

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Tuesday 16 May 2017 at 2.00pm.

Present: Councillors JULIE BELL, BRIAN BOYD, KENNY BRAES, COLIN BROWN, DAVID CHEAPE, BRADEN DAVY, LYNNE DEVINE, BILL DUFF, BRENDA DURNO, DAVID FAIRWEATHER, CRAIG FOTHERINGAM, SHEILA HANDS, ALEX KING, BEN LAWRIE, DAVID LUMGAIR, ANGUS MACMILLAN DOUGLAS OBE, MARK McDONALD, IAN McLAREN, RICHARD MOORE, BOB MYLES, GAVIN NICOL, RONNIE PROCTOR MBE, MARK SALMOND, LOIS SPEED, TOMMY STEWART, RON STURROCK, DEREK WANN and BETH WHITESIDE.

1. APOLOGIES

There were no apologies intimated.

2. INTERIM CHAIRMAN OF MEETING

In terms of section 4(4) of the Local Government Etc (Scotland) Act 1994, Mr Richard Stiff, Chief Executive, in his capacity as Returning Officer, took the Chair and welcomed all members to the first meeting of Angus Council following the ordinary election of Councillors on Thursday 4 May 2017.

3. NOTIFICATION OF MEMBERS ELECTED

There was submitted and noted Report No 154/17 by the Returning Officer being the Return of Persons Elected as Councillors for the eight wards within the Angus local government area following the ordinary election of Councillors on 4 May 2017, as detailed:

Ward 1 – Kirriemuir and Dean (3 members)

Julie Bell	Scottish National Party (SNP)
Angus Macmillan Douglas	Scottish Conservative and Unionist
Ronnie Proctor	Scottish Conservative and Unionist

Ward 2 – Brechin and Edzell (3 members)

Kenny Braes	Scottish National Party (SNP)
Bob Myles	Independent
Gavin Nicol	Scottish Conservative and Unionist

Ward 3 – Forfar and District (4 members)

Colin Brown	Independent
Braden Davy	Scottish Conservative and Unionist
Lynne Devine	Scottish National Party (SNP)
Ian McLaren	Independent

Ward 4 – Monifieth and Sidlaw (4 members)

Craig Fotheringham	Scottish Conservative and Unionist
Sheila Hands	Scottish National Party (SNP)
Ben Lawrie	Scottish Liberal Democrats
Beth Whiteside	Scottish National Party (SNP)

Ward 5 – Carnoustie and District (3 members)

Brian Boyd	Independent
David Cheape	Independent
Mark McDonald	Scottish National Party (SNP)

Ward 6 – Arbroath West, Letham and Friockheim (4 members)

David Fairweather	Independent
Alex King	Scottish National Party (SNP)
David Lumgair	Scottish Conservative and Unionist
Richard Moore	Scottish Liberal Democrats

Ward 7 – Arbroath East and Lunan (3 members)

Brenda Durno	Scottish National Party (SNP)
Lois Speed	Independent
Derek Wann	Scottish Conservative and Unionist

Ward 8 – Montrose and District (4 members)

Bill Duff	Scottish National Party (SNP)
Mark Salmond	Independent
Tommy Stewart	Independent
Ron Sturrock	Scottish Conservative and Unionist

4. DECLARATIONS OF INTEREST

The Council resolved to note that no declarations of interest were made.

5. ELECTION OF PROVOST

COUNCILLOR MYLES, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED THAT COUNCILLOR PROCTOR BE ELECTED THE CONVENER OF THE COUNCIL, TO BE KNOWN AS THE PROVOST, IN TERMS OF SECTION 4(1) OF THE LOCAL GOVERNMENT ETC (SCOTLAND) ACT 1994.

Councillor Duff, seconded by Councillor Bell, moved as an amendment, that Councillor Devine be elected the Convener of the Council, to be known as the Provost, in terms of Section 4(1) of the Local Government Etc (Scotland) Act 1994.

On a vote being taken, the members voted:-

For Councillor Proctor:

Councillors Brown, Cheape, Davy, Fairweather, Fotheringham, Lawrie, Lumgair, Macmillan Douglas, McLaren, Moore, Myles, Nicol, Proctor, Salmond, Speed, Stewart, Sturrock and Wann (18).

