

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 22 October 2015 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, JEANETTE GAUL, MARTYN GEDDES, SHEILA HANDS, JIM HOUSTON, DAVID LUMGAIR, IAN MCLAREN, GLENNIS MIDDLETON, DONALD MORRISON, ROB MURRAY, RONNIE PROCTOR MBE, EWAN SMITH, PAUL VALENTINE and SHEENA WELSH.

PROVOST HELEN OSWALD, in the Chair.

The Provost referred to the recent death of Mr Sandy Watson, OBE who had been Angus Council's first Chief Executive serving from 1995 until 2005. The Provost paid tribute to his dedication to public service, as an ambassador for Angus and a major contributor to the County and the Tayside Region. On behalf of the Council, she had written to Sandy's widow, Jean expressing condolences. Councillors Murray and Middleton also paid tribute to Mr Watson.

The Provost referred to the recent death of Mr Gordon McIntosh who had worked for Angus Council from 1996 until he retired in 2009, latterly serving in the post of Senior Manager within the then Social Work and Health Department. The Provost and Councillor Middleton paid tribute to his commitment to children, young people and Criminal Justice Services.

The Provost indicated that Mr Alastair Wilson, Interim Head of Services to Communities would shortly be retiring and, on behalf of the Council, thanked him for his service over the years and wished him well for the future.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Iain Gaul, David May, Bob Myles, Mark Salmond and Margaret Thomson.

2. REQUEST FOR A DEPUTATION

The Provost indicated that a request for a deputation had been received from Mr Edward Smith, Blackfriars Court, Montrose in relation to the provision of sheltered housing services.

The Council resolved to receive the deputation.

Mr Smith spoke in support of retaining existing sheltered housing services.

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

3. DECLARATIONS OF INTEREST

Councillors Bill Duff, Jeanette Gaul, Colin Brown and David Fairweather each declared an interest in item 9 as Council appointed directors of Angus Alive. They indicated that they would participate in any discussion and voting on the matter.

Councillor Fairweather also declared an interest in item 13 as he had had discussions regarding this with the Strategic Director – Communities and the Chief Executive. He indicated that he would not participate in discussion and voting and would leave the meeting during consideration of this item.

Councillors Brian Boyd and Rob Murray declared an interest in item 9 as Pension Trustees of the Pension Fund administered by Dundee City Council. They indicated that they would participate in any discussion and voting on the matter.

4. MINUTES OF COUNCIL AND COMMITTEES

(i) Minute of Previous Meeting

(a) Angus Council

The minute of meeting of Angus Council of 10 September 2015 was submitted and approved as a correct record.

(ii) Minutes of Committees

(b) Development Standards Committee

The minute of meeting of the Development Standards Committee of 15 September 2015 was submitted and noted.

(c) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 15 September 2015 was submitted and noted.

(d) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 17 September 2015 was submitted and noted.

(e) Children and Learning Committee

The minute of meeting of the Children and Learning Committee of 22 September 2015 was submitted and noted.

(f) Social Work and Health Committee

The minute of meeting of the Social Work and Health Committee of 22 September 2015 was submitted and noted.

(g) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 29 September 2015 was submitted and noted.

(h) Scrutiny and Audit Committee

The minute of meeting of the Scrutiny and Audit Committee of 29 September 2015 was submitted and noted.

(i) Communities Committee

The minute of meeting of the Communities Committee of 29 September 2015 was submitted and noted.

(j) Development Standards Committee

The minute of meeting of the Development Standards Committee of 6 October 2015 was submitted and noted.

(k) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 6 October 2015 was submitted and noted.

(l) Policy and Resources Committee

The minute of meeting of the Policy and Resources Committee of 13 October 2015 was submitted and noted.

5. APPOINTMENTS

(i) Vice Spokesperson for Development and Enterprise

Members were advised that Councillor Hands had resigned from the role of Vice Spokesperson for Development and Enterprise. Accordingly the Council was asked to appoint a member to carry out this role.

PROVOST HELEN OSWALD, SECONDED BY DEPUTE PROVOST ALEX KING, MOVED THAT COUNCILLOR LYNNE DEVINE BE APPOINTED TO THE ROLE OF VICE SPOKESPERSON FOR DEVELOPMENT AND ENTERPRISE.

Councillor Fairweather, seconded by Councillor Lumgair, moved that Councillor Fairweather be appointed to the role of Vice Spokesperson for Development and Enterprise, with no additional financial remuneration.

On a vote being taken, the members voted:-

For the motion:

Provost Helen Oswald, Depute Provost Alex King, Councillors Devine, Duff, Evans, Jeanette Gaul, Hands, Houston, Middleton, Morrison, Murray, Valentine and Welsh (13).

