

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 5 December 2019 at 4.00pm.

Present: Provost RONNIE PROCTOR MBE, Depute Provost COLIN BROWN BEM, Councillors JULIE BELL, BRIAN BOYD, DAVID CHEAPE, KENNY BRAES, BRADEN DAVY, LYNNE DEVINE, BILL DUFF, BRENDA DURNO, DAVID FAIRWEATHER, CRAIG FOTHERINGAM, SHEILA HANDS, ALEX KING, BEN LAWRIE, DAVID LUMGAIR, ANGUS MACMILLAN DOUGLAS OBE, BOB MYLES, MARK McDONALD, IAN McLAREN, RICHARD MOORE, GAVIN NICOL, LOIS SPEED, TOMMY STEWART, DEREK WANN and BETH WHITESIDE.

PROVOST RONNIE PROCTOR, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Mark Salmond and Ron Sturrock.

2. DECLARATIONS OF INTEREST

Councillor McDonald declared a non-financial interest in Item 6 (iv) in that he had an overlap with work in another job (Scotrail). He indicated that he would participate in any discussion and voting on this item.

Councillor Stewart declared a non-financial interest in Item 6 (ii) in that he was the holder of two taxi licences. He indicated that he would participate in any discussion and voting on this item.

3. REQUEST FOR A DEPUTATION

The Council resolved to receive a deputation from Mr Bruce Robertson, The Hardware Stores, Brechin on behalf of the Angus Business and Retailers Association (ABRA) and Kirriemuir and Local Business Association (KALBA), in relation to the motion at Item 5(v) below.

The Council also heard from Mr Mark Robb, owner of J.M Bakeries.

Mr Robertson and Mr Robb both urged the Council to remove its current policy in relation to car parking charges in Brechin, Kirriemuir and Carnoustie as they were of the view that these smaller towns were struggling with the charges resulting in a significant impact on businesses in these areas.

Following a number of questions, Mr Robertson and Mr Robb withdrew to the public benches.

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

3. MINUTES OF COUNCIL AND COMMITTEES

(i) Minutes of Council Meetings

(a) Angus Council (Special)

The minute of the special meeting of Angus Council of 17 October 2019 was submitted and approved as a correct record.

(b) Angus Council

The minute of meeting of Angus Council of 17 October 2019 was submitted and approved as a correct record.

(ii) Minutes of Committees

(c) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 23 October 2019 was submitted and noted.

(d) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 31 October 2019 was submitted and noted.

(e) Children and Learning Committee

The minute of meeting of the Children and Learning Committee of 5 November 2019 was submitted and noted.

(f) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 12 November 2019 was submitted and noted.

(g) Development Standards Committee

The minute of meeting of the Development Standards Committee of 12 November 2019 was submitted and noted.

(h) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 12 November 2019 was submitted and noted.

(i) Communities Committee

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

(j) Scrutiny and Audit Committee

The minute of meeting of the Scrutiny and Audit Committee of 19 November 2019 was submitted and noted.

(k) Policy and Resources Committee

The minute of meeting of the Policy and Resources Committee of 26 November 2019 was submitted and noted.

4. ANGUS VIOLENCE AGAINST WOMEN PARTNERSHIP (AVAWP) PRESENTATION

The Council heard from Susan Duncan from Angus Council, Lucy Denvir from NHS Tayside, Chair of AVAWP and Anne Robertson Brown, Vice Chair of AVAWP who gave a presentation to members on behalf of the Partnership on this year's 16 days of action regarding tackling gender based violence.

Having heard from a number of members, Councillor Fairweather thanked them for their presentation and advised that he would be signing the Bespoke COSLA Leaders White Ribbon Action Pledge.

5. APPOINTMENTS

(i) Arbroath Improvement Trust

The Council resolved to approve the appointment of Councillor King to the Arbroath Improvement Trust.

(ii) Voluntary Action Angus

The Council resolved to approve the appointment of Provost Ronnie Proctor to the Board of Directors of Voluntary Action Angus.

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

(i) Unaccompanied Refugee Children

Councillor Devine, seconded by Councillor Bell, moved that:

“This Council asks officers to produce a report detailing the anticipated resource implications for the Council to support the STUC/Safe Passage/Kindertransport Association "Our Turn" Initiative, to help find places in volunteer households for at least 3 unaccompanied child refugees per year for each of the next 10 years provided that the UK Government fully underwrites support for these refugees in line with current Scottish legislation.”

The Council resolved to approve the motion.

(ii) Accessible Vehicles in Angus – Unmet Need

Councillor Speed, seconded by Councillor Fotheringham, moved that:

“This Council:

request that Margo Williamson, Chief Executive writes on behalf of Angus Council to UK and Scottish Governments highlighting:

1. the issues that Angus Residents with a physical disability experience particularly with regards to accessing suitable Accessible Vehicles that accommodate wheelchairs and provide door to door service, and the economic, health and wellbeing benefits and the potential to increase growth through catering to the needs of the accessible tourism market.
2.
 - (i) the essential work of the Taxi/ Private hire workforce, which has a higher percentage of single operators; and
 - (ii) the current demographics in Angus, our aims and objectives as a Local Authority and request additional funding to enable Angus Council to financially support/ incentivise operators in order to increase the numbers of accessible vehicles to full capacity in Angus.
3. that the Civic Licensing Committee will still continue to progress the recommendations (1 (i) – (iv)) already agreed at their last meeting on 31/10/19) in particular (iv) regardless of the letter or response.”

