

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** hosted at Angus House, Orchardbank Business Park, Forfar and held remotely on Thursday 5 November 2020 at 2.00 pm.

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

In the absence of both the Provost and Depute Provost, and in accordance with the provisions of Standing Order 7(1), the Chief Executive called for nominations for Chair of the meeting.

Councillor Fairweather, seconded by Councillor Wann moved the appointment of Councillor Fotheringham as Chair of the meeting.

There being no further nominations, Councillor Fotheringham took the Chair.

At this stage in the meeting, the Council resolved to adjourn the meeting to allow officers to apprise the Chair of the business to be considered.

The meeting resumed at 2.15pm.

Councillor Fotheringham intimated that a deputation request has been received from Susan Duncan, Development Officer (Suicide Prevention and Violence Against Women), Angus Council and Callum Troup, Manager with Penumbra Services Angus, in relation to the motion at item 4.

The Council resolved to hear the deputation.

1. APOLOGIES

Apologies for absence were intimated on behalf of Provost Ronnie Proctor MBE, Depute Provost Colin Brown BEM and Councillor Stewart.

2. DECLARATIONS OF INTEREST

Councillor Duff declared an interest in Items 14 and 16 as a Council appointed Director of Angus Alive. He indicated that he had a specific exclusion and therefore he would participate in any discussion and voting on these items.

Councillor Bell declared an interest in Item 4 as a Non Executive Director of Public Health Scotland and as an elected member on the Board of Angus Health and Social Care Partnership which she had a specific exclusion for. Councillor Bell also declared an interest in Items 6, 7 and 8 as a member of the Integration Joint Board again having a specific exclusion for and as a Board member of Voluntary Action Angus. She indicated that she would participate in any discussion and voting on all these items.

Councillor Devine declared an interest in Items 14 and 16 as a Council appointed Director of Angus Alive. She indicated that she had a specific exclusion and therefore she would participate in any discussion and voting on these items.

3. MINUTES OF COUNCIL AND COMMITTEES

(i) Minutes of Council Meetings

(a) Angus Council

The minute of meeting of Angus Council of 10 September 2020 was submitted and approved as a correct record.

(b) Angus Council (Special)

The minute of the special meeting of Angus Council of 19 October 2020 was submitted and approved as a correct record.

(ii) Minutes of Committees

(c) Development Standards Committee

The minute of meeting of the Development Standards Committee of 15 September 2020 was submitted and noted.

(d) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 17 September 2020 was submitted and noted.

(e) Children and Learning Committee

The minute of meeting of the Children and Learning Committee of 22 September 2020 was submitted and noted.

(f) Scrutiny and Audit Committee

The minute of meeting of the Scrutiny and Audit Committee of 24 September 2020 was submitted and noted.

(g) Communities Committee

The minute of meeting of the Communities Committee of 29 September 2020 was submitted and noted.

4. MOTION IN TERMS OF STANDING ORDER 25 (1)

Prior to consideration of the motion, Susan Duncan addressed the meeting in relation to the importance of mental health and wellbeing and being suicide aware during these very challenging times for everybody. Callum Troup addressed the meeting and explained Penumbra's role and the wider part they played in the suicide prevention network.

Following a number of questions from members, the deputation was thanked for their very informative presentation.

Councillor Bell, seconded by Councillor Speed moved that:-

"This Council notes:

- the importance of mental health, wellbeing and resilience to us all, regardless of where we are on our journeys
- the content of the Healthcare Improvement Services Report 'Review of Adult Community Mental Health Service' published in July:
http://www.healthcareimprovementscotland.org/news_and_events/news/news_tayside_mental_health.aspx
- the new national COSLA-supported campaign to promote mental health, called United To Prevent Suicide, launched by the National Suicide Prevention Leadership Group:
<https://unitedtopreventsuicide.org.uk/?fbclid=IwAR0prCLZIt35vkTEekxu8O0r60qIC-4aU1Jv7tCOq29e62NDrjHFXrZHvNo>
- the additional impact of COVID19 on the mental health and wellbeing of our citizens and employees
- the value of the care and support provided to people across Angus during COVID19 across all sectors

This Council was asked to:

