

## ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** hosted at Angus House, Orchardbank Business Park, Forfar and held remotely on Thursday 17 December 2020 at 2.00 pm.

**Present:** Depute Provost CRAIG FOTHERINGHAM, Councillors JULIE BELL, BRIAN BOYD, KENNY BRAES, DAVID CHEAPE, BRADEN DAVY, LYNNE DEVINE, BILL DUFF, BRENDA DURNO, DAVID FAIRWEATHER, 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, TOMMY STEWART, RON STURROCK, DEREK WANN and BETH WHITESIDE.

Depute Provost FOTHERINGHAM, in the Chair.

Prior to the commencement of the business, the Depute Provost referred to the signing of the Tay Cities deal earlier in the day bringing £26.5 million of funding to Angus. He thanked all Angus Council officers and elected members as well as those from Dundee City, Perth & Kinross and Fife Councils who had been involved in this exciting project and he looked forward to seeing the benefits that the funding would bring not only to Angus but to the neighbouring authorities as well.

### 1. APOLOGIES

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

### 2. DECLARATIONS OF INTEREST

Councillors Devine and Duff each declared an interest in items 15 and 16, Report No 334/20, as Council appointed directors of ANGUSAlive. Each indicated that they had a specific exclusion in terms of the Code of Conduct and that they would therefore participate in any discussion and voting on these items.

Councillor Bell declared an interest in items 9 and 13, Report Nos 328/20 and 332/20 as a non-executive Director of Public Health Scotland. She indicated that she had a specific exclusion in terms of the Code of Conduct and that she would therefore participate in any discussion and voting on the items.

Councillor Boyd declared an interest in item 14, Report No 333/20 as he was business owner. He indicated that he would not participate in any discussion and voting and that he would leave the meeting during consideration of the item.

### 3. MINUTES OF COUNCIL AND COMMITTEES

#### (i) Minutes of Council Meetings

##### (a) Angus Council

The minute of meeting of Angus Council of 5 November 2020 was submitted and approved as a correct record.

##### (b) Special Angus Council

The minute of Special meeting of Angus Council of 27 November 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 27 October 2020 was submitted and noted.

**(d) Policy and Resources Committee**

The minute of meeting of the Policy and Resources Committee of 27 October 2020 was submitted and noted.

**(e) Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 4 November 2020 was submitted and noted.

**(f) Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 11 November 2020 (10.00 am) was submitted and noted.

**(g) Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 11 November 2020 (11.15 am) was submitted and noted.

**(h) Children and Learning Committee**

The minute of meeting of the Children and Learning Committee of 17 November 2020 was submitted and noted.

**(i) Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 24 November 2020 was submitted and noted.

**(j) Communities Committee**

The minute of meeting of the Communities Committee of 24 November 2020 was submitted and noted.

**(k) (Special) Scrutiny and Audit Committee**

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

**(l) Civic Licensing Committee**

The minute of meeting of the Civic Licensing Committee of 26 November 2020 was submitted and noted.

**(m) Scrutiny and Audit Committee**

The minute of meeting of the Scrutiny and Audit Committee of 1 December 2020 was submitted and noted.

**4. MOTION IN TERMS OF STANDING ORDER 25(1) – GOVERNANCE MEMBER/OFFICER WORKING GROUP**

Councillor Moore, seconded by Councillor Boyd, moved that Councillor Cheape be added to the membership of the Governance Member/Officer Working Group.

Having heard Councillor Salmond propose that Councillor Speed also be added to the membership of the Member/Officer Working Group, and Councillor Moore accept the amendment, the Council resolved to approve the motion.

**5. 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 items 16 and 17 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 and 12.

## **6. ANGUS COUNCIL ANNUAL ACCOUNTS 2019/2020 AND ANNUAL AUDIT REPORT TO MEMBERS**

With reference to Article 3 of the minute of Special meeting of the Scrutiny and Audit Committee of 24 November 2020, there was submitted Joint Report No 291/20 by the Chief Executive and the Director of Finance, providing Audit Scotland's Annual Audit Report to Members on the 2019/20 Audit of Angus Council, Robert and William Strang Mortification and Angus Council Charitable Trust and requesting the Council to review the content of Audit Scotland's Annual Audit Report to Members attached to the Report at Appendices A and B.

