

## **ANGUS COUNCIL**

MINUTE of MEETING of **ANGUS COUNCIL** held remotely on Thursday 24 June 2021 at 10am.

**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, 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.

Provost PROCTOR, in the Chair.

Prior to the commencement of the business, the Provost referred to the recent death of Andrew Welsh, former elected member and Freeman of Angus, following which a minute's silence was observed.

### **REQUEST FOR DEPUTATIONS**

The Provost intimated that a request for two deputations had been received from Mr Mark Guild in relation to Agenda Item 4(ii) Inglis Court, Edzell and Agenda Item 16 Lochside Leisure Centre – Initial Consultation Outcome and Next Steps.

Councillor Fairweather raised concerns that Mr Guild had submitted two offers in respect of Inglis Court, Edzell and proposed that the deputation for Item 4 (ii) should not be heard.

The Director of Legal and Democratic Services thereafter provided legal advice in terms of the basis on which members may consider whether they wished to hear the deputation or not.

Councillor Fairweather, seconded by Councillor Wann, moved as the motion the Council resolves not to hear the deputation in relation to Agenda Item 4 (ii) Inglis Court, Edzell.

**COUNCILLOR CHEAPE, SECONDED BY COUNCILLOR NICOL, MOVED AS AN AMENDMENT, THAT THE COUNCIL RESOLVES TO HEAR THE DEPUTATION IN RELATION TO AGENDA ITEM 4 (ii) INGLIS COURT, EDZELL.**

On a vote being taken, the members voted:-

For the motion:-

Provost, Depute Provost, Councillors Devine, Duff, Fairweather, King, Lumgair, Macmillan Douglas, McLaren, Moore, Salmond, Stewart and Wann (13).

For the amendment:-

Councillors Bell, Braes, Cheape, Davy, Durno, Hands, Lawrie, McDonald, Myles, Nicol, Speed, Sturrock and Whiteside (13).

Having experienced technical issues, Councillor Boyd re-joined the meeting, and having heard from the Manager- Democratic and Members Services, intimated he wished to vote for the amendment.

Councillor King having intimated that as Councillor Boyd was not present during the discussion he was therefore not entitled to vote in this matter. In response, the Democratic Services Manager provided procedural advice and the Director of Legal and Democratic Services re-iterated the legal advice provided to members previously.

Councillor Boyd intimated that following the advice received, his original voting position remained the same.

Councillor Brown re-joined the meeting.

The Manager - Democratic and Members Services thereafter repeated the voting options available, and despite a number of attempts, and in the absence of a clear vote from Councillor Brown, confirmed the outcome of the vote as being:-

For the motion - 13 votes

For the amendment – 14 votes

The amendment was declared carried and the Council resolved to hear the deputation from Mr Guild in terms of Agenda Item 4 (ii).

*Councillor McMillan Douglas intimated it was his intention to declare an interest in Agenda Items 4 (ii) and 16, at the appropriate point in the meeting. He thereafter left the meeting prior to consideration of the request for deputation in terms of Agenda Item 16.*

Councillor Myles, seconded by Councillor Nicoll moved that the Council resolves to hear the deputation from Mr Guild. There being no amendment, the motion was declared carried.

The Council resolved to receive the deputation from Mark Guild in relation to Agenda Item 16 Lochside Leisure Centre – Initial Consultation Outcome and Next Steps. It was agreed that the deputation be taken prior to consideration of the relevant item.

## **1. APOLOGIES**

There were no apologies intimated.

## **2. DECLARATIONS OF INTEREST**

Councillor Brown declared an interest in item 16, Report No 218/21, as he had previously introduced the developer to officers. He indicated that he would not participate in any discussion and voting and would leave the meeting during consideration of the item.

Councillor McMillan Douglas declared an interest in item 4 (ii) and item 16, Report No 218/21 as over the last number of weeks have met with Mr Guild a number of times to ensure that he fully understood all aspects of the Lochside Leisure Centre issue. Therefore, some people might, wrongly, perceive this as too close to Mr Guild to discuss the Inglis Court issue in an unbiased way. He indicated that he would not participate in any discussion and voting and would leave the meeting during consideration of these items.

Councillors Devine, Duff and Wann each declared an interest in item 18, Report No 220/21 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 Fotheringham, Hands and Whiteside each declared an interest in item 20, Report No 222/21 as they had received email correspondence from constituents, in addition, Councillor Hands had also attended a consultation session. They indicated that they would therefore participate in any discussion and voting on that item.

