

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 7 February 2019 at 2.00pm.

Present: Provost RONNIE PROCTOR, 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, ALEX KING, BEN LAWRIE, DAVID LUMGAIR, ANGUS MACMILLAN DOUGLAS OBE, MARK McDONALD, IAN McLAREN, GAVIN NICOL, MARK SALMOND, LOIS SPEED, TOMMY STEWART, RON STURROCK, DEREK WANN and BETH WHITESIDE.

PROVOST RONNIE PROCTOR, in the Chair

In accordance with the provisions of Standing Order 11(2)(ii) the Provost ruled that Report No 48/19 (including addendum) and exempt Report No 49/19 were to be considered as matters of urgency, in order that the Council could come to a decision timeously.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Sheila Hands and Bob Myles.

2. DECLARATIONS OF INTEREST

All members of the Council intimated that they had received emails in relation to Lochside Leisure Centre, the matter which was due to be considered under Report No 48/19 and Report 49/19. All members (with the exception of Depute Provost Colin Brown) intimated that they would take part in any discussion and voting on these items.

Depute Provost Colin Brown declared an interest in Report No 48/19 and Report No 49/19 as he had arranged a visit to Lochside Leisure Centre for Mark Guild. He intimated that he would not participate in any discussion and voting and would leave the meeting during consideration of both these items.

3. REQUEST FOR A DEPUTATION

The Council resolved to hear a deputation from Mr Mark Guild who urged the Council not to proceed with the demolition of Lochside Leisure Centre until the public were consulted on possible future uses.

Following the deputation, Mr Guild withdrew to the public benches.

4. MINUTES OF COUNCIL AND COMMITTEES

(i) Minutes of Council Meetings

(a) Angus Council

The minute of meeting of Angus Council of 6 December 2018 was submitted and approved as a correct record.

(b) Angus Council (Special)

The minute of the special meeting of Angus Council of 13 December 2018 was submitted and approved as a correct record.

(ii) Minutes of Committees

(c) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 10 January 2019 was submitted and with the exception of item 5(iii) noted.

Immediate Suspension of Licences – Delegated Powers

The Council heard from Sergeant Ryan Macdonald, Tayside Police in support of the proposals “to delegate authority to the Service Leader – Legal and Democratic (and her successors in office as Monitoring Officer for Angus Council in terms of Section 5 of the Local Government and Housing Act 1989) in consultation with the Convener and Vice-Convener (if available) to order the immediate suspension of a licence in terms of Section 12, Schedule 1 to the Civic Government (Scotland) Act 1982, given the need to deal with these issues as a matter of urgency”.

The Council resolved to approve the proposals and that the Scheme of Delegation to Officers be amended accordingly.

(d) Communities Committee

The minute of meeting of the Communities Committee of 15 January 2019 was submitted and noted.

(e) Appointments Sub-Committee

The minute of meeting of the Appointments Sub-Committee of 18 January 2019 was submitted and noted.

(f) Scrutiny and Audit Committee

The minute of meeting of the Scrutiny and Audit Committee of 22 January 2019 was submitted and noted.

(g) Children and Learning Committee

The minute of meeting of the Children and Learning Committee of 29 January 2019 was submitted and noted.

(h) Policy and Resources Committee

The minute of meeting of the Policy and Resources Committee of 29 January 2019 was submitted and noted.

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

(i) Economic Development Spokesperson

Councillor Fairweather, seconded by Councillor MacMillan Douglas, moved that this Council:-

- (i) proposes that Councillor Davy replaces Councillor Sturrock as Economic Development Spokesperson;
- (ii) whilst recognising the importance this role has, notes that savings, where opportunities arise, should be made;
- (iii) consequently, proposes that the remuneration for the role of Economic Development Spokesperson be revised downwards from £22,942 to £19,969 (basic grade (£16,994 + £2,975)); and
- (iv) notes the revised overall total for Senior Councillor Remuneration, as detailed below.

