

ANGUS COUNCIL

MINUTE of MEETING of the **COMMUNITIES COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 15 January 2019, at 2.00 pm.

Present: Councillors MARK SALMOND, TOMMY STEWART, JULIE BELL, KENNY BRAES, DAVID CHEAPE, BRADEN DAVY, LYNNE DEVINE, BILL DUFF, BRENDA DURNO, COLIN BROWN, DAVID LUMGAIR, DAVID FAIRWEATHER, RONNIE PROCTOR MBE, and LOIS SPEED.

Councillor SALMOND, Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Craig Fotheringham and Ian McLaren, with Councillors Colin Brown and David Fairweather substituting, respectively.

2. DECLARATIONS OF INTEREST

Councillor Braes declared a non-financial interest in Item 4 (Report No 7/19) in that he had been in discussions with constituents and attended a site visit, but had expressed no opinion on the subject of the Report. He indicated that he would participate in any discussion and voting on the item.

Councillor Durno declared a financial interest in Item 6 (Report No 9/19), in that she had friends who owned businesses in the relevant area. She indicated that she would not participate in any discussion or voting on the matter and would leave the meeting during consideration of the item.

Councillor Fairweather declared a non-financial interest in Item 6 (Report No 9/19) in that he had been contacted by local people, but had not commented on the subject of the Report. He indicated that he would participate in any discussion and voting on the item.

Councillor Salmond declared a non-financial interest in Item 6 (Report No 9/19) in that he had been contacted by local people, but had not commented on the subject of the Report. He indicated that he would participate in any discussion and voting on the item.

Councillor Braes declared a financial interest in Item 9 (Report No 12/19) in that his brother owned the Trail Pavilion. He indicated that he would not participate in any discussion or voting and would leave the meeting during consideration of this item.

Councillors Bell, Cheape, Fairweather, and Proctor and Stewart each declared a non-financial interest in Item 10 (Report No 13/19) in that they had had been contacted by constituents, and some had attended various meetings, but none had commented on the subject matter of the Report. Each indicated that they would participate in any discussion and voting on this item.

Councillor Braes declared a non-financial interest in Item 13 (Report No 15/19) in that he was a Council appointee on the Angus Community Care Charitable Trust. He did however, have a general dispensation which allowed him to participate in discussion and voting on this item.

Councillor Brown declared a non-financial interest in Item 13 (Report No 15/19) in that he had received representations from Angus residents but had not expressed an opinion on the subject matter of the Report. He indicated that he would participate in any discussion and voting on this item.

3. MINUTES OF PREVIOUS MEETINGS

(a) Previous Meeting

The minute of meeting of this Committee of 13 November 2018 was submitted, approved as a correct record and signed by the Convener.

(b) Arbroath Harbour Joint Consultative Committee

The Committee agreed:-

- (i) to note the minute of the Arbroath Harbour Joint Consultative Committee meeting of 7 December 2018; and
- (ii) to approve the Biennial Review of Charges at Arbroath Harbour for the period April 2019 to March 2021, as endorsed by the Arbroath Harbour JCC on 7 December 2018, and attached to that minute as **Appendix 1**.

4. DAMACRE ROAD, BRECHIN – ONE-WAY TRAFFIC

With reference to Article 9 of the minute of meeting of this Committee of 25 September 2018, there was submitted Report No 7/19 by the Head of Infrastructure, presenting results of the public consultation process on proposals for the introduction of a one-way traffic management system on Damacre Road, Brechin.

Following completion of the public consultation undertaken, on proposals for the introduction of a one-way traffic management system, it transpired that 62.5% of the returned consultation forms were not in favour of the proposals, including the City of Brechin and District Community Council.

Having heard Councillor Braes, a local member, the Committee agreed:-

- (i) to note the comments received during the consultation process;
- (ii) to note the range of options expressed by those who had responded to the consultation; and
- (iii) not to proceed with the installation of a one-way system in Damacre Road, Brechin, on the basis of the consultation responses.