The Council resolved:-

- (i) to note the contents of Audit Scotland's Annual Audit Report to members, attached as Appendices A and B to the Report; and
- (ii) to record its appreciation of the expeditious manner in which the 2019/20 audit was conducted by the External Auditors and to also gratefully acknowledge the support and assistance provided by staff throughout the council in the successful delivery of an unqualified Audit Certificate.

## **7. TREASURY MANAGEMENT 2020/21 MID-YEAR REVIEW**

With reference to Article 8 of the minute of Special meeting of Angus Council of 3 April 2020, there was submitted Report No 326/20 by the Director of Finance appending a copy of the mid-year review of treasury management activities for the period 1 April to 30 September 2020.

The Report indicated that in the first six months of the 2020/21 financial year the Council had operated within the Treasury Management limits and prudential indicators set out in the Council's 2020/21 Treasury Management strategy statement and in compliance with the Council's Treasury Management practices. There were no policy amendments required to the Treasury Management Strategy based on the latest economic position or budgetary changes already approved.

The Council resolved to note the Angus Council mid-year review of Treasury Management activities for the period 1 April to 30 September 2020, attached as Appendix 1 to the Report.

## **8. COUNCILLOR'S CODE OF CONDUCT: CONSULTATION 2020**

There was submitted Report No 327/20 by the Director of Legal and Democratic Services detailing a proposed response to the consultation on possible revisions to the Code of Conduct for Councillors.

The Report indicated that the aim was to produce a Code that was fit for purpose and would ensure the highest standards of conduct by councillors to maintain and strengthen the trust of those they were elected to serve. The key changes to the Code were detailed within Section 4 of the Report.

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

- (i) to authorise the Director of Legal and Democratic Services to submit the response, as detailed in Appendix 1 to the Report, to the Scottish Government on behalf of Angus Council; and
- (ii) to include within the submission a request that Appendix 2, Annex B 'Definitions' be amended to alphabetical order.

## **9. ANGUS COUNCIL WINTER 2020 AND COVID-19 RESPONSE AND PREPAREDNESS**

With reference to Article 12 of the minute of meeting of Angus Council of 10 September 2020, there was submitted Report No 328/20 by the Chief Executive advising of the ongoing response to Covid-19 and the operational arrangements that had been put in place to manage the potential worst-case scenario and concurrent resilience risks over winter 2020 in the context of the Coronavirus pandemic.

Based on an analysis of the current situation and the projected worst-case scenario, the Chief Executive had made a number of decisions relating to operational matters, primarily regarding the deployment of staff to ensure the preparedness of the Council. These decisions had a range of impacts on all council services and could be summarised as the operating environment experienced during lockdown in spring 2020 with the associated redeployment of resources, suspension of business as usual and reprioritisation of council activity.

The Council was therefore requested to grant delegation to the Chief Executive in the event that urgent action was required to be taken without time for recourse to elected members for approval, as detailed in Section 5 of the Report.

Having heard a number of members praise the work of the staff, the Council resolved:-

- (i) to note the ongoing response to Covid-19;
- (ii) to note the operational arrangements that had been put in place to manage potential concurrent worst-case scenario resilience risks over winter 2020 in the context of the Coronavirus pandemic;
- (iii) to note the impact that those arrangements could have on council services over the winter period;
- (iv) to delegate to the Chief Executive the powers outlined in Section 5 of the Report; and
- (v) to note that update reports would be provided to Council as appropriate.

#### **10. ANGUS SCHOOLS FOR THE FUTURE – PROGRAMME UPDATE**

With reference to Article 4 of the minute of Special meeting of the Children and Learning Committee of 5 September 2019, there was submitted Report No 329/20 by the Director of Education and Lifelong Learning providing an update on the Angus Schools for the Future Programme, and also providing further detail about proposed developments to the Monifieth Learning Estate.

