

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 9 May 2019 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, 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

An apology for absence were intimated on behalf of Councillor Ben Lawrie.

2. DECLARATIONS OF INTEREST

Provost Ronnie Proctor declared an interest in items 4(ii)(g) and 8 in that he had attended Community Council meetings on this matter. He indicated that he would participate in any discussion and voting on this item.

Councillor McLaren declared a financial interest in items 4(ii)(g) and 8 as he had a business on the High Street, Forfar. He indicated that he would not participate in any discussion and voting and would leave the meeting during consideration of both of these items.

Councillor Bell declared an interest in items 4(ii)(g) and (8) in that, like many other Councillors she had been contacted by constituents. She indicated that since her previous declaration, her financial interest had changed as she had moved to business premises not directly affected by parking charges. She indicated that any financial interest was significantly outweighed by the public interest and she would therefore participate in any discussion and voting on this item.

Councillor Boyd intimated that he was the owner of a number of houses/flats that would be directly affected, however, he indicated that he had no interest in this matter.

3. REQUEST FOR A DEPUTATION

The Council resolved to receive a deputation from Mrs Amanda Kopel, in relation to the motion at Item 4(i) below.

Mrs Kopel thanked Angus Council for their support in her campaign to make "Frank's Law" a reality and referred to the many years of significant campaigning to press the Scottish Government to abolish care charges for under 65's with debilitating conditions.

Following the deputation, Mrs Kopel received a standing ovation.

In accordance with the provisions of Standing Order 11(1) the Council resolved that the order of business proceed in the following order.

4. MOTION IN TERMS OF STANDING ORDER 25(1)

(i) Frank's Law

Councillor Speed, seconded by Provost Ronnie Proctor moved that this Council:-

1. Remembers the late Frank Kopel for the football inspiration that he was and for all the pleasure and enjoyment that he brought to others.
2. Acknowledges the work of Frank's wife Amanda Kopel who had tirelessly and selflessly fought and campaigned hard, dedicating her time to implement

FRANKS LAW to ensure that individuals can access free Personal Care under the age of 65 years old in Scotland , ending age discrimination.

3. Asks all Members of Angus Council to congratulate Amanda and ask that she accepts a gift of appreciation from Angus Council.
4. Requests the Chief Executive writes to the First Minister on behalf of Angus Council asking that Scottish Government acknowledge Amanda Kopel's ground breaking achievements and ask that the First Minister ensures that all Local Authorities are consistent in their implementation to ensure fairness of access to free personal care for under 65's no matter where you live within Scotland.

Having heard from a number of members in support of the motion, the Council resolved unanimously to approve the motion.

Thereafter, Mrs Kopel received a gift of appreciation from Angus Council.

4. MINUTES OF COUNCIL AND COMMITTEES

(i) Minutes of Council Meetings

(a) Angus Council

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

(ii) Minutes of Committees

(b) Appointments Sub-Committee

The minutes of meetings of the Appointments Sub-Committee of 18 February and 4 March 2019 were submitted and noted.

(c) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 26 March 2019 was submitted and noted.

(d) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 4 April 2019 was submitted and noted.

(e) Policy and Resources Committee (Special)

The minute of the special meeting of the Policy and Resources Committee of 4 April 2019 was submitted and noted.

(f) Development Standards Committee

The minute of meeting of the Development Standards Committee of 9 April 2019 was submitted and noted.

(g) Communities Committee

The minute of meeting of the Communities Committee of 16 April 2019 was submitted and with exception of the undernoted, noted.

Having declared a financial interest at Article 2 above, Councillor McLaren left the meeting during consideration of the following item.