- recognise that our services should be designed on the principle that they are holistic and wrap around each individual and that one size does not fit all
- commit to destigmatise mental ill health and challenges that affect us all

- support and endorse the national campaign, 'United To Prevent Suicide' in all that we do, including training for staff
- support the Tayside Mental Health and Wellbeing Strategy Group and Change Programme by ensuring the development of a strong Angus strategy, engaging with people, patients and services across the partnerships – this will provide us the 'how we do this' road map
- acknowledge the importance of the work of the Listen, Learn, Change programme resulting from publication of the Strang Report
- monitor the additional impact of COVID19-related issues, particularly mental health, domestic abuse, hunger and poverty, on our communities
- ensure our joint services across partnerships, including the Angus Health and Social Care Partnership, the NHS, the third sector, Police Scotland, Scottish Fire and Rescue Service and independent service providers can adequately support people to thrive in their recovery. with a particular emphasis on prevention and early intervention in our communities
- note that the above measures will be taken forward within existing resources

Councillor Lawrie referred to the aspect of Councillor Bell's motion regarding monitoring the impact of COVID-19 related issues and of including in this addiction and substance misuse.

Having heard from Cllr Bell give the re-assurance that the strategy going forward would take on board that aspect of co-occurring issues, the Council resolved to approve the motion with the addition from Councillor Lawrie.

5. APPOINTMENTS

(i) Children and Learning Committee

The Council resolved to note that Councillor King would replace Councillor McDonald on the Children and Learning Committee.

(ii) Angus Educational Trust

The Council resolved to note that Councillor Whiteside would replace Councillor McDonald on the Angus Educational Trust.

6. ANGUS COMMUNITY PLAN PERFORMANCE REPORT 2019/20

There was submitted Report No 266/20 by the Chief Executive presenting the Angus Community Plan annual performance report for 2019-2020 and highlighting the wealth of activity delivered to achieve the Community Planning vision to make 'Angus a great place to live, work and visit'.

The Angus Community Planning Partnership had changed significantly over the past 12 months due to a new approach to developing services and the COVID-19 pandemic. A lot of work had been done to align local strategies and plans with the Community Plan providing an overarching direction of travel for partners and services. The recent strategies which had been aligned included:

- Angus Local Child Poverty Action Report 2018/19
- Angus Health and Social Care Partnership strategic progress and performance report
- Angus Council Change Programme/Financial Plan

A number of other national strategies and legislation were aligned to the work of the partnership and helped to guide and influence change, these included the Fairer Scotland Duty, Child Poverty (Scotland) Act 2017, Vision for Health Improvement in Scotland and the Local Governance Review.

The Council resolved to approve the Community Plan Annual Performance Report for 2019 - 2020.

7. ANGUS COUNCIL PLAN ANNUAL PERFORMANCE REPORT 2019-20

With reference to Article 5 of the minute of meeting of Angus Council of 17 October 2019 there was submitted Report No 267/20 by the Chief Executive presenting the Angus Council Plan annual performance report for 2019-2020.

The Report indicated that the vision for Angus; 'Angus is a great place to live, work and visit', remained strong and was supported by a set of values and clear priorities for Angus that supported the partnership outcomes for Angus set out in the Community Plan. The priorities remained focused on the four pillars of our economy, our people and our place, alongside the continual drive to improve the efficiency and effectiveness of the council itself.

The impact of the COVID-19 pandemic on council, staff, communities and citizens had been significant and wide reaching. The performance report linked back to the previous Council Plan however made reference to the future planning around resilience and the updated plan tabled in August 2020.

The Council resolved to approve the Angus Council Plan annual performance report 2019-2020.

8. ANGUS JOINT CHILD POVERTY LOCAL ACTION PLAN

There was submitted Report No 268/20 by the Depute Chief Executive presenting to Council for approval the Angus Child Poverty Local Action Report 2020.

The Report indicated that The Child Poverty (Scotland) Act had introduced the requirement for local authorities and each relevant Health Board to jointly prepare and publish a Child Poverty Local Action Report. The report, alongside the mapping, set out the background and current picture in Angus, what actions were being taken to tackle each of the three drivers of poverty and the planned way forward.

