

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 12 May 2016 at 2.00pm.

Present: Provost HELEN OSWALD, Depute Provost ALEX KING, Councillors BILL BOWLES, BRIAN BOYD, LYNNE DEVINE, BILL DUFF, DAVID FAIRWEATHER, CRAIG FOTHERINGHAM, IAIN GAUL, JEANETTE GAUL, MARTYN GEDDES, SHEILA HANDS, JIM HOUSTON, DAVID LUMGAIR, DAVID MAY, IAN McLAREN, GLENNIS MIDDLETON, DONALD MORRISON, ROB MURRAY, BOB MYLES, RONNIE PROCTOR MBE, MARK SALMOND, EWAN SMITH, BOB SPINK, MARGARET THOMSON, PAUL VALENTINE and SHEENA WELSH.

PROVOST HELEN OSWALD, in the Chair.

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Mairi Evans.

2. DECLARATIONS OF INTEREST

Councillors Ronnie Proctor, Ian McLaren, Glennis Middleton and Paul Valentine each declared an interest in item 9 as they had a relative living in a sheltered housing complex. All indicated that they would participate in any discussion and voting on this item.

Councillor Brian Boyd declared an interest in item 6 as he had received numerous letters of complaint and had also been involved in discussions with various individuals. He indicated that he would participate in any discussion and voting on this item.

Councillor Bill Bowles declared an interest in item 6 as he had previously been a member of Carnoustie Golf Links Management Committee Ltd. He had also received numerous letters of complaint and had been involved in discussions with various individuals. He indicated that he would participate in any discussion and voting on this item.

Councillors Bob Myles and Jim Houston declared an interest in item 12 as they had attended various meetings with residents and officers. Both indicated that they would participate in any discussion and voting on this item.

Provost Helen Oswald declared an interest in item 6 as a Trustee of Carnoustie Golf Links Management Committee Ltd. She indicated that as she had no financial interest, was not a member of any golf club and was not a season ticket holder she would participate in any discussion and voting on this item.

Councillor Donald Morrison declared an interest in item 9 as he was a Director of Voluntary Action Angus and Care About Angus. He indicated that he would not participate in discussion and voting and would leave the meeting during consideration of this item.

3. REQUESTS FOR A DEPUTATION

The Council noted that a deputation request had been received from Mrs Pat Sawers, Chair of Carnoustie Golf Links and Mr Alan Creevy Director of CDLH in relation to item 6.

The Provost intimated that two further requests for a deputation had been received, one from Mr Bill Thomson, Captain of Carnoustie Golf Club and one from David Scorgie, Director of Aboukir Hotel.

The Council resolved to hear the deputations.

(i) Pat Sawers and Alan Creevy

Mrs Pat Sawers and Mr Alan Creevy spoke in support of the application from CGLMC Ltd in connection with the proposed development at Carnoustie Golf Links.

Following a number of questions, Pat Sawers and Alan Creevy withdrew to the public benches.

(ii) Bill Thomson

Mr Bill Thomson requested that the Council defer consideration of the Report for further consultation with all interested parties.

Following a number of questions, Mr Thomson withdrew to the public benches.

(iii) David Scorgie (Carol Inglis)

Ms Carol Inglis, of the Corner Hotel requested that Council reconsider the matter as a number of hoteliers in the area were opposed to the proposals.

Following a number of questions, Mr Scorgie and Ms Inglis withdrew to the public benches.

4. MINUTES OF COUNCIL AND COMMITTEES**(i) Minutes of Previous Meetings****(a) Angus Council**

The minute of meeting of Angus Council of 24 March 2016 was submitted and approved as a correct record.

(b) Angus Council (Special)

The minute of the special meeting of Angus Council of 26 April 2016 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 29 March 2016 was submitted and noted.

(d) Development Standards Committee

The minute of meeting of the Development Standards Committee of 29 March 2016 was submitted and noted.

(e) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 31 March 2016 was submitted and noted.

(f) Children and Learning Committee

The minute of meeting of the Children and Learning Committee of 12 April 2016 was submitted and noted.

(g) Communities Committee

The minute of meeting of the Communities Committee of 12 April 2016 was submitted and noted.

(h) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 19 April 2016 was submitted and noted.

(i) Scrutiny and Audit Committee

The minute of meeting of the Scrutiny and Audit Committee of 19 April 2016 was submitted and noted.

(j) Policy and Resources Committee

The minute of meeting of the Policy and Resources Committee of 26 April 2016 was submitted and noted.

5. COUNCIL REPRESENTATION ON CARNOUSTIE GOLF LINKS MANAGEMENT COMMITTEE LTD

The Council noted that Councillor Bowles had resigned as a Council appointee.

Provost Helen Oswald nominated Councillor Boyd to fill the vacancy, who declined the nomination.

Councillor Valentine moved that given no local member was willing to fill the vacancy, the Council should revert to its original position and consequently he nominated Councillor Iain Gaul (as Leader of the Council) to fill the vacancy.

