

## **ANGUS COUNCIL**

MINUTE of MEETING of **ANGUS COUNCIL** held remotely on Thursday 13 May 2021 at 2.00 pm.

**Present:** Provost RONNIE PROCTOR MBE, 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, 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.

Provost PROCTOR, in the Chair.

Prior to the commencement of business, the Provost expressed on behalf of himself and his family, sincere appreciation to members for the support and sympathy extended to them following the sad passing of his wife, Sonia.

### **1. APOLOGY**

An apology for absence was intimated on behalf of Councillor David Lumgair.

### **2. DECLARATIONS OF INTEREST**

Councillor Macmillan Douglas declared an interest in item 9, Report No 139/21 as over the last number of weeks he had come to know Mr Guild quite well. He indicated that he would not participate in any discussion or voting and would leave the meeting during consideration of the item.

Councillor Bell declared an interest in Item 6, Report No 136/21 as a Council-appointed member of the Angus Health and Social Care Integration Joint Board. 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 that item.

Councillor McLaren declared a non-financial interest in item 10, Report No 140/21, as the owner of a High Street business. He indicated that he would not take part in any discussion or voting and would leave the meeting during consideration of the item.

Councillor Speed declared an interest in item 6, Report No 136/21, as a Council-appointed member of the Angus Health and Social Care Integration Joint Board. She indicated that she had a specific exclusion in terms of the Code of Conduct and that she would therefore participate in any discussion or voting on that item.

Councillor Brown declared an interest in item 9, Report No 139/21, as he had previously been involved in setting up the initial meeting to view the former Lochside Leisure Centre in February 2018. He sat on the Board of the Forfar Athletic Trust, which was currently involved in plans to acquire Lochside Leisure Centre. He indicated that he would not participate in any discussion or voting and would leave the meeting during consideration of that item.

Councillor Myles declared an interest in item 6, Report No 136/21, as a Council-appointed member of the Angus Health and Social Care Integration Joint Board. He indicated that he had a specific exclusion in terms of the Code of Conduct and that he would therefore participate in any discussion or voting on that item.

### **3. NOTICE OF DEPUTATION**

The Provost intimated that a request for a deputation had been received from Mr Graeme Galloway of Kirrie Connections and Ms Diana Finlay of the Scottish Older People's Assembly (SOPA), and AgeScotland Regional Ambassador for the Borders, in relation to the motion from Councillor Bell.

The Council resolved to receive the deputation from Mr Galloway and Ms Finlay and that the deputation be taken prior to consideration of item 5.

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

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

- (a)** The minute of special meeting of Angus Council of 4 March 2021 was submitted and approved as a correct record.
- (b)** The minute of special meeting of Angus Council of 11 March 2021 was submitted and approved as a correct record.
- (c)** The minute of meeting of Angus Council of 18 March 2021 was submitted and approved as a correct record.

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

###### **(d) (Special) Children and Learning Committee**

The minute of special meeting of the Children and Learning Committee of 4 March 2021 was submitted and noted.

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

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

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

The minute of meeting of the Policy and Resources Committee of 9 March 2021 was submitted and noted.

###### **(g) Civic Licensing Committee**

The minute of meeting of the Civic Licensing Committee of 25 March 2021 was submitted and noted.

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

The minute of meeting of the Children and Learning Committee of 30 March 2021 was submitted and noted.

###### **(i) Development Standards Committee**

The minute of meeting of the Development Standards Committee of 20 April 2021 was submitted and noted.

###### **(j) Communities Committee**

The minute of meeting of the Communities Committee of 20 April 2021 was submitted and noted.

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

The minute of meeting of the Scrutiny and Audit Committee of 27 April 2021 was submitted and noted.

#### **DEPUTATION**

The Council heard the deputation comprising, first, Ms Finlay, who explained that, should the Council appoint an Older People's Champion today, that individual would become part of an intended network of 32 such Champions across Scotland, covering all local authority areas. This would be helpful to the older peoples and also to service providers. The appointment of an Older People's Champion would be an important and generous gesture to the older people of Angus in these difficult times.

