

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 25 June 2009 at 4.00pm.

Present: Provost RUTH LESLIE MELVILLE MBE, Depute Provost PETER MURPHY, Councillors ALISON ANDREWS, COLIN BROWN, MAIRI EVANS, DAVID FAIRWEATHER, IAIN GAUL, ALEX KING, DAVID LUMGAIR, IAN MACKINTOSH, DAVID MAY, BILL MIDDLETON, GLENNIS MIDDLETON, JIM MILLAR, DONALD MORRISON, ROB MURRAY, ROBERT MYLES, PETER NIELD, HELEN OSWALD, RALPH PALMER, JOHN RYMER, MARGARET THOMSON, PAUL VALENTINE, SHEENA WELSH, SANDY WEST and JOHN WHYTE.

Provost RUTH LESLIE MELVILLE, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Mark Salmond and Bob Spink.

2. DECLARATIONS OF INTEREST

Declarations of interest were made by:-

- Councillors Evans, Murphy, Oswald, Palmer and Welsh in item 7, as an employee of the Trust; adviser to the Friends of Barry Mill; as they had attended meetings organised by the Friends of Barry Mill; and as a member of the National Trust for Scotland respectively. Councillor Evans indicated that she would not participate in any discussion or voting, whereas Councillors Murphy, Oswald, Palmer and Welsh indicated that they would.
- Councillors May and Thomson in item 8 as Council appointed directors of Montrose Golf Links Ltd and Monifieth Golf Links Ltd respectively. Both enjoyed the benefit of a general dispensation from the Standards Commission and indicated that they would participate in any discussion and voting.
- Councillors May, Morrison, Valentine and West in item 11 as they had all attended public meetings on the matter. All indicated that they would participate in any discussion and voting.
- Councillor Oswald in item 14 as her husband was employed by Carnoustie Golf Links Management Committee. She indicated that she would not take part in any discussion and voting on the matter.

3. DEPUTATION

The Council resolved, in accordance with Standing 12, to hear deputations from Mr Harvey Milne (a regular user of the pool) and Ms Mavis Leask (Montrose Sub Aqua Club), both in connection with the Montrose Swimming Pool Replacement Project.

Mr Milne, and Ms Leask, answered questions from members, following which they withdrew to the public benches.

4. MINUTES OF COUNCIL AND COMMITTEES

(a) Angus Council

The [minute of meeting of Angus Council of 14 May 2009](#) was submitted and approved as a correct record.

(b) Development Standards Committee

The [minute of meeting of the Development Standards Committee of 19 May 2009](#) was submitted and noted.

(c) Social Work and Health Committee

The [minute of meeting of the Social Work and Health Committee of 21 May 2009](#) was submitted and noted.

With reference to Article 6, Councillors Leslie Melville and Myles had referred the Committee's decision for determination by the Council in accordance with Standing Order 39(3)(i). However, after consultation with the Director of Social Work and Health, they had agreed to await the outcome of the further report requested by the Committee in terms of the successful amendment recorded in the minutes.

(d) Civic Licensing Committee

The [minute of meeting of the Civic Licensing Committee of 26 May 2009](#) was submitted and noted.

(e) Neighbourhood Services Committee

The [minute of meeting of the Neighbourhood Services Committee of 28 May 2009](#) was submitted and, except as detailed hereunder, noted.

(i) Serious Rent Arrears – HRA Tenants

With reference to Article 7(v), the Council formally resolved to approve the amendment of Section 7(b)(10) of the Scheme of Delegation to Officers, so that the full rent arrears procedure was delegated to the Head of Housing.

(ii) Montrose Mid Links – Jamieson Park Lighting Issues

With reference to Article 14, Councillors Oswald and Morrison had referred the Committee's decision for the determination by the Council in accordance with Standing Order 39(3)(ii).

COUNCILLOR MILLAR, SECONDED BY COUNCILLOR MAY MOVED THAT THE COUNCIL APPROVES THE DECISION OF THE COMMITTEE AS RECORDED IN THE MINUTE OF THE MEETING.

Councillor Oswald, seconded by Councillor Morrison, moved as an amendment, that the Council agrees not to replace the lighting at Jamieson Park, Montrose.

On a vote being taken, the members voted:

For the motion:

Provost Leslie Melville, Councillors Murphy, Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Thomson and Whyte (14).

