back to Angus Council in October 2018.

**8. MEMBER OFFICER GROUP ON THE TIMINGS OF COUNCIL/COMMITTEE MEETINGS**

With reference to Article 11 of the minute of meeting of Angus Council of 16 May 2017, there was submitted Report No 355/17 by the Head of Legal and Democratic Services informing members of the findings of the Member Officer Group established to review the timings of Council and Committee meetings.

The Report indicated that as part of the review the Member Officer Group had agreed that meetings of the Regulatory Committees (Civic Licensing and Development Standards) should continue to take place at 10.00 am as the basis for holding the regulatory meetings at 10.00 am remained valid.

In relation to the timings of Service Committees and Angus Council, elected members had been canvassed for their views along with the teacher and church representatives on the Children and Learning Committee.

The Report noted that out of the 23 responses received, 15 elected members and three church/teacher representatives indicated their first preference was in favour of the status quo.

COUNCILLOR MYLES, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED THAT THE COUNCIL CONTINUES WITH ITS CURRENT PRACTICE OF HOLDING COUNCIL AND COMMITTEE MEETINGS (EXCLUDING REGULATORY COMMITTEES) AT 2.00 PM.

Councillor Cheape, seconded by Councillor Lawrie, moved as an amendment, that this Council holds Council and Committee meetings (excluding regulatory committees) at 5.00 pm.

On a vote being taken, members voted:

For the motion:

Provost Ronnie Proctor, Depute Provost Colin Brown, Councillors Fairweather, Fotheringham, Lumgair, MacMillan Douglas, McLaren, Myles, Nicol, Salmond, Speed, Sturrock and Wann (13).

For the amendment:

Councillors Bell, Boyd, Braes, Cheape, Davy, Devine, Duff, Durno, Hands, King, Lawrie, McDonald and Whiteside (13).

There being an equality of votes, the Provost exercised his second and casting vote in favour of the motion and the Council resolved accordingly.

## **9. TREASURY MANAGEMENT ANNUAL REPORT 2016/2017**

With reference to Article 8 of the minute of meeting of Angus Council of 8 September 2016, there was submitted Report No 356/17 by the Head of Corporate Finance appending a copy of Angus Council's Annual Report on Treasury Management activities in 2016/17.

The Report indicated that the Council was required through regulations issued under the Local Government (Scotland) Act 2003 to produce an Annual Treasury Report reviewing treasury management activities and prudential and treasury indicators following the end of each financial year. The Report detailed the Council's treasury position as at 31 March 2017, which showed a total external debt of £158.739million with investments of £46.845million and a total net external debt of £111,894,000. In addition to its net external debt, the Council also administered a number of other funds including Charitable Funds and Common Good and maintained a number of internal revenue balances including Renewal and Repair Funds.

Despite the continued turbulence in the money market during the 2016/17 financial year, the Council had performed relatively well, having taken the opportunity of securing long term investment interest rates from suitable counter parties at times when their interest rates on offer were relatively high. In summary, as a result of sound treasury management activity, the Council had been able to meet all its financial obligations and cash flow requirements throughout the financial year without encountering any liquidity problems.

The Council resolved to note the Annual Report on 2016/17 Treasury Management activities for Angus Council, attached as Appendix 1 to the Report.

## **10. ANGUS COUNCIL ANNUAL ACCOUNTS 2016/2017 AND ANNUAL AUDIT REPORT TO MEMBERS**

With reference to Article 5 of the minute of meeting of the Scrutiny and Audit Committee of 26 September 2017, there was submitted Joint Report No 320/17 by the Chief Executive, Strategic Director - Place and the Head of Corporate Finance providing Audit Scotland's Annual Audit Report to Members on the 2016/17 Audit of Angus Council, Strangs Mortification and Angus Council Charitable Trust.

The Report indicated that Audit Scotland's Annual Audit Report to members was a positive one and had recognised the progress made by the Council on a number of fronts and the Council's compliance with relevant accounting and governance standards. Although there were no major audit findings of concern, the Report highlighted some significant risks that would need to be managed by the Council going forward in relation to the budget gap to be addressed beyond 2017/18. Service redesign and transformation through the Change Programme was intended to achieve most of the savings, however, not all of the required savings had yet been identified.

