

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 11 September 2014 at 2.00pm.

Present: Provost HELEN OSWALD, Depute Provost ALEX KING, Councillors BILL BOWLES, BRIAN BOYD, COLIN BROWN, LYNNE DEVINE, BILL DUFF, MAIRI EVANS, DAVID FAIRWEATHER, CRAIG FOTHERINGHAM, IAIN GAUL, JEANETTE GAUL, MARTYN GEDDES, JIM HOUSTON, DAVID LUMGAIR, DAVID MAY, IAN MCLAREN, DONALD MORRISON, ROB MURRAY, BOB MYLES, MARK SALMOND, BOB SPINK, MARGARET THOMSON, PAUL VALENTINE and SHEENA WELSH.

PROVOST HELEN OSWALD, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Sheila Hands, Glennis Middleton, Ronnie Proctor MBE and Ewan Smith.

2. DECLARATIONS OF INTEREST

Councillor Morrison intimated that he had a declaration of interest in relation to item 12, but as the matter was recommended to be considered in private, he would make a full declaration immediately following determination of item 11 and then leave the meeting.

3. REQUEST FOR A DEPUTATION

The Council resolved to receive a deputation from Ms Louis Laird and Maureen Phillip a PAMIS representative who spoke in support of the motion at item 6, following which they 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 19 June 2014](#) was submitted and approved as a correct record.

(b) (Special) Angus Council

The minute of the [special meeting of Angus Council of 12 August 2014](#), was submitted and approved as a correct record.

(c) (Special) Angus Council

The (amended) [minute of the special meeting of Angus Council of 26 August 2014](#), was submitted and approved as a correct record.

(ii) Minutes of Council Sub-Committees

(d) Appointments Sub-Committee

The [minute of meeting of the Appointments Sub-Committee of 23 May 2014](#), was submitted and noted.

(e) Appointments Sub-Committee

The [minute of meeting of the Appointments Sub-Committee of 16 June 2014](#), was submitted and noted.

(iii) Minutes of Committees**(f) Development Management Review Committee**

The [minute of meeting of the Development Management Review Committee of 18 June 2014](#) was submitted and noted.

(g) Scrutiny and Audit Committee

The [minute of meeting of the Scrutiny and Audit Committee of 24 June 2014](#) was submitted and noted.

(h) Development Standards Committee

The [minute of meeting of the Development Standards Committee of 8 July 2014](#) was submitted and noted.

(i) Development Management Review Committee

The [minute of meeting of the Development Management Review Committee of 8 July 2014](#) was submitted and noted.

(j) Development Standards Committee

The [minute of meeting of the Development Standards Committee of 5 August 2014](#) was submitted and noted.

(k) Development Management Review Committee

The [minute of meeting of the Development Management Review Committee of 5 August 2014](#) was submitted and noted.

(l) Civic Licensing Committee

The [minute of meeting of the Civic Licensing Committee of 7 August 2014](#) was submitted and noted.

(m) Children and Learning Committee

The [minute of meeting of the Children and Learning Committee of 12 August 2014](#) was submitted and noted.

(n) Social Work and Health Committee

The [minute of meeting of the Social Work and Health Committee of 12 August 2014](#) was submitted and noted.

(o) Development and Enterprise Committee

The [minute of meeting of the Development and Enterprise Committee of 19 August 2014](#) was submitted and noted.

(p) Communities Committee

The [minute of meeting of the Communities Committee of 19 August 2014](#) was submitted and noted.

(q) Development Standards Committee

The [minute of meeting of the Development Standards Committee of 26 August 2014](#) was submitted and noted.

(r) Development Management Review Committee

The [minute of meeting of the Development Management Review Committee of 26 August 2014](#) was submitted and noted.

(s) Scrutiny and Audit Committee

The [minute of meeting of the Scrutiny and Audit Committee of 26 August 2014](#) was submitted and noted.

(t) Policy and Resources Committee

The [minute of meeting of the Policy and Resources Committee of 2 September 2014](#) was submitted and noted.

5. MINUTES OF BOARDS AND PARTNERSHIPS**(i) Angus Health and Social Care Integration Shadow Joint Board**

The [minute of meeting of the Angus Health and Social Care Integration Shadow Joint Board of 30 April 2014](#) was submitted and noted.

6. MOTION IN TERMS OF STANDING ORDER 24(1)**Disabled Toilet Facilities**

Councillor Fairweather had submitted the following motion:-

“That this Council:

1. congratulates Grant Speed, Lois Speed and charity PAMIS and all who participated for their fundraising towards “The Loo Tour de Britain” to raise awareness of much needed facilities for the disabled, people with learning disabilities and those with severe physical conditions; and
2. requests that the Strategic Director- Communities submits a report to the appropriate Council Committee which would identify the existing provision of such facilities in Angus and what steps could be taken to enhance this provision, both in terms of locality and standards”.

The Council unanimously resolved to approve the motion.

7. MEMBERSHIP OF SCRUTINY AND AUDIT COMMITTEE

The Council were advised that Councillor Fairweather had intimated his resignation from the Scrutiny and Audit Committee and accordingly the Council was asked to fill the vacancy, taking into account the requirements of Standing Order 31(4).

The Council resolved to appoint Councillor McLaren to fill the vacancy on the Scrutiny and Audit Committee.

