

## ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held remotely on Thursday 18 March 2021 at 2.00 pm.

**Present:** Depute Provost CRAIG FOTHERINGHAM, Councillors JULIE BELL, BRIAN BOYD, KENNY BRAES, COLIN BROWN BEM, 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 reminded members that it was currently the pre-election period in light of the forthcoming Scottish Parliament Elections on 6 May. All members had received a copy of the Council's pre-election guidance and particular reference was made to Section 5 of the guidance which covered publicity including online Council or Committee meetings. He reminded members to be mindful of the legal requirements in their discussion and debate during the meeting.

In light of a request for a deputation, the Depute Provost advised that should Council agree to grant the request, it was important that anything said would not adversely impact any future Community Asset Transfer (CAT) application that may come forward and to help avoid this, any body or person speaking at Council should not go into the specifics of any potential CAT application as the Council could not make any decision at this stage to support specifically any potential CAT application.

The main reasons for this was that Community Asset Transfers had a legal process that must be followed, and this involved complying with criteria including a public consultation. Also elected members, some of whom would be responsible in future for determining any specific application, might well be seen as pre-judging and favouring a particular future CAT, over any other CATS and alternative proposals which must also be considered as part of the CAT process.

### 1. APOLOGY

An apology for absence was intimated on behalf of Provost Ronnie Proctor MBE.

### 2. REQUEST FOR DEPUTATIONS

The Convener intimated that a request for a deputation had been received from Mr Mark Guild in relation to Item 7 – External review of decision to demolish the former Lochside Leisure Centre (Report No 97/21). He also advised that a request for a deputation had been received from Mr Mark Guild and Mr Alistair Wilson, Chairman of Station Park Community Trust in relation to Item 8 – Lochside Leisure Centre – initial consultation outcome and next steps (Report No 98/21).

The Council resolved to receive the deputation from Mark Guild in relation to item 7 below and also resolved to receive the deputation from Mr Mark Guild and Mr Alistair Wilson, Chairman of Station Park Community Trust in relation to item 8 below. It was agreed that the deputations be taken prior to consideration of the relevant items.

### 3. DECLARATIONS OF INTEREST

Councillor McMillian Douglas declared an interest in items 7, Report No 97/21 and Item 8, Report No 98/21 as over the last number of weeks he had met with Mr Guild. He indicated that he would not participate in any discussion and voting and would leave the meeting during consideration of the items.

Councillors Devine, Duff and Wann each declared an interest in item 15, Report No 105/21 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 that item.

Councillors Duff and Fairweather each declared an interest in item 5, Report No 95/21 and item 16 Report 106/21 as a Council appointed member of Tay Cities Deal Joint Board. 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 that item.

Councillor Myles declared an interest in item 13, Report No 103/21, as being an active farmer, he had an interest in the Angus Food Growing Strategy and Action Plan. He indicated that he would take part in any discussion and voting on the item.

Councillors Fotheringham and Lawrie each declared an interest in Item 14, Report No 104/21 as Council appointed directors of Monifieth Golf Links Management Committee. 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 that item.

Councillor Brown declared an interest in items 7, Report No 97/21 and Item 8, Report No 98/21, as he had previously been involved in setting up the initial meeting to view the former Lochside Leisure Centre in February 2018. Councillor Brown also intimated that he was a member of Station Park Community Trust. He indicated that he would not participate in any discussion and voting and would leave the meeting during consideration of these items.

Councillor Salmond declared an interest in item 18, Report No 107/21, and advised that he would fully explain the nature of his interest during the exempt part of the business. He indicated that he would not participate in any discussion and voting and would leave the meeting during consideration of the item.

#### **4. MINUTES OF COUNCIL AND COMMITTEES**

##### **(i) Minutes of Council Meetings**

###### **(a) Angus Council**

The minute of meeting of Angus Council of 11 February 2021 was submitted and approved as a correct record.