Elected Member Remuneration - Update February 2019						
Existing remuneration arrangements are as agreed in Report 188/18 to the June 2018 meeting of Angus Council. That report set out the rules the Council is required to comply with. The proposed changes from the Motion result in a financial saving of £2,974. The updated schedule of remuneration for all Councillors is shown below.						
Post	Councillor	Multiple Roles*	No. of Posts	Pay Award	Counted for Senior Councillor Constraints	
					Posts	Pay (£)
Leader of the Council	Cllr Fairweather	B	1	33,991	-	33,991
Civic Head (Provost)	Cllr Proctor		1	25,494	-	25,494
Senior Councillor Posts - Remuneration Proposals						
Depute Leader	Cllr Macmillan Douglas	A	1	22,943	1	22,943
Depute Provost	Cllr Brown		1	22,943	1	22,943
Convener of Children & Learning	Cllr Wann		1	22,943	1	22,943
Convener of Civic Licensing & Licensing Board	Cllr Fotheringham		1	22,943	1	22,943
Convener of Communities	Cllr Salmond		1	22,943	1	22,943
Convener of Development Standards	Cllr Lumgair		1	22,943	1	22,943
Convener of Policy & Resources	Cllr Fairweather	B	1	22,943	0	0
Convener of Scrutiny & Audit	Cllr King		1	22,943	1	22,943
Vice Convener of Children & Learning	Cllr Speed		1	19,969	1	19,969
Vice Convener of Civic Licensing & Licensing Board	Cllr Moore		1	19,969	1	19,969
Vice Convener of Communities	Cllr Stewart		1	19,969	1	19,969
Vice Convener of Development Standards	Cllr Nicol	C	1	19,969	0	0
Vice Convener of Policy & Resources	Cllr Macmillan Douglas	A	1	19,969	0	0
Vice Convener of Scrutiny & Audit	Cllr Duff		1	19,969	1	19,969
Finance Convener	Cllr Macmillan Douglas	A	1	22,943	0	0
Economic Development Spokesperson	Cllr Davy	D	1	19,969	1	19,969
Sub-Total Senior Councillor Posts (excl Leader and Civic Head)			16	346,270	12	260,446
Senior Councillor Cap					13	276,169
Basic Grade Councillors for Remuneration Purposes			14	16,994	n/a	237,916
TOTAL COST TO ANGUS COUNCIL OF REMUNERATION PROPOSALS (i.e. excluding external posts)						557,847
* - posts where an elected member will be carrying out multiple roles with additional responsibility						
Other Duties/Responsibilities - Not Remunerated						
Special Responsibility for Disposal of Properties	Cllr Salmond					
Young People Spokesperson	Cllr Lawrie					
Social Care Spokesperson	Cllr Speed					
Special Responsibility for Housing	Cllr Fotheringham					
External Posts (see below for more details and explanations)						
Convener of Tayside Joint Valuation Board #	Cllr Nicol	C		21,244	n/a	21,244
Angus Council rep on Tayside NHS Board ##	Cllr Myles				n/a	8,169
Angus Council rep on Cairngorms National Park Authority Board ###	Cllr McLaren				n/a	7,394
# - £16,994 of this sum would be payable by Angus Council as the basic grade Councillor salary, the balance would be payable by the Valuation Board						
## - this is a fee which is payable by the NHS Board and would be in addition to the Basic Councillor salary paid by Angus Council giving a total package						
### - this is a fee which is payable by the Park Authority and would be in addition to the Basic Councillor salary paid by Angus Council giving a total						
"External" Posts Where Additional Remuneration Can Apply						
Tayside Joint Valuation Board - the Board needs to decide on its Remuneration but Angus Council has the Convener position (a remunerated post) because the Angus rep was the Vice Convener for the last 5 years						
Vice-Convener Elect of Tayside Contracts Joint Committee - no remuneration applies to any senior role on this Joint Committee at present						
The Cairngorms National Park Authority Board - The Angus Council representative gets a fee of £7,394 which is paid directly by the Park Authority plus expenses. Fee levels are set by the Park Authority based on a framework and guidance from Scottish Ministers on the basis of an assumed time commitment of 30 days p.a. Payment of this fee sits entirely outwith the main remuneration arrangements for Councillors so has no bearing on the number of senior councillors, etc.						
Tayside NHS Board - The Angus Council representative gets a fee of £8,169 which is paid directly by the NHS Tayside plus expenses. Remuneration levels are set by the within a framework and guidance from Scottish Ministers. Payment of this fee sits entirely outwith the main remuneration arrangements for Councillors so has no bearing on the number of senior councillors, etc.						

The Council resolved to approve the motion.

5. APPOINTMENTS

(i) ANGUSALive

The Council resolved to approve the appointment of Councillor Proctor, to replace Councillor Moore.

(ii) CoSLA Convention

The Council resolved to approve the appointment of Councillor Lawrie, to replace Councillor Moore.

(iii) Tayside Area Support Team

The Council resolved to approve the appointment of Councillor Wann, to replace Councillor Salmond.

(iv) Young People Spokesperson

The Council resolved to approve the appointment of Councillor Lawrie to replace Councillor Davy as Young People Spokesperson (non remunerated, as detailed at 4(iv) above)

6. CONSULTATION REPORT ON STRATHCATHRO PRIMARY SCHOOL

With reference to Article 6 of the minute of meeting of the Children and Learning Committee of 29 January 2019, there was submitted Report No 35/19 by the Strategic Director – People seeking final endorsement of the decision not to close Strathcathro Primary School and amend the catchment area of Edzell Primary School.

The Council resolved:-

- (i) to note the consideration of the Children and Learning Committee of 29 January 2019;
- (ii) to formalise the decision taken by Angus Council on 10 May 2018 not to close Stracathro Primary School; and
- (iii) to notify Scottish Ministers in accordance with the Schools (Consultation) (Scotland) Act 2010.

7. TIMETABLE OF COUNCIL MEETINGS: AUGUST 2019 – JUNE 2020

With reference to Article 10 of the minute of meeting of Angus Council of 7 December 2017, there was submitted Report No 42/19 by the Head of Finance and Legal setting out a timetable of meetings from August 2019 – June 2020.