This plan was to be read in conjunction with Every Child, Every Chance, The Tackling Child Poverty Delivery Plan 2018-22, which was published on 29 March 2018 at www.gov.scot/everychild

The Council resolved to approve the Angus Joint Child Poverty Local Action Report 2020 prepared in partnership across Angus.

9. FORMAL LOCHSIDE LEISURE CENTRE - CONSULTATION

With reference to Article 8 of the minute of meeting of Angus Council of 7 February 2019, there was submitted Report No 269/20 by the Director of Infrastructure seeking Council agreement on the proposed consultation regarding the future of the former Lochside Leisure Centre, Forfar.

The Report indicated that Section 104 of the Community Empowerment (Scotland) Act 2015 (The Act) required a local authority, before making a decision to dispose of or change the use of a Common Good property, to:

- publish details about the proposed disposal or, as the case may be, the use to which the authority proposes to put the property;
- The details may be published in such a way as the local authority may determine.
- On publishing details about its proposals under subsection (2), the local authority must—
 - (a) notify the bodies mentioned in subsection (5) of Section 104 of the publication, and
 - (b) invite those bodies to make representations in respect of the proposals.
- The bodies mentioned in subsection (5) of Section 104 for Angus Council are any community council whose area consists of or includes the area, or part of the area, to which the property related prior to 16 May 1975, and any community body that is known by the authority to have an interest in the property.

The Inner House of the Court of Session consideration of the former Lochside Leisure Centre case had determined that demolition would be a disposal of the property; and the Court also

determined that the former centre was a Common Good property, albeit funded from the General Fund and regarded as a general fund asset.

In light of the high profile nature of this matter and in order to formalise a proposal for the future of the former leisure centre before progressing directly to a Section 104 consultation, officers were recommending that it was appropriate for the community to have a say in the future use of the centre. A proposal for consultation which would allow this to happen was set out in Appendix 2 to the Report.

Following the Phase 1 informal consultation, a further report would be brought to Council with feedback and to determine an option for the future of the former Lochside Leisure Centre which would form the basis of the formal Section 104 consultation as set out in Appendix 2.

The Report recommended that the Council:

- (i) notes that the decision made by Council on Report 48/19 was set aside;
- (ii) agrees the proposed consultation process and detail set out in Appendix 2 in the Report; and
- (iii) Notes that further reports will be brought to the Council in respect of,
 - (a) The outcome of each phase of the consultation with the public: and
 - (b) options for the future of the former Lochside Leisure Centre

Councillor Macmillan Douglas moved that the Council agrees all of the recommendations in the Report except that the closing date for the Phase 1 Informal Consultation is extended from 31st Jan 2021 to 28th Feb 2021. All linked dates to be similarly moved by one month.(All as detailed in the paper circulated).

The Council resolved to have a 15 minute adjournment to allow all members the opportunity to acquaint themselves with the details of what Councillor Macmillan Douglas was proposing.

The meeting resumed at 3.45pm.

The meeting then heard from Mrs Buchanan, Director of Legal and Democratic Services who clarified that whilst the Report clearly focussed on the statutory requirements under the Community Empowerment Act, in terms of making a final decision, members also had a statutory obligation to have regard to the interests of the residents of the former Burgh of Forfar This was provided for and was in line with the Council's agreed policies and administrative procedures when administering Common Good.

Councillor Macmillan Douglas, seconded by Councillor Davy, moved as an amendment, that the Council agrees all of the recommendations in the Report except that the closing date for the Phase 1 Informal Consultation is extended from 31st Jan 2021 to 28th Feb 2021. All linked dates to be similarly moved by one month.

COUNCILLOR WANN, SECONDED BY COUNCILLOR SALMOND, MOVED AS THE MOTION, THAT THE COUNCIL AGREES THE RECOMMENDATIONS OF THE REPORT.

At this point in the meeting, (the time being 4.55 pm) the Council resolved, in accordance with the provisions of Standing Order 21(8), that the meeting continue to the conclusion of the business. In addition, the Council resolved to have a 10 minute "comfort break" following conclusion of Item 9.