Mr Galloway then addressed the meeting on dementia – not part of the ageing process but a disease- and its impact and effects on sufferers in Scotland's ageing population. The Scottish

Government's Dementia and Covid Recovery Plan, now published, made certain commitments to dementia sufferers and their carers, aiming to make communities dementia friendly. Mr Galloway urged members to support the proposal.

Following a number of questions from members, the Provost thanked the deputation.

## **5. MOTION IN TERMS OF STANDING ORDER 25(1)**

Councillor Bell, seconded by the Provost, moved the following motion:

### **Older People's Champion**

“Council recognises and values the contributions that older people play in our society. We are therefore seeking Council support for Age Scotland and the Scottish Older People's Assembly's (SOPA) campaign for every local authority in Scotland to establish the role of Older People's Champion and to appoint a councillor to the position in Angus.

An Older People's Champion is a councillor who acts as a link between the council and older people in the local area.

Age Scotland and SOPA also want to see a network of Older People's Champions from across Scotland who will be a voice for older people at local and national level, work together on shared challenges and collectively influence for change. It would be beneficial if our area were represented.

With a growing older population, it was vital that local decision-making meets the needs of older people and that councillors have a better understanding of these. Local authorities, health and social care partnerships and the Third Sector were responsible for providing and supporting so many services upon which older people rely – such as public transport, social care provision, housing, planning and communities. As many local authority budgets were under pressure, older people need someone specifically tasked with standing up for their interests and finding out what they need from local decisionmakers. There was no budgetary implication attached to this role. We believe the impact of COVID-19 on Scotland's older people had only strengthened the need for an Older People's Champion here. We hope that Angus Council can support this campaign and will establish the role of an Older People's Champion for our council.

The Council resolved to approve the motion.

The Council also resolved to appoint Councillor Devine as the Angus Older People's Champion.

## **6. PROPOSED CHANGES TO COMMITTEES TO COMPLY WITH THE PRINCIPLES OF POLITICAL BALANCE AND DETAILS OF APPOINTMENTS**

*The Provost ruled that the Addendum to Report No 136/21 should be considered at this meeting as a matter of urgency, in order that members were provided with the most up to date position regarding the effects of political balance on Committees.*

There was also submitted Report No136/21 by the Director of Legal and Democratic Services, which set out the political balance following Councillors Speed and Lawrie leaving the Administration Group, this being superseded by the Addendum.

Having considered the terms of the Addendum, the Council, at this stage, resolved:

1. to note the resignations of both Cllrs Speed and Lawrie from the Administration Group;
2. to note that Cllr Moore had re-joined the Administration Group;
3. to note that in light of 2 above, the options detailed in Tables 2 and 3 in Report No 136/21 were no longer valid;
4. to note that in light of 2 above, only minimal changes were required to the existing committee structure;
5. to approve the change to the membership of the Civic Licensing Committee and accordingly approves the proposal to reduce the membership of the Civic Licensing Committee to 9;
6. to note that Cllr Nicol would now no longer serve on the Civic Licensing Committee, having taken into account the principles of political balance; and

7. to approve the same changes to the Angus Licensing Board and membership, in accordance with the provisions of paragraph 1 of Schedule 1 of the Licensing (Scotland

Thereafter, Councillor Fairweather intimated the members of the undernoted Committees from the Administration Group:

**Children & Learning Committee:** Councillors Wann; Sturrock; Brown; McMillan Douglas; Myles; Proctor; Lumgair; and Nicol.

**Communities Committee:** Councillors Salmond; Stewart; Davy; Fotheringham; Lumgair; McLaren; Moore; and Proctor.

**Policy & Resources Committee:** Councillors Fairweather; Macmillan Douglas; Sturrock; Stewart; Davy; Myles; Salmond and Wann.

**Development Standards Committee:** Councillors Lumgair; Nicol; Fotheringham; Moore; McLaren; Brown; and Sturrock. (Councillor Myles to leave this Committee).