Changes to Parking Charges

In light of Report No 139/19 being considered by Angus Council at item 8 below, Councillor Lynne Devine moved the following:-

1. On the basis that it was quite legitimate to deal with different towns in different ways, taking local circumstances into consideration, it was proposed that parking charges will be stopped in Kirriemuir, Brechin and Carnoustie as soon as Orders can be progressed. The loss of income for a full year would be £141,000. Assuming introduction from the start of May post Communities approval this would equate to £129,000. There would be an impact in refunding parking permits purchased by users of these three towns' car parks. It was not possible to accurately estimate the extent of refunds that may be sought and thus a one-off provision of £20,000 in this regard is proposed.
2. There were several small car parks which are not in the middle of towns which we consider should not have charges – they are either too small or cannot be policed because of their location. This needs to be given rapid consideration.
3. Officers to be asked to bring forward a costings report on 5 coin-operated machines: 2 in Forfar, 2 in Arbroath and 1 in Montrose.
4. The changes proposed in 1. above remove fees from 27% of the total spaces. The calculated shortfall would be £154,000 for 2019/20. This would be covered by the General Fund contingency.
5. Nos. 1 and 3 will decrease enforcement workload.
6. Once the full income and expenditure picture is clear, then it will be possible to set a realistic budget for 2020/21.

COUNCILLOR SALMOND, SECONDED BY COUNCILLOR STEWART, MOVED AS AN AMENDMENT, THAT IN RELATION TO ITEMS 1 AND 2 THAT THE CHARGING REGIME SHOULD CONTINUE ON AN EQUITABLE BASIS ACROSS ALL SIX BURGHS IN ANGUS; AND THAT

IN RELATION TO ITEM 3, TO TAKE NO ACTION UNTIL SUCH TIME AS THE PARKING MEMBER OFFICER GROUP HAD CONCLUDED ITS REVIEW AND A REPORT HAD COME BACK TO THE RELEVANT COMMITTEE OR FULL COUNCIL.

Having heard from a number of members, Councillor Moore, seconded by Councillor Fairweather moved in accordance with the provisions of Standing Order 18 "that the question be now put".

On a vote being taken, members voted:-

For closure of the debate:-

Provost Ronnie Proctor, Depute Provost Colin Brown, Councillors Davy, Fairweather, Fotheringham, Macmillan Douglas, Moore, Myles, Nicol, Salmond, Stewart, Sturrock, Wann (13)

Not for closure of the debate:-

Councillors Bell, Boyd, Braes, Cheape, Devine, Duff, Durno, Hands, King, Lumgair, McDonald, Speed and Whiteside (13)

There being an equality of votes, the Provost exercised his second and casting vote in favour of closure of debate.

Consequently, in accordance with the provisions of Standing Order 18(2) members voted:

For the motion (by Cllr Devine):-

Councillors Bell, Boyd, Braes, Cheape, Devine, Duff, Durno, Hands, King, McDonald and Whiteside (11)

For the amendment (by Cllr Salmond):-

Provost Ronnie Proctor, Depute Provost Colin Brown, Councillor Davy, Fairweather, Fotheringham, Lumgair, MacMillan Douglas, Moore, Myles, Nicol, Salmond, Speed, Stewart, Sturrock and Wann (15).

The amendment was declared carried and the Council resolved accordingly.

(h) Scrutiny and Audit Committee

The minute of meeting of the Scrutiny and Audit Committee of 23 April 2019 was submitted and noted.

(i) Children and Learning Committee

The minute of meeting of the Children and Learning Committee of 25 April 2019 was submitted and noted.

(j) Policy and Resources Committee

The minute of meeting of the Policy and Resources Committee of 30 April 2019 was submitted and noted.

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

(i) General Waste Disposal Option

Councillor Boyd, seconded by Councillor Cheape, moved that this Council agrees that in the interest of goodwill and fairness to the locality of South Angus, Angus Council reintroduces a general waste disposal option in either Carnoustie or Monifieth Recycling Centres and requests that the Director of Communities implement these changes as soon as in practicable.

The Council noted that financial implications of the motion had been prepared by the Director of Finance in accordance with Standing Order 16(9) and had been circulated to members. It informed members that implantation of the motion was estimated to result in an additional full year cost to the Council of £64,000 based on the existing part time opening hours being retained for a cost of £85,400 of the opening hours were extended to better cope with demand. Cost were estimated to be the same irrespective if the provision was at Carnoustie or Monifieth.

