

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 6 December 2018 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, ANGUS MACMILLAN DOUGLAS OBE, MARK McDONALD, IAN McLAREN, BOB MYLES, GAVIN NICOL, MARK SALMOND, LOIS SPEED, TOMMY STEWART, RON STURROCK, DEREK WANN and BETH WHITESIDE.

PROVOST RONNIE PROCTOR, in the Chair

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor David Lumgair.

2. DECLARATIONS OF INTEREST

Councillors MacMillan Douglas, Duff and Myles each declared an interest in item 10 as members of the Tay Cities Deal Joint Board. They indicated that they would participate in any discussion and voting on this item.

Councillors Duff and Brown each declared an interest in item 10 as Council appointed Directors of ANGUSAlive. They indicated that they would participate in any discussion and voting on this item.

Councillor Devine and Lawrie each declared an interest in item 10 as Board members of Shared Apprentice Limited. They indicated that they would participate in any discussion and voting on this item.

3. REQUEST FOR A DEPUTATION

The Council resolved to hear a deputation from Margaret Robertson, a representative of the Angus Business Association, who urged the Council to re-consider the decision in relation to the implementation of car parking charges in Angus.

Following a number of questions from members, Ms Robertson 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 18 October 2018 was submitted and approved as a correct record.

(ii) Minutes of Committees

(b) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 23 October 2018 was submitted and noted.

(c) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 1 November 2018 was submitted and noted.

(d) Children and Learning Committee

The minute of meeting of the Children and Learning Committee of 6 November 2018 was submitted and noted.

(e) Development Standards Committee

The minute of meeting of the Development Standards Committee of 13 November 2018 was submitted and noted.

(f) Communities Committee

The minute of meeting of the Communities Committee of 13 November 2018 was submitted and noted.

(g) Scrutiny and Audit Committee

The minute of meeting of the Scrutiny and Audit Committee of 20 November 2018 was submitted and noted.

(h) Policy and Resources Committee

The minute of meeting of the Policy and Resources Committee of 27 November 2018 was submitted and noted.

5. MOTIONS IN TERMS OF STANDING ORDER 25(1)

(i) Closure of Bank of Scotland Kirriemuir Branch

Provost Ronnie Proctor, seconded by Councillor MacMillan Douglas moved that:

“This Council:

Asks that the Chief Executive write to the Directors of the Bank of Scotland to reconsider their plans to close their Branch in Kirriemuir as this will leave Kirriemuir without any banking facilities whatsoever.

The Directors of the Bank of Scotland should also be reminded that the suggestion of using the local post office is not satisfactory as it is now housed in a small newsagents which does not afford privacy to customers and already strives to meet the needs of customers whose banks have been closed.

Using the Branch in Forfar some five miles away is burdensome and can be difficult to the loyal Bank of Scotland customers many of whom are elderly and infirm and only have the use of public transport. Many also will have difficulty in accessing mobile vans where confidentiality will be restricted.

The suggestion of grouping the banks which previously served Kirriemuir and its hinterland in a communal premises with shared costs and days of business would be a way forward to benefit both the banks and the community.”

Councillor Bell, seconded by Councillor Duff, moved as an amendment:

“That this Council:

Asks that the Chief Executive writes specifically to the Director of Retail Banking at the Bank of Scotland in regard to their plans to close the branch in Kirriemuir. This closure could see Kirriemuir left with no retail banking facilities, which is disappointing news – however, believes there is an opportunity here.

The Royal Bank of Scotland and the TSB have already withdrawn from the town and the Post Office is filling the void left by their departure. Their return is unlikely and shared premises, whilst a laudable consideration, would not meet security and risk management demands of multiple banking outlets.

Rather, following a constructive meeting between bank officials, myself and Graeme Dey MSP held in Edinburgh yesterday, can confirm that the Bank of Scotland is prepared to commit its mobile branch to Kirriemuir for 10 hours per week. Whilst we are disappointed that even partial re-opening of the branch is not an option, we believe this commitment to 10 hours – or two banking days - in a mobile facility that is more accessible for people with disabilities, is a positive, pragmatic outcome.

