

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 4 November 2010 at 4.00pm.

Present: Provost RUTH LESLIE MELVILLE MBE, Depute Provost PETER MURPHY, Councillors ALISON ANDREWS, COLIN BROWN, MAIRI EVANS, DAVID FAIRWEATHER, IAIN GAUL, ALEX KING, JEAN LEE, DAVID LUMGAIR, IAN MACKINTOSH, DAVID MAY, BILL MIDDLETON, GLENNIS MIDDLETON, JIM MILLAR, DONALD MORRISON, ROB MURRAY, BOB MYLES, PETER NIELD, HELEN OSWALD, RALPH PALMER, JOHN RYMER, MARK SALMOND, BOB SPINK, PAUL VALENTINE, SHEENA WELSH, SANDY WEST and JOHN WHYTE.

Provost RUTH LESLIE MELVILLE, in the Chair.

RESIGNATION OF COUNCILLOR RALPH PALMER

Councillor Palmer intimated that he was resigning as a Councillor for the Carnoustie and District Ward, effective from 5 November 2010 due to health reasons. Councillor Palmer expressed his gratitude to officers of the Council, to his SNP colleagues and to all Councillors for their help and support in his time as a Councillor.

The Provost, on behalf of the Council, extended best wishes to Councillor Palmer. Councillor Oswald, Leader of the SNP party paid tribute to Councillor Palmer both as a colleague and friend.

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Margaret Thomson.

2. DECLARATIONS OF INTEREST

Councillor Oswald declared an interest in item 13 as her husband was employed by Carnoustie Golf Links Management Committee. She indicated that she would participate in discussion and voting as she did not believe there was any financial implication for either her husband or herself in the subject of the report and her belief was that the community benefit in her remaining in the meeting was paramount.

3. MINUTES OF COUNCIL AND COMMITTEES

(a) Angus Council

The [minute of meeting of Angus Council of 16 September 2010](#) was submitted and approved as a correct record.

With reference to Article 12 of the minute, the Head of Law and Administration indicated that in accordance with the provisions of Standing Order 33(3) the Council was required to appoint a Vice Convener for the Scrutiny and Audit Sub-Committee.

Councillor Myles, seconded by Councillor Oswald moved that Councillor Whyte be appointed as Vice Convener.

The Council unanimously resolved to approve the appointment of Councillor Whyte as Vice Convener of the Scrutiny and Audit Sub Committee.

(b) Development Management Review Committee

The [minute of meeting of the Development Management Review Committee of 20 September 2010](#) was submitted and noted.

(c) Development Standards Committee

The [minute of meeting of the Development Standards Committee of 21 September 2010](#) was submitted and noted.

(d) Development Management Review Committee

The [minute of meeting of the Development Management Review Committee of 21 September 2010](#) was submitted and noted.

(e) Social Work and Health Committee

The [minute of meeting of the Social Work and Health Committee of 23 September 2010](#) was submitted and noted.

(f) Development Management Review Committee

The [minute of meeting of the Development Management Review Committee of 28 September 2010](#) was submitted and noted.

(g) Civic Licensing Committee

The [minute of meeting of the Civic Licensing Committee of 28 September 2010](#) was submitted and noted.

(h) Neighbourhood Services Committee

The [minute of meeting of the Neighbourhood Services Committee of 7 October 2010](#) was submitted and noted.

(i) Infrastructure Services Committee

The [minute of meeting of the Infrastructure Services Committee of 12 October 2010](#) was submitted and noted.

(j) (Special) Civic Licensing Committee

The [minute of meeting of the \(Special\) Civic Licensing Committee of 12 October 2010](#) was submitted and noted.

(k) (Special) Civic Licensing Committee

The [minute of meeting of the \(Special\) Civic Licensing Committee of 18 October 2010](#) was submitted and noted.

(l) Development Standards Committee

The [minute of meeting of the Development Standards Committee of 19 October 2010](#) was submitted and noted.

(m) Development Management Review Committee

The [minute of meeting of the Development Management Review Committee of 19 October 2010](#) was submitted and noted.

(n) Education Committee

The [minute of meeting of the Education Committee of 20 October 2010](#) was submitted and noted.

(o) Corporate Services Committee

The [minute of meeting of the Corporate Services Committee of 21 October 2010](#) was submitted and noted.

With reference to Article 13 of the minute, the Council noted the paper that had been issued by the Head of Law and Administration clarifying the role and responsibilities of the Returning Officer.

(p) Strategic Policy Committee

The [minute of meeting of the Strategic Policy Committee of 26 October 2010](#) was submitted and noted.