8. TREASURY MANAGEMENT ANNUAL REPORT 2013/14

With reference to Article 5 of the minute of meeting of the Scrutiny and Audit Committee of 26 August 2014, there was submitted [Report No 354/14](#) by the Head of Corporate Improvement and Finance detailing the Treasury Management activities in 2013/14.

The Report indicated that as a result of sound treasury management activity, the Council had been able to meet all of its financial obligations and cash flow requirements throughout the financial year without encountering any liquidity problems. A higher than budgeted return on investments had been delivered in volatile and challenging economic conditions and in compliance with the Treasury Management policies and strategies.

The Council resolved:-

- (i) to note the annual report on the 2013/14 treasury management activities for the Council, as appended to the Report; and
- (ii) to approve the proposed changes to the Treasury Management Strategy for 2014/15 as detailed in Appendix 1, section 7 to the Report.

9. SCRUTINY AND AUDIT PANEL REVIEW REPORTS

With reference to Articles 12 and 14 of the minute of meeting of the Communities Committee of 19 August 2014, there was submitted [Report No 378/14](#) by the Service Manager – Governance, presenting the reports of the first tranche of Scrutiny Panel Reviews for the Council's consideration and information.

Attached as appendices to the Report were the Scrutiny Panel Reports on the Quality and Best Value in Roads Network, Maintenance and Repairs and Progress Towards Zero Waste.

Progress reports would be submitted at least on a six monthly basis to future Communities and Scrutiny and Audit Committees for their respective interests, overview and scrutiny.

The Council resolved:-

- (i) to note the contents of the Report, for its interest;
- (ii) to note that the Communities Committee had agreed the two reports, their recommendations and action plans; and
- (iii) to note that progress reports in relation to the discharge of the action plan would be considered by both the Communities and Scrutiny and Audit Committees.

10. CONSOLIDATION OF CHARITABLE AND NON-CHARITABLE TRUST FUNDS ADMINISTERED BY ANGUS COUNCIL – UPDATE

With reference to Article 8 of the minute of meeting of Angus Council of 13 February 2014, there was submitted [Report No 379/14](#) by the Head of Legal and Democratic Services updating members on the work to pursue consolidation of the existing individual Trust Funds administered by Angus Council to a new single Charitable Trust.

The Report indicated that the process of amalgamating the Council's Charitable Trusts into the Angus Council Charitable Trust (ACCT) had been completed with the transfer of the funds held in the charitable trusts to the ACCT completed in two tranches. The funds held in the Council's registered charitable trusts had been transferred on 1 July 2014 with the funds held in the Council's small trusts transferred on 1 August 2014. In total £605,595 of capital funds and £44,027 of revenue funds had been transferred from the old charities to the new ACCT, with the Strangs Mortification remaining as a separate charity in its own right.

The Council resolved:-

- (i) to note that the Angus Council Charitable Trust had been established and had been granted charitable status by the Office of the Scottish Charity Regulator;
- (ii) to note that the transfer of funds held by 100 charitable trusts administered by the Council to the Angus Council Charitable Trust had been approved by the Office of the Scottish Charities Regulator in accordance with the provisions of the Charities and Trustee Investment (Scotland) Act 2005;
- (iii) to note that the Lord Advocate had not been minded to make an objection, in terms of the Law Reform (Miscellaneous Provisions)(Scotland) Act 1990, preventing the Council from winding up the 41 "small trusts" administered by the Council and transferring the funds therein to the Angus Council Charitable Trust; and
- (iv) to note that the funds referred to in (ii) and (iii) above had been transferred to the Angus Council Charitable Trust on 1 July 2014 in respect of (ii) and 1 August 2014 in respect of (iii).

11. EXCLUSION OF PUBLIC AND PRESS

PROVOST HELEN OSWALD, SECONDED BY COUNCILLOR IAIN GAUL, MOVED THAT THE PUBLIC AND PRESS BE EXCLUDED DURING CONSIDERATION OF ITEM 12 SO AS TO AVOID THE DISCLOSURE OF INFORMATION IN TERMS OF PARAGRAPHS 8 AND 9 OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.

Councillor Brown, seconded by Councillor Fairweather, moved as an amendment, that consideration of item 12 be taken in public.

On a vote being taken, the members voted:-

For the motion:

Provost Helen Oswald, Depute Provost Alex King, Councillors Boyd, Devine, Duff, Evans, Iain Gaul, Jeanette Gaul, Houston, Morrison, Murray, Spink, Valentine and Welsh (14).

For the amendment:-

Councillor Bowles, Brown, Fairweather, Fotheringham, Geddes, Lumgair, May, McLaren, Myles, Salmond and Thomson (11).

The motion was declared carried and the Council resolved accordingly.

Councillor Morrison declared a financial interest in the following item, the terms of which were intimated to the meeting. He indicated that he would not participate in any discussion and voting and would leave the meeting during consideration of this item.

12. PROPOSED PURCHASE OF A COUNCIL BUILDING

In accordance with the provisions of Standing Order 25(2)(i) the Provost ruled that a material change of circumstances had occurred, namely that a second offer had been received in respect of the Council building, and accordingly it was appropriate for the issue to be reconsidered.

With reference to Article 4 of the minute of the special meeting of Angus Council of 26 August 2014, there was submitted [Report No 380/14](#) by the Chief Executive informing the Council of a second offer received from a company wishing to purchase 5-7 The Cross, Forfar. The Report updated the Council with regard to this offer and invited the Council to determine the next steps to be taken.

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