

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 20 June 2019 at 2.00pm.

Present: Provost RONNIE PROCTOR MBE, Depute Provost COLIN BROWN, Councillors JULIE BELL, BRIAN BOYD, KENNY BRAES, 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, MARK SALMOND, LOIS SPEED, TOMMY STEWART, RON STURROCK, DEREK WANN and BETH WHITESIDE.

PROVOST RONNIE PROCTOR, in the Chair.

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Gavin Nicol.

2. DECLARATIONS OF INTEREST

Councillor Salmond declared an interest in item 12 as he knew the Chair and many of the members of the Montrose Playhouse Project. He had also been involved in another community project with the Chair. Having applied the objectivity test he felt he was too close to some members of the project and therefore he would not participate in any discussion and voting and would leave the meeting during consideration of this item.

Councillor McLaren declared a financial interest in item 7 as he had a business on the High Street in Forfar. He indicated that he would not participate in any discussion and voting and would leave the meeting during consideration of this item.

Provost Ronnie Proctor declared an interest in item 7 as he had been contacted by members of the public and Community Council members in relation to this issue. He had not expressed an opinion and would therefore participate in any discussion and voting on this item.

3. REQUEST FOR A DEPUTATION

The Provost intimated that a deputation request had been received from Mrs Margaret A Robertson, The Hardware Stores, Brechin and Montrose in relation to item 7 below.

The Council resolved to receive the deputation.

Mrs Robertson urged the Council to remove its current policy in relation to car parking charges and referred to the impact she felt this was having on businesses across Angus.

Following a number of questions, Mrs Robertson withdrew to the public benches.

4. MINUTES OF COUNCIL AND COMMITTEES

(i) Minutes of Council Meetings

(a) Angus Council (Special)

The minute of the special meeting of Angus Council of 9 May 2019 was submitted and approved as a correct record.

(b) Angus Council

The minute of meeting of Angus Council of 9 May 2019 was submitted and approved as a correct record (subject to the word "charge" being amended to "change" at Article 5(i) paragraph 5 of the minute).

(ii) Minutes of Committees

(c) Civic Licensing Committee (Special)

The minute of the special meeting of the Civic Licensing Committee of 23 April 2019 was submitted and noted.

(d) Development Standards Committee

The minute of meeting of the Development Standards Committee of 14 May 2019 was submitted and noted.

(e) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 14 May 2019 was submitted and noted.

(f) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 16 May 2019 was submitted and with the exception of the undernoted, noted:-

Landlord Registration

The Council resolved to approve changes to the Order of Reference of the Civic Licensing Committee and of the Scheme of Delegation of the Director of Communities in relation to Part 8 of the Anti-Social Behaviour Etc (Scotland) Act 2004.

(g) Civic Licensing Committee (Special)

The minute of the special meeting of the Civic Licensing Committee of 16 May 2019 was submitted and noted.

(h) Children and Learning Committee

The minute of meeting of the Children and Learning Committee of 21 May 2019 was submitted and noted.

(i) Communities Committee

The minute of meeting of the Communities Committee of 28 May 2019 was submitted and noted.

(j) Policy and Resources Committee

The minute of meeting of the Policy and Resources Committee of 4 June 2019 was submitted and noted.

(k) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 5 June 2019 was submitted and noted.

5. MOTIONS IN TERMS OF STANDING ORDER 25(1)

(i) Menopause Support in the Workplace

Councillor Bell, seconded by Councillor Braes, moved that this Council, having previously agreed to look at policies through a gendered lens, is seeking to address a gender inequality by addressing a specific policy gap. Women employees make up a significant proportion of our workforce and there is currently no formal recognition that for those going through the peri-menopause and menopause, the physical, mental and emotional turmoil they often experience has a major impact on their daily lives.

Menopause is a naturally occurring gender-specific process, which does not mean it is always an easy transition.

This Council therefore asks our Human Resources team to draw up a Menopause Policy, drawing on best practice that reflects the reality of menopause health-related issues for women and awareness raising for all employees and managers, regardless of gender, and that this is a serious matter for the workplace. By setting this example, we can encourage our planning partners to follow where women in Angus lead.

Having heard from a number of members, the Council unanimously agreed to approve the motion.