The Council resolved to adjourn for a 10 minute period to allow the Provost to obtain advice from the relevant officers.

The meeting reconvened at 3.20pm following which the Provost ruled that the motion from Councillor Boyd was competent.

THEREAFTER, COUNCILLOR SALMOND, SECONDED BY COUNCILLOR STEWART, MOVED AS AN AMENDMENT, THAT NO CHANGES WERE MADE TO THE AGREED POLICY ON RECYCLING CENTRES IN ANGUS.

On a vote being taken, members voted:-

For the motion:-

Councillor Bell, Boyd, Braes, Cheape, Devine, Duff, Durno, Hands, King, McDonald and Whiteside (11)

For the amendment:-

Provost Ronnie Proctor, Depute Provost Colin Brown, Councillors Davy, Fairweather, Lumgair, MacMillan Douglas, McLaren, Moore, Myles, Nicol, Salmond, Speed, Stewart, Sturrock and Wann (15)

The amendment was declared carried and became the substantive motion.

Thereafter, Councillor Hands, having intimated a further amendment prior to the vote, moved that a Short-term Working Group be set up to look at the waste management issues in the Sidlaw area.

On a vote being taken, members voted:-

For the (substantive) motion:-

Provost Ronnie Proctor, Depute Provost Colin Brown, Councillors Davy, Fairweather, Lumgair, MacMillan Douglas, McLaren, Moore, Myles, Nicol, Salmond, Speed, Stewart, Sturrock and Wann (15)

For the further amendment:-

Councillors Bell, Boyd, Braes, Cheape, Devine, Duff, Durno, Hands, King, McDonald and Whiteside (11).

The substantive motion was declared carried and the Council resolved accordingly.

(ii) Keeping the Pound

Councillor Davy had submitted the following motion:-

This Council notes with concern potential plans to change the currency of Scotland away from the pound, and believes this would put the vital work of the Council at risk.

The Council notes it would be harder to budget and plan services, it would leave reserves that had been saved being converted into a new currency with potential risk, and it would add increased costs to work that is being done. It would further harm our connections with the rest of the UK and any business and sourcing links. The Council also notes that changing the currency could do untold damage to the local Angus economy.

This Council therefore believes that the best way to ensure we maintain frontline services, protect the Angus economy, and the most vulnerable, is by keeping the pound, and requests the Chief Executive to write to the First Minister, Nicola Sturgeon, to state Angus Council's belief that keeping the pound is the best financial decision for Angus.

The Council resolved to note that Councillor Davy had withdrawn his motion.

6. APPOINTMENTS

(i) Tay Cities Region Joint Committee

The Council resolved to approve the appointment of Councillor Fairweather to replace Councillor Myles on the Tay Cities Region Joint Committee.

(ii) CoSLA Convention

The Council resolved to approve the following changes:-

Councillor Lawrie to replace Councillor Moore
Councillor Fotheringham to replace Councillor Wann.

(iii) Angus Care and Repair

The Council noted that Councillor Hands had resigned from Angus Care and Repair Board.

The Council resolved not to fill the vacancy.

7. INFORMATION REPORT – TEMPORARY RETURN OF GENERAL WASTE CONTAINERS TO RECYCLING CENTRES

There was submitted and noted Report No 145/19 by the Chief Executive informing members of the decision made under delegated powers to return general waste containers to all Recycling Centres between the dates of 12 April and 5 May 2019.

The decision had been taken in accordance with Section 3(5) of the Scheme of Delegation which authorised the Chief Executive “in an emergency, to initiate action under any statutory procedure related to a function of the Council, subject to a report being made to the appropriate Committee at the first opportunity on any item for which Committee approval would normally be necessary”.

Councillor McLaren, having declared a financial interest at Article 2 above, left the meeting during consideration of the following item.