Having heard from a number of members and on a vote being taken, members voted:

For the motion:

Councillors Bell, Boyd, Braes, Devine, Duff, Durno, Hands, King, McDonald, Salmond, Sturrock, Wann and Whiteside (13)

For the amendment:

Councillors Fotheringham, Cheape, Davy, Lawrie, Macmillan Douglas, McLaren, Moore, Myles, Nicol and Speed. (10)

No Vote:

Councillor Fairweather.

The motion was declared carried.

Having given notice of a further amendment prior to the vote, Councillor Moore, seconded by Councillor Cheape, moved that the Council:

- i. Notes that the decision made by Council on Report No 48/19 was set aside,
- ii. Agrees the proposed consultation process and detail set out in Appendix 2 subject to the following changes:-
 - a) That a visual inspection shall be undertaken and any material changes in the condition of the building identified from that inspection shall be shared with Council members prior to any consultation commencing.
 - b) That the visual inspection report on the condition of the building be included in the Information Pack.
 - c) That the informal consultation shall run to the end of February to allow for the Christmas break. (part c being removed following advice from the Director of Legal and Democratic Services)
- iii. Notes that further reports will be brought to the Council in respect of,
 - (a) The outcome of each phase of the consultation with the public: and
 - (b) options for the future of the former Lochside Leisure Centre

Having heard Councillor Wann, as mover of the motion, and Councillor Salmond as his seconder, indicate their agreement that parts ii a) and b) of Councillor Moore's amendment be incorporated into the motion, Councillor Moore and Councillor Cheape agreed to remove their amendment.

The Council resolved to approve the motion, with the additions of ii a) and ii b).

At this stage in the meeting, and having agreed previously, the meeting adjourned for 10 minutes.

The meeting resumed at 6.05pm.

10. PROPOSAL RE EXTERNAL REVIEW OF DECISION TO DEMOLISH THE FORMER LOCHSIDE LEISURE CENTRE

With reference to Article 5 of the minute of the special meeting of Angus Council of 19 October 2020 there was submitted Report No 273/20 by the Chief Executive which executed the decision to bring a report to Council with a proposed remit, timescale, cost, funding and procurement options in terms of an independent external review of all evidence and decisions taken from 2013 to present in determining the decision to demolish Lochside Leisure Centre.

Attached at Appendix 1 to the Report at Table Two were the details of the Three Reviews, their scope, source evidence and the outcomes from the reviews. The evidence would be available for the reviewer and the remit notes that any further evidence required could be accessed through the named key contacts. The reviewer would be free to consider this evidence afresh and reach their own conclusions and recommendations on it.

The Chief Executive then advised members that in relation to Procurement Option 1, Audit Scotland had indicated that they did not have the capacity to undertake this work until well into the New Year and that members would need to take that into account when selecting which option they wished to go for as this could impact on the date for reporting back to members of March 2021, as detailed in the Report.

The Council resolved to approve the remit of the review which was the examination of the decision making and evidence from 2013 to 2020 in determining the decision to demolish the former Lochside Leisure Centre. Procurement Option 3, as detailed in the Report was also approved.

11. INTERIM ARRANGEMENTS: INFORMATION REPORTS - UPDATE

With reference to Article 4 of the minute of meeting of the Special Arrangements Committee of 28 April 2020, there was submitted Report No 270/20 proposing that the interim arrangements with regard to Information Reports cease and the previous practice of Information Reports being submitted to committees be re-established.

As there has been a full cycle of committee meetings officers have taken the opportunity to review the business held at these meetings and assess if there was capacity for Information Reports being considered at these meetings.

It had been concluded that there had not been an increase in the business that was considered at service committees and accordingly it was now considered appropriate that the previous practice of submitting Information Reports to committees be re-established.

The Council resolved that the interim arrangements with regard to Information Reports cease and the previous practice of Information Reports being submitted to committees be re-established.

12. TREASURY MANAGEMENT ANNUAL REPORT 2019/20

With reference to Article 8 of the minute of meeting of meeting of the Scrutiny and Audit Committee of 24 September 2020, there was submitted Report No 231/20 by the Director of Finance detailing the Council's treasury management arrangements, activity and performance during 2019/20, appending the Council's Treasury Management Annual Report 2019/20.