5. HAYSWELL ROAD, ARBROATH: ONE-WAY TRAFFIC MANAGEMENT SYSTEM AND TRAFFIC CALMING

There was submitted Report No 8/19 by the Head of Infrastructure, advising members that representations had been made to the Council in relation to traffic safety in Hayswell Road, Arbroath, and seeking authority to undertake formal consultation on the proposal to introduce a one-way traffic management system with the option for additional physical traffic calming measures.

Following representations made by local residents in Hayswell Road, Roads Officers had visited the locality and had noted that on-street parking along its entire length could restrict traffic flow and cause minor congestion. Subsequently, a black box radar speed survey had been carried out between 1 and 8 August 2018. Although neither incidents or road accidents or speeding, based on this evidence, was significant in Hayswell Road, the Angus Area Traffic Co-Ordination Group Forum recommended that consideration be given to providing a one-way traffic management system and that formal consultation should now be carried out.

The Committee agreed:-

- (i) to note the concerns raised by local residents;
- (ii) to instruct the Head of Infrastructure to undertake consultation on the proposal to introduce a one-way traffic management system and physical traffic calming measures; and
- (iii) to note that a further Report would be brought to the Committee following completion of the proposed consultation.

Having declared an interest at item 2 above Councillor Durno left the meeting during consideration of the following item.

6. PROPOSED PEDESTRIAN CROSSING, KEPTIE STREET, ARBROATH: RESPONSE TO PUBLIC CONSULTATION

With reference to Article 7 of the minute of meeting of this Committee of 25 September 2018, there was submitted Report No 9/19 by the Head of Infrastructure, presenting the results of the public consultation process regarding the proposed installation of a “puffin” style signal controlled pedestrian crossing on Keptie Street, Arbroath. The Report also proposed a further site visit.

COUNCILLOR SALMOND, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED THAT THE COMMITTEE:

- (I) NOTES THE RESULTS OF THE CONSULTATION PROCESS REGARDING THE PROPOSED PEDESTRIAN CROSSING INSTALLATION ON KEPTIE STREET ARBROATH;
- (II) NOTES THE PREVIOUSLY AGREED PROPOSAL TO ARRANGE A FURTHER SITE VISIT IN REGARD TO THE PROVISION OF A “PUFFIN” STYLE SIGNAL CONTROLLED PEDESTRIAN CROSSING ON KEPTIE STREET, ARBROATH; AND
- (III) INSTRUCTS THE HEAD OF INFRASTRUCTURE TO ARRANGE THE SITE VISIT AND REPORT BACK TO THIS COMMITTEE ON THE OUTCOME OF THE SITE VISIT.

Councillor Duff, seconded by Councillor Devine, moved as an amendment, that the Committee agrees to delete recommendation (iii) that a further site visit be arranged and the results reported back to Committee; and to approve the installation of a pedestrian crossing in terms of option I, between Helen Street and Garden Street.

On a vote being taken, the members voted:-

For the motion:-

Councillors Salmond, Stewart, Cheape, Davy, Brown, Lulgair, Fairweather, Proctor and Speed (9)

For the amendment:-

Councillors Bell, Braes, Devine and Duff (4)

The motion was declared carried and the Committee resolved accordingly, with the Head of Infrastructure to invite all members of this Committee, any additional local Arbroath members and local businesses to the site visit, the outcome of which would be reported back to the Committee.

Councillor Durno returned to the meeting at this point.

7. FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 – SECTION 37 INTERIM REPORT

With reference to Article 15 of the minute of meeting of this Committee of 15 November 2016, there was submitted Report No 10/19 by the Head of Infrastructure, providing an update to members on the reviews of the local flood risk management plans under Section 37 of the Flood Risk Management (Scotland) Act 2010, and the publishing of local flood risk management plans: Interim Report. In relation to this item and item 8 below, 13 members had attended a presentation immediately prior to this meeting.

Councillor Proctor, as Chair of the Flood Risk Management Member/Officer Working Group, expressed his appreciation to officers for an excellent Report, which itself was a combination of good co-operation involving neighbouring local authorities as well as local communities. Councillor Braes associated himself with these comments.