Five actions were highlighted which were currently being worked on and were addressed and outlined in the action plan, which was appended to the Report.

The Council's Unaudited Annual Accounts for financial year 2016/17 had been submitted to the Controller of Audit for audit by the Council's appointed external auditors.

Having heard from Rachel Brown, Audit Scotland, who highlighted a number of key messages within the Report and having also heard from a number of members, the Council resolved:-

- (i) to note the contents of Audit Scotland's Annual Audit Report to Members, attached as Appendices 1A and 1B to the Report; and
- (ii) to note the 2016/17 Audited Annual Accounts for Angus Council.

**11. EAST OF SCOTLAND EUROPEAN CONSORTIUM ANNUAL ACCOUNTS 2016/17 AND ANNUAL AUDIT REPORT TO MEMBERS**

With reference to Article 6 of the minute of meeting of the Scrutiny and Audit Committee of 26 September 2017, there was submitted Joint Report No 321/17 by the Chief Executive, Strategic Director – Place and the Head of Corporate Finance providing details of KPMG's Annual Audit Report to Members on the 2016/17 Audit of the East of Scotland European Consortium (ESEC).

Having heard from Councillor Lawrie, the Chair of ESEC and a number of other members, the Council resolved:-

- (i) to note the contents of KPMG's Annual Audit Report to members, attached as Appendix 1 to the Report; and
- (ii) to note the 2016/17 Audited Annual Accounts for ESEC.

**12. NEW CONTROL MEASURES AT RECYCLING CENTRES**

With reference to Article 10 of the minute of meeting of Angus Council of 7 September 2017, there was submitted Report No 357/17 by the Head of Housing, Regulatory and Protective Services bringing forward a proposal for new control measures at Recycling Centres to address identified health and safety issues which included proposals on the use of trailers at Recycling Centres.

The Report proposed changes to Recycling Centre opening hours which would be implemented from Monday 30 October, with the exception of Forfar and Kirriemuir which would be implemented from Thursday 1 February 2018 (the hours to remain as current until then).

It was also proposed that a six feet limit on the length of the body of a trailer permitted into recycling centres be introduced at Brechin, Carnoustie, Forfar and Monifieth Recycling Centres. With these rules on the use of trailers to be communicated immediately and applied from Monday 30 October when opening days/hours would be changing at some centres.

In addition, it was proposed to introduce an added control measure to mitigate the risk of violence and aggression towards staff by having body cameras worn by employees based at recycling centres. This would be visible to customers and could be switched on by staff to record when there was a perceived risk of violence and aggression towards them.

The Report also proposed the introduction of a household waste permit scheme. Further consideration would be given to the introduction of such a scheme and a report would be submitted to the Communities Committee in due course.

**COUNCILLOR MYLES, SECONDED BY COUNCILLOR MACMILLAN DOUGLAS, MOVED THAT THE COUNCIL APPROVES THE RECOMMENDATIONS OF THE REPORT.**

Councillor Cheape, seconded by Councillor Boyd, moved as an amendment, that this Council allows recycling centres to open later and stay open later in the summer months of April to September for one evening per week (suggested Wednesday) opening later at 3.00pm and closing later at 7.00pm to accommodate those who worked office hours and who may want to dump rubbish mid-week rather than have to wait until the weekend. This would likely assist with less congestion at the weekend.

Following discussion, Councillor Myles, as mover of the motion, agreed that the terms of Councillor Cheape's amendment be added to his original motion.

Thereafter, Councillor Boyd, seconded by Councillor Cheape, moved as an amendment, that this Council:

- (i) agrees that the banning of trailers of six feet and above at all recycling centres (except Arbroath and Montrose) be restricted to weekends only; and
- (ii) adopts the previously agreed opening hours of the Kirriemuir Recycling Centre (i.e. Monday-Friday 12.00pm to 4.00pm, Saturday to Sunday 9.15am to 4.00pm) and Brechin Recycling Centre (i.e. Monday 12.00 – 4.00pm, Friday 12.00 – 4.00pm and Saturday-Sunday 9.15am to 4.00pm).