8. AMENDMENT TO SHORT STAY OFF-STREET PARKING RESTRICTIONS

With reference to Article 13 of the minute of meeting of the Communities Committee of 15 November 2016, there was submitted Report No 139/19 by the Director of Infrastructure indicating that following requests from local members consideration be given to increasing the time restrictions for short stay off-street car parking along with associated software changes.

The Report proposed that time restrictions be changed from two to four hours in the short stay car parks detailed in Appendix 1 to the Report and also proposed changes to the Vehicle Registration Mark (VRM/number plate details). The changes would require amending the software controlling the parking meters and signage in the appropriate car parks with the costs detailed in paragraph 5 of the Report.

Thereafter, Councillor Salmond, seconded by Councillor Stewart moved that, in addition to recommendations (i) and (ii) in the Report, these being:-

- (i) agrees the change of time restrictions from two to four hours in the short stay car parks as set out in Appendix 1 to the Report; and
- (ii) notes the changes to software, and specifically to remove the requirement on all payment machines to insert Vehicle Registration Mark (VRM/number plate details).

That the Council also agree:

- (iii) that for the last two Saturdays in November and each Saturday in December up to Christmas and Christmas Eve all off-street parking in Angus was free, with the meters bagged on those days; and
- (iv) that recommendation (iii) be reviewed by the Communities Committee on an annual basis.

The Council noted that financial implications had been prepared by the Director of Finance in accordance with Standing Order 16(9) and circulated to members. It advised members that the financial implications of (iii) and (iv) was not expected to incur any additional expenditure but would result in a loss of income for the Council. Based on usage figures 2018 a loss of net income of around £5,000.00 over the six days would result.

Having heard from a number of members, the Council resolved to approve the recommendations of the Report and the further recommendations as proposed by Councillor Salmond.

9. REVISIONS TO STANDING ORDERS AND RELATED DOCUMENTS

With reference to Article 6 of the minute of meeting of Angus Council of 22 March 2018, there was submitted Report No 146/19 by the Director of Legal and Democratic Services detailing revisions to Standing Orders, the Order of Reference of Committees and the Scheme of Delegation to reflect the changes to the senior management and responsibility structures that were due to take effect from 1 April 2019 along with a number of other changes.

In addition to the proposals as result of the management restructure, the Council was specifically asked to amend Standing Order 22 (1)(ii) to make provision that where an alternative budget was being proposed by the largest administration group, the mover of such would be called upon to speak to the amendment immediately after the official budget proposals had been moved and seconded; agree a revised remit of the Scrutiny and Audit Committee to reflect current CIPA Guidance and to make changes to the scheme of delegation of the Service Leader – Planning and Communities.

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

- (I) NOTES THE CHANGES TO THE STANDING ORDERS, THE ORDER OF REFERENCE OF COMMITTEES AND THE SCHEME OF DELEGATION TO OFFICERS, WHICH WERE AS A CONSEQUENCE OF THE CHANGES TO THE COUNCIL'S MANAGEMENT AND RESPONSIBILITY STRUCTURES, IDENTIFIED AT THIS STAGE AS DETAILED IN APPENDIX 1 TO THE REPORT;
- (II) NOTES THE CHANGES FOLLOWING AN OFFICER REVIEW OF THE SCHEME OF DELEGATION;
- (III) NOTES THE FURTHER REVISIONS TO THE SCHEME OF DELEGATION TO OFFICERS WHICH WERE AS A CONSEQUENCE OF LEGISLATIVE CHANGES;
- (IV) APPROVES THE REVISIONS TO THE REMIT OF THE SCRUTINY AND AUDIT COMMITTEE IN ACCORDANCE WITH CIPFA GUIDANCE AS PER REPORT NO 120/19;
- (V) APPROVES THE CHANGE TO STANDING ORDER 22 (1)(II) IN RELATION TO FORMAL ALTERNATIVE BUDGETS;
- (VI) APPROVES THE CHANGES TO THE SCHEME OF DELEGATION OF THE SERVICE LEADER - PLANNING AND COMMUNITIES, FOR SUBMISSION TO SCOTTISH MINISTERS; AND
- (VII) APPROVES THE DESIGNATION OF THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES AS THE MONITORING OFFICER AND AS CLERK TO THE ANGUS LICENSING BOARD.