The Council resolved to approve the nomination.

6. CGLMC LTD – HERITABLE PROPRIETOR'S CONSENT TO PROPOSED DEVELOPMENT AT CARNOUSTIE GOLF LINKS

There was submitted Report No 183/16 by the Head of Legal and Democratic Services detailing an application for heritable proprietor's consent from CGLMC Ltd in connection with the proposed development at Carnoustie Golf Links and asking the Council to consider the application, taking into account the Council's role and obligations under the Minute of Agreement and the benefits and risks involved.

Provost Helen Oswald, seconded by Depute Provost Alex King, moved that this Council:

- (i) notes the Council's role and obligations under the Minute of Agreement and the benefits and risks involved as set out in the Report and accompanying Appendix 1;
- (ii) approves the request for consent of the Council, as owner of Carnoustie Golf Links received from Carnoustie Golf Links Management Committee Limited (CGLMC Ltd) to the development of the Carnoustie Golf Links by extending the existing golf centre and facilities which comprise the Carnoustie Golf Links;
- (iii) approves the request for consent of the Council in accordance with clause FIFTEENTH of the Minute of Agreement entered into between Angus Council and CGLMC Ltd dated 30 April and 28 May 2015 from CGLMC Ltd to borrow up to £2,950,000 for the specific and strictly limited purpose of funding the above development; and
- (iv) notes that the Council's asset (namely the golf links) would be enhanced by the development and that none of the proposed borrowing by CGLMC Ltd. would be secured on any of the Council's land holdings.

At this point in the meeting, Councillor Iain Gaul declared an interest in this item as he had just been appointed as a Trustee of CGLMC. He indicated that he would participate in any discussion and voting on this matter.

Councillor Bill Bowles intimated that he had an amendment.

The meeting was adjourned for 5 minutes to allow the Provost to discuss with the relevant officers the terms of the amendment.

The meeting having re-convened the Provost ruled that the terms of the amendment were not competent.

Councillor Bowles intimated that he had a further amendment.

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

The meeting re-convened at 3.25pm at which point the Provost ruled that the second amendment from Councillor Bowles was not competent.

Councillor Myles gave notice of an amendment, the terms of which he intimated verbally following which the Provost ruled that his amendment was not competent.

(Councillor Bowles left the meeting at this point).

Thereafter, the Council resolved to approve the recommendations, as detailed in the Report.

7. STANDARDS COMMISSION DECISION

With reference to Article 1 of the minute of meeting of Angus Council of 24 March 2016, there was submitted Report No 184/16 by the Head of Legal and Democratic Services formally advising the Council 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 of the outcome of the decision in relation to Case Reference LA/An/1772 – Councillor Colin Brown.

Attached as Appendix 1 to the Report was the formal decision of the Hearing Panel of the Standards Commission for Scotland following the hearing in Angus House held on 15 March 2016. Members were asked to consider the decision of the Panel and any actions or decisions taken by the Council as the result of consideration of the decision required to be intimated to the Commissioner by 14 June 2016.

The Council resolved to note the contents of the Report and the decision of the Hearing Panel.

8. GOVERNANCE ARRANGEMENTS IN RESPECT OF ANGUS INTEGRATION JOINT BOARD POST INTEGRATION

With reference to Article 6 of the minute of meeting of Angus Council of 26 March 2015, there was submitted Report No 185/16 by the Head of Legal and Democratic Services setting out the governance responsibilities of the Council in relation to the Integrated Joint Board (IJB) to ensure appropriate arrangements in respect of the Council's internal governance of relevant arrangements.

The Report detailed a number of options available to the Council to carry out the monitoring and scrutiny functions. The changes proposed to the committee structure and the amended reporting lines being proposed would ensure that the Council discharged its obligations whilst recognising that the Council no longer had the remit to determine policy in relation to the services being delivered at the instruction of the IJB. Members were also asked to consider whether there would be a need for a senior councillor to take the political lead in assisting the integration of the two services to act as a spokesperson for matters which may arise.

Depute Provost Alex King, seconded by Councillor Iain Gaul, moved that the Council:

- (i) notes the recommendations of the Member Officer Group (MOG) in the minute of their meeting dated 31 March 2016 and as attached at Appendix 1;
- (ii) approves the proposals as contained in Section 6 of the Report and agree that the Standing Orders and Orders of Reference of Committees be amended to incorporate within the role of the Policy and Resources Committee the governance functions as detailed in the Report with effect from 1 April 2016;
- (iii) as a consequence of (ii) above disband the Social Work and Health Committee;
- (iv) agrees to the retention of the senior councillor salary, as recommended by the Member Officer Group for an initial period; and
- (v) agrees that the amended Standing Orders and Order of Reference of Committees be brought forward to a future meeting of Angus Council.