**Civic Licensing Committee:** Councillors Fotheringham; Moore; Lumgair; Brown; and Fairweather.

Councillor Devine advised that the SNP Group members of the undernoted Committees would be as follows:

**Children & Learning Committee:** Councillor Duff to leave this Committee. No other change.

**Communities Committee:** No change.

**Policy & Resources Committee:** No change.

**Development Standards Committee:** No change.

**Civic Licensing Committee:** No change.

Members noted that the non-aligned members of the undernoted Committees would now be as follows:

**Children & Learning Committee:** Councillors Speed and Lawrie.

**Communities Committee:** Councillors Cheape and Speed.

**Policy & Resources Committee:** Councillors Boyd and Lawrie.

**Development Standards Committee:** Councillor Cheape. (one place not yet filled)

**Civic Licensing Committee:** Councillor Boyd.

**Scrutiny and Audit Committee:** Councillors Boyd and Lawrie.

#### **Appointments:**

Councillor Fairweather intimated that he had a motion which contained a number of proposals which were to be determined separately, the terms of which were circulated to members.

*Having heard from Councillor Hands, the Council resolved to adjourn for five minutes to afford members the opportunity to read the terms of the proposals.*

The meeting reconvened at 14.44.

Councillor Fairweather, seconded by Councillor Macmillan Douglas, moved the removal of Councillor Speed as Vice Convener of the Children and Learning Committee.

The Council resolved to approve the motion.

Councillor Fairweather, seconded by Councillor Macmillan Douglas, moved that Councillor Sturrock be appointed as Vice Convener of the Children and Learning Committee.

The Council resolved to approve the motion.

Councillor Fairweather, seconded by Councillor Macmillan Douglas, moved the removal of Councillor Speed as Vice Convener of the Angus Health and Social Care Integration Joint Board, and request that following such removal, the Chief Executive provide notice of this to the member and the Integration Joint Board.

Councillor Bell, seconded by Councillor Cheape, moved as an amendment, that Councillor Speed be retained as Vice Convener of the Integration Joint Board.

On a vote being taken, the members voted:-

For the motion:-

Provost Ronnie Proctor, Depute Provost Craig Fotheringham, Councillors, Brown, Davy, Fairweather, Macmillan Douglas, McLaren, Moore, Myles, Nicol, Salmond, Stewart, Sturrock and Wann (14 votes).

For the amendment:

Councillors Bell, Boyd, Braes, Cheape, Devine, Duff, Durno, Hands, King, Lawrie, McDonald, Speed, Whiteside (13 votes).

The motion was declared carried, resulting in Councillor Speed being removed as Vice Convener of the Integration Joint Board.

Councillor Fairweather, seconded by Councillor Macmillan Douglas, moved that Councillor Myles be appointed as Vice Convener of the Integration Joint Board.

There being no competent amendment, the Council resolved that Councillor Myles be appointed as Vice Convener of the Integration Joint Board.

*Thereafter, in accordance with the provisions of Standing Order 16(11)(ii) Councillors Bell, Boyd, Braes, Cheape, Devine, Durno, Duff, Hands, King, McDonald and Whiteside requested that their dissent be recorded from the foregoing decision.*

Councillor Fairweather, seconded by Councillor Macmillan Douglas, moved that Councillor Speed be removed from the CoSLA Health and Social Care Board.

The Council resolved to approve the motion.

Councillor Fairweather, seconded by Councillor Macmillan Douglas, moved that Councillor Myles be appointed to the CoSLA Health and Social Care Board.

The Council resolved to approve the motion.

Councillor Fairweather, seconded by Councillor MacMillan Douglas, moved that Councillor Lawrie be removed from the CoSLA Children and Young Persons Board as a substitute.

The Council resolved to approve the motion.

## **7. COVID-19 FUNDING – USE OF DELEGATED POWERS AND FURTHER PROPOSALS**

With reference to Article 9 of the minute of meeting of Angus Council of 17 December 2020, there was submitted Report No 137/21 by the Director of Finance, updating members on actions taken under delegated powers in response to the COVID-19 pandemic, including the use of COVID-19 funding for specific purposes. The Report also sought the approval of the Council to use COVID-19 funding for an urgent purpose in advance of more detailed proposals on adjustments to 2021 budgets to be considered by Council in June 2021.