For Councillor Devine:

Councillors Bell, Braes, Devine, Duff, Durno, Hands, King, McDonald and Whiteside (9).

No vote:

Councillor Boyd (1).

Councillor Proctor was duly elected Provost of Angus and thereupon took the Chair.

6. ELECTION OF DEPUTE PROVOST

COUNCILLOR MYLES, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED THAT COUNCILLOR BROWN BE ELECTED DEPUTE PROVOST OF ANGUS.

Councillor Bell, seconded by Councillor Durno, moved as an amendment, that Councillor Devine be elected Depute Provost of Angus.

On a vote being taken, the members voted:-

For Councillor Brown:

Provost Proctor, Councillors Brown, Cheape, Davy, Fairweather, Fotheringham, Lawrie, Lumgair, Macmillan Douglas, McLaren, Moore, Myles, Nicol, Salmond, Speed, Stewart, Sturrock and Wann (18).

For Councillor Devine:

Councillors Bell, Braes, Devine, Duff, Durno, Hands, King, McDonald and Whiteside (9).

No vote:

Councillor Boyd (1).

Councillor Brown was thereupon duly elected Depute Provost of Angus.

In accordance with the provisions of Standing Order 11(1) the Council resolved to consider the business in the following order.

**7. ETHICAL STANDARDS IN PUBLIC LIFE ETC (SCOTLAND) ACT 2000
THE COUNCILLORS' CODE OF CONDUCT**

There was submitted Report No 148/17 by the Head of Legal and Democratic Services advising members of their responsibilities as Councillors under the Councillors' Code of Conduct and associated statutory guidance issued by the Standards Commission.

The Report indicated that the Ethical Standards in Public Life Etc (Scotland) Act 2000 had introduced a new Code of Conduct for Local Authority Councillors and members of relevant public bodies and had established the Standards Commission for Scotland to oversee the new framework and deal with alleged breaches of the Code.

The Council resolved:-

- (i) to note the legislative framework on the behaviour and conduct required of Councillors which was aimed at promoting the highest standards in public life; and
- (ii) to note the specific arrangements in relation to registration and declarations of interest.

8. APPOINTMENT OF STANDING COMMITTEES AND ELECTION OF CONVENERS AND VICE CONVENERS/APPOINTMENT OF MEMBERS TO COMMITTEES/APPOINTMENT OF TEACHER AND CHURCH REPS TO THE CHILDREN AND LEARNING COMMITTEE

There was submitted Report No 147/17 by the Head of Legal and Democratic Services seeking to make appointments to standing committees of the Council in terms of Standing Orders; to appoint Conveners and Vice Conveners to the standing committees along with appointing teacher and church representatives to the Children and Learning Committee.

(a) Election of Conveners and Vice Conveners

Councillor Myles seconded by Councillor Fairweather moved the appointment of the undernoted Councillors as Conveners and Vice Conveners of the respective standing committees of the Council:-

Committee	Convener	Vice Convener
Children and Learning	Mark Salmond	Derek Wann
Civic Licensing	Craig Fotheringham	Richard Moore
Communities	Craig Fotheringham	Lois Speed
Development Standards	David Lumgair	Gavin Nicol
Policy and Resources	Bob Myles	David Fairweather
Scrutiny and Audit	Alex King	Bill Duff

The Council resolved to approve the election of Conveners and Vice Conveners, as detailed above.

(b) Appointment of Members

The Council resolved to approve the appointment of members of each of the standing committees as detailed below.

Children & Learning

Mark Salmond (C)
Derek Wann (VC)
Julie Bell
Kenny Braes
Colin Brown
Lynne Devine
Ben Lawrie
Angus Macmillan Douglas OBE
Mark McDonald
Bob Myles
Ronnie Proctor MBE
Lois Speed
Tommy Stewart
Ron Sturrock
Beth Whiteside

Communities

Craig Fotheringham (C)
Lois Speed (VC)
Julie Bell
David Cheape
Braden Davy
Lynne Devine
Bill Duff
Brenda Durno
David Fairweather
Sheila Hands
David Lumgair
Ian McLaren
Richard Moore
Ronnie Proctor MBE
Tommy Stewart