For the amendment:

Councillors Evans, Gaul, King, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Valentine, Welsh and West (11).

No vote:

Councillor Palmer (as he had only joined the meeting during the debate on this item).

The motion was declared carried and the Council resolved accordingly.

(f) Infrastructure Services Committee

The [minute of meeting of the Infrastructure Services Committee of 2 June 2009](#) was submitted and noted.

(g) Education Committee

The [minute of meeting of the Education Committee of 3 June 2009](#) was submitted and noted.

(h) Development Standards Committee

The [minute of meeting of the Development Standards Committee of 9 June 2009](#) was submitted and noted.

(i) Corporate Services Committee

The [minute of meeting of the Corporate Services Committee of 11 June 2009](#) was submitted and noted.

With reference to Article 8(iv) the Council noted that the further report on the application by Eassie Hall Committee for assistance under the Angus Community Grant Scheme would be submitted to the next appropriate meeting of a committee for consideration.

(j) Strategic Policy Committee

The [minute of meeting of the Strategic Policy Committee of 16 June 2009](#) was submitted and, except as detailed hereunder, noted.

Scrutiny Arrangements Within the Council

With reference to Article 7, Councillors Oswald and Gaul had referred the Committee's decision for determination by the Council in accordance with Standing Order 39(3)(i).

The Council unanimously resolved to approve decisions (i), (ii) and (iii) and that the new Scrutiny and Audit Sub-Committee comprise four members of the Administration (names to be given to the Head of Law and Administration) and three members of the Opposition (Councillors Oswald, Gaul and King).

THEREAFTER, COUNCILLOR MYLES SECONDED BY COUNCILLOR ANDREWS, MOVED THAT THE CONVENER OF THE STRATEGIC POLICY COMMITTEE BE APPOINTED AS CONVENER OF THE NEW SUB-COMMITTEE

Councillor Oswald, seconded by Councillor Gaul, moved as an amendment, that the Convener of the Sub-Committee be the Leader of the Opposition, whoever that person might be.

On a vote being taken, the members voted:-

For the motion:

Provost Leslie Melville, Councillors Murphy, Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Thomson and Whyte (14).

For the amendment:

Councillors Evans, Gaul, King, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Palmer, Valentine, Welsh and West (12).

The motion was carried by 14 votes to 12 and the Council resolved accordingly.

The Council also resolved that the consequential changes be made to Standing Orders and the Order of Reference of Committees.

5. MINUTES OF JOINT BOARDS AND PARTNERSHIPS**(a) Tayside Joint Police Board**

The minute of meeting of the Tayside Joint Police Board of 26 January 2009 was submitted and noted.

(b) Tayside Fire and Rescue Board

The minute of meeting of the Tayside Fire and Rescue Board of 26 January 2009 was submitted and noted.

(c) Tayside Fire and Rescue Board (Special Meeting)

The minute of special meeting of the Tayside Fire and Rescue Board of 30 March 2009 was submitted and noted.

(d) Tayside Valuation Joint Board

The minute of meeting of the Tayside Valuation Joint Board of 26 January 2009 was submitted and noted.

(e) Tayside Contracts Joint Committee

The minute of meeting of the Tayside Contracts Joint Committee of 26 January 2009 was submitted and noted.

(f) Tayside and Central Scotland Transport Partnership

The minute of meeting of the Tayside and Central Scotland Transport Partnership of 10 March 2009 was submitted and noted.

(g) Tay Road Bridge Joint Board

The minute of meeting of the Tay Road Bridge Joint Board of 9 March 2009 was submitted and noted.

(h) Tay Road Bridge Joint Board

The minute of meeting of the Tay Road Bridge Joint Board of 8 May 2009 was submitted and noted.

(i) Tayside Community Justice Authority

The minute of meeting of the Tayside Community Justice Authority of 18 March 2009 was submitted and noted.

(j) Angus Licensing Board

The minute of meeting of the Angus Licensing Board of 6 May 2009 was submitted and noted.

(k) Dundee, Perth, Angus and North Fife Strategic Development Plan Authority Joint Committee

The minute of meeting of the Dundee, Perth, Angus and North Fife Strategic Development Plan Authority Joint Committee of 24 February 2009 was submitted and noted.

6. MOTIONS IN TERMS OF STANDING ORDER 24(1)

(a) Food Grant Scheme

Councillor West had given notice of the following motion:-

"That this Council congratulates MSP Richard Lockhead and the Scottish Government on bringing a much needed boost to the Angus economy, as less than two weeks ago two local companies benefitted under the food grant scheme to the sum of £626,418."