(ii) Memorials

Councillor Durno, seconded by Councillor Whiteside, moved that this Council offers memorial alternatives to benches. Last year £9,600 was spent on memorial benches at between £600- £1,000 depending on the bench. We propose that the public should have the choice of a variety of memorials to donate on behalf of their loved one as an alternative to benches. We therefore ask that the Parks Department offers families the choice of different kinds of memorials.

Having heard from Councillor Salmond who proposed that Councillor Durno work with himself and Councillor Stewart to compile a range of menus as alternatives to benches, being mindful of the revenue implications of the maintenance of any such memorials and having also heard the Chief Executive intimate that a policy position paper would be submitted to the Communities Committee after the summer recess, the Council unanimously agreed to approve the motion.

(iii) Community Volunteer Permit Scheme

Councillor Braes, seconded by Councillor McDonald, moved that the Council ask officers to introduce a free Community Volunteer Permit Scheme. This was to aid community groups and individuals receive prompt and efficient service at Angus Council Recycling Centres following litter picks and fly-tipping removal on behalf of communities.

Having also heard from Councillor Salmond, the Council unanimously agreed to approve the motion and that a policy paper be brought back on this matter.

6. COMMON GOOD FUND – PROJECT APPROVALS

With reference to Article 8 of the minute of meeting of the Policy and Resources Committee of 4 June 2019, there was submitted Report No 212/19 by the Director of Infrastructure seeking approval of a Common Good funded project deferred from that meeting.

The Council resolved to approve a £10,000 loan over a ten year period to Arbroath United Cricket Club towards the costs of conversion of the building to provide female changing facilities and disabled access.

Councillor McLaren, having declared a financial interest at Article 2 above, left the meeting during consideration of the following item.

7. DEVELOPMENT OF PARKING CHARGES UPDATE

With reference to Article 4(ii)(g) of the minute of meeting of Angus Council of 9 May 2019, there was submitted Report No 213/19 by the Director of Infrastructure presenting an update on developments of the off-street car parking charging arrangements, through the discussions of the Member Officer Working Group; the results of the “conversation” survey of the public on off-street parking payment methods; assessing options for additional customer choice for payment of car parking charges and making a recommendation on the best value option for the installation of coin-operated meters at off-street car parks.

COUNCILLOR SALMOND, SECONDED BY COUNCILLOR STEWART, MOVED THAT THIS COUNCIL:-

- (I) NOTES THE PROGRESS ON DEVELOPMENTS OF THE OFF-STREET PARKING CHARGING ARRANGEMENTS PREVIOUSLY APPROVED, AS DETAILED IN THE REPORT;
- (II) NOTES THE RESULTS OF THE "CONVERSATION" SURVEY OF THE PUBLIC ON OFF-STREET PARKING PAYMENT METHODS, ANALYSED AND PRESENTED IN THIS REPORT;
- (III) NOTES THE ASSESSMENT OF OPTIONS FOR ADDITIONAL CUSTOMER CHOICE FOR PAYMENT OF OFF-STREET PARKING CHARGES, AS DETAILED IN THE REPORT; AND
- (IV) APPROVES OPTION (III) BEING: INSTALLING 14 COIN OPERATED METERS IN SELECTED OFF-STREET CAR PARKS WITH A MINIMUM OF ONE EACH IN A LONG AND SHORT STAY OFF-STREET CAR PARK IN EACH BURGH.

Councillor Devine, seconded by Councillor Duff, moved an amendment, the terms of which were circulated.

The Council resolved to adjourn for a five minute period to allow the Provost to obtain advice from the relevant officers.

The meeting reconvened at 2.54pm following which the Provost ruled that the "new information regarding income from individual car parks" was not a material change of circumstances. Accordingly, the "six month rule" applied and the amendment could not be considered.

Thereafter, Councillor Devine, seconded by Councillor Duff, moved as a further amendment, approval of Option 3(vi) in the Report (but as a pilot project for four months).

The Council resolved to adjourn for a five minute period to allow the Provost to obtain advice from the relevant officers.

The meeting reconvened at 2.59pm following which the Provost ruled that the amendment was not competent in terms of Standing Order 16(9) as insufficient time had been afforded to the Director of Finance to assess the financial implications of the amendment.

Thereafter, Councillor Cheape, seconded by Councillor Boyd, moved an amendment, the terms of which were circulated.

The Council resolved to adjourn for a 10 minute period to allow the Provost to obtain advice from the relevant officers.

