

ANGUS COUNCIL

MINUTE of SPECIAL HYBRID MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 24 August 2023 at 11.00 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, DAVID FAIRWEATHER, CRAIG FOTHERINGHAM, IAIN GALL, MARK MCDONALD, IAN MCLAREN, GEORGE MEECHAN, LLOYD MELVILLE, GAVIN NICOL, RONNIE PROCTOR MBE, JILL SCOTT, MARTIN SHEPHERD, LOIS SPEED, TOMMY STEWART, DEREK WANN and BETH WHITESIDE.

PROVOST BOYD, in the Chair

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Ross Greig and Louise Nicol.

2. DECLARATIONS OF INTEREST OR STATEMENTS OF TRANSPARENCY

Councillor Cheape declared an interest in items 3 and 5 as a Council appointed Director of Carnoustie Golf Links Management Committee Ltd. He indicated that he would not take part in any discussion and voting and would leave the meeting during consideration of these items.

Councillor Cheape having declared an interest at Article 2 above, left the meeting during consideration of the following items.

3. CARNOUSTIE GOLF HOTEL – ASSIGNATION OF HOTEL LEASE

With reference to Articles 12 and 14 of the minute of meeting of Angus Council of 22 June 2023, there was submitted Joint Report No 235/23 by the Director of Legal and Democratic Services and the Director of Finance seeking authority for Angus Council to grant consent to the proposed transfer (known as an assignation) of the tenant's interest in the Carnoustie Golf Hotel Lease, and the transfer/novation of ancillary agreements, to Carnoustie Golf Links Properties Limited.

Having heard the Director of Legal & Democratic Services provide an overview of the Report, the Council resolved:-

- (i) to note the background as set out in the Report, the current position as set out in Section 4 of the Report and the detail of the request for the Council to grant consent to the assignation of the Carnoustie Golf Hotel Lease and novation/transfer of Ancillary Agreements as set out in Section 5 of the Report;
- (ii) to agree that
 - (a) the tenant's interest in the Carnoustie Golf Hotel Lease, currently held by Mineflow Investments Ltd, be transferred to Carnoustie Golf Links Properties Limited, noting that the Council, as landlord, would be granting consent to the assignation of the Lease by Mineflow Investments Ltd to Carnoustie Golf Links Properties Limited; and
 - (b) that Mineflow Investments Ltd's interest in the Ancillary Agreements (as defined in section 5 of the Report) also be transferred to Carnoustie Golf Links Properties Limited, noting that the Council would be granting consent to the novation of the Ancillary Agreements by Mineflow Investments Ltd to Carnoustie Golf Links Properties Limited;
- (iii) to authorise the Director of Legal and Democratic Services, or her nominated representative, following consultation with the Director of Finance, to:
 - (a) consider, negotiate, settle, adjust, agree, approve, execute, deliver and perform or implement any acts or obligations or do anything in terms of documentation,

agreements, undertakings, certificates, forms, notices, filings and instruments as may be necessary or desirable on behalf of Angus Council to implement recommendation (ii); and

- (b) instruct and authorise the Council's externally appointed solicitors to do any of the foregoing set out in the immediately preceding paragraph (iii)(a) (including, without limitation, effecting the same in terms of formal letters and/or missive letters) on behalf of Angus Council;
- (iv) to note the update on progress with Carnoustie Golf Links Management Committee Limited /their Investor's proposals for future golf provision in Carnoustie as set out in Section 6 of the Report, noting also that these proposals would, as previously agreed by Council, be the subject of public consultation; and
- (v) to note the importance of not disclosing confidential information contained in exempt Appendices 1 to 3 (inclusive) of the Report and the significant potential financial and reputational risks to the Council in doing this, as well as to any proposed future arrangements being agreed for Carnoustie Golf Provision Future Arrangements.

Having noted that there were no questions in relation to the exempt Appendices 1-3 detailed at Item 5 on the agenda, it was considered there was no requirement to exclude the public and press at this stage in the meeting.