

## ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 23 October 2014 at 2.00pm.

**Present:** Provost HELEN OSWALD, Depute Provost ALEX KING, Councillors BRIAN BOYD, COLIN BROWN, LYNNE DEVINE, BILL DUFF, MAIRI EVANS, CRAIG FOTHERINGHAM, IAIN GAUL, JEANETTE GAUL, MARTYN GEDDES, SHEILA HANDS, JIM HOUSTON, DAVID MAY, IAN MCLAREN, GLENNIS MIDDLETON, DONALD MORRISON, ROB MURRAY, BOB MYLES, RONNIE PROCTOR MBE, MARK SALMOND, BOB SPINK, PAUL VALENTINE and SHEENA WELSH.

PROVOST HELEN OSWALD, in the Chair.

### 1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Bill Bowles, David Fairweather, David Lumgair, Ewan Smith and Margaret Thomson.

The Provost intimated that Councillor Bill Bowles' father had recently past away and that she had written to Councillor Bowles, offering the condolences of the Council.

### 2. DECLARATIONS OF INTEREST

Provost Helen Oswald and Councillor Brian Boyd declared an interest in item 7 as Council appointed directors of Carnoustie Golf Links Management Committee Limited. Each indicated that they would participate in any discussion and voting.

### 3. MINUTES OF COUNCIL AND COMMITTEES

#### (i) Minute of Previous Meeting

##### (a) Angus Council

The minute of meeting of Angus Council of 11 September 2014 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 16 September 2014 was submitted and noted.

##### (c) Children and Learning Committee

The minute of meeting of the Children and Learning Committee of 23 September 2014 was submitted and noted.

##### (d) Social Work and Health Committee

The minute of meeting of the Social Work and Health Committee of 23 September 2014 was submitted and noted.

##### (e) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 25 September 2014 was submitted and noted.

##### (f) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 25 September 2014 was submitted and noted.

**(g) Scrutiny and Audit Committee**

The minute of meeting of the Scrutiny and Audit Committee of 30 September 2014 was submitted and noted.

**(h) Development and Enterprise Committee**

The minute of meeting of the Development and Enterprise Committee of 30 September 2014 was submitted and noted.

**(i) Communities Committee**

The minute of meeting of the Communities Committee of 30 September 2014 was submitted and noted.

**(j) Development Standards Committee**

The minute of meeting of the Development Standards Committee of 7 October 2014 was submitted and noted.

**(k) Policy and Resources Committee**

The minute of meeting of the Policy and Resources Committee of 14 October 2014 was submitted and noted.

**4. MINUTES OF BOARDS AND PARTNERSHIPS****(i) Angus Community Planning Partnership Board**

The minute of meeting of the Angus Community Planning Partnership Board of 25 June 2014 was submitted and noted.

**5. REVISION TO DATE OF MEETING OF ANGUS COUNCIL IN MAY 2015**

Members were advised that the date for the General Election in 2015 would be Thursday 7 May which was the same day as the scheduled meeting of Angus Council.

The Council resolved to note that, in accordance with the provisions of Standing Order 8(2), the Provost had agreed that the Council meeting would be re-scheduled to Thursday 14 May at 10.00am, with Angus Licensing Board and Civic Licensing Committee following immediately thereafter.

**6. RECRUITMENT OF INDEPENDENT PERSONS TO THE SOCIAL WORK COMPLAINTS REVIEW COMMITTEE**

Members were advised of the Council's statutory obligation to establish a Social Work Complaints Review Committee made up of three independent persons, with membership of the Committee being drawn from a Social Work Review Panel. Elected members or officers of a local authority not being eligible to be appointed to the Panel.

The Council resolved to delegate authority to the Head of Legal and Democratic Services to make appointments to the Review Committee.

**7. CARNOUSTIE GOLF LINKS MANAGEMENT COMMITTEE LIMITED - UPDATE**

With reference to Article 15 of the minute of meeting of Angus Council of 1 November 2014, there was submitted Report No 436/14 by the Head of Legal and Democratic Services updating members on the application by Carnoustie Golf Links Management Committee Limited (CGLMC Ltd), who managed the Carnoustie Golf Links for charitable status and seeking approval for a mechanism by which the company could contribute to local charitable causes.

The Report indicated that, whilst it had been previously agreed to consent to the changes of the Articles of Association of Carnoustie Golf Links Management Committee Limited to enable it to apply for charity status with the sum of 50% of tax savings being donated to local community purposes, subsequently legal advice had been obtained to the effect that the company would be unable to make such a binding commitment as the directors had a primary duty to act in the best interests of the company at all times and that a binding commitment to divest itself annually of a fixed percentage of savings would be contrary to that corporate duty and would therefore be unlawful.

To address this, it was proposed that a sub-committee of the company be set up with a view to considering potential local charitable projects worthy of support on a year to year basis, each in its merits. The community would be represented on the sub-committee by one of the local elected member directors of the company and that final decisions regarding charitable community project funding would be for the Board of Directors of the company, having received recommendations from the sub-committee.

The Council resolved:-

- (i) to note that CGLMC Limited had been granted Charitable Status by the Office of the Scottish Charity Regulator, who had approved amendments to the Articles of Association of the Company to reflect this;
- (ii) to note that the Management Agreement between the Council and CGLMC Limited had been updated to reflect the revised status of the Company; and
- (iii) to approve the establishment by CGLMC Limited of a sub-committee represented by an elected member director to consider making contributions from financial surplus to local charitable projects, subject to the approval of the Company's Board of Directors.

*In accordance with the provisions of Standing Order 11(2)(ii), the following matter was, on the determination of the Provost, considered an urgent item of business, in view of the need to fill the vacancy as timeously as possible.*

## **8. APPOINTMENT TO ANGUS CARE AND REPAIR LIMITED**

With reference to Article 10(b)(ii) of the minute of meeting of Angus Council of 15 May 2012, members were advised that Councillor Morrison had resigned as a Director of Angus Care and Repair Ltd and it was proposed that the vacancy be filled by Councillor Hands.

The Council resolved to approve her appointment.