##### **(ii) Minutes of Committees**

###### **(b) Policy and Resources Committee**

The minute of meeting of the Policy and Resources Committee of 8 December 2020 was submitted and noted.

###### **(c) (Special) Policy and Resources Committee**

The minute of the special meeting of the Policy and Resources Committee of 28 January 2021 was submitted and noted.

###### **(d) Policy and Resources Committee**

The minute of meeting of the Policy and Resources Committee of 2 February 2021 was submitted and noted.

###### **(e) Development Standards Committee**

The minute of meeting of the Development Standards Committee of 9 February 2021 was submitted and noted.

###### **(f) (Special) Communities Committee**

The minute of the special meeting of the Communities Committee of 9 February 2021 was submitted and noted.

###### **(g) Children and Learning Committee**

The minute of meeting of the Children and Learning Committee of 16 February 2021 was submitted and noted.

**(h) Civic Licensing Committee**

The minute of meeting of the Civic Licensing Committee of 18 February 2021 was submitted and noted.

**(i) Communities Committee**

The minute of meeting of the Communities Committee of 23 February 2021 was submitted and noted.

**(j) Scrutiny and Audit Committee**

The minute of meeting of the Scrutiny and Audit Committee of 2 March 2021 was submitted and noted.

**5. INFORMATION REPORT – TAY CITIES DEAL PROJECTS WITHIN ANGUS**

With reference to Article 7 of the minute of meeting of Angus Council of 19 October 2020, there was submitted Report No 95/21 by the Director of Strategic Policy, Transformation and Public Sector Reform which provided key background information relating to the Tay Cities Deal projects within Angus delivered by the Strategic Policy & Economy service for the period October 2020 to March 2021.

Having heard from a number of members who welcomed the Report and having heard the Director of Strategic Policy, Transformation and Public Sector Reform respond to various questions from members, the Council resolved to note the contents of the Report.

**6. INFORMATION REPORT – ANGUS COUNCIL DIGITAL STRATEGY**

With reference to Article 7 of the minute of meeting of Angus Council of 10 May 2018, there was submitted Report No 96/21 by the Director of HR, Digital Enablement, IT & Business Support which provided an update on the Angus Council Digital Strategy approved by Council in 2018 and information to members with regard to Digital Enablement and IT projects and developments underpinning the Council's response to COVID-19.

There was one schedule which contained key background information relating to services and enabling projects delivered by Digital Enablement and IT for the period May 2018 to February 2021.

The schedule described the work ongoing to enable highly accessible digital delivery across Angus Council and the Angus county and included the impact of COVID-19 which had increased residents' demands for digital services and enabled acceleration of some of the targets in the strategy, in particular the rollout and adoption of digital processes and remote collaboration.

It also provided an outline of the next phases of digital development reflecting the changing needs across Angus Council and partner organisations, facilitating, and sustaining the move to operating and collaborating with partners remotely and the increasing expectations of residents and businesses.

Having heard from the Service Leader, Digital Enablement and IT, the Council resolved to note the contents of the Report.

*Having declared an interest at Article 3 above, Councillors Brown and McMillan Douglas left the meeting during consideration of items 7 & 8 including the deputations.*

**Deputation**

With reference to Article 2 above, the Council received a deputation from Mark Guild, in relation to the following item and he spoke on the contents and findings of the independent external review undertaken by Azets on the decision to demolish the former Lochside Leisure Centre.

Mr Guild asked the reasons why he had not been given the opportunity to meet with the auditors and advised that he had not been made aware that this review was happening. He questioned if Azets external review relating to decisions taken regarding the demolition of the former Lochside Leisure Centre met the requirement for independence agreed at Council on 5 November 2020.

Following the deputation, and noting that there were no question by members, the Depute Provost thanked Mr Guild.

## **7. EXTERNAL REVIEW OF DECISION TO DEMOLISH THE FORMER LOCHSIDE LEISURE CENTRE**

With reference to Article 10 of the minute of meeting of Angus Council of 5 November 2020, there was submitted Report No 97/21 by the Chief Executive which presented to Members the independent external review report produced by Azets relating to decisions taken by the Council from 2013 to present in determining the decision to demolish Lochside Leisure Centre.

