

## **ANGUS COUNCIL**

MINUTE of SPECIAL MEETING of **ANGUS COUNCIL** held remotely on Friday 23 December 2022 at 10.00 am.

**Present:** PROVOST BRIAN BOYD, DEPUTE PROVOST LINDA CLARK, Councillors CHRIS BEATTIE, JULIE BELL, KENNY BRAES, DAVID CHEAPE, SERENA COWDY, LYNNE DEVINE, HEATHER DORAN, BILL DUFF, BRENDA DURNO, CRAIG FOTHERINGHAM, IAIN GALL, ROSS GREIG, MARK MCDONALD, GEORGE MEECHAN, LLOYD MELVILLE, GAVIN NICOL, LOUISE NICOL, RONNIE PROCTOR MBE, JILL SCOTT, MARTIN SHEPHERD, LOIS SPEED, TOMMY STEWART, DEREK WANN and BETH WHITESIDE.

Provost BRIAN BOYD, in the Chair.

Prior to the commencement of the business, the Service Leader - Legal & Democratic Services addressed the meeting to advise the Council as to the reasons why the Report Nos 427/22 and 428/22 had not been published within the required '3 clear days'. She indicated that the proposal presented to the Council by CGLMC had only been received one week prior to the meeting and following advice from external advisers it had become apparent that an urgent meeting of Angus Council would be required. The paper could not be considered at a later date as a decision was urgently required due to the commercial interests of CGLMC Ltd which were fully contained within the exempt Report.

The Provost intimated that having heard from the Service Leader - Legal & Democratic Services regarding the time critical nature of both Reports, he was of the opinion that the items should be considered as matters of urgency and therefore determined that, in accordance with the provisions of Standing Order 11(1)(vii), the items be considered at this meeting.

At this point in the meeting Councillor Braes gave notice of an amendment in relation to Item 6.

### **1. APOLOGIES FOR ABSENCE**

There were no apologies intimated.

At this stage in the meeting, the Provost advised members that a request for a deputation had been received from Mr Michael Wells of CGLMC.

### **2. DECLARATIONS OF INTEREST/STATEMENTS OF TRANSPARENCY**

Councillor Cheape intimated that in relation to Items 5 & 6, Report Nos 427/22 and 428/22, he previously declared an interest as a Council appointed member of CGLMC Ltd. However, on this occasion he had requested to view the exempt report and having considered the position he indicated that he would remain in the meeting with the best of intentions to question and comment where required in order to assist both parties and to get the two principal parties around the table in order to get the process back on track. He intimated that it was his decision not to declare an interest in the items and that he would bear the consequences.

Councillor Braes made a statement of transparency in relation to Items 5 & 6, Report Nos 427/22 and 428/22, as he was a Council appointed Trustee of CGLMC but he had no financial interest. He indicated that Carnoustie Golf Links was a joint venture between Angus Council and CGLMC and was a venture of common interest and purpose. He was therefore content that he could participate and vote on the items if required.

### **3. REQUEST FOR A DEPUTATION**

The Council noted that a deputation request had been received from Mr Michael Wells, Chief Executive of CGLMC Ltd in relation to Items 5 and 6.

The Council resolved to hear the deputation following which Mr Wells and Mr Adair Simpson, Depute Chief Executive, CGLMC Ltd. were admitted to the meeting.

Mr Wells, Chief Executive of CGLMC Ltd addressed the meeting and referred to the joint proposal by Angus Council and CGLMC that had been submitted to key stakeholders four years ago which sought to secure local golf access for generations to come and the return of The Open, and to provide the foundation for a sustainable future not just for the provision of golf. He referred to the timescales and indicated that CGLMC were now running out of time to ensure that CGLMC did not lose the opportunity to deliver an incredible project. He indicated that CGLMC understood that granting a long-term lease was a sizeable ask but that was not for now. All that was asked for was a rollover of the existing management agreement which had been in place for 40 years. CGLMC remained committed to working collaboratively to deliver the requirements for the project and looked forward to sharing thoughts and ideas during any consultation process when required.