Having heard from a number of members in relation to the programme, the Council resolved:-

- (i) to note the conclusion of the legacy Arbroath Schools Project;
- (ii) to note the conclusion of the Brechin Rural Schools Project;
- (iii) to approve the identification of a replacement Monifieth High School as the Council's current priority project for the national Learning Estate Investment Programme and to note that a submission for funding had been made to the Scottish Government identifying a new build Monifieth High School as the priority project;
- (iv) to agree that Grange Primary School was not within scope for the current priority project identified for Monifieth High School and it be reprioritised to Phase 3 (2023-28) of Angus Schools for the Future;
- (v) to note the current status of proposals for Mattocks and Liff Primary Schools, as detailed in the Report;
- (vi) to approve the development of an outline plan for public engagement activities as part of the plans for Monifieth High School and to delegate authority to the Director of Education and Lifelong Learning to undertake this;
- (vii) to agree that in the event that Angus Council was not successful in securing funding support via the Scottish Government national Learning Estate Investment Programme, officers be authorised to progress with developing an alternative programme of work for the Angus learning estate, within existing identified resources, to bring to Elected Members for approval;
- (viii) to agree that the scope of the Arbroath Secondary Schools project be amended as detailed in the Report and would focus on an innovative campus model while retaining the identities of the existing learning estate in the town;

- (ix) to note that the timescale for bringing forward proposals for the Arbroath Secondary Schools project would be 2023; and
- (x) to agree that the project timescale for bringing forward proposals for the Reimagining Montrose project be extended to 2025.

## **11. DEVELOPING THE COUNCIL'S APPROACH TO CONSULTATION AND ENGAGEMENT ON OUR PLANS & BUDGETS**

There was submitted Joint Report No 330/20 by the Director of Strategic Policy, Transformation and Public Sector Reform and the Director of Finance seeking approval of proposals for developing the communication and consultation processes for the Council's plans and budgets over the medium-term including options for the 2021/22 planning and budgeting cycle.

The Report identified options which included using some online consultation tools with a view to enabling the Council to undertake more detailed consultation and engagement in future years, subject to member agreement.

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

- (I) TO NOTE THE PROPOSALS FOR DEVELOPING THE COUNCIL'S APPROACH TO CONSULTATION AND ENGAGEMENT ON ITS PLANS AND BUDGETS OVER THE MEDIUM TERM AS SET OUT IN THE REPORT;
- (II) TO NOTE THE 3 OPTIONS WHICH HAD BEEN IDENTIFIED FOR THE 2021/22 PLANNING AND BUDGETING CYCLE AS SET OUT IN SECTION 4 OF THE REPORT, INCLUDING THE TIMESCALES AND WHAT THOSE OPTIONS WOULD MEAN FOR FINALISING THE PLANS AND BUDGETS IN LATE FEBRUARY 2021;
- (III) TO NOTE THAT ALTHOUGH CHALLENGING DUE TO THE TIMESCALES INVOLVED OFFICERS CONSIDERED OPTION 1 TO BE THE BEST APPROACH ON THE BASIS THIS WOULD ALLOW VIEWS TO BE EXPRESSED INITIALLY TO INFORM 2021/22 PLANS AND BUDGETS AS WELL AS MORE GENERALLY TO INFORM FUTURE PRIORITIES AND PLANS;
- (IV) TO ADOPT OPTION 3, AS DETAILED IN SECTION 4 OF THE REPORT;
- (V) TO NOTE THAT THE CONTENT FOR THE SIMULATOR AND SOCIAL PINPOINT WOULD BE THE SUBJECT OF A FURTHER REPORT PRIOR TO THE SUMMER RECESS IN JUNE 2021; AND
- (VI) TO NOTE THE INTENTION TO INCREASE THE SCOPE AND SCALE OF PUBLIC CONSULTATION AND ENGAGEMENT IN FUTURE YEARS AS SET OUT IN SECTION 3 OF THE REPORT, WHICH WOULD BE SUBJECT TO FURTHER REPORTS AND SEPARATE APPROVAL PROCESSES AT THE APPROPRIATE TIME.

Councillor Devine, seconded by Councillor Duff, moved as an amendment, that the Council resolves:-

- (i) to note recommendations (i)-(iii) as detailed above;
- (ii) to adopt option 2, as detailed in Section 4 of the Report;
- (iii) to approve the draft intended content for Social Pinpoint in Appendix B noting this may be subject to some minor final edits and corrections as part of uploading the content into the online tool;
- (iv) to note the intention to offer, by exception, a paper version to anyone wishing to participate but who was unable to use the online tools; and
- (v) to note the intention to increase the scope and scale of public consultation and engagement in future years set out in Section 3 of the report which would be subject to further reports and separate approval processes at the appropriate time.