The Council resolved to approve the motion.

(iii) Flooding on A92 Dundee to Arbroath Carriageway

Councillor King, seconded by Councillor McDonald, moved that:

“This Council:

requests that the Chief Executive writes to Claymore Roads Ltd detailing the Council's concerns in this matter and emphasising Claymore Roads Ltd.'s responsibility to deal promptly with the drainage problems which are causing the Council to be concerned.”

The Council resolved to approve the motion.

(iv) Scotrail Services

Councillor Davy, seconded by Councillor Lawrie, moved that:

“This Council:

expresses its disappointment at the recently released figures showing 3 Angus train stations suffer the top 10 of worst delays in Scotland according to the Office of Road and Rail, Delay minutes by category. The figures showed that Arbroath had the 3rd worst punctuality in Scotland, at 75.1%, Carnoustie had the 6th worst delays, at 78.2% and Montrose had the 9th worst delays in 80.4%.

This Council believes that current Scotrail services do not adequately meet the needs of Angus residents and businesses, and that excessive delays cause problems for businesses and commuters. Angus Council aims to become a ‘go-to’ area, and support green travel and our local economy, and believes that this underperformance impacts our ability to do that.

The Chief Executive to write to the head of Scotrail and the Scottish Government Cabinet Secretary for Transport, Infrastructure and Connectivity expressing Angus Council’s disappointment at these figures, and ask for urgent improvements to improve the reliability of local services.”

The Council resolved to approve the motion.

Councillor Moore left the meeting at this point.

(v) Car Parking

Councillor Boyd, seconded by Councillor Cheape, moved that:

“This Council:

on the basis that it was quite legitimate to deal with different Carparks in different ways, also confirmation that this was acceptable with past deputations and taking into account local circumstances into consideration, that parking charges be stopped in Kirriemuir, Brechin and Carnoustie as soon as possible.

COUNCILLOR FAIRWEATHER, SECONDED BY COUNCILLOR MACMILLAN DOUGLAS, MOVED AS AN AMENDMENT, THAT IN LIGHT OF THE POSITION OF THE COUNCIL AT THIS JUNCTURE, CONSIDER CAR PARKING CHARGES IN ISOLATION OF OTHER DECISIONS, INCLUDING THE COST OF REMOVAL OF PARKING METERS, IS NOT APPROPRIATE. CAR PARKING CHARGES WOULD NOT BE ABOLISHED AT ANY TIME IN THIS ADMINISTRATION, UNLESS THERE WAS A MATERIAL CHANGE OF CIRCUMSTANCES.

On a vote being taken, members voted:

For the motion:-

Councillors 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, Fotheringham, Lawrie, Lumgair, MacMillan Douglas, McLaren, Myles, Nicol, Speed, Stewart and Wann (14).

The amendment was declared carried and the Council resolved accordingly.

7. SCRUTINY REVIEW - PARKING CHARGES

With reference to Article 7 of the minute of meeting of the Scrutiny and Audit Committee of 19 November 2019, there was submitted Report No 384/19 by the Service Leader (Internal Audit), presenting the draft Report of the Parking Charges Scrutiny Panel for consideration, agreement and outlined the ongoing monitoring arrangements.

The Report indicated that on 20 November 2018, the Scrutiny and Audit Committee agreed to undertake a scrutiny review to examine the process that had been undertaken to reach the decision to introduce car parking charges. The review covered the period between agreeing the budget and implementing the parking charges on 1 November 2018.

Having heard from Councillor Duff, Chair of the Scrutiny Panel Review – Parking Charges who provided an overview of the main findings and outcomes of the Review and referred to a number of key decisions that were taken, the Council resolved to note the Report.

8. ANGUS CHILD PROTECTION COMMITTEE ANNUAL REPORT 2018 TO 2019

There was submitted Report No 407/19 by the Depute Chief Executive presenting the Angus Child Protection Committee (ACPC) Annual Report for 2018 to 2019.

The Report indicated that the Angus Child Protection Committee had continued to work together to improve child protection practice in Angus and a recent PREpare pilot project had taken place to consider the participation of children and families within Child Protection Case Conferences, with a robust evaluation plan in place. There had also been a review of processes for both Angus Early Screening Group and Pre-birth Resource Allocation Meeting (PRAM) with updated, streamlined processes now in place.

Alison Todd, the new Independent Chair who recently took up post in early 2019 gave a very informative presentation to the members which covered the role of the Child Protection Committee.

Councillor Wann welcomed Alison and thanked her for the excellent presentation which had enlightened members of the challenges that the Committee were facing.