What has been negotiated is an opportunity for the community in Kirriemuir – specifically Bank of Scotland customers – to tell us when they would find these hours most convenient. In addition, the bank is happy to broker a conversation with any small business in the town if they wish to house an ATM to serve the community.

Therefore, whilst we can express disappointment about the closure, we should welcome this commitment to accessible mobile branch facilities, along with the opportunity to engage with the community in Kirriemuir and Dean to feed this information to the Bank of Scotland in a constructive way.

And we should immediately request Economic Development officers to liaise with the bank to facilitate the best possible outcome for the people of Kirriemuir and Dean.”

Following discussion, Provost Ronnie Proctor, agreed to withdraw his motion.

Thereafter, the Council resolved to approve Councillor Bell’s proposal, as detailed above, along with the additional wording from Councillor MacMillan Douglas that:

“We also provide further opportunities for dialogue between our MSPs and MPs of all parties to ensure a long term and acceptable solution for Kirriemuir and surrounding area”.

(ii) Membership of Carnoustie Golf Links Management Committee

Councillor Cheape had submitted the following motion:

- “1) That the Directors appointed by Angus Council to Carnoustie Golf Links Management Committee be drawn solely from Ward 5 (excluding the one officer appointment); and
- 2) Consequently, this Council re-visits the appointments made to CGLMC at the statutory meeting on 16th May 2017.”

Councillor Cheape intimated that he was withdrawing his motion.

The Council resolved to note the position.

At this stage in the meeting, Councillor Myles declared an interest in item 5(iii) as an Angus food producer. He indicated that he would participate in any discussion and voting on this item.

(iii) Local Food and Drink

Councillor Davy, seconded by Depute Provost Colin Councillor Brown, moved that:

“This Council:

Celebrates local food and drink from our fantastic local businesses.

Believes that we should support and promote local food, ranging from the Arbroath Smokie to the Forfar Bridie.

Reiterates support for local producers and encourages everyone to support local by buying and thinking local.

Believes the development of an Angus Food Hub, as part of the Tay Cities Deal, could facilitate local support and is important to ensuring we build sales and exports.

Believes all Angus Councillors should be ambassadors for Angus produce in everything they do.”

The Council resolved to approve the motion

6. APPOINTMENTS

(i) Tayside Valuation Joint Board

The Council resolved to approve the appointment of Councillor Whiteside, to replace Councillor Devine, on Tayside Valuation Joint Board.

(ii) Tayside Contracts Joint Committee

The Council resolved to approve the appointment of Councillor Whiteside, to replace Councillor Devine, on Tayside Contracts Joint Committee.

(iii) Tayside and Central Scotland Transport Partnership (TACTRAN)

The Council resolved to approve the appointment of Councillor McDonald to replace Councillor Duff, on Tayside and Central Scotland Transport Partnership.

7. APPOINTMENT OF A MONITORING OFFICER AND DEPUTY MONITORING OFFICER

The Council noted that in terms of Section 5 of the Local Government and Housing Act 1989, each local authority was required to appoint a Monitoring Officer.

As the current Monitoring Officer was on long term absence, the Council was asked to approve the appointment of Anne Garness, Manager – Legal Team 2 as the Council's Monitoring Officer and David Thompson, Manager- Legal Team 1 as the Council's Deputy Monitoring Officer, on an interim basis.

The Council resolved to approve these appointments.

8. STANDARDS COMMISSION DECISION

There was submitted Report No 378/18 by the Head of Finance and Legal indicating that in terms of Section 18 of the Ethical Standards in Public Life Etc (Scotland) Act 2000 and Rule 10.9 of the Standards Commission Hearing Rules, the Council was required to consider within three months, the terms of a written decision issued by the Standards Commission.