On a vote being taken, the members voted:-

For the motion:-

Depute Provost Fotheringham, Councillors Davy, Fairweather, Lawrie, Lumgair, MacMillan Douglas, McLaren, Moore, Myles, Nicol, Salmond, Speed, Stewart, Sturrock and Wann (15).

For the amendment:-

Councillors Bell, Boyd, Braes, Cheape, Devine, Duff, Durno, Hands, King, McDonald and Whiteside (11).

The motion was declared carried and the Council resolved accordingly.

**12. STATUTORY BIODIVERSITY DUTY REPORT ON DELIVERY – 1 JANUARY 2018 TO 31 DECEMBER 2020**

With reference to Article 8 of the minute of meeting of Angus Council of 30 January 2018, there was submitted Report No 331/20 by the Director of Communities presenting the statutory biodiversity duty report on delivery for 1 January 2018 to 31 December 2020.

The Report highlighted progress made by the Council regarding its work to further the conservation of biodiversity when carrying out their functions under the Nature Conservation (Scotland) Act 2004 and The Wildlife and Natural Environment (Scotland) Act 2011.

Attached as Appendix 1 to the Report was an update on the last three year's progress in taking forward the Scottish Biodiversity Strategy 2020 Challenge for Scotland's Biodiversity published in 2013 and Scotland's Biodiversity – a Route Map to 2020 published in 2015.

Having heard a number of members welcome the excellent Report, the Council resolved:-

- (i) to approve the contents of the Report for submission to the Scottish Government; and
- (ii) to approve the publication of the Report on the Angus Council website.

**13. ANGUS LOCAL DEVELOPMENT PLAN ACTION PROGRAMME 2020 UPDATE**

With reference to Article 16 of the minute of meeting of Angus Council of 10 September 2020, there was submitted Report No 332/20 by the Director of Communities seeking approval of the updated Action Programme for the Angus Local Development Plan which detailed progress with the implementation of the plan.

The update provided a snapshot of progress and current activity towards implementing the Angus Local Development Plan. It had been prepared in consultation with parties indicated as contributing to delivery of the actions, drawing on progress updates from landowners/ developers through regular monitoring activities including the housing and employment land audits and live action programme.

The Council resolved:-

- (i) to approve the Angus Local Development Plan Action Programme - 2020 Update for adoption, submission to Scottish Ministers and publication, as detailed in Appendix 1 to the Report; and
- (ii) to delegate authority to the Service Lead - Planning and Communities to make minor formatting and drafting changes if required.

*Having declared an interest at Article 2 above, Councillor Boyd left the meeting during consideration of the following item.*

#### 14. SCOTTISH GOVERNMENT DISCRETIONARY BUSINESS SUPPORT GRANT AND WINTER HARDSHIP PAYMENT AND FUTURE NATIONAL GRANT AND PAYMENT SCHEMES

There was submitted Joint Report No 333/20 by the Director of Strategic Policy, Transformation and Reform and the Director of Finance seeking approval to administer, on behalf of Scottish Government, a Discretionary Business Support Grant Scheme and to delegate establishing criteria for awarding such grants (in so far as not set by Scottish Government) to the Director – Strategic Policy, Transformation and Public Sector Reform following consultation with the Director of Finance, the Leader and Deputy Leader of the Administration and Leader of Non-Administration; and to delegate approval of grants of over £1000 to named officers responsible for verification of business grant applications.

The Report also sought delegated authority for the Director of Finance to make winter hardship payments on behalf of the Scottish Government, and to administer and arrange payments whether under grant schemes or otherwise, where the Scottish Government was funding such payments in light of the fact that Scottish Councils were being requested to facilitate various payments under grant schemes and otherwise by Scottish Government, both during the COVID pandemic and beyond.

The requests for delegation would ensure officers could move swiftly to process and disperse grants and other payment schemes as soon as practicable after Scottish Government finalise the same.