Having heard Councillors Morrison, Millar and Palmer, the Council resolved unanimously to approve the terms of the motion.

(b) The Black Watch – Freedom of Angus

Councillor King had given notice of the following motion:-

"That this Council instructs the Chief Executive to write to the Commanding Officer of The Black Watch, 3rd Battalion, The Royal Regiment of Scotland, inviting The Black Watch, as a military unit holding the "Freedom of Angus", to exercise the rights arising from that freedom by parading through the streets of one of the burghs of Angus as soon as possible after their return from their present deployment in Afghanistan."

In this connection, there was submitted a letter dated 27 May 2009 to the Provost from Lieutenant Colonel S J Cartwright requesting that the Black Watch be allowed to parade through Forfar on the afternoon of 10 December 2009, by marching with "drums beating, colours flying and bayonets fixed."

Having heard from Councillors Morrison, Nield, Palmer and Whyte, the Council resolved unanimously to approve the motion.

(c) Amendment to Standing Orders

Councillor Oswald had given notice of the following motion:-

"That this Council agrees that Standing Order 31(1) as presently constituted does not provide proper representation to the people of Angus and that it should be amended to read:

"The Development Standards and Civic Licensing Committees shall consist of 13 members of the Council."

Councillor Oswald, seconded by Councillor Murray, moved approval of the motion.

COUNCILLOR MYLES, SECONDED BY COUNCILLOR MACKINTOSH, MOVED AS AN AMENDMENT, THAT THE COUNCIL MAKES NO CHANGE TO STANDING ORDER 31(1).

On a vote being taken, the members voted:-

For the motion:

Councillors Evans, Gaul, King, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Palmer, Valentine, Welsh and West (12).

For the amendment:

Provost Leslie Melville, Councillors Murphy, Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Thomson and Whyte (14).

The amendment was declared carried and became the substantive motion.

As a further amendment, Councillor Oswald, seconded by Councillor Gaul, moved that the Council agrees to amend Standing Order 31(1) to read:-

“The Development Standards and Civic Licensing Committees shall consist of 13 members of the Council, comprising one member from each ward with the remainder being appointed to reflect the political balance of the Council.”

On a vote being taken, the members voted:-

For the substantive motion:

Provost Leslie Melville, Councillors Murphy, Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Thomson and Whyte (14).

For the further amendment:-

Councillors Evans, Gaul, King, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Palmer, Valentine, Welsh and West (12).

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

7. THE FUTURE OF BARRY MILL BY CARNOUSTIE

Councillor Evans, having declared an interest at Article 2 above, left the meeting for the duration of this item.

With reference to Article 5(c) of the minute of meeting of the Council of 26 March 2009, there was submitted [Joint Report No 508/09](#) by the Chief Executive and the Director of Neighbourhood Services proposing that the Council enter into a partnership agreement with the National Trust for Scotland to continue the operation of Barry Mill as a working mill and visitor attraction.

The Report gave details of the proposal, but it was emphasised that the purpose of any partnership deal was to provide an opportunity to grow visitor numbers to allow the mill to contribute to economic growth by becoming a greater tourist attraction than it currently appeared to be. In this way, the proposals would provide an opportunity to secure a longer term sustainable future for Barry Mill.

Having heard Councillors Murphy, Oswald and Palmer, the Council resolved as follows:-

- (i) to enter into a three year partnership with the National Trust for Scotland to provide funding to underwrite the deficit on operation of the Mill to a maximum of 50% of the losses or £15,000 per annum, whichever is the less; and
- (ii) to provide support in kind to assist the Friends of Barry Mill organisation with marketing, improving displays and the development of the mill pond and surrounding countryside as a further visitor attraction, all within the existing resources offered to voluntary groups.

8. MONTROSE AND MONIFIETH GOLF LINKS LTD - DIRECTORS

There was submitted [Report No 509/09](#) by the Director of Corporate Services proposing a change in the Directors of Montrose Golf Links Ltd and Monifieth Golf Links Ltd who were appointed by the Council.