Mr Bennett, on behalf of Azets, provided an overall summary of the review report which had concluded that: -

- (i) based on the review of evidence, the decision by the Council on 7 February 2019 to approve the demolition of Lochside Leisure Centre had not been unreasonable;
- (ii) three weaknesses had been identified, as detailed in the report, none of which were significant in nature; and
- (iii) the main lesson to be learned was the importance of producing options appraisals to support decision-making. It was recommended that Management develop formal guidance for the documentation of options appraisals and that documentation of options in Council and Committee papers be proportionate to the nature of the decision being made.

He advised that an Action Plan had been agreed setting out Azets' recommendations and the Council's response, detailing what would be done and setting out responsible officers and timescales for completion.

Discussion took place and Mr Bennett and Mr Kelly answered a number of questions from members during which Mr Bennett confirmed that following consideration of their involvement against the ethical guidance they had concluded that they had no conflicts of interest in relation to the review.

Mr Bennett also advised that during their investigations they had reviewed significant volumes of documentation including reports and minutes and had met with 5 senior officers of the Council and reviewed recordings of remote meetings where Lochside Leisure Centre had been considered.

Mr Kelly advised that during the review substantial information received from Mr Guild had been considered and it was felt that they had sufficient evidence and did not require any further information.

The Council resolved: -

- (i) to note the contents of the independent external review report attached as Appendix 1 to the Report; and
- (ii) to note the actions already taken and to be taken in light of the report findings.

### **Deputation**

With refence to Article 2 above, the Council received a deputation from Mark Guild and Alistair Wilson, Chairman of Station Park Community Trust in relation to Report No 98/21. Mr Guild spoke on the results of the recent public consultation which indicated that 64.1% of the local community wished to see the building retained and requested access to the former Lochside Leisure Centre to enable various engineers to assess the extent of the works required to make the building fit for purpose and enable costs to be obtained for these works. Mr Guild indicated

that he would propose to create a charitable trust and, or, to work with other charitable trusts in existence. He was happy to work with anyone for the benefit of the community and was also prepared to consider a Community Asset Transfer. Mr Wilson advised members that the Station Park Community Trust, which was a relatively new Trust, was currently looking at different ways to increase public facilities, including the feasibility of sports groups and other groups being able to access the facilities and to work with other groups to improve the facilities for all. He hoped that he would be able to come back with a proposal that would show a sound business case for the future of the Lochside Leisure Centre.

Following the deputation, a number of members asked questions of Mr Guild and Mr Wilson.

The Depute Provost thanked Mr Guild and Mr Wilson for attending.

## **8. LOCHSIDE LEISURE CENTRE – INITIAL CONSULTATION OUTCOME AND NEXT STEPS**

With reference to Article 9 of the minute of meeting of Angus Council of 5 November 2020, there was submitted Report No 98/21 by the Director of Infrastructure which updated members on the outcome of the initial consultation regarding the future of the former Lochside Leisure Centre, Forfar and the land on which it sits; to determine the Council's proposals for the building and land; and to agree to progress to formal consultation under Section 104 of the Community Empowerment (Scotland) Act 2015.

The Report indicated that the initial consultation as detailed in Appendix 1 to the Report had been launched on 3 December 2020 with a media release and social media post. Further details on the consultation and social media interactions were detailed in Appendix 2 to the Report. It was noted that the initial consultation closed on 31 January 2021 and a breakdown of the 334 responses were summarised within the Report with any additional suggestions submitted as part of the consultation being included in full within Appendix 3 of the Report.

The Director of Infrastructure was then heard on the possibly of arranging access to the former Lochside Leisure Centre for the purposes of assessing the condition of the building by various engineers after which the Director of Legal and Democratic Services provided advice to members.