The meeting reconvened at 3.16pm following which the Provost ruled that the amendment was not relevant to the matter under consideration.

Thereafter, Councillor Boyd, seconded by Councillor Cheape, moved a further amendment, the terms of which were circulated to the meeting.

The Provost ruled that the further amendment was not relevant to the matter under consideration.

Councillor Cheape, seconded by Councillor Boyd, moved as a further amendment, that this Council does not proceed with option 3(ii) whereby 14 cash meters are installed, instead the Council approves option 2 to install 33 cash meters, one in every off-street car park in Angus with the financial implications of the amendment in paragraphs 6.4 and 7.6 of the Report.

On a vote being taken, members voted:-

For the motion:-

Provost Ronnie Proctor, Depute Provost Colin Brown, Councillors Davy, Fairweather, Fotheringham, Lawrie, Lumgair, MacMillan Douglas, Moore, Myles, Salmond, Stewart, Sturrock and Wann (14).

For the amendment:-

Councillors Boyd and Cheape (2).

No votes:-

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

Thereafter, Councillor Speed, having given notice prior to the vote, seconded by Councillor Boyd, moved as a further amendment, that the Council maintains the current payments options (i.e. the status quo).

On a vote being taken, members voted:-

For the motion:-

Provost Ronnie Proctor, Depute Provost Colin Brown, Councillors Cheape, Davy, Fairweather, Fotheringham, Lawrie, Lumgair, MacMillan Douglas, Moore, Myles, Salmond, Stewart, Sturrock and Wann (15).

For the amendment:-

Councillors Boyd and Speed (2).

No votes:-

Councillors Bell, Devine, Duff, Durno, Hands, King, McDonald and Whiteside (8).

(Councillor Braes had left the meeting prior to the vote)

The motion by Councillor Salmond was declared carried and the Council resolved accordingly.

8. PROHIBITION OF DRIVING AT ALLAN STREET AND APPLGATE, ARBROATH - SITE VISIT UPDATE

With reference to Article 8 of the minute of meeting of the Communities Committee of 28 May 2019, there was submitted Report No 214/19 by the Director of Infrastructure updating the Council on the site visit held in Allan Street and Applegate, Arbroath on 7 June 2019.

The Report indicated that members of the Communities Committee, local Arbroath members and Angus Council officers had been in attendance when discussions had taken place over the current situation and the proposed "prohibition of driving" restriction. Following which the decision of the members attending the site visit was that they agreed to the proposed restrictions.

The Council resolved to approve the promotion and, if no objections were received, or if any objections received were withdrawn, the making of a Traffic Regulation Order to prohibit the driving of vehicles on sections of Allan Street and Applegate, Arbroath.

9. 2018/2019 FINANCIAL OUTTURN AND DRAFT ACCOUNTS UPDATE

There was submitted Report No 215/19 by the Director of Finance providing details of the unaudited financial outturn position on both a revenue and capital basis for 2018/19 for Angus Council and an update with regard to the preparation of the 2018/19 Annual Accounts.

The Report also proposed 100% carry forward requests totalling £1.402M as detailed in Appendix C to the Report. These carry forwards were all for essential works and projects and represented unavoidable financial commitments which would arise during 2019/20. It would also provide all directorates with flexibility for managing their budgets in an increasingly difficult financial environment.

Having heard from a number of members, the Council resolved:-

- (i) to note the update with regard to the preparation of the 2018/19 Annual Accounts and that, in accordance with statutory requirements, they would be submitted to Audit Scotland by the 30 June 2019 deadline;
- (ii) to note that the Council's Annual Accounts would be published on the Council's website on or around 30 June 2019;
- (iii) to note the revenue budget performance and associated commentary as set out in Section 4 and Appendices A, B and E of this Report;
- (iv) to note the capital budget performance and associated commentary as set out in Section 4 and Appendix D of this Report; and
- (v) to approve the end of year 100% budget carry forwards as set out in Section 4 and Appendix C of the Report in accordance with the Council's budget carry forward scheme, subject to none of these being affected by changes arising from the audit process.

10. 2019/20 FINAL REVENUE BUDGET DOCUMENTS

With reference to Article 5 (viii) of the minute of the special meeting of Angus Council of 21 February 2019, there was submitted Report No 216/19 by the Director of Finance advising the Council of adjustments made to service budgets since the 2019/20 budget was set in February 2019 and also advising of the intention to publish the 2019/20 Final Revenue Budget Volume and the 2019/20 Provisional Capital Budget Volume on the Council's website following this meeting.

