

# ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 21 March 2019 at 2.00pm.

**Present:** Provost RONNIE PROCTOR MBE, Depute Provost COLIN BROWN, Councillors JULIE BELL, KENNY BRAES, DAVID CHEAPE, BRADEN DAVY, LYNNE DEVINE, BILL DUFF, BRENDA DURNO, DAVID FAIRWEATHER, CRAIG FOTHERINGAM, SHEILA HANDS, ALEX KING, DAVID LUMGAIR, ANGUS MACMILLAN DOUGLAS OBE, MARK McDONALD, IAN McLAREN, RICHARD MOORE, 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

Apologies for absence were intimated on behalf of Councillors Brian Boyd and Ben Lawrie.

## 2. REQUEST FOR A DEPUTATION

The Provost intimated that a deputation request from a Mr Innes in relation to Taxi Licence Fees, had been withdrawn as Mr Innes had been awaiting financial information from Council officers.

## 3. DECLARATIONS OF INTEREST

Councillor McLaren declared an interest in Item 10 as a council appointed member of Cairngorms National Park Authority Board, he indicated that he had a specific dispensation and would therefore participate in any discussion and voting on this item.

## 4. MINUTES OF COUNCIL AND COMMITTEES

### (i) Minutes of Council Meetings

#### (a) Angus Council

The minute of meeting of Angus Council of 7 February 2019 was submitted and approved as a correct record.

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

The minute of the special meeting of Angus Council of 21 February 2019 was submitted and approved as a correct record.

### (ii) Minutes of Committees

#### (c) Development Standards Committee

The minute of meeting of the Development Standards Committee of 5 February 2019 was submitted and noted.

#### (d) Communities Committee (Special)

The minute of the special meeting of the Communities Committee of 12 February 2019 was submitted and noted.

#### (e) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 14 February 2019 was submitted and noted.

**(f) Children and Learning Committee (Special)**

The minute of the (special) meeting of the Children and Learning Committee of 21 February 2019 was submitted and noted.

**(g) Communities Committee**

The minute of meeting of the Communities Committee of 26 February 2019 was submitted and noted.

Councillor Braes made reference to Article 5 of the minute and indicated that he was in discussions with regard to the accuracy of the minute prior to it being submitted for approval as a correct record to the next meeting of the Committee.

**(h) Development Standards Committee**

The minute of meeting of the Development Standards Committee of 5 March 2019 was submitted and noted.

**(i) Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 5 March 2019 was submitted and noted.

**(j) Scrutiny and Audit Committee**

The minute of meeting of the Scrutiny and Audit Committee of 5 March 2019 was submitted and noted.

**(k) Policy and Resources Committee**

The minute of meeting of the Policy and Resources Committee of 12 March 2019 was submitted and noted.

**5. STANDARDS COMMISSION DECISION**

There was submitted Report No 88/19 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 following a Hearing, Councillor Boyd had been found to have breached paragraphs 3.1 and 3.2 of the Councillors' Code of Conduct and that the decision of the Hearing Panel had been to censure the respondent, Councillor Boyd.

The Council agreed to note the decision in relation to complaint reference LA/An/2134.

**6. TAY CITIES DEAL GOVERNANCE ARRANGEMENTS**

With reference to Article 10 of the minute of meeting of Angus Council of 6 December 2018, there was submitted Report No 89/19 by the Chief Executive seeking approval for the Council to enter into a formal agreement with Perth and Kinross Council, Dundee City Council and Fife Council to establish the governance arrangements for the Joint Committee established under Section 57 of the Local Government (Scotland) Act 1973 as set out in the Minute of Agreement.

COUNCILLOR FAIRWEATHER, SECONDED BY COUNCILLOR MACMILLAN DOUGLAS, MOVED THAT THIS COUNCIL:-

- (I) APPROVES THE TERMS OF THE PROPOSED GOVERNANCE AGREEMENT SETTING OUT THE GOVERNANCE ARRANGEMENTS FOR THE JOINT COMMITTEE, ATTACHED AS APPENDIX A TO THE REPORT;

- (II) DELEGATES AUTHORITY TO OFFICERS TO NEGOTIATE AND AGREE OTHER MINOR AMENDMENTS, AS APPROPRIATE, AND.
- (III) AGREES THAT THE OPERATING COSTS OF THE JOINT COMMITTEE BE DEFRAID BY THE CONSITUENT AUTHORITIES IN ACCORDANCE WITH THE TERMS OF THE GOVERNANCE AGREEMENT AS REQUIRED BY S 58 OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

Councillor Duff, seconded by Councillor King, moved as an amendment, that Appendix I paragraph 9.8 should read “the ratio of contributions of the Constituent Authorities to the JC operational costs shall be Angus 1; Dundee 2; Perth and Kinross 2; Fife 1.” This would more equitably reflect the projects identified in each Council area.

On a vote being taken, members voted:-

For the motion:-

Provost Ronnie Proctor, Depute Provost Colin Brown, Councillors Cheape, Davy, Fairweather, Fotheringham, Lumgair, MacMillian Douglas, McLaren, Moore, Myles, Nicol, Salmond, Speed, Stewart, Sturrock and Wann (17).

For the amendment:-

Councillors Bell, Braes, Devine, Duff, Durno, Hands, King, McDonald and Whiteside (9).

The motion was declared carried and the Council resolved accordingly.