The Report indicated that a complaint had been received by the Commissioner of Ethical Standards in Public Life in Scotland regarding the alleged conduct of Councillor Moore. Following an investigation, the complaint had been referred to the Standards Commission for Scotland. The decision of the Hearing Panel was that the Councillor's Code of Conduct applied to the Respondent (Councillor Moore) and that the Respondent had breached paragraphs 3.1, 3.2 and 3.3 of the Councillor's Code of Conduct. In terms of the sanction, the Hearing Panel have agreed to suspend Councillor Moore's entitlement to attend all meetings of Angus Council and of any committee or sub-committee thereof, and of any other body on which Councillor Moore was a representative or nominee of the Council or body, for a period of three months, with effect from Friday 23 November 2018.

The Council resolved to note the decision in relation to complaint reference LA/An/2094.

9. CORPORATE MANAGEMENT STRUCTURE

With reference to Article 15 of the minute of meeting of the Policy and Resources Committee of 28 November 2017, there was submitted Report No 379/18 by the Chief Executive outlining a proposed operational management structure for Angus Council from 1 April 2019.

The Report indicated that the removal of the post of Head of Legal and Democratic Services had meant that the Chief Finance Officer had to take on additional duties to absorb the legal

and democratic leadership role. There was now an option to increase staffing in legal services and to fund the post Head of Legal and Democratic Services from the deletion of one Strategic Director post. This would alleviate workload and support capacities in two key areas: legal and finance.

In relation to the two Strategic Director posts it was proposed that a new post of Depute Chief Executive be established which would be responsible for all aspects of operations, ensuring alignment and efficient delivery of outward facing services to achieve the outcomes the Council had identified. The Depute Chief Executive would have the role of creating a positive, innovative climate and culture in services using a strategic commissioning lense, enabling a step change in options appraisal, transparency, insight and decision making. Under the terms of the Council's procedure for filling the post, the Depute Chief Executive vacancy would, in the first instance, be subject to restricted internal recruitment and as such applications for this post would be restricted to the two current Strategic Directors.

In relation to Heads of Service posts, as these were enhanced roles with leadership accountabilities and a range of portfolios specifically charged with directing the business of these areas, it was therefore proposed that as a result of the work done on Report No 418/17 and implemented over this year, these posts were redesignated from Head of Service to Service Director.

The Council resolved:-

- (i) to approve the proposed change to the operational management structure for the Council, as outlined in the Report;
- (ii) to approve the reinstatement of the post of Head of Legal and Democratic Services, deleted previously in Report No 418/17;
- (iii) to approve the deletion of the two Strategic Director posts on the appointment of the Depute Chief Executive;
- (iv) to approve the recruitment process outlined at paragraphs 4.10 and 4.12 of the Report for the appointment of the Depute Chief Executive and Head of Legal and Democratic Services;
- (v) to approves the redesignation of the Tier 2 posts of the organisation currently known as Heads of Service to Service Director, this change would better reflect the responsibilities and accountabilities of the Tier 2 roles, now Service Leaders (Tier 3) and
- (vi) to note that these proposals will result in savings of approximately £31,000 p.a. but would incur one-off severance costs, as outlined in the financial implications section.

10. TAY CITIES DEAL UPDATE

There was submitted Report No 380/18 by the Strategic Director – Place updating the Council on the signing and contents of the Heads of Terms for Tay Cities Deal and clarifying the governance arrangements for the management of Tay Cities Deal activity.

The Report indicated that the Heads of Term set out the scope of a City Region Deal that sought to transform the regional economy by delivering inclusive growth, raising the productivity of the region and increasing the participation of its workforce. Its themes reflected the regional strategy and focused on inclusion, industry, innovation, internationalisation and empowerment. The Heads of Terms also committed the UK Government and the Scottish Government to work collaboratively with regional partners to deliver a deal that would transform the regional economy. The Scottish Government and UK Government would each invest up to £150 million in the Deal over 10-15 years, subject to final approval of robust business cases.