Much discussion took place on the various options available and the Director of Finance provided advice on the financial implications and advised that work was ongoing to develop the accounting policies and a report would be submitted to the Council meeting in May 2021.

Thereafter, Councillor Davy, seconded by Councillor McLaren, moved that this Council:

Defer consideration of the Report until the Council meeting on 13 May 2021 and that a further report be brought to Angus Council regarding the new accountancy procedures for Angus Council in regard to the Court of Session's ruling. This would allow for the full financial impact on Angus Council and the Forfar Common Good fund to be assessed before deciding on preferred options.

*At this stage in the meeting (16.30), the Council resolved to adjourn the meeting for 15 minutes to allow the members to consider the terms of Cllr Davy's proposal which had been circulated along with the financial implications.*

*The meeting resumed at 16.45.*

Having heard further from Councillor Davy, the Council thereafter resolved: -

- (i) to defer consideration of the Report until the Council meeting on 13 May 2021 and that a further report be brought to Angus Council regarding the new accountancy procedures for Angus Council in regard to the Court of Session's ruling. This would allow for the full financial impact on Angus Council and the Forfar Common Good fund to be assessed before deciding on preferred options; and
- (ii) that any interested parties be given access to the former Lochside Leisure Centre for the purposes of assessing any works and costs.

*Councillors Brown and McMillan Douglas re-joined the meeting.*

## **9. ANGUS COUNCIL TIMETABLE OF MEETINGS AUGUST 2021 - JUNE 2022**

With reference to Article 8 of the minute of meeting of Angus Council of 11 February 2021, there was submitted Report No 99/21 by the Director of Legal and Democratic Services setting out a timetable of meetings from August 2021 - June 2022.

The Council resolved to approve the timetable of meetings covering the period August 2021 – June 2022, attached as Appendix 1 to the Report.

*At this point in the meeting, (the time being 16.52) the Council resolved, in accordance with the provisions of Standing Order 21(8), that the meeting continue to the conclusion of the business.*

## **10. REVIEW OF REMOTE MEETINGS ARRANGEMENTS**

With reference to Article 9 of the minute of Angus Council of 11 February 2021 there was submitted joint Report No 100/21 by the Director of Legal and Democratic Services and the Director of HR, Digital Enablement, IT and Business Support which updated members in relation to remote meetings arrangements.

The Report advised that in order to comply with the requirements of General Data Protection Regulations, it was recommended that the Council holds recordings of such meetings for a period of 12 months from the date of the meeting and it was proposed that appropriate advance notifications were issued to relevant participants, for example, parties to deputations or applicants/objectors at a planning meeting to say that recordings of the meeting would be available on the selected media platform for the agreed period.

The Report also recommended that the Council continue with the move to MS Teams to comply with security requirements and enable feature development. This would involve a phased approach of moving committee meetings to MS Teams during March and April to allow adequate time to agree the functionality and procedures and for elected members to become more familiar with the use of MS Teams in a committee setting.

Discussion took place and members expressed their desire to retain the recorded meetings for a longer period and that the possibility of Hybrid meetings be considered as a possible way forward once Covid-19 restrictions were eased.

The Council resolved: -

- (i) to agree to continue to hold Council and Committee meetings on a remote basis;
- (ii) to agree that for the reasons outlined within the report, Microsoft Teams would be the default platform used for all Council and Committee meetings while such meetings were being held remotely; and
- (iii) to note that a further report would be brought to Council on 24 June 2021 so that the arrangements for remote meetings may be reviewed and a decision be made on the retention of recorded Council and Committee meetings on YouTube.

## **11. TREASURY MANAGEMENT STRATEGY STATEMENT 2021/22**

There was submitted Report No 101/21 by the Director of Finance seeking members approval of the proposed Treasury Management Strategy for Angus Council in 2021/22. The production of a Treasury Management Strategy Statement for the forthcoming financial year was a requirement of the Treasury Management in the Public Services Code of Practice issued by the Chartered Institute of Public Finance and Accountancy. The Report also presented the 2021/22 Treasury Management Strategy Statement for review by the Scrutiny and Audit Committee.