## **7. TREASURY MANAGEMENT STRATEGY STATEMENT 2019/20**

With reference to Article 10 of the minute of meeting of the Scrutiny and Audit Committee of 5 March 2019, there was submitted Report No 74/19 by the Head of Finance and Legal seeking approval of the proposed Treasury Management Strategy for Angus Council in 2019/2020.

The Report indicated that the production of a Treasury Management Strategy Statement for the forthcoming financial year was a requirement of the Treasury Management and Public Services Code of Practice issued by the Chartered Institute of Public Finance and Accountancy.

The Council resolved:-

- (i) to approve the proposed Treasury Management Strategy Statement and Annual Investment Strategy for 2019/20, attached as Appendix 1 to the Report; and
- (ii) to approve the Treasury Indicators in Appendix A – Annex D (tables 2 and 3).

## **8. ANGUS DEVELOPMENT PLAN SCHEME (2019/20)**

With reference to Article 10 of the minute of meeting of Angus Council of 8 October 2019, there was submitted Report No 90/19 by the Head of Communities setting out for approval the Angus Development Plan Scheme which included the timetable and work programme for the next Angus Local Development Plan to replace the current plan adopted on 23 September 2016.

The replacement plan required to be adopted within five years from the adoption of the current Angus LDP. To comply with these timescale the new plan would require to be prepared and adopted by no later than September 2021.

Having heard a number of members welcome the Report and pay tribute to the officers involved in the preparation of this document, and having also heard from Councillor Bell who asked that elected members be specifically included in the list of stakeholders, the Council resolved:-

- (i) to note the timetable for preparing the next Angus Local Development Plan and the work programme for the next 12 months; and

- (ii) to approve the 2019/20 Angus Development Plan Scheme and Participation Statement set out in Appendix 1 of the Report for submission to Scottish Ministers and general publication by 31 March 2019.

**9. NEIGHBOURING AUTHORITY LOCAL DEVELOPMENT PLAN CONSULTATION  
ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2021 – MAIN ISSUES REPORT**

There was submitted Report No 91/19 by the Head of Communities commenting on and providing the suggested basis for the Council's response to consultations on the Aberdeenshire Local Development Plan 2021 – Main Issues Report.

The Council resolved:-

- (i) to note the publication for consultation of the Aberdeenshire Local Development Plan 2021 - Main Issues Report, supporting assessments and evidence base; and
- (ii) to approve the Report as the Council's response to Aberdeenshire Council and that no formal objection be made to the Aberdeenshire Local Development Plan 2021 - Main Issues Report.

**10. NEIGHBOURING AUTHORITY LOCAL DEVELOPMENT PLAN CONSULTATIONS  
CAIRNGORMS NATIONAL PARK LOCAL DEVELOPMENT PLAN 2020 – PROPOSED PLAN**

There was submitted Report No 92/19 by the Head of Communities, commenting on and providing the suggested basis for the Council's response to consultations on the Cairngorms National Park Local Development Plan 2020 – Proposed Plan.

Having heard from Councillor McLaren who welcomed the Report, the Council resolved:-

- (i) to note the publication for consultation of the Cairngorms National Park Local Development Plan 2020 – Proposed Plan and accompanying Proposed Action Programme, range of supporting assessments and evidence base;
- (ii) to agree the Report as the basis for the Council's response to the Cairngorms National Park Authority and that no formal objection be made to the Cairngorms National Park Local Development Plan 2020 – Proposed Plan;
- (iii) to agree that the Cairngorms National Park Local Development Plan 2021 – Proposed Plan be taken into account as a material consideration for development management purposes in the assessment of planning applications and development proposals affecting that part of the Cairngorm National Park within the Angus; and
- (iv) to refer this Report to the Development Standards Committee for noting.

**11. LEGAL CHALLENGE TO A COUNCIL DECISION**

With reference to Article 8 of the minute of meeting of Angus Council of 7 February 2019, there was submitted Report No 93/19 by the Head of Finance and Legal advising that a Petition for Judicial Review had been raised in the Court of Session in respect of the decision of the Council at its meeting on 7 February 2019 to demolish the former Lochside Leisure Centre, Forfar.

The Report indicated that on 28 February 2019 officers had ascertained that a Petition for Judicial Review had been raised in the Court of Session by Mr Mark Guild and Mr Donald Stewart to challenge the decision of the Council to demolish the former Lochside Leisure Centre. In addition to seeking to quash the decision of the Council to demolish the former Lochside Leisure Centre, the Petitioners had sought interim orders to prevent the Council from taking steps to demolish the former Leisure Centre pending resolution of the Petition for Judicial Review.

The Council had instructed Edinburgh Solicitors to deal with this matter and Counsel to provide expert advice, draft Answers to the Petition and act on the Council's behalf in the Court of Session in Edinburgh. At the time of writing the Report, Counsel's advice on the strengths of the Petitioners case had still to be received. It was estimated that the case may take up to six months for the Court of Session to deal with and make a decision.

Having heard from Councillor Davy, the Council resolved:-

- (i) to note that a Petition for Judicial Review had been raised in the Court of Session challenging the decision of the Council, at its meeting on 7 February 2019, to demolish the former Lochside Leisure Centre, Forfar;
- (ii) to note that Edinburgh Agents and Counsel had been instructed to defend the decision of the Council which was the subject of the challenge; and
- (iii) to note that further reports on this matter would be submitted to the Council as this matter progressed.