Councillors Cheape and Myles declared an interest in item 22, Report No 224/21 as Council appointed members of CGLMC Ltd. They indicated that they would not participate in any discussion and voting and would leave the meeting during consideration of the item.

### 3. MINUTES OF COUNCIL AND COMMITTEES

(i) **Minute of Council Meetings**

(a) **Angus Council**

The minute of meeting of Angus Council of 13 May 2021 was submitted and approved as a correct record.

(ii) **Minutes of Committees**

(b) **Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 31 March 2021 was submitted and noted.

(c) **Policy and Resources Committee**

The minute of the meeting of the Policy and Resources Committee of 4 May 2021 was submitted and noted.

(d) **Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 11 May 2021 was submitted and noted.

(e) **Development Standards Committee**

The minute of meeting of the Development Standards Committee of 18 May 2021 was submitted and noted.

(f) **Children and Learning Committee**

The minute of meeting of the Children and Learning Committee of 18 May 2021 was submitted and noted.

(g) **Civic Licensing Committee**

The minute of meeting of the Civic Licensing Committee of 20 May 2021 was submitted and noted.

(h) **Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 20 May 2021 was submitted and noted.

(i) **Communities Committee**

The minute of meeting of the Communities Committee of 25 May 2021 was submitted and noted.

(i) **Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 26 May 2021 was submitted and noted.

(k) **Scrutiny and Audit Committee**

The minute of meeting of the Scrutiny and Audit Committee of 1 June 2021 was submitted and noted.

**(l) Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 9 June 2021 was submitted and noted.

*Councillor McMillan Douglas having declared an interest at Item 2 above left the meeting during consideration of item 4 (ii).*

**4. MOTIONS IN TERMS OF STANDING ORDER 25 (1)**

**(i) Royal British Legion (Scotland) Centenary Year**

The Provost, seconded by Councillor Davy, moved the following motion:-

“This Council congratulates the Royal British Legion (Scotland) on reaching their Centenary year and thanks them for all their hard work in providing support for all military veterans throughout Angus, Scotland and the UK as a whole.”

The Council resolved to approve the motion.

**(ii) Inglis Court, Edzell**

Councillor Cheape had submitted the following motion:

Part 1 of the motion to be dealt with first

In accordance with the provisions of Standing Order 26 (2)(ii) that as there has been an increased offer received from a third party to buy the properties owned by the Council at Inglis Court, Edzell, this constitutes a “material change of circumstances” to such an extent that it is appropriate for the decision to demolish Inglis Court to be re-considered and that the motion as detailed below forms the basis of that re-consideration

Part 2

This Council notes:

1. The recent granting of planning permission for the re-development of the existing 25 properties at Inglis Court, Lindsay Place, Edzell and their replacement with 21 new build properties. Reference 20/00828/FULL at a proposed expected cost of £3.8m of public funds.
2. That Angus Council has, in recent years, invested in the accommodation at Inglis Court so that it meets user needs and appropriate building standards
3. One of Angus Council’s own officers at the recent Development Standards Committee Meeting on 18<sup>th</sup> May 2021 advised that the existing building meets current required building standards and is in good condition and it is acknowledged that council officers have no knowledge that the building is structurally unsound.
4. There has been no independent feasibility study or structural report to justify demolition.
5. The objection of Inveresk Community Council and others to the demolition of Inglis Court and proposed build of alternative accommodation
6. An increased offer has been received to purchase the Inglis Court complex with the intention to deliver sheltered housing or a retirement housing complex.

Accordingly this Council agrees:

1. To suspend the demolition of the existing sheltered housing complex and proposed erection of 21 new properties at Inglis Court, Edzell until:
  - 1.1 an independent professional valuation of the existing land and properties at Inglis Court, Edzell is undertaken

- 1.2 an independent report is commissioned to assess the estimated cost of amending and improving current properties at Inglis Court to meet affordable housing requirements.
- 1.3 the Interim Director of Communities brings a report to Council with items 1.1 – 1.2 and an options appraisal for Inglis Court with options for its use detailed including (i) marketing the existing properties and land at Inglis Court, Edzell (ii) retaining the existing buildings and adapting them to affordable housing rather than simply demolishing them.