CGLMC would continue to work with Angus Council to ensure that they had all of the information they required but sought explicit clarity regarding any information that remained outstanding. Mr Wells sought clarity on where Angus Council felt there were gaps within CGLMC's proposals and also for the Council to facilitate a meeting to consult further on the proposals as soon as possible, to include other stakeholders if required.

Following a number of questions from members, Mr Wells was thanked for his deputation.

#### **4. 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 item 5 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 1973, Paragraphs 6 & 9.

#### **5. CARNOUSTIE GOLF PROVISION – FUTURE ARRANGEMENTS – EXEMPT UPDATE**

There was submitted Joint Report No 427/22 by the Director of Legal and Democratic Services and the Director of Finance providing members with additional confidential background on the proposal from CGLMC set out in Report No 428/22 which was also being considered at this meeting (Item 6 below). The Report included confidential advice from the Council's specialist advisors. In line with previous practice members were being asked to consider Report No 427/22 prior to considering the separate public report on the same matter.

Having heard from a number of members and from the Service Leader – Legal and Democratic Services and the Director of Finance, the Council resolved to note the recommendations as detailed in the Report.

#### **6. CARNOUSTIE GOLF PROVISION – FUTURE ARRANGEMENTS – UPDATE**

There was submitted Joint Report No 428/22 by the Director of Legal and Democratic Services and the Director of Finance informing members of a proposal put forward by CGLMC Ltd. ("CGLMC") for future golf provision at Carnoustie Links ("the Proposal") and asking elected members to determine what the next steps were in relation to the Proposal. The Council was being asked to consider this Report and the accompanying confidential (exempt) Report No 427/22 ("the Exempt Report") which provided restricted content.

Assessment of the information provided by CGLMC in their Proposal had been undertaken by the Council's specialist external advisors and further detailed commentary in this regard was provided in the Exempt Report. A summary of comments based on the key questions posed in paragraph 4.5 of the Report were provided to assist elected members in considering the recommendations in the Report.

Councillor Braes provided an overview of his amendment which asked for agreement that Officers continue to work with CGLMC and others for the betterment of Carnoustie Golf Links to the advantage of all. Following a short recess, officers intimated that this could be dealt with by way of an additional recommendation if agreed by Council. Councillors agreed with this approach.

The Director of Finance then provided clarity on a number of points raised by Mr Wells during his deputation, which he said it was important to do in the public part of the meeting. The

Director of Finance advised that the Council had been clear over its requirements for some time and that there were still gaps in the information provided by CGLMC as it did not include information which was vital to the Council's assessment from an acceptability and viability perspective. The Director also advised that the proposal was not just a simple roll-over of the current Management Agreement the Council had with CGLMC, as Mr Wells had said in his Deputation, but it would represent a major change to who was involved in the ownership and operation of a significant Council asset.

Thereafter, the Service Leader, Legal and Democratic introduced the Report.

Following a number of comments from members, the Council resolved:-

- (i) to note the background to this matter and in particular the timeline of events and activity since summer 2022, set out in Appendix 1 to the Report, and in more detail in the Exempt Report;
- (ii) to note the full content of the accompanying Exempt Report;
- (iii) to note the time constraints which CGLMC had advised the Council of, as detailed in the Exempt Report;
- (iv) to note the Proposal as detailed in paragraph 4.4 of the Report and in more detail in the Exempt Report;
- (v) to note the advice of the Council's officers and external advisers as set out in the Report and the Exempt Report;
- (vi) to note that the CGLMC Proposal was not yet sufficiently acceptable or developed to enable a public consultation at this time for the reasons outlined in paragraph 5.4 of the Report, and therefore agreed not to go out to public consultation on the Proposal at this point;
- (vii) to delegate authority to the Director of Finance to inform CGLMC of the decision made by Council; and
- (viii) to request officers to continue to work with CGLMC and others for the betterment of Carnoustie Golf Links to the advantage of all.