Councillor Moore, seconded by Councillor Stewart, moved as an amendment, that in relation to recommendation (vi) that the Scheme of Delegation of the Service Leader, Planning and Communities be changed to add a new clause 2(c) to read "Applications which, where fewer than five properties were notified, attract a significant proportion of material planning objections which are recommended for approval".

The Council resolved to adjourn for a 5 minute period to allow the Provost to take advice from the relevant officers.

The meeting reconvened at 4.35pm following which the Council heard from the Service Leader, Planning and Communities.

Thereafter, the Provost ruled the amendment by Councillor Moore competent.

On a vote being taken, members voted:-

For the motion:-

Provost Ronnie Proctor, Depute Provost Colin Brown, Councillors Bell, Boyd, Braes, Cheape, Devine, Duff, Durno, Fairweather, Hands, King, Lumgair, MacMillan Douglas, McDonald, McLaren, Nicol, Salmond, Speed, Sturrock, Wann and Whiteside (22).

For the amendment:-

Councillor Davy, Moore, Myles and Stewart (4).

The motion was declared carried and the Council resolved accordingly.

10. CESSATION OF MEMBERSHIP OF DOVETAIL ENTERPRISES (1993) LIMITED

There was submitted Report No 147/19 by the Depute Chief Executive inviting the Council to resign its membership of Dovetail Enterprises (1993) Limited to enable the company to pursue a merger into a larger company group, The Shaw Trust Group and obtain, needed further investment.

The Report indicated that Dovetail Enterprises (1993) Limited was a charitable enterprise company the principal objective of which was the provision of employment, industrial training, and assessment for blind, visually impaired and other disabled persons.

The Council resolved:-

- (i) to agree to resign its membership of Dovetail Enterprises (1993) Limited to enable the merger of the company into the Shaw Trust Group to be completed;
- (ii) to note that as a consequence Angus Council would no longer be entitled to be represented on the Board of Directors/Trustees, its current representative being Councillor Colin A W Brown; and
- (iii) for its interest, agrees to the establishment of the Integration Group, and does not seek to be represented on the Integration Group.

At this point in the meeting, (the time being 4.53pm) the Council resolved in accordance with the provisions of Standing Order 21(8) that the meeting continue to the conclusion of the business.

11. ANGUS JOINT CHILD POVERTY LOCAL ACTION PLAN

There was submitted Report No 148/19 by the Depute Chief Executive indicating that in order to tackle the growing challenge of child poverty, the Scottish Government had requested each local authority produce a Joint Child Poverty Local Action Plan.

The Report indicated that over the past six months the Angus Community Planning Partnership had developed a Child Poverty Working Group to take forward this work - conducting the mapping of current and new activity, supporting practitioners to prioritise activity and organising a regional child poverty summit to co-produce the delivery plan. The plan, as appended to the Report, was to be read in conjunction with Every Child, Every Chance, The Tackling Child Poverty Delivery Plan 2018-2022 which had been published on 29 March 2019.

Having heard from a number of members in support of the plan and highlighting the importance of working together to eradicate child poverty, the Council resolved:-

- (i) to approve the Report and appendices prepared in partnership across Angus; and
- (ii) to support the proposed implementation and process through the Angus Community Planning Partnership and the Tay Collaborative for Children, Young People and Families.

12. INTERNAL AUDIT ACTIVITY – UPDATE

With reference to Article 5 of the minute of meeting of the Scrutiny and Audit Committee there was submitted Report No 121/19 by the Chief Executive in relation to the referred matter on the Internal Audit of Environmental Health, Environmental Health and Food Safety.

Having heard from Councillor King who raised concerns regarding the proposed legislative changes and the significant impact this would have on staff, the Council resolved to note the Report.