The Committee agreed:-

- (i) to note the review of actions identified and requirements for publishing a report on the conclusions of the review including information on the progress which had been made

towards implementing the measures identified in the Local Flood Risk Management Plans for the Tay Estuary and Montrose Basin and Tay, under the Flood Risk Management (Scotland) Act 2019 as detailed in the Report; and

- (ii) to approve the content of the Local Flood Risk Management Plan, Interim Reports and subsequent publication of the Interim Report for Local Flood Risk Management Plans for the Tay Estuary and Montrose Basin by Angus Council as lead Authority under the Flood Risk Management (Scotland) Act 2009.

8. ARBROATH (BROTHOCK WATER) FLOOD PROTECTION SCHEME – CONFIRMATION OF SCHEME

With reference to Article 8 of the minute of previous meeting of this Committee, there was submitted Report No 11/19 by the Head of Infrastructure, updating the Committee on the progress of the Arbroath (Brothock Water) Flood Protection Scheme, following the approval of this Committee to make a preliminary decision to confirm the proposed scheme without modification. A final decision was now sought.

Generally welcoming the Report, the Committee agreed:-

- (i) to determine that it would not hold a hearing to consider the proposed scheme;
- (ii) having considered the two remaining valid options, and having taken into account the environmental information in relation to the proposed scheme, to confirm the proposed scheme without modifications, as detailed in the Report;
- (iii) to approve the procurement authority for the Arbroath (Brothock Water) Flood Protection Scheme, in accordance with the process stated in Section 16.8 of the Financial Regulations of the Council, and the procurement of the construction contract, as detailed in this Report; and
- (iv) to approve that the Head of Infrastructure, and, in his absence, the Service Leader – Roads and Transportation, progress and complete lands negotiations and accommodation works, and to take access to construct the works, as detailed in this Report.

Having declared an interest at Item 2 above, Councillor Braes left the meeting during consideration of the following item.

9. TRAILL DRIVE, MONTROSE – TRAFFIC CALMING

There was submitted Report No 12/19 by the Head of Infrastructure, advising members as to concerns raised regarding speeding on Traill Drive, Montrose, and seeking authority to undertake formal consultation on the proposal to install additional traffic calming measures, and to report back to this Committee thereafter.

COUNCILLOR SALMOND, SECONDED BY COUNCILLOR STEWART, MOVED THAT THE COMMITTEE AGREE:

- (I) TO NOTE THE CONCERNS RAISED REGARDING SPEEDING ON TRAILL DRIVE;
- (II) TO INSTRUCT THE HEAD OF INFRASTRUCTURE TO UNDERTAKE CONSULTATION ON THE PROPOSAL TO INTRODUCE TRAFFIC CALMING MEASURES; AND
- (III) TO NOTE THAT A FURTHER REPORT WOULD BE BROUGHT FORWARD TO THIS COMMITTEE FOLLOWING COMPLETION OF THE PROPOSED CONSULTATION.

Councillor Duff, seconded by Councillor Devine, moved as an amendment, that the Committee agree to defer the Report and any consultation until details were provided of the Road Safety Budget for 2019 – 2020 and an approximate cost was provided for the implementation of the measures outlined in the Report.

On a vote being taken, the members voted:-

For the motion:-

Councillors Salmond, Stewart, Cheape, Davy, Brown, Lumgair, Fairweather, Proctor and Speed (9);

For the amendment:-

Councillors Bell, Devine, Duff and Durno (4).

The motion was declared carried and the Committee resolved accordingly.

Councillors Braes returned to the meeting at this point.

10. DEVELOPMENT OF PARKING CHARGES

With reference to Article 10 of the minute of meeting of this Committee of 25 September 2018, there was submitted Report No 13/19 by the Head of Infrastructure, noting that considerable feedback from the public had been received following the introduction of parking charges on 1 November 2018, and presenting to the Committee potential developments to the application of off-street parking charges, for the consideration of members.