With regard to the future management arrangements of Monifieth golf course, the completion of a management agreement between the new company (Monifieth Golf Links Ltd) and Angus Council had been remitted to the Head of Law and Administration and the Director of Neighbourhood Services. A draft agreement had now been finalised and members were advised that it had no expiry date, reflecting the previous arrangements whereby rights had been granted in perpetuity by the Earl of Dalhousie to the former Links Committee to manage the golf courses, with title to the golf courses being held in trust by the Council for the benefit of golfers and the general public. The local members had been made aware of this proposal and, as no objections had been raised, agreement had been reached on that basis.

The Council resolved:-

- (i) to approve the appointment of Mr Neil Prentice as a Director of Montrose Golf Links Ltd in place of Mr Stewart Wilkie, (who was retiring) and to note the continuation of Mr David Valentine, Head of Economic Development, as the alternate Director;
- (ii) to note that Mr John Zimny would continue as a Director of Montrose Golf Links Ltd with Mr Alastair Wilson continuing as Mr Zimny's alternate Director;
- (iii) to note the conclusion of a management agreement between Monifieth Golf Links Ltd and the Council;
- (iv) to approve the appointment of Mr Neil Prentice as a Director of Monifieth Golf Links Ltd in place of Mr David Valentine, Head of Economic Development and to approve the appointment of Mr Valentine, as Mr Prentice's alternate Director;
- (v) to approve the appointment of Mr Andy Nicholson as a Director of Monifieth Golf Links Ltd and the appointment of Mr Alastair Wilson as Mr Nicholson's alternate Director; and
- (vi) to ask the Head of Law and Administration to confirm, by reference to the Articles of Association of the Monifieth Golf Links Ltd, if Councillor Directors could appoint substitutes to attend meetings of the company's Board, in the same way as officer directors.

9. 2008/2009 DRAFT UNAUDITED ACCOUNTING STATEMENTS

There was submitted [Joint Report No 504/09](#) by the Director of Corporate Services and the Head of Finance asking members to note the Council's 2008/2009 Draft Accounting Statements prior to their submission to the Controller of Audit for audit purposes.

The Report also drew members' attention to a number of items contained within the Statements and commented on aspects of budget performance.

The Report indicated that the accounts for 2008/2009 had been concluded on time and provided a snapshot of the Council's financial position at 31 March 2009. They would now be subjected to the public inspection/audit process.

The Council resolved:-

- (i) to note the 2008/2009 Draft Accounting Statements and to agree that they be submitted to the Controller of Audit;
- (ii) to note the budget performance commentary as set out in section 4 of the Report; and
- (iii) to note that a further report would be submitted after the recess in respect of end-of-year budget carry forwards in accordance with the Council's budget carry forward scheme.

10. MEDIUM TERM FINANCIAL STRATEGY 2010/2011 TO 2013/2014

There was submitted [Joint Report No 510/09](#) by the Chief Executive, the Director of Corporate Services and the Head of Finance setting out a proposed medium term financial strategy for Angus Council's General Fund Services incorporating an outline programme of efficiency reviews and departmental budget savings requirements. The need for such a strategy was critical given the constraints which central government announcements indicated would be placed on public spending for the next few years.

The Report concluded that the Council faced unprecedented financial challenges for the foreseeable future and it was therefore essential that it planned both its service provision and its finances on a medium term basis. The strategy set out in the Report was considered to provide a solid base from which to take forward future policy development, service provision and budget setting.

The Council resolved:-

- (i) to note the contents of Report No 510/09 and in particular the need to plan over the medium term to meet the expected financial challenges which the Council would face in the next few years;
- (ii) to approve the medium term financial strategy 2010/11 to 2013/14 attached as Appendix A to the Report as a basis upon which to begin to take forward service planning and policy led budget setting for the period covered by the strategy;
- (iii) to note that the strategy might require to be adjusted to cope with changing circumstances;
- (iv) to note the intention to update the strategy on an annual basis so that the Council had a rolling 4 year financial strategy in place; and
- (v) to note the intention to keep members abreast of further clarifications received from the Scottish Government in relation to grant allocations, possibly through a workshop type event to clarify the expected financial challenges facing the Council.

11. MONTROSE SWIMMING POOL REPLACEMENT

With reference to Article 16 of the minute of meeting of the Neighbourhood Services Committee of 20 November 2008, there was submitted [Report No 511/09](#) by the Director of Neighbourhood Services advising members of the outcome of the public consultation exercise and to seek approval for the ongoing development of the replacement of the Montrose Swimming Pool.