On a vote being taken, members voted:

For the (amended) motion:

Provost Ronnie Proctor, Depute Provost Colin Brown, Councillors Bell, Braes, Cheape, Davy, Devine, Duff, Fotheringham, Hands, King, Lawrie, Lumgair, MacMillan Douglas, McDonald, McLaren, Myles, Nicol, Salmond, Speed, Sturrock, Wann and Whiteside (23).

For the amendment:

Councillors Boyd and Fairweather (2).

No vote:

Councillor Durno.

The (amended) motion was declared carried.

Thereafter, Councillor King, having given notice prior to the vote, moved as a further amendment that the Council defer implementation of the banning of six foot trailers to allow officers to clarify a number of matters.

The Council resolved to approve the proposal.

### **13. ANNUAL CHIEF SOCIAL WORK OFFICER REPORT 2016/2017**

With reference to Article 6 of the minute of meeting of Angus Council of 8 September 2016, there was submitted Report No 358/17 by the Head of Children and Young People and Designated Chief Social Work Officer presenting the Chief Social Work Officer Annual Report for 2016/17.

The Report indicated that the Chief Social Work Officer had a statutory requirement to produce an annual report which provided an overview of social work services in Angus and detailed the arrangements within Angus Council to enable the Chief Social Work Officer to fulfil the responsibilities outlined in section 5(1) of the Social Work (Scotland) Act 1968 (as amended).

The Report detailed some of the major success within social work services in 2016/17 and drew on a range of performance information as well as external and internal evaluation and scrutiny activity. The Report highlighted the continuing need for strong political leadership to ensure that decisions taken in relation to the distribution of limited local resources protected essential services to the most vulnerable in Angus.

Having heard from Kathryn Lindsay, Chief Social Work Officer, and a number of members who commended the Report and all staff concerned, the Council resolved to note and endorse the contents of the Chief Social Work Officer's Annual Report 2016/17, as appended to the Report.

### **14. ANGUS INTEGRATED CHILDREN'S SERVICES CORPORATE PARENTING PLAN 2017 TO 2020**

There was submitted Report No 359/17 by the Strategic Director – People presenting the Angus Integrated Children's Services Corporate Parenting Plan for 2017 to 2020.

The Report indicated that Corporate Parenting was defined in the Children and Young People (Scotland) Act 2014 as the formal and local partnerships between all services responsible for working together to meet the needs of looked after children, young people and care leavers. The Plan detailed the arrangements within Angus which would enable the Council to fulfil the responsibilities outlined in part 9 of the Children and Young People (Scotland) Act 2014.

As a corporate parent the Council was committed and determined to improve life experiences of all looked after children and the Plan would ensure the Council narrowed the gap in outcomes between looked after children and young people and their peers.

Having heard from Councillor Wann, who assured members of the commitment to deliver on the promises contained within the Corporate Parenting Plan, the Council resolved to note and endorse the contents of the Angus Integrated Children's Services Corporate Parenting Plan for 2017 to 2020, as appended to the Report.

*In accordance with the provisions of Standing Order 11 (2)(ii) the Provost ruled that the following item be considered as a matter of urgency in order that a response could be submitted to the Electoral Commission within the prescribed timeframe.*

#### **15. UK PARLIAMENTARY BOUNDARY REVIEW**

The Council noted that the Electoral Commission had just published revised proposals for the UK Parliamentary Boundary Review for consultation. In order that the Council could respond to the consultation within the prescribed time period it was proposed that a special Sub-Committee of the Policy and Resources Committee be re-established with delegated powers to submit a response to the Electoral Commission.

The Council resolved to re-establish the special Sub-Committee of the Policy and Resources Committee with the membership being made up of the Leader, Depute Leader as Convener and Vice-Convener *ex officio*, Councillors Lawrie, Duff and Boyd.