(q) Civic Licensing Committee

The [minute of meeting of the Civic Licensing Committee of 26 October 2010](#) was submitted and noted.

4. MINUTES OF BOARDS AND PARTNERSHIPS**(a) Tayside Community Justice Authority**

The minute of meeting of the Tayside Community Justice Authority of 16 June 2010 was submitted and noted.

(b) Tayside and Central Scotland Transport Partnership

The minute of meeting of the Tayside and Central Scotland Transport Partnership of 15 June 2010 was submitted and noted.

(c) Angus Licensing Board

The minute of meeting of Angus Licensing Board of 22 September 2010 was submitted and noted.

5. TREASURY MANAGEMENT ANNUAL REPORT 2009/10

With reference to Article 17 of the minute of meeting of the Scrutiny and Audit Sub Committee of 21 September 2010, there was submitted [Joint Report No 682/10](#) by the Director of Corporate Services and the Head of Finance detailing the Treasury Management activities for Angus Council for 2009/10.

The Report indicated that the need to prepare a Treasury Management Statement was a requirement of the Treasury Management Public Services Code of Practice published by the Chartered Institute of Public Finance and Accountancy in 2001.

Having heard from the Head of Finance particularly in relation to the favourable loans fund interest rate that Angus Council had negotiated in comparison with the other Scottish Local Authorities, the Council resolved:

- (i) to note the Annual Report on 2009/10 Treasury Management activities for Angus Council attached as Appendix 1 to the Report;
- (ii) to note the requirements of the Treasury Management Policy Statement attached as Appendix 2 to the Report;
- (iii) to note the availability of the Treasury Management Systems Document which covered detailed Treasury Management systems and procedures within the Finance Division; and
- (iv) to note the availability of the Treasury Management Practices Document which set out the manner as to how the Treasury Management policies and objectives could be achieved, managed and controlled.

6. TREASURY MANAGEMENT 2010/11 MID-YEAR REVIEW REPORT

With reference to Article 6 of the minute of meeting of Angus Council of 25 March 2010, there was submitted [Joint Report No 796/10](#) by the Director of Corporate Services and the Head of Finance reporting on Angus Council's Treasury Management activities for the period 1 April – 30 September 2010.

The Report also proposed a minor refinement to the Council's investment arrangements to ensure that there was a degree of flexibility for lending to counter parties which were marginally outwith the durational band suggested by the Council's Treasury Management advisors.

The Council resolved:

- (i) to note the mid-year review report on Treasury Management activities for the period 1 April to 30 September 2010, attached as Appendix 1 to the Report; and
- (ii) to approve the proposed refinement to Treasury Management investment arrangements, as outlined in section 6 of Appendix 1 to the Report.

7. VAT RATE CHANGE – CHARGING POLICY IMPLICATIONS

There was submitted [Joint Report No 797/10](#) by the Director of Corporate Services and the Head of Finance apprising members of the charging policy implications of the increase in the standard rate of VAT from 17.5% to 20% with effect from Tuesday 4 January 2011.

The Report proposed that, given the significant financial pressures the Council was facing in the current year and beyond, it was considered that departments had limited capacity to absorb any further cost pressures. It was therefore recommended that this further tax rise, which was out with the Council's control, was passed on to service users via increased charges for services with effect from 4 January 2011.

The Council resolved:

- (i) to note the contents of the Report; and
- (ii) that the standard VAT rate increase, which would apply to all goods or services supplied on or after 4 January 2011, be passed onto service users via increased charges for services with effect from 4 January 2011.

8. ANGUS COUNCIL ANNUAL ACCOUNTS 2009/10 AND THE REPORT TO MEMBERS ON THE 2009/10 AUDIT OF ANGUS COUNCIL

With reference to Article 5 of the minute of meeting of the Scrutiny and Audit Sub Committee of 2 November 2010, there was submitted [Joint Report No 792/10](#) by the Chief Executive, the Director of Corporate Services and the Head of Finance appending a copy of External Auditors, Henderson Loggie's Report to Members on the 2009/2010 Audit of Angus Council and also appending a copy of the 2009/10 audited Annual Accounts.

The Report indicated that the Council was required by law to prepare a set of accounting statements which set out the financial position at the end of each financial year. The Council's draft accounting statements for financial year 2009/10 had been submitted to the Controller of Audit for subsequent audit by the Council's appointed External Auditors.