Policy & Resources

Bob Myles (C)
David Fairweather (VC)
Brian Boyd
David Cheape
Braden Davy
Bill Duff
Lynne Devine
Sheila Hands
Alex King
Angus Macmillan Douglas OBE
Richard Moore
Mark Salmond
Ron Sturrock
Derek Wann
Beth Whiteside

Civic Licensing

Craig Fotheringham (C)
Richard Moore (VC)
Brian Boyd
Colin Brown
Brenda Durno
David Fairweather
Alex King
David Lumgair
Gavin Nicol
Beth Whiteside

Development Standards

David Lumgair (C)
Gavin Nicol (VC)
Kenny Braes
Colin Brown
David Cheape
Bill Duff
Brenda Durno
Craig Fotheringham
Alex King
Ian McLaren
Richard Moore
Bob Myles
Ron Sturrock

Scrutiny & Audit

Alex King (C)
Bill Duff (VC)
Julie Bell
Kenny Braes
Colin Brown
Brian Boyd
Lynne Devine
Brenda Durno
Ben Lawrie
Angus Macmillan Douglas OBE
Ian McLaren
Mark Salmond
Beth Whiteside

(c) Children and Learning Committee

- (i) The Council resolved to note that in terms of Section 124 of the Local Government (Scotland) Act 1973, the Head of Legal and Democratic Services had yet to be advised of the three persons who would be representing religious interests of the Church of Scotland, the Roman Catholic Church and the Episcopalian Church.

- (ii) The Council resolved to appoint Ms Anna Cheyne and Mr Mike Callaghan as the two persons nominated by the Teacher's Panel of the Angus Joint Negotiating Committee for Teacher's to the Children and Learning Committee.

9.(a) GUIDANCE TO MEMBERS ON APPOINTMENTS TO OUTSIDE BODIES

There was submitted Report No 150/17 by the Head of Legal and Democratic Services advising the Council of guidance which had been produced regarding the appointment of elected members to outside bodies. Attached as Appendix 1 to the Report was a brief guidance note which set out members' duties and responsibilities and highlighting the implications to elected members of being appointed to outside bodies.

The Council resolved to note the guidance to members, attached as Appendix 1 to the Report.

(b) REPRESENTATION ON STATUTORY BOARDS AND COMMITTEES

There was submitted Report No 151/17 by the Head of Legal and Democratic Services advising members of the appointments which fell to be made to various statutory boards and bodies. The Report provided a summary of the purpose of each board to assist members and, where the scope for appointment was limited in some way or there were other special factors, an explanatory note had also been included.

The Council resolved:-

- (i) to appoint the undernoted members to Angus Licensing Board:-

Councillors Boyd, Brown, Devine, King, Lumgair, Moore, Fotheringham, Fairweather, Nicol and Whiteside.

- (ii) to make the following appointments:-

Joint Board/Committee	Representative Appointed
Angus Health and Social Care Integration Joint Board	Julie Bell David Fairweather (as Vice Convener) Lois Speed
Tay Road Bridge Joint Board	Craig Fotheringham (Colin Brown substitute)
Tayside Valuation Joint Board	David Cheape (as Convener) Lynne Devine Richard Moore
TAYPlan Joint Committee	Bill Duff Bob Myles Ron Sturrock
Tayside Contracts Joint Committee	Brenda Durno Lynne Devine Bob Myles Angus Macmillan Douglas Gavin Nicol

Cairngorms National Park Authority Board

COUNCILLOR MYLES, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED THE NOMINATION OF COUNCILLOR MCLAREN.

Councillor Devine, seconded by Councillor Duff, moved as an amendment, the nomination of Councillor Braes.

On a vote being taken, the members voted:-

For Councillor McLaren:

Provost Proctor, Depute Provost Brown, Councillors, Cheape, Davy, Fairweather, Fotheringham, Lawrie, Lumgair, Macmillan Douglas, McLaren, Moore, Myles, Nicol, Salmond, Speed, Stewart, Sturrock and Wann (18).

For Councillor Braes:

Councillors Bell, Braes, Devine, Duff, Durno, Hands, King, McDonald and Whiteside (9).