#### Financial Implications

The cost of an independent valuation is expected to be several hundred pounds. The cost of an independent report being commissioned to assess the estimated cost of amending and improving current properties at Inglis Court to meet affordable housing requirements is estimated to be in the region of £15,000-£25,000. There is no specific budget to meet these various costs so they would require to be met from the existing 2021/22 Housing Revenue Account budget. The planned redevelopment of Inglis Court has £1.18 million of Scottish Government affordable housing grant support allocated to it. Any significant delay in the project or its cancellation could affect the continuing availability of that funding. The project does however also require significant investment by the Council which would not be required if a different approach was ultimately adopted by the Council.

The Director of Legal and Democratic Services confirmed that there was two parts to the motion. The first part of the motion in accordance with the provisions of Standing Order 26 (2) was for the Provost to determine whether there had been a material change of circumstances to such an extent that it was appropriate for the decision to be reconsidered, and indicated the Provost had invited Councillor Cheape to provide an explanation as to the reasons why there had been a material change of circumstances.

Councillor Cheape intimated that there were concerns about the ongoing delivery of best value in relation to council spend. The material change outlined related to the subject matter being considered by the Communities Committee and the Development Standards Committee previously, advising that elected members had not had sufficient information provided to them in relation to the valuation of the site. An offer in significant value to purchase had been received as an alternative to the Council proposed development. He highlighted that no valuation, independent valuation, survey or options appraisal had been undertaken. Given that a third party had now submitted an offer to purchase, which gave an indication of the potential value, he was of the opinion that the potential market value may not be the full market value and that the open market should be explored and further work suspended on Inglis Court to allow this to be undertaken.

*The Provost intimated that the meeting be adjourned for 15 minutes to allow him to take advice from officers.*

*The meeting reconvened at 10.57am.*

The Provost ruled that the increased offer did not impact on the range of reasons for the decision already made by Council to proceed to demolish Inglis Court and to build affordable housing and therefore it was not a material change of circumstances in terms of Part 1 of the motion.

As a result of the ruling, Part 2 of the motion could now not be considered.

As a consequence of the ruling on Part 1 of the motion, the Provost ruled that there was now no requirement for the deputation to be heard.

*In accordance with the provisions of Standing Order 16(11)(ii) Councillor Whiteside requested that her dissent be recorded in relation to the foregoing decision.*

## **5. MEMBERSHIP OF DEVELOPMENT STANDARDS COMMITTEE**

The Council resolved to note that Councillor Lawrie had taken up the remaining place allocated to the non aligned members on the Development Standards Committee.

## **6. COVID-19 – RESPONSE, RECOVERY AND RENEW**

With reference to Article 12 of the minute of meeting of Angus Council of 10 September 2020, there was submitted Report No 208/21 by Chief Executive providing members with an update on Angus Council's ongoing response to the COVID-19 pandemic including the transition into recovery, aligned to the 'Scottish Government Strategic Framework Protection Levels'.

The Report indicated that the Council's response to date had presented opportunities and increased the demands on many of the Council's services. As work progressed, the transition to a fuller recovery programme was now underway. Appendix 1 to the Report outlined some of the recovery work and service delivery across the Council.

The Chief Executive provided an overview of the Report, and intimated that the key partner organisations were supportive of the work that had been undertaken to achieve a co-ordinated response to the Angus population. She also emphasised the hard work and challenges faced and the how well Council staff had served the people of Angus.

Councillor Devine in reference to Appendix 2 -Section 6 – Recovery Priorities – Angus, Priority 2 – Support for mental health and physical wellbeing requested that this priority be reviewed to include a focussed approach on drugs and young people.

A number of members welcomed the Council's response and also commended the staff for their hard work, particularly during these challenging times.

The Council resolved:-

- (i) to note Angus Council's further response work to the COVID-19 pandemic;
- (ii) to note the ongoing and proposed recover and response initiatives; and
- (iii) to note the Recovery and Renew Strategic Framework.

## **7. ANGUS JOINT CHILD POVERTY LOCAL ACTION PLAN**

With reference to Article 8 of the minute of meeting of Angus Council of 5 November 2020, there was submitted Report No 209/21 by the Depute Chief Executive presenting the Angus Community Planning Partnership's (ACPP's) Child Poverty Local Action Plan 2021, for approval.

The Report indicated that the Child Poverty (Scotland) Act 2017 was introduced to make Scotland the best place in the world to grow up and live. In order to tackle the growing challenge, Scottish Government had requested each Local Authority to produce a Joint Child Poverty Local Action Plan. 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](http://www.gov.scot/everychild)

A number of members welcomed and commented on the Report; and also commended the officers involved, and having also heard from Councillor Bell who requested that the Report be reviewed to reflect how the Council supported employees throughout the pandemic, in response, the Depute Chief Executive and Interim Director of Communities provided an update.