For the amendment:

Councillors Bowles, Boyd, Brown, Fairweather, Fotheringham, Geddes, Lumgair, McLaren, Proctor and Smith (10).

The motion was declared carried and Councillor Devine was therefore appointed Vice Spokesperson for Development and Enterprise.

(ii) Monifieth Golf Links Committee Limited

Members were advised that Councillor Margaret Thomson had resigned as a Director of Monifieth Golf Links Committee Limited and accordingly the Council was asked to appoint a Director to fill the vacancy.

The Council resolved to appoint Councillor Craig Fotheringham to fill the vacancy.

(ii) Montrose Golf Links Limited

The Council resolved to note that Alastair Wilson, Interim Head of Services to Communities had resigned as a Director of Montrose Golf Links Limited.

6. TREASURY MANAGEMENT ANNUAL REPORT 2014/15

With reference to Article 10 of the minute of meeting of the Scrutiny and Audit Committee of 29 September 2015, there was submitted Report No 390/15 by the Head of Corporate Improvement and Finance presenting Angus Council's annual report on Treasury Management activities 2014/15.

The Report indicated that as a result of sound treasury management activity, the Council had met all 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 compliance with the treasury management policies and strategies.

The Council resolved to note the 2014/15 treasury management activity for Angus Council, attached as Appendix 1 to the Report.

7. ANGUS COUNCIL ANNUAL ACCOUNTS 2014/15 AND ANNUAL AUDIT REPORT TO MEMBERS

With reference to Article 11 of the minute of meeting of the Scrutiny and Audit Committee of 29 September 2015, there was submitted Joint Report No 391/15 by the Chief Executive, the Strategic Director – Resources and the Head of Corporate Improvement and Finance providing Audit Scotland's Annual Audit Report to members on the 2014/15 audit of Angus Council, Strangs Mortification and Angus Council Charitable Trust and also the 2014/15 Audited Annual Accounts of Angus Council.

Having heard Councillor King highlight the comments from the External Auditor in relation to the requirement to reduce spending by £25 million and having also heard Councillor Fairweather in relation to the provision of additional information of members' attendances at meetings of other bodies, the Council resolved:-

- (i) to note the contents of Audit Scotland's Annual Audit Report to members;
- (ii) to note the 2014/15 Audited Annual Accounts for Angus Council;
- (iii) to note that a summarised version of the 2014 Annual Accounts of Angus Council would be published electronically;
- (iv) to commend the Head of Corporate Improvement and Finance and his staff on the efforts that had been made, particularly in relation to the provision of training sessions for elected members; and
- (v) to note the Councillor attendance information provided in Appendix 3 and agree that from 2015/16 onwards, attendance information would be published alongside the Annual Report on members' salaries and expenses. Further information in relation to members' involvement in Member/Officer Groups and other Bodies would be published on the Council's website, in due course.

8. S36 CONSULTATION – LAND AT MACRITCH HILL, GLEN ISLA

With reference to Article 6 of the minute of meeting of Angus Council of 14 May 2015, there was submitted Report No 409/15 by the Head of Planning and Place proposing that Angus Council withdraws its objection in respect of Private Water Supplies for the proposed wind energy development known as Macritch Hill Wind Farm.

The Report indicated that since Angus Council had objected to the proposed development, the applicants had been allowed a further period for consultation by the Scottish Government Energy Consents and Development Unit in order that they could attempt to overcome any points of objection where the grounds of objection related to insufficient information. It was now proposed that Angus Council withdraw its objection to the proposal in respect of adverse impact on Private Water Supplies.

The Council resolved to withdraw its objection in respect of Private Water Supplies but to maintain its objection in respect of operational noise.

9. FUTURE SERVICE DELIVERY MODEL FOR CULTURE AND LEISURE SERVICES - UPDATE

With reference to Article 15 of the minute of meeting of Angus Council of 10 September 2015, there was submitted Joint Report No 410/15 by the Strategic Director – Communities and the Interim Head of Services to Communities providing an update on the Transforming Angus project for the future service delivery of culture and leisure services through Angus Alive and seeking approval to transfer the delivery of services to Angus Alive.

Attached as Appendix 1 to the Report was the Final Business Case, which set out the case for the future delivery of accessing cultural and leisure services. It was proposed, based on this business case that the trust be used as the future model for service delivery. Following incorporation of the company, members had resolved previously to change the Company's name from Angus CLT Limited to Angus Alive in terms of Article 15 of the minute of meeting of

Angus Council of 10 September 2015. Amendments had been made to the company's Articles of Association and a copy of the amended Articles was attached as Appendix 2 to the Report.