No vote:

Councillor Boyd (1).

Councillor McLaren was therefore nominated to serve on the Cairngorms National Park Authority Board.

Joint Board/Committee	Representative Appointed
NHS Tayside Board	David Fairweather
Tayside Area Support Team	Mark Salmond Lynne Devine
Tayside and Central Scotland Transport Partnership	Ronnie Proctor Bill Duff
Tayside Community Justice Authority	Julie Bell Craig Fotheringham
Tayside Regional Advisory Board	Ron Sturrock

(c) REPRESENTATION ON PARTNERSHIPS, TRUSTS AND OTHER BODIES

There was submitted Report No 152/17 by the Head of Legal and Democratic Services, advising the Council of the appointments which fell to a number of partnerships and other bodies.

The Council resolved to make the following appointments:-

Body/Organisation	Representative Appointed
Angus Community Planning Partnership Board	Bob Myles
Angus Council Charitable Trust	All elected members
Angus Community Care Charitable Trust	Brian Boyd Colin Brown Brenda Durno
Angus Educational Trust	Lynne Devine Kenny Braes Angus Macmillan Douglas David Lumgair Mark McDonald Mark Salmond Tommy Stewart Derek Wann

COSLA - Convention	Bob Myles Lynne Devine Richard Moore Derek Wann
- SJC for Local Government Employees	Angus Macmillan Douglas
- Education, Children & Young People Executive Group	Angus Macmillan Douglas
- Health & Wellbeing Executive Group	Lois Speed
- Sports Arts & Culture Working Group	Colin Brown
- Community Justice Sub Group	Craig Fotheringham
- Regeneration & Sustainable Development Executive Group	Ron Sturrock
- Strategic Human Resources Executive Group	Angus Macmillan Douglas
Northern Roads Collaboration Joint Committee	Brenda Durno Ron Sturrock
Scotland Excel	Angus Macmillan Douglas Bob Myles (substitute)
Veterans' Champion	Provost Proctor
Angus Alive	Bill Duff Colin Brown Braden Davy David Cheape
Angus Care and Repair	Colin Brown Sheila Hands Gavin Nicol
Arbroath Golf Links Limited	David Fairweather Alex King
CGLMC Limited	Bob Myles David Cheape
East of Scotland European Consortium	Ben Lawrie
Local Pension Board	Angus Macmillan Douglas
Monifieth Golf Links Limited	Craig Fotheringham Beth Whiteside
Montrose Basin Local Nature Reserve Management Team	Richard Moore Ron Sturrock (substitute) Bill Duff Lynne Devine (substitute)

Montrose Golf Links Limited

Councillor Myles, seconded by Councillor Fairweather moved the appointment of Councillors Sturrock and Stewart to Montrose Golf Links Limited.

Councillor Devine, seconded by Councillor King, moved the appointment of Councillor Duff to the Montrose Golf Link Limited.

On a vote being taken, members voted:-

For Councillor Sturrock:

Provost Proctor, Depute Provost Brown, Councillors, Davy, Fairweather, Fotheringham, Lawrie, Lumgair, Macmillan Douglas, McLaren, Moore, Myles, Nicol, Sturrock and Wann (14).

For Councillor Stewart:

Provost Proctor, Depute Provost Brown, Councillors, Bell, Braes, Cheape, Davy, Devine, Durno, Fairweather, Fotheringham, Lawrie, Lumgair, Macmillan Douglas, McDonald, McLaren, Moore, Myles, Nicol, Speed, Stewart, Sturrock, Wann and Whiteside (23).

For Councillor Duff:

Councillors Bell, Braes, Cheape, Devine, Duff, Durno, Hands, King, McDonald, Speed and Whiteside (11).

Councillors Stewart and Sturrock were therefore appointed to Montrose Golf Links Limited.