The Council resolved to approve the timetable of meetings covering the period August 2019 – June 2020, attached as Appendix 1 to the Report.

Depute Provost Colin Brown, having declared an interest at Article 2 above, left the meeting during consideration of Report Nos 48/19 and 49/19.

8. LOCHSIDE LEISURE CENTRE (ADDITIONAL ITEM)

With reference to Article 10 of the minute of meeting of the Policy and Resources Committee of 1 May 2018, there was submitted Report No 48/19 by the Head of Infrastructure (along with an Addendum by the Head of Finance and Legal), seeking to inform members with regard to Lochside Leisure Centre, Craig O' Loch Road, Forfar and the options for consideration.

The Report gave a detailed background to the Lochside Leisure Centre building, updated members with regard to dialog with a number of individuals and setting out the current position and the financial considerations in terms of five options i.e.:-

- 1. do nothing; (not recommended);
- 2. demolish (recommended);
- 3. Sale via current offer (not recommended in compliance with Financial Regulations 17.2);
- 4. Sale via full formal marketing (significant risks, time and financial implications – not recommended); and
- 5. Disposal via Community Asset Transfer (CAT).

The Addendum to the Report indicated that on 4 February 2019 a full CAT application had been submitted to the Council for the former tennis courts and an area of the existing car parking. It was noted that whilst the application had still to be validated, the option to demolish could go ahead if members chose that. Should the CAT application be confirmed as valid, Option 3 would be unable to be taken forward until such time as the Council had determined the CAT application.

PROVOST RONNIE PROCTOR, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED THAT THIS COUNCIL:-

- (I) CONFIRMS THAT THE FORMER LOCHSIDE LEISURE CENTRE, CRAIG O' LOCH ROAD, FORFAR, SHOWN OUTLINED ON THE PLAN AT APPENDIX 1 TO THE REPORT IS DEMOLISHED WITH THE COMMON GOOD LAND LYING BENEATH REINSTATED TO EXTEND THE PARK; AND
- (II) AGREES THAT THE MODULAR BUILDING PREVIOUSLY USED AS CHANGING ROOMS IS OFFERED FOR SALE, SUBJECT TO REMOVAL BY THE PROSPECTIVE PURCHASER.

Councillor Davy, seconded by Councillor Boyd, moved as an amendment, that the Council agrees Option 4 – to sell the property via full formal marketing.

On a vote being taken, members voted:-

For the motion:-

Provost Ronnie Proctor, Councillors Bell, Braes, Devine, Duff, Durno, Fairweather, Fotheringham, King, McDonald, Nicol, Wann and Whiteside (13)

For the amendment:-

Councillors Boyd, Cheape, Davy, Lawrie, MacMillan Douglas, McLaren, Salmond and Speed (8).

No votes:-

Councillors Lumgair, Stewart and Sturrock (3).

The motion was declared carried, following which, Councillor Davy, having given notice prior to the vote, moved a further amendment, the terms of which were circulated to members.

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

The meeting reconvened at 3.07pm following which the Provost ruled that the further amendment by Councillor Davy was not competent on the basis that the Lochside Leisure Centre was not held on the Common Good Account and therefore it was not appropriate for the matter to be referred to the Forfar members for consideration.

Consequently, the motion having been declared carried, the Council resolved accordingly

In accordance, with the provisions of Standing Order 16 (11)(ii) Councillors Cheape, Boyd and Davy requested that their dissent be recorded from the forgoing decision.

8. EXCLUSION OF PUBLIC AND PRESS

The Council resolved, in terms of Standing Order 28(2), that the public and press should be excluded during consideration of the following two items, so as to avoid the disclosure of information which is exempt in terms of the Local Government (Scotland) Act 1973 Part 1 of Schedule 7A, paragraph 6.

9. LOCHSIDE LEISURE CENTRE – OFFER OF PURCHASE (ADDITIONAL ITEM)

There was submitted Report No 49/19 by the Head of Infrastructure with regard to options for the former Lochside Leisure Centre, Craig O' Loch Road, Forfar.

In light of the decision taken at Article 7 above, the Council resolved to note the contents of the Report.

10. DUNDEE AND ANGUS RESIDUAL WASTE PROJECT – YEAR 1 UPDATE

With reference to Article 4 of the minute of the special meeting of Angus Council of 28 September 2017, there was submitted Joint Report No 43/19 by the Head of Finance and Legal and the Head of Communities updating members on the first year of operation of the Residual Waste Partnership Project with Dundee City Council and the associated provision of residual waste treatment facilities. The Report also advised members of the latest estimated costs under the contract.

Having heard from Councillors MacMillan Douglas and King, the Council resolved:-

- (i) to note and approve the recommendations, as detailed in the Report; and
- (ii) in consultation with Dundee City Council, the Chief Executive write to Price Waterhouse Cooper highlighting a number of matters of concern.