The Council resolved:-

- (i) to note and approve the amendments to Service 2019/20 revenue budgets and corporate provisions as detailed in section 4 of the Report;
- (ii) to note that a comprehensive update of the 2019/2023 Financial Plan (incorporating a final 2019/20 capital budget) would be undertaken over the summer using actual expenditure for financial year 2018/19;
- (iii) to note that a separate Final Capital Budget Volume 2019/20 would be submitted to the Policy & Resources Committee for approval following the summer recess; and
- (iv) that the amount not now required for energy costs be re-classified as banked savings for the 2020/21 budget setting process

11. TOWN CENTRE FUND 2019/20 – OPTIONS AND PROPOSALS

There was submitted Joint Report No 217/19 by the Director of Communities and Director of Finance advising members of additional funding of £1.080M provided by the Scottish Government under the heading of Town Centre Fund and providing information on the Funds criteria, the options on how the funding could be utilised and making recommendations on how the Council should decide on how the money was used.

COUNCILLOR MACMILLAN DOUGLAS, SECONDED BY COUNCILLOR STURROCK, MOVED THAT THIS COUNCIL:-

- A) NOTES THE CONTENTS OF THIS REPORT AND IN PARTICULAR THE AIMS OF THE TOWN CENTRE FUND AND THE FOUR SIGNIFICANT FACTORS WHICH NEEDED TO BE TAKEN INTO ACCOUNT IN DETERMINING THE COUNCIL'S APPROACH TO USE OF THE FUND, AS SET OUT IN PARAGRAPH 2.5 OF THE REPORT;

- B) NOTES THE OPTIONS FOR DISTRIBUTION AND PROJECT IDENTIFICATION/CONSULTATION AND THE MAIN PROS AND CONS ASSOCIATED WITH THESE, AS OUTLINED IN APPENDIX 1;
- C) AGREES TO ADOPT DISTRIBUTION OPTION 1 AND PROJECT IDENTIFICATION AND PUBLIC CONSULTATION OPTION 3 IN COMBINATION AS THE MEANS BY WHICH THE FUND WOULD BE DISTRIBUTED AND THE PROJECTS WOULD BE IDENTIFIED AND LOCAL PEOPLE AND BUSINESSES WOULD BE CONSULTED;
- D) AGREES THE LIST OF PROPOSED PROJECTS IN APPENDIX 3 WHICH WOULD FORM THE BASIS FOR THE PUBLIC ENGAGEMENT WITH A MORE INCLUSIVE CONSULTATION NOT LIMITED TO USING PINPOINT, NOTING THIS WAS A LIST FOR ENGAGEMENT NOT FINAL PROPOSALS AT THIS STAGE;
- E) APPROVES THE SCORING MATRIX AT APPENDIX 2 WHICH WOULD BE USED TO RANK THE PROJECTS FOLLOWING THE PUBLIC ENGAGEMENT EXERCISE;
- F) NOTES THAT A FURTHER REPORT SEEKING APPROVAL FOR THE FINAL PROJECT LIST FOLLOWING THE PUBLIC ENGAGEMENT EXERCISE WOULD BE SUBMITTED TO THE FIRST COUNCIL MEETING AFTER THE RECESS IN SEPTEMBER 2019;
- G) NOTES THAT SOME OF THE PROJECTS LISTED IN APPENDIX 3 REQUIRED MORE DETAILED INVESTIGATION, DESIGN AND COSTINGS TO BE UNDERTAKEN OVER THE SUMMER; AND
- H) NOTES THAT PROGRESS UPDATE REPORTS WOULD BE PROVIDED TO MEMBERS OVER THE NEXT 12 – 18 MONTHS.

Councillor Cheape, seconded by Councillor Devine, moved as an amendment, that the Council does not proceed with Project ID and public consultation option 3, instead the Council proceeds with Project ID and public consultation option 4 in order that public and businesses were consulted with first to establish possible projects to be financed rather than having a list of potential projects drawn up by Council prior to going out to consultation.