In addition, each year the External Auditor was required to provide a formal report to the elected members of the Council and the Controller of Audit on the audit of the Council for the latest financial year. A copy of the Auditor's Report for the 2009/2010 financial year was appended and informed members of the significant matters affecting the Council's financial arrangements, governance and performance.

The Report also sought approval of budget carry forwards under the terms of the budget virement flexibility scheme.

Having heard from Mr Ian Robbie of Henderson Loggie, the Council resolved:

- (i) to note the contents of Henderson Loggie's Report to Members on the 2009/10 Audit of Angus Council, attached as Appendix 1 to the Report;
- (ii) to note the audited Annual Accounts for Angus Council which would be published shortly after the Council meeting;
- (iii) to note that the summarised version of the 2009/10 Annual Accounts would be published for circulation in the county;
- (iv) to note that the £1.877 million of 100% carry forwards previously approved through committee report 95/10 had been reduced to £1.589 million following confirmation of actual departmental underspends;
- (v) to approve amended 100% carry forwards requests totalling £0.070 million for Miscellaneous Other Services;
- (vi) to approve £0.508 million of 50% carry forwards by departments from 2009/10 to 2010/11 under the terms of the budget virement flexibility scheme; and
- (vii) to note the impact of these changes on the uncommitted General Fund Balance, as outlined in Section 7 of the Report.

9. ESTABLISHMENT OF AN INFORMAL CROSS PARTY MEDIATION BOARD

There was submitted [Joint Report No 798/10](#) by the Chief Executive and the Director of Corporate Services proposing the establishment of an informal Cross Party Mediation Board to mediate upon and attempt to resolve any issues of conduct prior to or instead of referring the matter to the Standards Commission.

The Report indicated that the Standards Commission had expressed concerns regarding the number of complaints referred to them by Angus Council in recent years and had recommended that a review body be set up to try to resolve conflict between the individuals involved prior to referral to the Standards Commission.

The Report set out the proposed remit and membership of the informal cross party mediation board, which was aimed at ensuring that the reputation and standing of Angus Council as a whole was not damaged by the referral of complaints to the Standards Commission.

The Council resolved:

- (i) to approve the establishment of an informal Cross Party Mediation Board to comprise two members from the Administration and non-Administration (with relevant substitutes should the individuals be involved);
- (ii) to note that the non-Administration members would be Councillors Murray and Valentine; and
- (iii) to note that, as meetings of the Mediation Board would be informal, the Council's Standing Orders and the provisions of the Local Government (Access to Information) Act 1985 would not apply.

10. EXCLUSION OF PUBLIC AND PRESS

The Council resolved, in terms of Standing Order 27 (2) that the public and press be excluded from the meeting during consideration of Report No 800/10 so as to avoid the possible disclosure of information which was exempt in terms of part 1 of schedule 7A of the Local Government (Scotland) Act 1973, paragraph 11.

Councillor Oswald, seconded by Councillor King moved that the public and press be not excluded during consideration of Report No 799/10.

PROVOST LESLIE MELVILLE, SECONDED BY COUNCILLOR MYLES MOVED AS AN AMENDMENT, THAT THE PUBLIC AND PRESS BE EXCLUDED DURING CONSIDERATION OF REPORT NO 799/10 SO AS TO AVOID THE DISCLOSURE OF INFORMATION WHICH WAS EXEMPT IN TERMS OF PART 1 OF SCHEDULE 7A OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973, PARAGRAPH 11.

On a vote being taken, the members voted:-

For the motion:

Councillors Evans, Gaul, King, Lee, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Palmer, Spink, Valentine, Welsh and West (14).

For the amendment:

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond and Whyte (14).

There being an equality of votes, the Provost exercised her casting vote in favour of the amendment and the Council resolved accordingly.

Councillor Gaul, seconded by Councillor King moved that the public and press be not excluded from the meeting during consideration of Report No 801/10.

COUNCILLOR MYLES, SECONDED BY COUNCILLOR MACKINTOSH, MOVED AS AN AMENDMENT, THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF REPORT NO 801/10 SO AS TO AVOID THE DISCLOSURE OF INFORMATION WHICH WAS EXEMPT IN TERMS OF PART 1 OF SCHEDULE 7A OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973, PARAGRAPHS 6 AND 9.

On a vote being taken, the members voted:-

For the motion:

Councillors Evans, Gaul, King, Lee, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Palmer, Spink, Valentine, Welsh and West (14).

For the amendment:

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond and Whyte (14).

There being an equality of votes, the Provost exercised her casting vote in favour of the amendment and the Council resolved accordingly.