The Council resolved to approve the Angus Joint Child Poverty Local Action Report 2021 prepared in partnership across Angus.

## **8. CHANGES TO DIRECTOR PORTFOLIOS**

With reference to Article 11 of the minute of meeting of Angus Council of 13 May 2021, there was submitted Report No 210/21 by the Chief Executive advising members of proposed changes to Director portfolios to ensure that the Council was structured in the most appropriate way to maximise opportunities and deal with known challenges over the next 3 – 5 years.

The Report indicated that following the retirement of the Director of Communities, and in accordance with good practice, a review of responsibilities at directorate level to meet national and local developments was undertaken and a number of proposal changes had been identified. The proposed changes to Director portfolios were summarised in Section 5 of the Report. Appendices 1 and 2 detailed the current and proposed Directorate Structure to Manager Level.

The Chief Executive provided a brief overview and highlighted the key changes of the Report.

In terms of the proposed Director of Vibrant Communities and Growth title, Councillor Devine requested that further consideration be given to including “green” or “sustainable” growth or “climate change”. In response, the Chief Executive agreed to consider the request.

Councillors Cheape, Salmond and Macmillan Douglas raised questions and comments in terms of the proposed Director’s title change, procurement and best value, and in response the Chief Executive provided an update.

The Council resolved:-

- (i) to note that the Chief Executive was bringing the Report to Council in terms of her role as Head of Paid Service under Section 4 of the Local Government and Housing Act 1989 as it detailed matters relating to the manner in which the discharge by the authority of their different functions was co-ordinated;
- (ii) to note that it was the duty of the Council to consider the Report.
- (iii) to note the content of the Report and the Review of Director portfolios that had been undertaken; and
- (iv) to approve the proposed changes to current Director portfolios and teams as detailed in Section 5 and note that the Chief Executive would implement these changes in accordance with relevant Council policies.

## **9. UPDATE ON REVIEW OF REMOTE MEETINGS ARRANGEMENTS AND POTENTIAL FOR HYBRID MODEL FOR MEETINGS**

With reference to Article 10 of the minute of meeting of Angus Council of 18 March 2021, there was submitted Joint Report No 211/21 by the Director of Legal and Democratic Services and the Director of HR, Digital Enablement, IT and Business Support updating elected members in relation to remote meetings arrangements following deferral of Report No 100/21.

The Report indicated that the Council at their meeting on 18 March 2021 agreed to look at options and costs to provide a hybrid model for meetings, continuing remote attendance in Microsoft Teams whilst allowing physical participation in the Council Chambers through audio/video capability installed to integrate with the MS Teams session. Plans detailing the final capacities were currently being drawn up by the Council’s Property Assets.

Indicative costs for the procurement and implementation of a hybrid solution for the recording of committee meetings were detailed in Section 4 of the Report.

Having heard from some members who welcomed the retention of recorded meetings, the potential for hybrid meetings, and reduced travel costs; there were also a number of requests made to further consider the development of an internal IT solution and options for alternative accommodation to host meetings, that would also address future requirements.

A number of members also raised concerns regarding the continual connectivity issues particularly associated with MS Teams. Councillor Cheape thereafter suggested that members devices be checked out during the recess to address the issues raised.

The Director of HR, Digital Enablement, IT and Business Support intimated apologies for the technical issues earlier and in response, agreed to take into consideration members comments and concerns raised when developing the business case and that in terms of members IT devices, that she would liaise with the Service Leader – Digital Enablement to progress the testing during recess.

The Council resolved:-

- (i) to note the preliminary detail on the options for facilitating hybrid meetings for Council and Committee meetings through an appropriate IT solution.
- (ii) to note that hybrid meetings required a sizeable financial investment by the Council.
- (iii) to note the current estimated limited capacity of the Council Chamber in terms of social distancing requirements.
- (iv) to authorise the Director of HR, Digital Enablement, IT and Business Support following consultation with the Director of Legal and Democratic Services to develop a full business case summarising the advantages and disadvantages from making an investment in an appropriate IT solution to allow hybrid meetings taking into account the financial and non-financial implications;
- (v) to note that the business case would be subject to a further Report in the first cycle after the summer recess at which point members would be asked to determine whether to invest in the necessary equipment or not.
- (vi) to note that such a system would if ultimately agreed for deployment continue remote committee attendance in Teams whilst also allowing physical participation in the Council Chamber through audio/video capability installed to integrate with the Teams session;
- (vii) to note that the significant benefits in terms of travel cost and carbon reduction, greater accessibility to meetings and more effective use of members and officers' time will be included in that full business case detailed in recommendation (iv) above;
- (viii) to agree that in the meantime remote meetings of the Council and Committees would continue using MS Teams; and
- (ix) to approve the retention of recorded Council and Committee meetings whilst they were being held 100% remotely and were recorded, for a period of 5 years in total from the date of such meetings for the first 3 years being available by link on the Council's website and thereafter for 2 years on a historical archive basis all in compliance with and subject to the requirements of the General Data Protection Regulations.