Councillor Salmond, seconded by Councillor Stewart, moved that the Committee:

- (i) notes that this Report on off-street parking charges was separate to the new scrutiny review approved at Scrutiny and Audit Committee on 20 November 2018;
- (ii) approves the introduction of monthly and quarterly permits pro-rata the annual fee of £260 per annum;
- (iii) agrees the situation in regard to introducing a direct debit payment scheme for parking permits;
- (iv) endorses the situation regarding the 72 hour parking restriction; and
- (v) notes the options for additional customer choice for payment of off-street car parking and agree to the establishment of a member / officer working group to bring back options with a view to a report being submitted to the next available meeting of the Communities Committee in accordance with the terms of reference noted at Appendix 1 to the Report.

Councillor Duff, seconded by Councillor Devine, moved an amendment, the terms of which were circulated.

The Committee resolved to adjourn for a ten minute period to allow the Convener to obtain advice from the relevant Officers.

The meeting reconvened at 2.41 pm, at which point the Convener ruled that the three material changes identified by the movers of the amendment, namely changes in driver behaviour leading to decreased parking income; a decrease in the use of car parks; and differential income receipts across Angus, did not constitute a material change; and that therefore the amendment was not competent.

Thereafter, Councillor Duff, seconded by Councillor Devine, moved a further amendment, the terms of which were circulated.

The Committee resolved to adjourn for a ten minute period to allow the Convener to obtain advice from the relevant Officers.

The meeting resumed at 2.56pm. The Strategic Director – Place indicated that his Service would be unable to comply with the requests for information as set out in the amendment within the required timescale. The Convener therefore ruled that the amendment was not competent.

Thereafter, Councillor Duff, seconded by Councillor Devine, moved a further amendment, the terms of which were circulated.

The Committee resolved to adjourn for a ten minute period to allow the Convener to obtain advice from the relevant Officers.

The meeting resumed at 3.04 pm. The Convener ruled that this amendment was in similar terms to the first amendment and that there was no material change identified and that therefore the amendment was not competent.

Having heard from Councillors Cheape, Fairweather, Bell, Proctor, Duff, Speed, Davy and Braes, and having also heard from Councillor Devine who intimated that the SNP Group would not be taking up their allocated places on the Member/Officer Group, the Committee agreed:-

- (i) to note that this Report on off-street parking charges was separate to the scrutiny review approved at the Scrutiny and Audit Committee on 20 November 2018 (Article 11 refers);
- (ii) to approve the introduction of monthly and quarterly permits pro-rata the annual fee of £260 per annum;
- (iii) to agree the situation in regard to introducing a direct debit payment scheme for parking permits;
- (iv) to endorse the situation regarding the 72 hour parking restriction; and
- (v) to note the options for additional customers choice for payment for off-street car parking and to agree to the establishment of a Member Officer Working Group, comprising Councillors Salmond, Stewart, Speed and Cheape (and two places available to the SNP Group).

Thereafter, in accordance with the provisions of Standing Order 16(11)(ii), Councillors Bell, Braes, Devine, Duff, and Durno requested that their dissent be recorded from the foregoing decision.

11. BUILT HERITAGE MANAGEMENT

There was submitted Report No 14/19 by the Head of Communities, proposing that the management of the built heritage of Angus be enhanced in support of the Angus Local Development Plan, and that proposed updated guidance, intended to encourage best practice towards changes to traditional and historic buildings within the County be put in place and a revised approach for the preparation of conservation area appraisals be put in place to bring these forward more quickly.

The Committee agreed:-

- (i) to note the publication on the Angus Council Website of Guidance Covering "Built Heritage" and "A Conservation Approach" in addition of the updating of existing related Web content;
- (ii) to the preparation of conservation management guidelines to support a consistently high quality of appropriate changes to valued buildings and spaces across Angus; and
- (iii) that officers explore a new partnership approach to the preparation of conservation area appraisal.

12. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved, in terms of Standing Order 28(2), that the public and press be excluded from the meeting during consideration of the following item, so as to avoid the possible disclosure of information which was exempt in terms of the Local Government (Scotland) Act 1973, Part 1, Schedule 7A, Paragraph 6.

13. ANGUS COMMUNITY CARE CHARITABLE TRUST (ACCCT) ASSETS

There was submitted Report No 15/19 by the Head of Communities, advising as to the future arrangements being put in place for the ACCCT and its assets.

The Committee agreed the recommendations, as detailed in the Report.