11. GENERAL FUND BUDGET SETTING PROCESS – COMMUNICATION AND CONSULTATION ARRANGEMENTS

With reference to Article 10 of the minute of meeting of the Strategic Policy Committee of 7 September 2010, there was submitted [Report No 799/10](#) by the Chief Executive detailing proposed communication and consultation arrangements in relation to the setting of the General Fund Budget for 2011/12.

The Council resolved to approve the communication and consultation arrangements in relation to setting the General Fund Budget for 2011/12 as detailed in Section 3 of the Report.

12. WORK FORCE MANAGEMENT

There was submitted [Report No 800/10](#) by the Chief Executive outlining measures to help the Council to achieve a reduction in staff costs as an integral part of the medium-term financial strategy for 2011/12 to 2014/15 and also giving details of proposals to inform future organisational design.

COUNCILLOR MYLES, SECONDED BY COUNCILLOR MACKINTOSH MOVED APPROVAL OF THE RECOMMENDATIONS AS CONTAINED IN THE REPORT.

Councillor Oswald, seconded by Councillor Gaul, moved as an amendment, that the Council note the Report and agree that discussions be opened urgently with the relevant trade unions and reported back as soon as possible to Angus Council.

On a vote being taken, the members voted:-

For the motion:

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond and Whyte (14).

For the amendment:

Councillors Evans, Gaul, King, Lee, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Palmer, Spink, Valentine, Welsh and West (14).

There being an equality of votes, the Provost exercised her casting vote in favour of the motion and the Council resolved accordingly.

13. MANAGEMENT OF CARNOUSTIE GOLF LINKS

With reference to Article 14 of the minute of meeting of Angus Council of 25 June 2009, there was submitted [Report No 801/10](#) by the Director of Corporate Services in relation to the management of Carnoustie Golf Links Management Committee (CGLMC) requesting approval of an alteration to the Carnoustie Golf Links Management Committees Constitution and the names of the three persons who would be Angus Council's representatives on the Board of Directors of the new company.

COUNCILLOR MYLES, SECONDED BY COUNCILLOR MAY, MOVED THAT THE COUNCIL:-

- (i) NOTES THE FINAL OUTCOME OF THE NEGOTIATIONS WITH CGLMC OVER THE INCORPORATION OF A COMPANY LIMITED BY GUARANTEE TO TAKE OVER THE MANAGEMENT OF CARNOUSTIE GOLF LINKS;
- (ii) AGREES THE SUGGESTED WORDING OF AN ALTERATION TO THE CONSTITUTION OF CGLMC;
- (iii) APPROVES THE ASSIGNATION OR NOVATION OF THE CURRENT MANAGEMENT AGREEMENT FOR CARNOUSTIE GOLF LINKS FROM CGLMC TO THE NEW COMPANY AND THE SUBSEQUENT DISBANDMENT OF CGLMC;
- (iv) AUTHORISES THE HEAD OF LAW AND ADMINISTRATION TO NEGOTIATE THE TERMS OF THE ASSIGNATION OR NOVATION AND ANY RELATED DOCUMENTS AND THEREAFTER TO EXECUTE THESE ON BEHALF OF THE COUNCIL;
- (v) AGREES FOR ITS INTEREST THE HIVING UP OF CARNOUSTIE GOLF LINKS LIMITED TO THE NEW COMPANY LIMITED BY GUARANTEE;
- (vi) ACCEPTS MEMBERSHIP OF THE NEW COMPANY, TO BE CALLED CGLMC LIMITED; AND
- (vii) APPOINTS 3 REPRESENTATIVES TO ACT AS DIRECTORS OF THE NEW COMPANY, THESE 3 REPRESENTATIVES BEING (1). EITHER THE LEADER OF THE COUNCIL OR THE CONVENER OF INFRASTRUCTURE SERVICES (2).A LOCAL CARNOUSTIE AND DISTRICT NON ADMINISTRATION MEMBER (3). THE CHIEF EXECUTIVE OR HIS NOMINEE.

Councillor Oswald, seconded by Councillor King moved as an amendment, that the Council:

- (i) approves recommendations (i)-(vi) in the Report; and
- (ii) appoints three representatives as Directors of the company, these being two local Carnoustie and District members and the Chief Executive or his nominee.

On a vote being taken, the members voted:-

For the motion:

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond and Whyte (14).

For the amendment:

Councillors Evans, Gaul, King, Lee, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Palmer, Spink, Valentine, Welsh and West (14).

There being an equality of votes, the Provost exercised her casting vote in favour of the motion and the Council resolved accordingly.