## 10. FINANCIAL OUTTURN AND DRAFT ANNUAL ACCOUNTS

With reference to Article 5 of the minute of meeting of the Policy and Resources Committee of 4 May 2021, there was submitted Report No 212/21 by the Director of Finance providing details of the unaudited financial outturn position on both a revenue and capital basis for 2020/21 for Angus Council and an update with regard to the preparation of the 2020/21 Annual Accounts.

The Report indicated that Angus Council had spent £8.780 million less on General Fund capital projects than budgeted for and this had meant a substantially lower requirement for funding in 2020/21. In the main, the underspend against the monitoring budget was due to project delays brought about by the COVID-19 pandemic as well as the rephasing of spend on some large scale projects and therefore represented a delay in incurring the expenditure rather than a reduction in the expenditure required.

The Council resolved:-

- (i) to note the update with regard to the preparation of the 2020/21 Annual Accounts and that, in accordance with statutory requirements, they would be submitted to Audit Scotland by the 30 June 2021 deadline;
- (ii) to note that the Council's Annual Accounts would be published on the Council's website on or around the 30 June 2021;
- (iii) to note the revenue budget performance and associated commentary as set out in Section 4 and Appendices A, B & D of the Report;
- (iv) to note the capital budget performance and associated commentary as set out in Section 4 and Appendix C of the Report;
- (v) to approve the 2020/21 100% budget carry forwards received totalling £2.616 million as set out in Section 4 and Appendix E of the Report in accordance with the Council's 100% budget carry forward scheme subject to none of these being affected by changes arising from the audit process;
- (vi) to note that £0.131 million of 100% carry forward requests had been approved by the Director of Finance under delegated authority;
- (vii) to approve that £0.504 million of the 2019/20 100% carry forwards not utilised in 2020/21 due to being delayed by the COVID-19 pandemic were carried forward to 2021/22 as set out in Section 4 and Appendix E;
- (viii) to note that a total of £2.017 million of budget uplifts agreed in the budget recast Report (211/20) had been returned to the General Fund Reserve having been identified by services in their corporate monitoring as no longer being required in 2020/21;
- (ix) to note that the Capital Financing Charges (CFC) budget recast adjustment of £0.600 million identified in Report 211/20 had been re-instated to the 2020/21 CFC budget as this was now required in the 2020/21 Annual Accounts based on year end calculations; and
- (x) to note that the ANGUSalve budget recast adjustment of £0.458 million identified in Committee Report 211/20 was not required in 2020/21 and that this had been earmarked for future drawdown if required, in the General Fund Reserve at March 2021.

## **11. PROPOSED REVISIONS TO THE COUNCIL'S 2021/22 GENERAL FUND REVENUE BUDGET**

With reference to Article 3 of the minute of the special meeting of Angus Council of 4 March 2021, there was submitted Report No 213/21 by the Director of Finance seeking the Council's approval of proposed revisions to the Council's 2021/22 General Fund Revenue Budget from that set in March 2021 to take account of adjustments for the impact of COVID-19. The 2021/22 revenue budget was set excluding COVID-19 costs due to their being insufficient information and clarity on potential costs and funding and it was agreed that budget revisions would be undertaken during 2021/22. These budget revisions would be reported on in the Corporate Monitoring Report to Policy & Resources Committee during 2021/22.

COVID-19 had and would continue to have major implications for the Council's services, staff and finances. The position was different from last year as the estimated financial impact of COVID-19 for 2021/22 could be met from the £5.656 million allocation of additional Government Grant received in 2021/22. There remained a balance of £2.057m in the COVID-19 contingency reserve as reported at the Council Tax Setting meeting in March 2021.

Appendix 1 to the Report provided a summary of the budget revision position based on the Service submissions, a review of corporate budget items and an assessment of known/assumed information regarding funding options.