Members were also asked to appoint one elected member who would represent the Council in addition to the four members who had been appointed as Directors. The authorised representative would be required to sign the formal resolutions to amend the company name to Angus Alive and to approve the amended Articles.

The Council resolved:-

- (i) to note the progress against the recommendations contained in the Report;
- (ii) to note the revised employee structure and recruitment timeline for Angus Alive;
- (iii) to note that Charitable Status has been awarded in principle by the Office of the Scottish Charities Regulator (OSCR) and note the OSCR application;
- (iv) to note the current position of the Admitted Body Status to the Local Government Pension Fund administered by Dundee City Council;
- (v) to note that Union representatives had been fully briefed on the Report and its contents, with employee briefings and formal consultation having taken place in line with the Council's Managing Change Policies;
- (vi) to approve the terms of the Final Business Case (FBC), appended to the Report;
- (vii) to approve the proposed amendments to the Articles of Association of the Trust;
- (viii) to appoint Councillor Paul Valentine to be the authorised representative of the Council in terms of the Articles of Association of the Trust to formally represent the Council at company meetings;
- (ix) to agree to the transfer of the functions set out in the FBC to Angus Alive on 1 December 2015;
- (x) to note the terms of the contractual arrangements proposed for delivery of the services by the Trust and delegate authority to the Head of Legal and Democratic Services to agree the final terms of the contracts with the Trust and to enter into the contracts prior to the transfer date; and
- (xi) to delegate authority to the Strategic Director – Communities to make all the necessary arrangements to ensure a smooth transition to Angus Alive on 1 December 2015.

10. 5-7 THE CROSS

With reference to Article 11 of the minute of meeting of Angus Council of 26 March 2015, there was submitted Report No 411/15 by the Chief Executive formally confirming that J D Wetherspoon plc had ended their interest in the purchase of 5-7 The Cross, Forfar and suggesting an option that might be considered as the next step with regard to the future of the building.

The Report set out three options for consideration being the status quo (Option 1); remarketing the property (Option 2); and reviewing the future use of the property via the current Transforming Angus accommodation review (Option 3). The Report recommended the adoption of Option 3, which would enable the building's future to be evaluated and considered within the Transforming Angus estates review process as part of the agile workstream.

The Council resolved:-

- (i) to note the withdrawal of J D Wetherspoon from the proposed purchase;
- (ii) to note the options for the future of the building; and

- (iii) to agree that the building be brought in-scope for the current estates review within the Transforming Angus Agile Workstream (Option 3 within the Report).

11. PROPOSED ANGUS LOCAL DEVELOPMENT PLAN – SUPPORTING DOCUMENTS

With reference to Article 11 of the minute of meeting of Angus Council of 10 September 2015, there was submitted Report No 412/15 by the Head of Planning and Place seeking approval of supporting documents to the Proposed Angus Local Development Plan.

The Report indicated that approval of the documents would allow submission of the Proposed Angus Local Development Plan and the Council's response to the unresolved issues to the Scottish Ministers for examination, as agreed by the Council on 10 September 2015.

The Council resolved:-

- (i) to agree the responses to the representations received on the Proposed Angus Local Development Plan Environmental Report (Appendix 1 to the Report);
- (ii) to agree the responses to the representations received on the Proposed Angus Local Development Plan Draft Action Programme (Appendix 2 to the Report);
- (iii) to agree the Proposed Angus Local Development Plan – Housing Background Paper and Proposed Angus Local Development Plan – Carnoustie Employment Land Timeline Background Paper (Appendices 3 and 4 to the Report);
- (iv) to agree the amended schedule of Non-Notifiable modifications to the Proposed Angus Local Development Plan (Appendix 5 to the Report)
- (v) to agree the Statement of Conformity with the Participation Statement (Appendix 6 to the Report);
- (vi) to authorise the Head of Planning and Place to make changes to the format, appearance and technical details of the documents agreed prior to submission; and
- (vii) to note that the Proposed Angus Local Development Plan, Schedule 4 documents, Schedule of Non-Notifiable Modifications and associated documents would be submitted to the Scottish Ministers by 6 November 2015.

12. 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 paragraphs 6, 8 and 9.

Councillor Fairweather having declared an interest at Article 3 above, left the meeting during consideration of the following item.

13. SOUTH LINKS CARAVAN PARK, MONTROSE

With reference to Article 18 of the minute of meeting of Angus Council of 18 June 2015, there was submitted Report No 413/15 by the Strategic Director – Communities updating the Council in relation to South Links Caravan Park.

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