The Report indicated that 2019/20 had seen some significant events that had impacted on treasury operations at both, a local and national level, both in year and going forward, these being Covid-19 pandemic; Public Works Loan Board (PWLB) Interest Rate Increase and Loans Fund Review.

In summary, as a result of sound treasury management activity, the Council was able to meet all of its financial obligations and cashflow requirements during the financial year, without encountering any liquidity problems.

The Council resolved to note the annual report on 2019/20 treasury management activities for Angus Council, attached at Appendix 1 to the Report.

13. PUBLIC BODIES' CLIMATE CHANGE DUTIES: ANGUS COUNCIL ANNUAL REPORT 2019/20

With reference to Article 9 of the minute of meeting of Angus Council of 17 October 2019, there was submitted Report No 271/20 by the Director of Communities giving an overview of Angus Council's compliance with its climate change duties, with measures to improve performance relating to sustainability and climate change.

The Report indicated that Angus Council had duties under Section 44 of the Climate Change (Scotland) Act 2009 to contribute to reducing Scotland's greenhouse gas emissions; to contribute to helping Scotland adapt to a changing climate; and to act in the way that it considers most sustainable. The Act gave the Scottish Ministers powers to require public bodies to report on their compliance with these duties, using a standardised on-line report template to ensure consistency between bodies and over time. Angus Council had submitted its first mandatory report in November 2016, covering the period 2015/16.

The Report template covered the following mandatory topics: profile of reporting body; governance, management and strategy; emissions, targets and projects; adaptation; procurement; validation. Recommended topics relating to wider influence across the Council area were wider impact and influence on greenhouse gas emissions and other notable reportable activity. The Report was largely retrospective, scrutinising performance over the period 2019/20.

The Council resolved:

- (i) to approve the contents of the Report in accordance with the Climate Change (Duties of Public Bodies: Reporting Requirements) Scotland) Order 2015;
- (ii) to agree the content of the Report for submission to the Scottish Government and notes the progress that the Council had made in embedding climate change and sustainability into its policy and operations; and

- (iii) to approve the annual production of a Public Bodies Duty Report summary report to be housed on the Angus Council website and used for wider communication purposes.

14. ANGUS ALIVE UPDATE

With reference to Article 17 of the minute of meeting of Angus Council of 10 September 2020, there was submitted Report No 272/20 by the Director of Strategic Policy, Transformation and Public Sector Reform providing an update in relation to ANGUSalive, including progress with the current recovery plans and the initial steps of the transformation project agreed at Council in September.

Having heard Kirsty Hunter, Chief Executive of ANGUSalive respond to various questions from members, the Council resolved:

- (i) to note the current temporary operating position set out in ANGUSalive's recovery plans included in Appendix 1 to the Report;
- (ii) to agree the interim changes to the Services Specification which would form the content of a formal change notice between the Council and ANGUSalive which would reflect the current temporary operating position included in Appendix 1;
- (iii) to agree to the trial integration of Library services and face-to-face ACCESS services in Arbroath, with these services being delivered from the existing Arbroath Library facility;
- (iv) to note the successful conclusion of the ANGUSalive accounts for 2019/20, and that the projected cash flows for the next 12 months, viewed alongside the package of support measures agreed by the Council, provided assurance that ANGUSalive was considered to be a going concern over this challenging period and up to end of October 2021 when the next assessment would be due; and
- (v) to note that ANGUSalive had made successful applications for external grant funding to contribute to the charity's recovery and renewal planning, amounting to £344,752 (up to 21 October 2020), with details included in Appendix 2 of the report (note: this figure excluded funding received via the Coronavirus Job Retention Scheme and this information would be included in the next update report).

15. EXCLUSION OF PUBLIC AND PRESS

Having heard from Vivien Smith, Director of Strategic Policy, Transformation and Public Sector Reform, the Council resolved, in terms of Standing Order 28(2), that the public and press be excluded during consideration of the following item 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, Paragraph 6.

16. ANGUS ALIVE UPDATE

With reference to Article 14 above, there was submitted Exempt Appendix to Report No 272/20.

The Council resolved to note the progress with the initial steps of the transformation project, including the financial overview information and analysis of performance data currently being progressed as part of the project, all as detailed in section 5 and Appendix 3 (Exempt) of this report.