The Council resolved:-

- (i) to note the contents of the Report and that the proposed 2021/22 budget revisions were a best estimate by Services and projections were in the main based on spend that had materialised in 2020/21;
- (ii) to approve the key principles to the proposed budget revisions as set out in Section 3.3 of the Report;
- (iii) to approve the proposed £2.616 million of 2021/22 budget revisions detailed in Appendix 1 and summarised in Table 1 of the Report;
- (iv) to approve the proposed approach to funding the £2.616 million budget revisions as detailed in Section 5 of the Report;
- (v) to approve the Revised Net Expenditure Summary detailed in Appendix 2 as the Council's revised 2021/22 General Fund Revenue Budget; and
- (vi) to note that the revised budgets set out in Appendix 2 would, where applicable, form the monitoring budget for the purposes of reporting throughout the remainder of the year to the Policy & Resources Committee.

## **12. COMMON GOOD FUNDS REVENUE BUDGET 2021/22 AND PROVISIONAL BUDGETS 2022/23 TO 2025/26**

*The Provost ruled that the Addendum to the Joint Report No 214/21 should be considered at this meeting as a matter of urgency, in order that members were provided with the most up to date information and also to correct some errors within the Report and Appendices..*

With reference to Article 8 of the minute of meeting of Angus Council of 13 May 2021, there was submitted Joint Report No 214/21 by the Director of Infrastructure and the Director of Finance following members request for information to be brought forward on Common Good Funds. This was now part of the Council's Common Good Fund Policy Guidelines and Administrative Procedures (Report 138/21 refers).

The Report set out the current 2021/22 and future financial forecasts and the asset management plans for Common Good Properties.

The Director of Infrastructure provided an overview of the Report and referred members to the Addendum that had been circulated previously and requested that Appendix 3 for the approval of projects proposed for 2021/22 be incorporated into the recommendations of the Report.

Following discussion and in response to questions from Councillors Moore, Stewart, Whiteside and Devine, and Councillor Braes' request that future reports include an additional column within the tables, that detailed the asset revenue figures generated, the Director of Infrastructure provided an update.

The Council resolved subject to the corrections and revisions contained in the Addendum:-

- (i) to note the unaudited Common Good Funds revenue balances as at 31 March 2021;
- (ii) to approve the Common Good Fund's budget for 2021/22;
- (iii) to note the Common Good Funds provisional revenue budget and estimated revenue balances for financial years 2022/23, 2023/24, 2024/25 and 2025/26;
- (iv) to note the current asset management plans for the various Common Good properties;
- (v) to note the current management arrangements for the Common Good properties; and
- (vi) to approve the projects proposed for 2021/22 as outlined in Appendix 3 to the Report.

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

With reference to Article 11 of the minute of meeting of Angus Council of 17 December 2020, there was submitted Joint Report No 215/21 by the Director of Strategic Policy, Transformation and Public Sector Reform and the Director of Finance setting out the proposal for the communication and consultation processes for the Council's plans and budgets as agreed at Angus Council on 17 December 2020 (report 330/20 refers), and to seek the Council's approval for the content of the consultation and engagement tools for the 2022/23 planning and budgeting cycle.

The Report indicated that as per Option 3, information sharing had been undertaken in the lead up to the 2021/22 plans and budget setting in March and officers were now proposing the content and timeline for the Three Strand Approach for the 2022/23 planning and budgeting cycle, as detailed in Section 3.4 of the Report. The Simulator and Social Pinpoint engagement tools were detailed in Appendices A and B of the Report.

The Director of Finance provided an overview of the Report and also highlighted that a summary of the output from the consultation work would be reported to Council in November 2021.

In response to Councillor Hands' questions relating to freephone, equalities data and a request to consider an Angus-wide accessible consultation policy, the Director of Finance provided an update.

*At this point in the meeting, 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 30 minute "lunch break" following the conclusion of this item.*

Councillor Bell intimated that there should be further consideration to include more context in terms of Third Sector Partners. Councillor Devine raised a point of clarification regarding the source of gross income and also in terms of Group 1- Slider 2 that consideration be given to economic growth being amended to “sustainable economic growth”. The Director of Finance indicated that he would consider the implications of the points raised subject to the decision taken.

The Director of Finance and the Manager – Communications also responded to questions from Councillors Speed, Braes, Durno and Macmillan Douglas in relation to accessibility for all, statutory budget figures and the consultation process.

Councillor Salmond highlighted that comprehensive engagement was vital in assisting the Council shape future budget decisions and strongly encouraged Angus citizens to take up the opportunity to participate in the budget engagement consultation.

