

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 18 September 2008 at 4.00 pm.

Present: Provost RUTH LESLIE MELVILLE MBE, Depute Provost PETER MURPHY, Councillors ALISON ANDREWS, COLIN BROWN, FRANK ELLIS, DAVID FAIRWEATHER, ALEX KING, DAVID LUMGAIR, IAN MACKINTOSH, DAVID MAY, GLENNIS MIDDLETON, BILL MIDDLETON, JIM MILLAR, DONALD MORRISON, ROB MURRAY, ROBERT MYLES, PETER NIELD, HELEN OSWALD, RALPH PALMER, JOHN RYMER, MARK SALMOND, ROBERT SPINK, 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 Mairi Evans and Iain Gaul.

2. DECLARATIONS OF INTEREST

A declaration of interest was made by Councillor Oswald in item 14 (Carnoustie Golf Links proposals) as her husband worked for the Carnoustie Golf Links Management Committee, but not in a capacity that she felt would prevent her from taking part in any debate or discussion or voting.

3. PRESENTATION BY CHIEF CONSTABLE KEVIN MATHIESON

The Council received a presentation by the recently appointed Chief Constable for Tayside Police, Kevin Mathieson. He explained how he wanted to work with local Councillors in fulfilling his statutory duties in relation to the policing of Angus and outlined how he saw the Force moving forward over the next few years. Mr Mathieson then answered members' questions.

4. MINUTES OF COUNCIL AND COMMITTEES

(a) Angus Council

The [minute of meeting of Angus Council of 26 June 2008](#) was submitted, approved as a correct record, and signed by the Provost.

(b) Development Standards Committee

The [minute of meeting of the Development Standards Committee of 1 July 2008](#) was submitted and noted.

(c) Development Standards Committee

The [minute of meeting of the Development Standards Committee of 12 August 2008](#) was submitted and noted.

(d) Social Work and Health Committee

The [minute of meeting of the Social Work and Health Committee of 14 August 2008](#) was submitted and noted.

(e) Civic Licensing Committee

The [minute of meeting of the Civic Licensing Committee of 19 August 2008](#) was submitted and noted.

(f) Neighbourhood Services Committee

The [minute of meeting of the Neighbourhood Services Committee of 21 August 2008](#) was submitted and, except as detailed hereunder, noted:

(i) Monifieth Golf Links

With reference to Article 28(iii), the Council resolved to appoint Councillors Thompson and Murray, the Head of Economic Development and the Head of Community Services as Directors of the new Monifieth Golf Links Ltd.

(g) Infrastructure Services Committee

The [minute of meeting of the Infrastructure Services Committee of 26 August 2008](#) was submitted and noted.

(h) Education Committee

The [minute of meeting of the Education Committee of 28 August 2008](#) was submitted and noted.

(i) Development Standards Committee

The [minute of meeting of the Development Standards Committee of 2 September 2008](#) was submitted and noted.

(j) Corporate Services Committee

The [minute of meeting of the Corporate Services Committee of 4 September 2008](#) was submitted and noted.

(k) Strategic Policy Committee

The [minute of meeting of the Strategic Policy Committee of 9 September 2008](#) was submitted and, except as detailed hereunder, noted:

(i) Changing Scotland's Relationship with Alcohol: a Discussion Paper on our Strategic Approach

With reference to Article 24(iii), there was submitted Report No 898/08 by the Director of Social Work and Health with an updated appendix and the response by Angus Licensing Board (prepared by the Clerk to the Board) which had been determined at its meeting on 10 September 2008.

After discussion, the Council resolved to submit both the Drug and Alcohol Team's and the Licensing Board's comments as the Council response to the consultation document.

(l) Civic Licensing Committee

The [minute of the meeting of the Civic Licensing Committee of 9 September 2008](#) was submitted and noted.

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

The minute of meeting of the Tayside Joint Police Board of 12 May 2008 was submitted and noted

(b) Tayside Joint Police Board

The minute of meeting of the Tayside Joint Police Board of 30 June 2008 was submitted and noted.

(c) Tayside Fire and Rescue Board

The minute of meeting of the Tayside Fire and Rescue Board of 12 May 2008 was submitted and noted.