The Council resolved: -

- (i) to approve the proposed Treasury Management Strategy Statement and Annual Investment Strategy for 2021/22, attached as Appendix A to the Report;
- (ii) to approve the amended policy for the statutory repayment of loans fund advances, as laid out in paragraph 5.5 of Appendix A to the Report;

- (iii) to approve the Treasury Indicators as detailed in Appendix A – Annex D (Tables 2 and 3) to the Report; and
- (iv) to note that a further Report would be brought back before Council should the Scrutiny and Audit Committee provide any commentary that could require any change to the 2021/22 strategy.

## **12. ECONOMIC DEVELOPMENT LAND AND PROPERTY STRATEGY 2021 - 2030**

There was submitted Report No 102/21 by the by the Director of Strategic Policy, Transformation & Public Sector Reform which related to the proposed strategy 2021 to 2030 for the Economic Development Land and Property portfolio and sought approval for officers to progress recommendations in the Action Plan.

The Report advised that there had never been a formal review of the economic development land and property portfolio and there had been no investment in new employment land since 2008 and there was now a shortage of options to satisfy business needs.

The strategy, appended as Appendix 1 to the Report reviewed Angus Council's economic development land and property portfolio, the wider commercial property market and the economic climate in which it operated and made recommendations to be implemented over the next 10 years, subject to committee approval, with the aim of ensuring that Angus maintained its positive economic position and benefits from existing and emerging growth sectors.

Having heard from the Service Leader – Strategic Policy and Economy and a number of members, the Council resolved: -

- (i) to approve the Economic Development Land and Property Strategy as appended to the Report and authorised officers to progress the recommendations in the Action Plan and bring back reports to committee in due course for those recommendations requiring a decision.

## **13. ANGUS FOOD GROWING STRATEGY & ACTION PLAN**

There was submitted Report No 103/21 by the Director of Strategic Policy, Transformation & Public Sector Reform which advised members that the Community Empowerment (Scotland) Act 2015 required every local authority to prepare a food growing strategy for its area to identify land that could be used to grow food and describe how provision for community growing, in particular in areas which experienced socio-economic disadvantage, could be increased.

The Report indicated that the Angus Food Growing Strategy, as detailed in the Appendix to the Report, met the requirements set out in the Scottish Government guidance and reflected local priorities and ambition. The strategy supported the work of the Angus Community Planning Partnership and was part of an exciting movement encouraging a healthy relationship to local food which was accessible to all and which was good for people, businesses and the environment.

Having heard from the Director of Strategic Policy, Transformation & Public Sector Reform in relation to the first Angus Food Growing Strategy, and from a number of members who welcomed the Report, the Council resolved: -

- (i) to approve the Strategy and appendices as attached to the Report, prepared in partnership across Angus; and
- (ii) to support the proposed implementation through the Angus Community Planning Partnership.

#### **14. GOLF MEMBER/OFFICER GROUP – INTERIM PROGRESS REPORT AND RECOMMENDATIONS FOR CHANGE FROM MONIFIETH GOLF LINKS MANAGEMENT COMMITTEE**

With reference to Article 10 of the minute of meeting of Angus Council of 12 August 2020, there was submitted Report No 104/21 by the Director of Strategic Policy, Transformation & Public Sector Reform which advised members that the remit of the Angus Council Golf Member/Officer Working Group (MOG) which was established in 2019 had been expanded and timescales extended to take into account the effect of COVID-19 on resources, and the impact the pandemic had had on the five golf course businesses involved in the review.

A sub-group of MOG representatives were working with external consultants and colleagues across the council to work with the boards to develop a strategy and action plan. Meantime, a request for change to the Memorandum and Articles of Association of Monifieth Golf Links (MGL) had been received and considered by the MOG sub-group and was now presented for consideration.