The Council resolved:-

- (i) to note the three-strand approach to consultation and engagement intended to be progressed in the 2022/23 planning and budgeting cycle as agreed at Angus Council on the 17 December 2020, (Report 330/20) as set out in Section 3 of the Report;
- (ii) to note the intended timing of the consultation set out in Section 4.2 which would allow the Council to have due regard to the results as it began to formulate its priorities and budget strategy for the 2022/23 financial year and beyond;
- (iii) to approve the draft intended content for the Simulator Tool in Appendix A, noting that this may be subject to some final minor edits; and
- (iv) to approve the draft intended content for the Social Pinpoint Tool in Appendix B, noting that this may be subject to some final minor edits.

*At this point, the Provost intimated that he would be leaving the meeting at 2.30pm to attend the funeral of the late Andrew Welsh and that the Depute Provost would take up the Chair.*

*At this stage in the meeting, and having agreed previously, the meeting adjourned for 30 minutes.*

*The meeting resumed at 1.40pm.*

#### **14. COVID-19 FUNDING – DISCRETIONARY FUNDING PROJECT APPROVALS**

With reference to Article 7 of the minute of meeting of Angus Council of 13 May 2021, there was submitted Report No 215/21 by the Director of Finance to seek members agreement to use Scottish Government COVID-19 funding provided to the Council to help support local people and communities where the Council had a degree of discretion over the use of the funding.

The Report indicated that the Council currently had one funding stream provided to enable COVID related support to local communities on a discretionary basis. Angus had received a Flexible Fund allocation of £653,000 and the Council had also received funding to support the administration of COVID support grants.

Details of the individual projects were outlined in Appendix 1 to the Report and additional allocation for School Direct Payments were contained in Appendix 2 to the Report.

The Director of Finance and Director of Education and Lifelong Learning responded to members questions in relation to Homestart Angus, Angus Women’s Aid and Direct Payments.

The Council resolved:-

- (i) to approve the proposed use of COVID-19 funding where the Council was able to use the funding with a degree of discretion as set out in the Report and Appendix 1 to the Report; and
- (ii) to note the additional allocation of £34,000 to Schools Direct Payments as set out in Appendix 2 to the Report.

## **15. GUIDANCE TO MEMBERS ON DISTINGUISHING BETWEEN STRATEGIC AND OPERATIONAL**

With reference to Article 9 of the minute of meeting of the Scrutiny and Audit Committee of 1 December 2020, there was submitted Report No 217/21 by the Director of Legal and Democratic Services providing guidance to Councillors on distinguishing between their strategic role and any operational work, based on the guidance available at a national level and also to clarify the ways in which elected members could raise concerns about operational changes, particularly changes that were likely to affect large numbers of people.

The Director of Legal and Democratic Services provided an overview of the Report.

Councillor King highlighted that this was an important element of training and essential for new councillors going forward in their role, and that in his opinion, the training should be mandatory, not optional.

The Council resolved to note the contents of the Report.

*Councillors Brown and McMillan Douglas, having declared an interest at Article 2 above, left the meeting for the deputation and Item 16.*

### **Deputation**

The Council received a deputation from Mark Guild in relation to Item 16. Mr Guild confirmed that Station Park Community Trust had withdrawn their interest in Lochside Leisure Centre and intimated his disappointment that the Trust had not received the support from Angus Council in comparison to other community groups. He also highlighted that following the recent consultation survey, that 35.9% voted for demolition and the remaining 64.1% voted for the building to be retained through either sale, lease or community asset transfer.

Mr Guild thereafter expressed his opinion in terms of the decision making within the Council.

He also referred to a number of points in relation to the building condition, consultation requirement, non domestic rates, and the Court of Session legal fees. With regard to the independent external investigation into the Lochside Leisure Centre he highlighted that following an inspection in March 2021, extensive damage had been discovered, with estimated repair costs to be around £200,000. He emphasised that the damage to the building was not due to sinking but as a result of Angus Council failure to safeguard their public assets.

Mr Guild questioned whether the £427,000 costs to demolish the building represented best value for the people of Angus, given that he was in receipt of an estimate from a bona fide demolition contractor of £100,000 for the demolition of the leisure centre. He requested Angus Council to consider allocating the full £427,000 to the Forfar Common Good fund to be ring-fenced for a facility to be provided at Lochside, for the benefit of the Forfar community, and also should Angus Council be prepared to ring-fence the £427,000, he confirmed that Guild Homes would be prepared to fund the £100,000 demolition costs.