The Council resolved:

- (i) to note the use of officer delegated authority as set out in Sections 4 and 5 of Report No 137/21;

- (ii) to note that a Report setting out proposed adjustments to the 2021/22 revenue budget for COVID-19 financial impacts would come to Council in June 2021; and
- (iii) to approve the proposed use of COVID-19 funding for an urgent purpose, as set out in Section 6 and Table 2 of Report No 137/21.

**8. REVISED COMMON GOOD FUND POLICY GUIDELINES AND ADMINISTRATIVE PROCEDURES**

With reference to Article 21 of the minute of meeting of Angus Council of 10 September 2020, there was submitted Report No 138/21 by the Director of Finance, presenting for consideration and approval a revised Common Good Fund Policy Guidelines and Administrative Procedures document.

The Director of Finance gave a presentation to assist members in their understanding and consideration of the Report. The Director considered this to be an important Report and reminded members of the background to a Court of Session case last year relating to Lochside Leisure Centre. Arising from that, and the decision not to appeal the Court decision, it was clear that there had to be changes made to the Council's existing Common Goods accounting arrangements and policies, hence this Report.

Following his presentation, the Director answered questions from Councillors Myles, Devine Moore, Davy, Bell and Hands, with comments from Councillors Braes, Davy and Moore.

The Council resolved:

- (i) to approve the revised Common Good Fund Policy Guidelines and Administrative Procedures as attached at Appendix B to Report No 138/21;
- (ii) to approve the transition arrangements proposed in Report No 138/21;
- (iii) to note the net book value of assets transferring from the General Fund to the Common Good Fund;
- (iv) to note that the revised Policy Guidelines and Administrative Procedures would be used to inform preparation of the Council's 2020/21 draft annual accounts; and
- (v) to note the removal of Capital Adjustment Accounts from the Common Good Funds and the alternative approach to be reflected in the 2020/21 draft annual accounts as set out in Section 6(B) of Report No 138/21.

*Having declared an interest at Item 2 above, Councillors Brown and Macmillan Douglas left the meeting during consideration of the following item.*

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

With reference to Article 8 of the minute of meeting of Angus Council of 18 March 2021, there was submitted Report No 139/21 by the Director of Infrastructure, which advised that a very detailed proposal from an outside party had arrived recently, leaving officers with insufficient time to give it full and proper consideration. Officers were therefore advising that the relevant detail in Report 98/21 be deferred until the next meeting of Council on 24 June, to allow due diligence to be carried out by officers in respect of the proposals, and so enabling members to have all relevant information necessary for them to make a fully informed decision on the future of the former Lochside Leisure Centre.

The Council resolved:

- (i) to note the detail in the Common Good Report No 138/21 on today's agenda and its potential implications for the former Lochside Leisure Centre;
- (ii) to note that a detailed proposal had been recently submitted to the Council for the former Lochside Leisure Centre by Station Park Community Trust;

- (iii) to defer any decision on the future of the former Lochside Leisure Centre to the next Council meeting on 24 June 2021 so that members could have all relevant information necessary to make a fully informed decision;
- (iv) to request officers to bring a report to the June Council meeting including the relevant details in terms of Report 98/21, together with an updated timeline required for consultation with the public;
- (v) to request officers provide a summary of the Station Park Community Trust's proposal in that report and advise Council on the viability, sustainability, practicability and community benefit of the proposal and all detail in terms of any such report be made available publicly; and
- (vi) to note that the Station Park proposal was one of a number of options which would require to be considered.

*Councillors Brown and McMillan Douglas rejoined the meeting.*

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

## **10. PARKING REVIEW - UPDATE**

With reference to Article 4(b) of the minute of meeting of the Communities Committee of 23 February 2021, there was submitted Report No 140/21 by the Director of Infrastructure, presenting the findings of the Parking Review Member / Officer Working Group (MOWG).

Councillor Salmond confirmed that off-street car parking would remain free of charge until summer 2022, to support the County of Angus' Covid-19 economic recovery. Funding would be allocated in the Spring 2022 budget to enable this to be achieved.