Provost Helen Oswald indicated that Councillor David Fairweather wished to propose an addition to recommendation (iii) "that the senior councillor/chairperson of the IJB offer briefing sessions for all Angus Councillors prior to each meeting of the IJB".

The Council resolved to approve the recommendations, including the additional wording from Councillor Fairweather.

At this point, Councillor Glennis Middleton thanked all who had been involved in the work of and support to, the Social Work and Health Committee both elected members and officers.

Councillor Morrison having declared an interest at item 2 above left the meeting during consideration of the following item.

9. PROVISION OF OLDER PEOPLE'S HOUSING SERVICES

With reference to Article 6 of the minute of meeting of Angus Council of 11 February 2016, there was submitted Report No 186/16 by the Chief Executive setting out the proposed support provision for tenants in sheltered housing complexes in Angus.

The Report indicated that following the establishment of a Member Officer Group a range of models of provision including the current system on a fully funded by tenants basis had been considered as this option had been deemed costly and not compliant with Self Directed Support (SDS). The Member Officer Group proposed a standard offering to support every complex with a team of housing officers and locality support from the Community Alarm Service. In addition, any tenant with an assessed care need would be entitled to choose how they wished to have their needs met under SDS. This continued the work already undertaken in Angus around personalisation and choice for citizens with enablement as the approach.

Having heard from Councillor Iain Gaul who thanked all members of the Member Officer Group for their work in this matter, the Council resolved:-

- (i) to agree that a service would be provided in each locality to support sheltered housing tenants which would comprise Council Housing staff and Community Alarm staff, now under the management of the Integrated Joint Board (IJB);
- (ii) to agree the IJB Chief Officer, or her representative, continue to work with partners, in particular Care About Angus, to further develop an enhanced model of provision during this transitional period;
- (iii) to agree that sheltered housing tenants who currently payed a weekly Tenancy Support Officer (TSO) charge of up to £32.10 would cease paying that charge from 1 July 2016;
- (iv) to agree that any tenant assessed as requiring the Community Alarm service or currently in receipt of Community Alarm would be charged the standard charge of £4.75 per week;
- (v) to note that any tenant requiring a care assessment, under Self Directed Support (SDS), would be given one and be enabled to use one of four options to meet their personal care needs. Charging for this would be in line with Angus Council's contributions policy.
- (vi) to agree to enable tenants as individuals and as groups to select a bespoke and enhanced model of support to meet their wishes.

10. MEMBERS REMUNERATION, ALLOWANCES, EXPENSES AND ATTENDANCE 2015/16

With reference to Article 4 of the minute of meeting of Angus Council of 14 May 2015, there was submitted Report No 187/16 by the Strategic Director – Resources bringing to the Council's attention the amount of remuneration, allowances and expenses paid to Councillors for the period 1 April 2015 to 31 March 2016 along with an update on members' training and the record of member attendances at Council committee meetings.

The Council resolved:-

- (i) to note the contents of the Report for its interest;
- (ii) to note that the information in Appendix 1 would be published on the Council's website in accordance with legislative requirements; and

(iii) to note the member attendance information, as detailed in Appendix 2.

11. EXCLUSION OF PUBLIC AND PRESS

The Council resolved in terms of Standing Order 28(2) that the public and press be excluded during consideration of the following item so as to avoid the disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act paragraph 9.

12. CATTLE RAIK, LITTLE BRECHIN

With reference to Article 14 of the minute of meeting of the Policy and Resources Committee of 13 October 2015, there was submitted Report No 178/16 by the Head of Legal and Democratic Services updating members on the discussions undertaken by Council officers with occupiers of areas of ground along the length of the Cattle Raik at Little Brechin and seeking the Council's decision on the basis of valuation of the property.

COUNCILLOR IAIN GAUL, SECONDED BY PROVOST HELEN OSWALD, MOVED THAT THE COUNCIL AGREES THAT THE VALUATION SHOULD, AS PREVIOUSLY AGREED BY THE POLICY AND RESOURCES COMMITTEE, REFLECT MARKET VALUE AND BE ON A CASE BY CASE BASIS REFLECTING THE ACTUAL INDIVIDUAL NATURE AND EXTENT OF THE ENCROACHMENT (AS DETAILED IN COLUMN 2 IN APPENDIX A TO THE REPORT).

Councillor Myles, seconded by Councillor Houston, moved as an amendment, that the Council agrees to the valuations as the lowest actual valuation figure, as detailed in column 3 in Appendix A to the Report.

On a vote being taken, the members voted:-

For the motion:

Provost Helen Oswald, Depute Provost Alex King, Councillors Devine, Duff, Iain Gaul, Jeanette Gaul, Hands, Lumgair, May, Middleton, Morrison, Murray, Salmond, Spink, Valentine and Welsh (16).

For the amendment:

Councillors Boyd, Fairweather, Fotheringham, Geddes, Houston, McLaren, Myles, Proctor and Smith (9).

The motion was declared carried and the Council resolved accordingly.