On a vote being taken, members voted:-

For the motion:-

Provost Ronnie Proctor, Depute Provost Colin Brown, Councillors Davy, Fairweather, Fotheringham, Lawrie, Lumgair, MacMillan Douglas, McLaren, Moore, Myles, Salmond, Speed, Stewart, Sturrock and Wann (16).

For the amendment:-

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

Thereafter, the Council resolved to adjourn for a 10 minute period to allow the Provost to consult with the relevant officers to determine as to whether Councillor Hands had given notice of an amendment in accordance with Standing Orders.

The meeting reconvened at 4.46pm following which the Provost ruled that Councillor Hands had not complied with Standing Orders as she had not formally given notice of such an amendment, prior to the vote being taken.

Consequently, the motion by Councillor Macmillan Douglas was declared carried and the Council resolved accordingly.

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

12. REGENERATION OF CAPITAL GRANT FUND FOR MONTROSE PLAYHOUSE

There was submitted Report No 218/19 by the Director of Communities seeking authorisation to accept and sign a Grant Offer from the Scottish Government to Angus Council through the

Regeneration Capital Grant Fund towards the Montrose Playhouse Project. The project would deliver substantial benefits to the local community but carried a number of risks for Angus Council which would need to be considered and where possible mitigated. The project would result in the transformation of the former swimming pool in Montrose, into a community hub for arts and education.

Having heard from Councillor Wann who raised concerns with regard to the contract which effectively tied the Council to be the guarantor for a period of 15 years and from a number of other members who also expressed their concerns, the Director of Finance having given assurances that the Council could, if needed, hand back the funds to the Scottish Government, the Council resolved:-

- (i) to authorise the Director of Finance, following consultation with the Directors of Communities and Legal & Democratic Services, to agree and accept the terms of the grant offer from the Scottish Government to Angus Council towards the Montrose Playhouse Project;
- (ii) to authorise the Director of Legal & Democratic Services, in consultation with the Director of Communities and Director of Finance, to agree the terms of a Minute of Agreement with the Montrose Playhouse Project Scottish Charitable Incorporated Organisation to bind them to the Scottish Government grant conditions including the grant of a standard security over the Montrose swimming pool building and the other risk mitigation measures set out in this Report;
- (iii) to note that no payments of the Regeneration Capital Grant would be made to the Montrose Playhouse Project unless and until the Minute of Agreement had been signed by them;
- (iv) to agree to the allocation of council staff resources required to prepare the Minute of Agreement, oversee the project and monitoring arrangements and provide input to the Steering Group; and
- (v) to note that in the event that agreement on the terms of a minute of agreement with Montrose Playhouse Project cannot be reached, a further Report would be submitted to the Council for consideration of next steps

At this point in the meeting, (the time being 4.57pm) the Council resolved, in accordance with the provisions of Standing Order 21(8) that the meeting continue to the conclusion of the business.

13. 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 the following two items, so as to avoid the disclosure of information which was exempt in terms of the Local Government (Scotland) Act 1973 Part 1 of Schedule 7A, paragraphs 8, 9, 10 and 12(a).

14. EARLY YEARS CENTRES, CARNOUSTIE AND FORFAR TENDER REPORT AND ALTERNATIVE PROCUREMENT ARRANGEMENTS

There was submitted Report No 219/19 by the Director of Infrastructure reporting on tenders received and seeking authority to proceed with the proposed alternative procurement options as the maximum value exceeded the Chief Officer's procurement delegated authority limits contained in Section 16.8.1 of the Financial Regulations.

Councillor Salmond, seconded by Councillor Wann, moved that, in addition to the Council approving the recommendations within the Report, that officers review the procurement exercise to learn lessons and identify any changes in operational practices which would reduce further the risks of increases over original budget in capital projects.

Having heard from a number of members in support of this additional action, the Council resolved to approve the recommendations in the Report, along with the additional recommendation from Councillor Salmond.

15. LEGAL CHALLENGE TO A COUNCIL DECISION – LOCHSIDE LEISURE CENTRE, FORFAR

With reference to Article 11 of the minute of meeting of Angus Council of 21 March 2019, there was submitted Report No 220/19 by the Director of Legal and Democratic Services providing an update on the petition for Judicial Review that had been raised in the Court of Session in respect of the decision of the Council at its meeting on 7 February 2019 to demolish the former Lochside Leisure Centre, Forfar.

The Council resolved to note the contents of the Report.