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

- (i) to note that Councils were being asked by the Scottish Government to administer a further scheme of business support grants arising from the COVID-19 pandemic but in this instance with a degree of local discretion to be applied in establishing criteria for awarding such grants;
- (ii) to note the details of the Council's allocation from the Scottish Government for this proposed scheme of business support grants;
- (iii) to note the guidance under which the scheme required to be used was awaited;
- (iv) to delegate to the Director – Strategic Policy, Transformation and Public Sector Reform, following consultation with the Director of Finance, the Leaders of the Administration and Non-Administration and the Deputy Leader of the Administration, authority to establish and implement a Discretionary Business Support Fund scheme as outlined in the Report (including establishing criteria for awarding such grants) subject to confirmation of funding, guidance and criteria from Scottish Government;
- (v) to delegate authority to the Service Leader – Strategic Policy and Economy, Manager – Economic Development, Team Leader Economic Development and Manager - Strategic Policy and Planning, to approve applications of over £1,000 should that be required for the scheme;
- (vi) to note the scale of support to be provided under the scheme would depend on the national and local criteria to be applied;
- (vii) to note that Councils were being asked by the Scottish Government to make a £100 winter hardship payment to eligible families, as set out in Section 3 of the Report, fully funded by the Scottish Government;
- (viii) to delegate to the Director of Finance, following consultation with the Director of Education and Lifelong Learning, (including the right to sub-delegate this delegation), authority to make the winter hardship payment of £100 per child to eligible families in line with the Scottish Government's eligibility criteria and on the basis set out in Section 5 of the Report, including the right to sub-delegate this delegation;
- (ix) to note that Scottish Councils were being asked to facilitate various payments under grant schemes and otherwise by Scottish Government, both during the COVID pandemic and beyond, which payments were funded by Scottish Government directly;

- (x) to delegate to the Director of Finance, (including the right to sub-delegate this delegation), authority to administer and arrange payments whether under grant schemes or otherwise where the Scottish Government was funding such payments and had requested that local authorities in Scotland administer the payments, provided that such administration did not require additional resources to be paid for by Angus Council and that a follow up Report be brought to Council or the relevant Committee or Sub-Committee confirming the detail of such payments).

*Councillor Boyd was re-admitted to the meeting.*

#### **15. ANGUS ALIVE: UPDATE**

With reference to Article 14 of the minute of meeting of Angus Council of 5 November 2020, there was submitted Report No 334/20 by the Director of Strategic Policy, Transformation and Public Section Reform providing an update in relation to ANGUSalive, including progress with the current operating plans and the ongoing development of the transformation project previously agreed by the Council.

*Having agreed at Article 5 above to exclude the public and press during consideration of the following items, the Committee agreed that final consideration of Report No 334/20 would be taken in private following consideration of Appendix 3 (Exempt).*

*Councillor Nicol left the meeting at this stage.*

#### **16. ANGUS ALIVE UPDATE**

With reference to Article 15 detailed above, there was submitted exempt Appendix to Report No 334/20 providing summary performance information.

Kirsty Hunter, Chief Executive of ANGUSalive, provided a further verbal update and answered members' questions. Thereafter, the Council resolved:-

- (i) to note the current temporary operating position set out in ANGUSalive's operational plans detailed in Appendix 1 to the Report;
- (ii) to approve the interim changes to the Services Specification which would form the content of a formal change notice between the Council and ANGUSalive and would reflect the current temporary operating position detailed in Appendix 1 to the Report;
- (iii) to note the work that the ANGUSalive team had been doing in these most challenging of circumstances to keep services running wherever possible, along with the current operating position update, all as detailed in Section 4 of the Report;
- (iv) to note the contribution ANGUSalive had made to support the local response to the pandemic, including HAART, Food Hubs, ACCESSline and Test & Protect;
- (v) to agree that the £458,000 2020/21 Change Programme savings target for ANGUSalive continued to be set aside as part of the budget planning for 2021/22;
- (vi) to note that ANGUSalive had made successful applications for external grant funding, including government support schemes, to contribute to the charity's short term business viability, amounting to £1,811,935.65 up to 20 November 2020, all as detailed in Appendix 2 to the Report; and
- (vii) to note the progress with the ongoing development of the transformation project, including the analysis of performance data currently being progressed as part of the project, all as detailed in Section 5 and Appendix 3 (Exempt) of the Report.

#### **17. UPDATE ON LEGAL MATTER**

There was submitted Joint Report No 335/20 by the Director of Legal and Democratic Services and the Director of Infrastructure providing an update in relation to an ongoing legal matter.

The Council resolved to approve the recommendations, as detailed in the Report.