Thereafter, the Council resolved to note and endorse the contents of the Angus Child Protection Committee Annual Report 2018-2019, as detailed in Appendix 1 to the Report.

9. ANGUS ADULT PROTECTION COMMITTEE ANNUAL REPORT 2018 TO 2019

There was submitted Report No 408/19 by the Designated Chief Social Work Officer presenting the Angus Adult Protection Committee (AAPC) Annual Report for 2018 to 2019, 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 and they have continued to work together to improve adult protection practice in Angus.

Mr George Bowie, Head of Community Health and Care Services addressed members and spoke of the challenges ahead.

Thereafter, the Council resolved to note the contents of the Angus Adult Protection Committee Annual Report 2018-2019, as appended to the Report.

10. REVIEW OF GOVERNANCE ARRANGEMENTS

There was submitted Report No 402/19 by the Director of Legal and Democratic Services which detailed proposals to establish a short-life Member/Officer Group to review the current governance arrangements in relation to the Council's Standing Orders, the Order of Reference of Committees and the Scheme of Delegation to Officers.

On the motion of Councillor Fairweather, seconded by Councillor McMillan Douglas, the Council resolved to withdraw the report meantime and reconsider its contents following the budget setting process in February 2020.

11. COSLA GUIDANCE ON FAMILY LEAVE FOR COUNCILLORS

With reference to Article 4(ii) of the minute of meeting of Angus Council of 17 October 2019, there was submitted Report No 405/19 by the Director of HR, Digital Enablement, IT & Business Support which provided details of the terms of the COSLA Guidance on Family Leave for Elected Members; highlighted the financial, legal or other implications to the Council of adopting the Guidance; and recommended that the Council should adopt the COSLA Guidance.

The Council resolved:-

- (i) to note the terms of the COSLA Guidance on Family Leave for Elected Members;
- (ii) to note the financial, legal or other implications to the Council of adopting the Guidance;
- (iii) to agree that the Council should adopt the COSLA Guidance;
- (iv) to agree that the Special Responsibility Payment is transferred to the individual taking on the associated functions during a Councillor's absence on family leave insofar as this is permitted in accordance with the Local Governance (Scotland) Act 2004 and associated regulations; and
- (v) that HR investigates the extent to which other policies which apply to Council employees may be considered for Elected Members (recognising Elected Members are not employees or workers).

12. TREASURY MANAGEMENT 2019/2020 MID YEAR REVIEW

With reference to Article 7 of the minute of meeting of Angus Council of 21 March 2019, there was submitted Report No 406/19 by the Director of Finance appending a copy of the mid-year review of treasury management activities for the period 1 April to 30 September 2019.

The Report indicated that in the first six months of the 2019/20 financial year the Council had operated within the Treasury Management limits and prudential indicators set out in the Council's 2019/20 Treasury Management strategy statement and in compliance with the Council's Treasury Management practices.

The Council resolved to note the Angus Council mid-year review of Treasury Management activities for the period 1 April to 30 September 2019, attached as Appendix 1 to the Report.

Councillor Hands left the meeting at this stage.

13. INFORMATION REPORT: ARBROATH ACTIVE TRAVEL ACTIVE TOWN UPDATE

There was submitted Report No 410/19 by the Director of Infrastructure which provides the Council with details on the Active Travel Active Town project in Arbroath, which had secured support from Sustrans Scotland and Transport Scotland's flagship active travel programme, Places for Everyone.

Councillor Fairweather spoke on this matter following which Councillor King indicated that he had an amendment, the terms of which he intimated verbally.

At this point in the meeting, (the time being 6.57pm) the Council resolved, in accordance with the provisions of Standing Order 21(8) that the meeting continue to the conclusion of the business.

The meeting was adjourned for 15 minutes to allow the Provost to discuss with the relevant officers the terms of the amendment.

Councillor Cheape left the meeting at this stage.

The meeting re-convened at 7.07pm at which point the Provost ruled that it was not competent to bring an amendment as the Report was for information only.

The Provost further ruled that the provisions of Standing Order 16(11) (ii) did not apply in these circumstances.

The members then heard from Mr Lorimer, Director of Finance following which a number of members expressed their concerns regarding the lack of consultation on this matter.

Thereafter, the Council resolved to note the Report.

Councillors Boyd, Davie and Myles left the meeting at this stage as they had not been in attendance at the special meeting of Angus Council on 17 October 2019 and accordingly they could not take part in the following item.

14. PLANNING APPLICATION – FACTORY ELLIOT INDUSTRIAL ESTATE, ARBROATH

With reference to Article 4 of the minute of the special meeting of Angus Council of 17 October 2019, there was submitted Report No 409/19 by the Service Leader – Planning and Communities which set out the proposed conditions for planning application No 18/00975/FULM in relation to the planning application for a retail development, comprising food and non-food units (Class 1), drive thru units (Class 3 and Sui Generis) and ancillary development including access, drainage, landscaping and other associated works for Brackenbrae Investments Limited at Factory, Elliot Industrial Estate, Arbroath.

The Council resolved to approve the proposed planning conditions, as detailed in Appendix 1 to the Report.