Body/Organisation	Representative Appointed
Strangs Mortification	Colin Brown Braden Davy Lynne Devine Ian McLaren
Doctor Andrew Kerr's Trust	Colin Brown Braden Davy Lynne Devine Ian McLaren
Glen Esk Trust	Gavin Nicol
MARS Training Ship Fund	Ron Sturrock
Patrick Allan-Fraser of Hospitalfield Trust	Derek Wann Alex King
Sharp Fund	Ben Lawrie
Association of Public Services Excellence (APSE)	Craig Fotheringham
Highland Territorial Auxiliary & Volunteer Reserve Association	Ronnie Proctor
Highlands Employer Liaison Committee – Tayside Area Sub-Committee	Ronnie Proctor
Scottish Amateur Music Association	Ben Lawrie
Scottish Councils Committee on Radioactive Substances	No Appointment
Scottish Council on Deafness	Ron Sturrock
Scottish Liaison Group on Radioactive Waste Management	No Appointment
Scottish Local Government Forum Against Poverty	Lois Speed Brenda Durno
Angus Access Panel	Lois Speed

Angus Citizen's Advice Bureau – Management Committee	David Lumgair Beth Whiteside Lynne Devine
Angus Housing Association	Gavin Nicol
Angus Scout Association	David Lumgair
Angus Sports Council Executive Committee	Colin Brown Mark McDonald
Arbroath SEAFEST	Bruce Fleming, Harbour Manager
Business Gateway	Ron Sturrock
Dalhousie Day Care Centre	Gavin Nicol
Dovetail Enterprises	Colin Brown
Dundee Rep Theatre Board	Richard Moore
Forfar Day Care Centre	Colin Brown
Forfarshire Society for the Blind	Ian McLaren Bob Myles
Ian Mackintosh Memorial	Ron Sturrock
Couple Counselling (Tayside) (Formerly Marriage Counselling)	Ben Lawrie
Montrose Port Authority (Selection Panel)	Bob Myles
North East Scotland Agriculture Advisory Group	Colin Brown Bob Myles Angus Macmillan Douglas Kenny Braes
Tayside Association for the Deaf	Lois Speed
William Lamb Studio Advisory Committee	Bill Duff Mark Salmond Tommy Stewart Ron Sturrock

10. REMUNERATION OF COUNCILLORS 2017-2018 AND BEYOND

There was submitted Joint Report No 147/17 by the Chief Executive and the Head of Corporate Improvement and Finance providing background information relating to the remuneration of Councillors, the Council's remuneration structure and seeking members consideration of the remuneration structure to apply for 2017/18.

COUNCILLOR MYLES, SECONDED BY COUNCILLOR FOTHERINGHAM, MOVED THAT THIS COUNCIL:

- (I) NOTES THE BACKGROUND DETAILS PROVIDED IN RELATION TO THE REMUNERATION OF COUNCILLORS;
- (II) NOTES THE CURRENT ANGUS COUNCIL REMUNERATION STRUCTURE FOR COUNCILLORS;
- (III) APPROVES THE UNDERNOTED PROPOSALS (AS CIRCULATED AT THE MEETING)

Post	Councillor	Multiple Roles*	No of Posts	Post Pay (£)	Counted for Senior Councillor Constraints	
					Posts	Pay (£)
Leader of the Council	Cllr Myles	A	1	33,857	-	33,857
Civic Head (Provost)	Cllr Proctor	-	1	25,393	-	25,393
Senior Councillor Posts - Remuneration Proposals						
Depute Leader	Cllr Fairweather	B	1	16,927	0	0
Depute Provost	Cllr Brown	-	1	19,890	1	19,890
Convener of Children & Learning	Cllr Salmond	-	1	22,853	1	22,853
Convener of Civic Licensing & Licensing Board	Cllr Fotheringham	C	1	22,853	0	0
Convener of Communities	Cllr Fotheringham	C	1	22,853	1	22,853
Convener of Development Standards	Cllr Lumgair	-	1	22,853	1	22,853
Convener of Policy & Resources	Cllr Myles	A	1	22,853	0	0
Convener of Scrutiny & Audit	Cllr King	-	1	22,853	1	22,853
Vice Convener of Children & Learning	Cllr Wann	-	1	19,890	1	19,890
Vice Convener of Civic Licensing & Licensing Board	Cllr Moore	-	1	19,890	1	19,890
Vice Convener of Communities	Cllr Speed	-	1	19,890	1	19,890
Vice Convener of Development Standards	Cllr Nicol	-	1	19,890	1	19,890
Vice Convener of Policy & Resources	Cllr Fairweather	B	1	19,890	0	0
Vice Convener of Scrutiny & Audit	Cllr Duff	-	1	19,890	1	19,890
Finance Spokesperson	Cllr Macmillan Douglas	-	1	22,853	1	22,853
Transformation & Growth Spokesperson	Cllr Sturrock	-	1	22,853	1	22,853
Sub-Total Senior Councillor Posts (excl Leader and Civic Head)		-	16	338,981	12	256,458
Senior Councillor Cap		-	-		13	275,080
Basic Grade Councillors for Remuneration Purposes		-	12	16,927	n/a	203,124
TOTAL COST TO ANGUS COUNCIL OF REMUNERATION PROPOSALS (i.e. excluding external posts)						518,832
* - posts where an elected member will be carrying out multiple roles with additional responsibility						