Councillor Salmond gave a brief overview of the views of the Car Parking MOWG's thoughts relating to on-street parking, before full Council determined whether to move away from the current 30 minutes time limit to 45 or 60 minutes. The *Dundee Courier* yesterday had published a most helpful article in explaining the results of the public consultation, showing that 51% of first preferences were for 60 minutes. Ranking all preferences gave a miniscule difference between 45 and 60 minutes in the view of the 3,097 responses received, as shown in Section 4.5 of Report 140/21 and the answer to question 7 in section 4.6 of the Report.

Section 4.8 of the Report indicated that the majority view of the MOWG was that the on-street parking time limit should increase from 30 minutes to 45 or 60 minutes, although the MOWG did not reach consensus on the new time duration. That being the case, the Group did however agree that the decision was one for all Angus Council members to take at today's meeting.

The other matter discussed and agreed by the MOWG as set out in Section 4.9 of the Report was that for public clarity and operational enforcement reasons, a single on-street time duration was to be preferred across all Angus burghs. As the MOWG did not reach consensus on 45 or 60 minutes, as the MOWG Convener, Councillor Salmond did not consider it appropriate to propose the motion to determine the final decision. He looked forward however to hearing all colleagues' views on the issue, along with any motions brought forward.

Councillor Salmond concluded by thanking members and Council officers who were involved in and supported the work of the MOWG, but particularly the 3,097 members of the Angus public who gave their views through the public survey.

The Council then heard from Councillors Stewart, Durno, Cheape, Whiteside, McDonald, Braes, Fairweather, Duff, Moore, Davy, MacMillan Douglas; Fotheringham, Boyd, Hands, and Speed.

Councillor Fairweather, seconded by Councillor Salmond, moved that in terms of recommendation (iii) in the Report, the on-street car parking time limit across Angus be altered from a maximum of 30 minutes to one of 60 minutes.

Councillor Speed, seconded by Councillor Boyd, moved as an amendment, that the on-street parking time limit be altered from a maximum of 30 minutes to 45 minutes, with a view to reviewing the situation post-Covid and also assessing the impact on residents.

On a vote being taken, members voted:

For the motion:

Provost Ronnie Proctor; Depute Provost Craig Fotheringham; Councillors Bell; Braes; Davy; Durno; Fairweather; Hands; King; MacMillan Douglas; McDonald; Myles; Nicol; Salmond; Stewart; Wann; Whiteside. (17)

For the amendment:

Councillors Boyd; Brown; Devine; Duff; Lawrie; Moore; Speed; Sturrock (8)

No vote:

Councillor Cheape (1).

The motion was declared carried, as detailed below:

- (i) to note the summary analysis of the public survey on arrangements for on- and off-street car parking in Angus as detailed in Report 140/21;
- (ii) to note the findings of the Parking Review Member Officer Working Group presented in Report 140/21; and
- (iii) to change the existing 30 minute on-street parking duration to 60 minutes.

*Councillor McLaren rejoined the meeting.*

## **11. DIRECTOR OF COMMUNITIES – INTERIM ARRANGEMENTS - UPDATE**

There was submitted Report No 141/21 by the Chief Executive advising as to the interim arrangements proposed to be put in place to cover the responsibilities of the Director of Communities post following the retirement of the Director of Communities, Mr Stewart Ball, while a short review of Director portfolios was undertaken.

Councillor Salmond, as Convener of the Communities Committee, congratulated Alison Smith on her appointment as Interim Director of Communities and looked forward to working with her in her new post.

He also paid warm tribute to the former Director of Communities, Stewart Ball, thanking him for his support to himself as Convener. Councillor Salmond was followed by the Provost and Councillors Fairweather, Devine, Stewart, Braes and Fotheringham, all of whom paid tribute to Mr Ball, and also wished Ms Smith well in her interim appointment.

The Council resolved: -

- (i) to note the appointment of Alison Smith as Interim Director of Communities;
- (ii) to note the content of Report 141/21, the review of Director portfolios that was currently being undertaken, and to agree the interim arrangements being put in place to cover the vacant post of Director of Communities ; and
- (iii) to note that the outcome of the review and any proposed changes to current Director portfolios would be reported to Council prior to commencing the recruitment of any new Director.