The Council resolved:

- (i) to approve the proposed changes to the Memorandum and Articles of Association as requested by Monifieth Golf Links Ltd. This would support their continued progress towards a more streamlined governance structure, assist their speed of response for recovery post COVID-19 and build for a more sustainable future; and
- (ii) to agree the ongoing representation of two Angus Council elected members on the Board.

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

With reference to Article 11 of the minute of meeting of Angus Council of 11 February 2020, there was submitted Report No 105/21 by the Director of Strategic Policy, Transformation & Public Sector Reform which provided an update in relation to ANGUSalive, including the latest impact of COVID-19 on the temporary operating plans and progress with the transformation project, including key aspects of ongoing strategic development work.

The Council resolved:

- (i) to note the ongoing impact of COVID-19 on ANGUSalive, with the lockdown restrictions which commenced on 5 January 2021, resulting in ANGUSalive's main operations being suspended to comply with legislation, being extended to the end of February 2021 and possibly longer, and subject to the roadmap out of the Scottish lockdown which it was anticipated would be published week commencing Monday 22 February 2021;
- (ii) to agree that the interim changes to the Services Specification, as outlined in section 4.2 of the Report, continue. This would form the content of a formal change notice between the Council and ANGUSalive which would reflect the current temporary operating position;
- (iii) to note the current 'going-concern' update reflecting ANGUSalive's latest financial position, and recognise the ongoing and significant contribution that ANGUSalive's Board and Senior Leadership team were making to ensure the ongoing viability of the organisation through these challenging circumstances;
- (iv) to note that ANGUSalive had continued to make successful applications for external grant funding, including government support schemes, to contribute to the charity's short term business viability, amounting to £2,269,864.90 (up to 22 February 2021), with details included in Appendix 1 of the Report; and
- (v) to note the progress with the ongoing development of the transformation project, including the launch of ANGUSalive's new digital 'App'; progress with the Angus Sport & Physical Activity framework; development of the Angus Cultural Strategy; and the change to creche arrangements at sports facilities, aligned with the broader 1,140 hours early learning and childcare expansion programme.



## **16. TAY CITIES REGION DEAL – PROJECT ACCELERATION**

With reference to Article 5 of the minute of meeting of Angus Council of 15 December 2020, there was submitted Report No 106/21 by the Director of Strategic Policy, Transformation & Public Sector Reform which provided information on three of the projects currently being developed within Angus through the Tay Cities Region Deal (TCD) and asking the Council to approve the financial support to the projects in order to progress them ahead of the TCD governance arrangements being concluded.

The Council resolved:

- (i) to note the signing of the Tay Cities Deal on 17 December 2020;
- (ii) to note the opportunities and benefits for acceleration of projects as outlined in the Report;
- (iii) to consider and note the risk assessment outlined in Section 6 of the Report; and
- (iv) to agree the financial support and funding as outlined in paragraphs 5.1 and 5.2 of the report utilising Council funds, of the following three projects in advance of approval of the Full Business Cases for these projects by the TCD Joint Committee and the drawing down of grant funding from the Tay Cities Deal:-
  - TCD 012 – Angus Fund – Mercury Drone Port
  - TCD 012 – Angus Fund – Centre of Agri Tech & Sustainable Innovation (CASI)
  - TCD 005/6 Rural Digital Broadband
- (v) to agree to delegate authority to finalise a specification for the use of the proposed £300k for the Drone project to the Director of Strategic Policy, Transformation and Public Sector Reform,) following consultation with the Director of Finance, Leader of the Council and the Leader of the SNP Group.

## **17. 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 item (including the Addendum) 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.

*Councillor Salmond, having declared an interest at Article 3 above, left the meeting after providing fuller details of his interest.*

## **18. REGENERATION CAPITAL GRANT FUND FOR MONTROSE PLAYHOUSE**

With reference to Article 12 of the minute of meeting of Angus Council of 20 June 2019, there was submitted Report No 107/21 by the Director of Communities

Having heard from a number of members and the Director of Finance, the Council resolved to note the Addendum and approve the recommendations detailed in the Report.