COUNCILLOR MILLAR, SECONDED BY COUNCILLOR MAY MOVED THAT THE COUNCIL RESOLVES:-

- (I) TO APPROVE THE DESIGN LAYOUT AS CONTAINED WITHIN REPORT NO 511/09 AND AS SHOWN IN APPENDIX 1 TO THAT REPORT;
- (II) TO NOTE THE INTENDED FUNDING PACKAGE AS DETAILED IN SECTION 4 OF THE REPORT;
- (III) TO APPROVE THE DEVELOPMENT OF THE PROJECT TO THE TENDER STAGE; AND
- (IV) TO INSTRUCT FURTHER REPORTS TO BE BROUGHT FORWARD TO THE RELEVANT COMMITTEES AS PART OF THE TENDER PROCESS.

The Council agreed to adjourn for 10 minutes to allow the SNP Group to consult with the Head of Finance on the terms of a competent amendment.

On resuming, it being 6.45pm, the Council agreed, in terms of Standing Order 20(8), that the meeting be continued until the business had been concluded.

Thereafter, Councillor Valentine, seconded by Councillor West, moved as an amendment, that the Council resolves:-

- (i) to defer making a decision on the Montrose Swimming Pool replacement, until the first full meeting of the Council after the recess when a report detailing all of the available options, including those which would provide the depth of pool for diving and sub aqua activities, can be presented; and
- (ii) to note that the financial implications arising in terms of inflation could be estimated at £50,000 to £75,000 and that, if these cannot be contained within the existing project budget, they be met from the uncommitted balances on the general fund.

On a vote being taken, the members voted:-

For the motion:

Provost Leslie Melville, Councillors Murphy, Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Thomson and Whyte (14).

For the amendment:

Councillors Evans, Gaul, King, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Palmer, Valentine, Welsh and West (12).

The motion was declared carried and the Council resolved accordingly.

12. EXCLUSION OF PUBLIC AND PRESS

The Council resolved, in terms of Standing Order 27(2), that the public and press be excluded from the meeting during consideration of the undernoted items so as to avoid the disclosure of information which was exempt in terms of Part 1 Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 6 and 9.

13. SALE OF ST JAMES HOUSE, FORFAR – DEVELOPER REQUEST

With reference to Article 12 of the minute of meeting of the Council of 14 February 2008, there was submitted [Report No 512/09](#) by the Director of Corporate Services advising members of a request received from the proposed purchasers of the St James House site to apply a further amendment to the missives of sale.

The Council resolved:-

- (i) to note the current position regarding the sale of St James House, Forfar;
- (ii) to refuse the request from the proposed purchasers to further amend the missives of sale to extend the “planning longstop” date from 20 April 2010 to an indicative 31 July 2011; and
- (iii) to instruct the Director of Corporate Services, if this decision resulted in a further offer from the purchasers which brought increased benefit to the Council, to present a further report providing details of any further offer and any other appropriate matters to be considered regarding the sale of St James House.

14. CARNOUSTIE GOLF LINKS PROPOSALS – UPDATED POSITION

Councillor Oswald, having declared an interest at Article 2 above, left the meeting at this point.

With reference to Article 15 of the minute of meeting of the Council of 14 May 2009, there was submitted [Report No 513/09](#) by the Director of Corporate Services providing details of the final outcome of the negotiations referred to in that minute, and seeking approval of the finalised terms to allow the transfer of the running of the professional’s shop at Carnoustie Golf Course Hotel to Carnoustie Golf Links Management Committee by way of a limited liability company. The continuation of this approval would be subject to the CGLMC, within six months, setting up a company limited by guarantee which would take over the operation and the maintenance of the golf courses and becoming the parent company of the limited liability company.

After discussion, the Council resolved:-

- (i) to note the final outcome of the negotiations with Carnoustie Golf Links Management Committee and the tenant and operator of Carnoustie Hotel;
- (ii) to approve the final terms outlined in Report No 513/09 to allow the professional’s shop within Carnoustie Hotel to be transferred to Carnoustie Golf Links Limited (a limited liability company);
- (iii) to authorise the Head of Law and Administration to sign the agreements as outlined in the Report; and

- (iv) to note that a further report would be brought to a future meeting of the full Council once CGLMC had determined whether or not to incorporate a company limited by guarantee to take over the operation and the maintenance of the golf courses and become the parent company of the limited liability company.

The meeting ended at 7.32pm.