(d) Tayside Valuation Joint Board

The minute of the meeting of the Tayside Valuation Joint Board of 12 May 2008 was submitted and noted.

(e) Tayside Contracts Joint Committee

The minute of the meeting of the Tayside Valuation Joint Board of 12 May 2008 was submitted and noted.

(f) Tay Road Bridge Joint Board

The minute of the meeting of the Tay Road Bridge Joint Board of 10 March 2008 was submitted and noted.

(g) Tayside and Central Scotland Transport Partnership

The minute of the meeting of the Tayside and Central Scotland Transport Partnership of 29 April 2008 was submitted and noted.

(h) Tayside Community Justice Authority

The minute of the meeting of the Tayside Community Justice Authority of 19 March 2008 was submitted and noted.

(i) Angus Licensing Board

The minute of the meeting of the Licensing Board of 18 June was submitted and noted.

(j) Angus Licensing Board

The minute of the meeting of the Licensing Board of 20 August 2008 was submitted and noted.

6. MOTIONS IN TERMS OF STANDING ORDER 24(1)**(a) 45 Commando Group Condor, Arbroath**

Councillor Rymer had given notice of the following motion:

“That the Council instructs the Chief Executive to write to the commanding officer indicating that the Councils thoughts are with the 45 Commando Group, Condor, Arbroath for a successful tour of duty in Afghanistan and a safe return home”.

As an addendum, Councillor King proposed that the following paragraph be added to the motion:

“This council hopes that on their safe return home, 45 Commando Group will take the opportunity to exercise their rights as a military unit holding the “freedom of Angus” and parade through the streets of the burghs of Angus”.

Councillor Rymer accepted the addendum and the Council resolved unanimously to approve the motion and the addendum.

(b) Amalgamation of Lloyds TSB and HBOS

Councillor Myles proposed the following emergency motion:

“That this Council notes the amalgamation of Lloyds TSB and HBOS and instructs the Chief Executive to write to the Chief Executive of both banks seeking:-

- (i) clarification of the employment implications within the local branch network in Angus;
- (ii) clarification of their proposals of the siting of their headquarters and the retention of the name “Bank of Scotland” within the organisation;
- (iii) retention of Scottish bank notes.”

The Provost was of the opinion that the motion should be considered as a matter of urgency because of the fast moving financial situation.

As an addendum, Councillor Murray proposed that there be added to the motion the following: -

- (iv) to write to the managers of the local branches expressing support for their employees.

Councillor Myles accepted the addendum and the Council resolved to approve the motion and the addendum.

7. SCOTTISH ENTERPRISE - REGIONAL ADVISORY BOARD MEMBERSHIP

There was submitted letter dated 1 September 2008 from Jim McPhillimy, Chair, Tayside Regional Advisory Board of Scottish Enterprise, inviting the Council to nominate a member to serve on his Board.

The formation of Regional Advisory Boards had been announced by Cabinet Secretary, John Swinney MSP, to provide advice and guidance to Scottish Enterprise on the best way to maximise the region's contribution to Scotland's economic growth. This would involve Scottish Enterprise working with the regional team and others to provide a strategic direction, support the prioritisation of resources and identify and develop major projects. The Regional Advisory Boards would also be a source of advice and influence for Scottish Enterprise's Executive Board on strategy and policy development and industry policy development.

The Council resolved to appoint Councillor May, Convenor of the Infrastructure Services Committee.

8 FUEL PRICE INCREASES

With reference to Article 7(c) of the minute of meeting of the Council of 26 June 2008, there was submitted [Report No 904/08](#) updating members on the responses received to the Council's letter of concern to the Prime Minister, the Chancellor of the Exchequer and the Scottish Government asking for extra financial support to take into account the implications of increasing fuel prices on the Council's delivery of services.

After full discussion, the Council resolved:-

- (i) to note the responses to the Chief Executive's letters to the First Minister and to the Prime Minister/Chancellor of the Exchequer; and
- (ii) to note that the matter had been referred to COSLA in ongoing discussions between the Scottish Government and local government leaders on future spending pressures.