The Council resolved:-

- (i) to note and welcome the £300 million package of new resources for the Tay Cities Region;

- (ii) to call for clarity on the additional £50 million available for the Tay Cities Region and asks the Chief Executive to write to the Scottish Government outlining the necessity to resource regional infrastructure projects, specifically the Montrose link road to maximise economic growth;
- (iii) to note and welcome the specific announcement for Angus;
- (iv) to welcome the commitment to the long term retention of the Condor Base and asks that the Chief Executive ensures that there are appropriate liaison arrangements in place with the base commander to ensure development plans are managed in partnership with the base;
- (v) to note the Governance Arrangement for Tay Cities; and
- (vi) that further reports and details of the implementation programme be brought to Council as they became known.

11. ANGUS LOCAL DEVELOPMENT PLAN ACTION PROGRAMME – 2018/19 UPDATE

With reference to Article 10 of the minute of meeting of Angus Council of 8 December 2016, there was submitted Report No 381/18 by the Head of Communities seeking approval of the updated Action Programme for the Angus Local Development Plan.

The 2018 update provided a snapshot of activity and had been prepared with input from a range of partners, including other Angus Council services, key stakeholders, the Scottish Government and other organisations/delivery bodies specified in the document. It also provided an overview of the policy and planning development work undertaken and underway.

The Council resolved to approve the Angus Local Development Plan Action Programme – 2018 Update for adoption, submission and publication following amendment to formatting and minor drafting changes, as detailed in Appendix 1 to the Report.

12. ANGUS ADULT PROTECTION COMMITTEE BIENNIAL REPORT 2016 - 2018

There was submitted Report No 382/18 by the Chief Social Work Officer presenting the Angus Adult Protection Committee Biennial Report for 2016 to 2018, which had been approved by the Angus Adult Protection Committee and the Angus Chief Officer Group.

The Report indicated that it had been a busy period for the Angus Adult Protection Committee with a new strategic plan based on the overarching strategic goals that had been identified at the 2017 development session. The plan had identified areas for future development as well as monitoring and oversight of ongoing work. The plan would also be regularly updated to include any new national or local priorities that had been identified and would also be updated to include actions related to the recent Adult Protection Inspections.

The Council resolved to note the contents of the Angus Adult Protection Committee Biennial Report 2016 to 2018, as appended to this Report.

13. ANGUS CHILD PROTECTION COMMITTEE ANNUAL REPORT 2017 TO 2018

There was submitted Report No 383/18 by the Chief Social Work Officer presenting the Angus Child Protection Committee (ACPC) Annual Report for 2017 to 2018.

The Report indicated that the Angus Child Protection Committee had continued to build on previous strengths on 2017/18. The development of its first three year strategic plan was based on an agreed vision, values and strategic goals which had demonstrated a commitment to joint working, improvement and self evaluation. Through the protecting people partnerships the Committee had ensured the work was coordinated with the work of other partnerships, considered a 'whole family' approach to child protection and had made best use of the resources that were available.

The Council resolved to note and endorse the contents of the Angus Child Protection Committee Annual Report 2017-2018, as detailed in Appendix 1 to the Report.

14. TREASURY MANAGEMENT 2018/19 MID-YEAR REVIEW

With reference to Article 4 of the minute of meeting of Angus Council of 22 March 2018, there was submitted Report No 384/18 by the Head of Finance and Legal appending a copy of the mid-yearly view of treasury management activities for the period 1 April to 30 September 2018.

The Report indicated that in the first six months of the 2018/19 financial year the Council had operated within the Treasury Management limits and prudential indicators set out in the Council's 2018/19 Treasury Management strategy statement and in compliance with the Council's Treasury Management practices.

The Council resolved to note the Angus Council mid-yearly review of Treasury Management activities for the period 1 April to 30 September 2018, attached as Appendix 1 to the Report.