- (IV) AGREES TO DELEGATE AUTHORITY TO THE CHIEF EXECUTIVE TO APPLY NON MATERIAL CHANGES TO THE REMUNERATION STRUCTURE IN CONSULTATION WITH BOTH THE LEADER OF THE COUNCIL AND THE LEADER OF/SPOKESPERSON FOR THE NON ADMINISTRATION/OPPOSITION;

- (V) NOTES THAT OPPORTUNITIES FOR FURTHER REFORM OF COMMITTEE AND REMUNERATION ARRANGEMENTS COULD BE CONSIDERED IN DUE COURSE AS PART OF THE COUNCIL'S TRANSFORMATION WORK.

The Council agreed to adjourn for a 10 minute period to allow members the opportunity to read the detail of the paper as circulated.

The meeting reconvened at 15:59 at which point Cllr King raised a query in relation to the possibility of designating the Leader of the Opposition/significant group as a senior councillor and consequently be remunerated accordingly.

The Council adjourned for a further 10 minutes to allow the relevant Council Officers to be consulted.

Thereafter, Councillor Duff, seconded by Councillor King, moved as an amendment, that the Leader of the Opposition post be designated as a Senior Councillor and remunerated at the same level as the Convener of a Standing Committee with the remuneration levels payable to Conveners being reduced to accommodate this.

(Councillor King gave notice of a possible further amendment).

On a vote being taken, members voted:-

For the motion:

Provost Proctor, Depute Provost Brown, Councillors, Cheape, Davy, Fairweather, Fotheringham, Lumgair, Macmillan Douglas, McLaren, Myles, Nicol, Salmond, Speed, Stewart, Sturrock and Wann (16).

For the amendment:

Councillors Bell, Boyd, Braes, Devine, Duff, Durno, Hands, King, McDonald and Whiteside (10).

No vote:

Councillors Lawrie and Moore (2).

Thereafter, Councillor King, seconded by Councillor Duff, moved as a further amendment, that Councillors continue to be paid as ordinary Councillors until such time as a decision had been taken with regard to the payment of all Senior Councillor allowances with any arrears to be paid in the coming months.

On a vote being taken, members voted:-

For the motion:

Provost Proctor, Depute Provost Brown, Councillors, Cheape, Davy, Fairweather, Fotheringham, Lumgair, Macmillan Douglas, McLaren, Myles, Nicol, Salmond, Sturrock and Wann (14).

For the further amendment:

Councillors Bell, Boyd, Braes, Devine, Duff, Durno, Hands, King, McDonald and Whiteside (10).

No vote:

Councillors Lawrie, Moore, Speed and Stewart (4).

The motion was declared carried and the Council resolved accordingly.

Councillor Fairweather indicated that he would forego the Senior Councillor remuneration payable as Depute Leader in light of him being appointed to Tayside NHS Board

11. TIMETABLE OF MEETINGS FOR THE PERIOD MAY 2017 – JUNE 2018

There was submitted Report No 153/17 by the Head of Legal and Democratic Services, setting out a timetable of meetings covering the period May 2017 – June 2018.

Having heard from Councillor Cheape, the Council resolved:-

- (i) to approve the timetable of meetings covering the period May 2017 – June 2018, attached as Appendix 1 to the Report; and
- (ii) to establish a short term Member/Officer Group to consider the timing of Council/Committee meetings and to report back their findings in due course.