9. SINGLE OUTCOME AGREEMENT FOR ANGUS

With reference to Article 12 of the minute of the meeting of Angus Council of 27 March 2008, there was submitted [Report No 914/08](#) by the Chief Executive advising that the Single Outcome Agreement for 2008/09 between the Scottish Government and Angus Council had now been agreed. The Agreement had been formally signed by John Swinney MSP, Cabinet Secretary, on behalf of the Scottish Government on 24 July 2008. A copy of the Agreement was appended to the Report showing actions for which Angus Council services had responsibility. There were also a significant number of indicators in the Agreement which Angus Council services had a lead responsibility for delivering against.

The Council resolved:-

- (i) to note that the Single Outcome Agreement 2008/09 for Angus Council had now been agreed with the Scottish Government; and
- (ii) to note the key outcomes, targets, actions, measures and indicators which Angus Council services had a lead responsibility for delivering against.

10 MEMBERSHIP OF THE IMPROVEMENT SERVICE

There was submitted [Report No 915/08](#) by the Chief Executive recommending that the Council accept an offer to become a member of the Improvement Service.

The Report indicated that membership would allow the Council:-

- o to improve the membership of the Improvement Service Board
- o to attend AGM's and EGM's
- o to input to the business plan of the improvement Service

The aim of the proposal was to make the improvement service more open and accountable to the Councils it served and it was proposed that Angus Council agree to become a member.

After discussion, the Council resolved to become a member of the Improvement Service.

11 THE COUNCILLORS' CODE OF CONDUCT - MEMBERSHIP OF OUTSIDE BODIES

With reference to Article 13(iii) the minute of meeting of the Corporate Services Committee of 12 June 2008 when it had had been agreed, in light of members' comments when considering a request for financial assistance from the Forfar Common Good Fund, that the Chief Executive and Director of Corporate Services should prepare further guidance on the Councillor's Code of Conduct and its implications to Councillors in their capacity as members of outside bodies, there was submitted [Report No 916/08](#) by the Director of Corporate Services. The Report indicated that, at the end of the day, it was a Councillor's responsibility to decide whether or not to declare an interest arising from his/her membership of an outside body at **any** formal or informal meeting of the Council.

The Report concluded that, while the general guidance set out in the Report was intended to be as helpful as possible, it was often the case that individual circumstances of a particular interest and its link with the business of the Council would determine whether or not an interest should be declared.

The Council resolved to note the contents of Report No 916/08 and the guidance contained therein.

12 PROHIBITION OF CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES (ARBROATH AND KIRRIEMUIR) BYELAWS 2008

With reference to Article 9 of the minute of meeting of the Council of 27 March 2008, there was submitted [Report No 903/08](#) by the Director of Corporate Services indicating that the Scottish Ministers had confirmed the Byelaws on 15 July 2008 and 28 July 2008 had been fixed as the date that they would come into operation. The Police and Procurator Fiscal had

been informed and confirmation had been advertised as required by the Local Government (Scotland) Act 1973 on 18 July 2008. It was now an offence to consume alcohol in the areas of Arbroath and Kirriemuir designated as public places and it was also an offence to be in possession of an open container of alcohol in circumstances where it was reasonable to infer that the person intended to drink from it whilst in a designated public place.

The Council accordingly noted that the Prohibition of Consumption of Alcohol in Designated Public Places (Arbroath and Kirriemuir) Byelaws 2008 had been confirmed by the Scottish Ministers and had come into force on 28 July 2008.

13 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 item, so to avoid the disclosure of information which was exempt in terms of Part 1 Schedule 7A to the Local Government (Scotland) Act 1973, paragraph 9.

14 CARNOUSTIE GOLF LINKS PROPOSALS

There was submitted [Report No 899/08](#) by the Director of Corporate Services seeking the Council's approval to a proposal by the Carnoustie Golf Links Management Committee to take over the running of the professional's shop at Carnoustie golf courses by a company, acceptable to the Chief Executive and Director of Corporate Services, set up or to be set up by the CGLM Committee to assume responsibility for the operation of these facilities. This proposal was recommended, subject to the transfer to a parent company of the professional shop company of responsibility for all aspects of the Carnoustie Golf Links Management Committee's activity and the Council becoming a member of that parent company on terms acceptable to the Council.

The Council resolved to approve the recommendations contained in the Report.