He thereafter conveyed his offer to explore options with Angus Council and to work with the community to turn this matter into a positive one for the people of Forfar and the rest of Angus.

Following the deputation, Mr Guild responded to questions from Councillor Hands in relation to the justification of the proposal to allocate general funds to the Forfar Common Good Fund and Councillor Durno in relation to the potential conversion of the building into affordable housing.

Councillor Fairweather, having given notice of an amendment to the recommendations in Report No 218/21, the Provost confirmed that the terms of the amendment had been circulated to members.

Councillor Whiteside enquired whether there would be an opportunity for a response from the Directors of Finance and Legal and Democratic Services, to Mr Guild's proposals. Having heard from the Director of Legal and Democratic Services in response, and also from Councillor Whiteside, the Director of Legal and Democratic Services agreed to further discuss as to whether the funding contained in the general fund could be transferred over to the Common Good Fund for the purpose of providing a facility in Forfar and also the legality around this proposal, with the Director of Finance.

*The Council resolved to adjourn for 10 minutes to allow members the opportunity to consider the contents of the amendment.*

*The meeting resumed at 2.17pm.*

*Prior to proceeding further, the Provost invited the Director of Infrastructure and Director of Finance to respond to Mr Guild's deputation.*

The Director of Infrastructure advised that Station Park Community Trust had made contact late yesterday and that the reasons for withdrawing their interest were stated that they were a recently established organisation, the project size and the number of current volunteer numbers. He also intimated that the offer of support from the Community Planning Team had also been conveyed to the Trust, to progress their development proposals, and as was the case with similar projects.

In response to Councillor Whiteside's point, the Director of Finance intimated that it would be legally permitted to move funds from the General Fund to the Common Good Fund provided that this move was considered best value. He intimated that it would not be possible to make a judgment until the future of Lochside Leisure Centre had been decided and that no determination could be made on the future use of these funds. He confirmed that the Council would not be in a position to make a best value judgement at this time, in this regard.

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

*The Provost advised that in terms of recommendation (iii) in the Report the Station Park Community Trust proposal had been withdrawn. He also highlighted that the Trust was now known as the Forfar Community Football Trust.*

With reference to Article 9 of the minute of meeting of Angus Council of 13 May 2021, there was submitted Report No 218/21 by the Director of Infrastructure which advised that Report No 98/21 presented at Council on 18 March 2021 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 sat. The Report looked for agreement to progress to formal consultation under Section 104 of the Community Empowerment (Scotland) Act 2015. Council had taken the decision to defer Report No 98/21 to consider the new Common Good accountancy procedures and in turn assessed the full financial impact on Angus Council and the Forfar Common Good fund in terms of the former Lochside Leisure Centre. It was also relevant to note an update to Option 3 in the form of a receipt of a proposal submitted for the former leisure centre by Station Park Community Trust.

The Report detailed the proposals in the context of the next steps as set out in Report No 98/21.

The Director of Infrastructure provided further information around the terms of the Council's budget for demolition and confirmed that costs were received in 2019 and that the Scotland Excel National Contract for demolition had been applied. The list contained 14 contractors albeit not all had returned tenders, with costs ranging from £340k to £580k. Additional costs also required to be incorporated included the utility disconnections, surveys and grass seeding.

The Director of Finance reiterated that the Council still required to make a decision on the consultation, and in terms of procurement process as detailed in the Council's Financial Regulations, highlighted as a public authority, the use of public money and the opportunity to bid for contracts required to be clear and transparent.

Councillor Whiteside proposed a further amendment to proceed to consultation on demolition.

The Manager Democratic and Members Services in highlighting that there were currently two amendments, proposed that Councillor Fairweather's amendment be taken as the motion, and Councillor Whiteside's be taken as the amendment.

COUNCILLOR FAIRWEATHER, SECONDED BY COUNCILLOR WANN, MOVED THAT THE COUNCIL RESOLVES:-

- (I) TO NOTE THAT THE STATION PARK COMMUNITY TRUST (NOW KNOWN AS FORFAR COMMUNITY FOOTBALL TRUST) PROPOSAL HAD BEEN WITHDRAWN;
- (II) TO APPROVE, PRIOR TO HAVING DUE REGARD TO THE OUTCOME OF THE INFORMAL CONSULTATION, TO MARKET THE PROPERTY FOR LEASE IN ORDER TO GAUGE INTEREST, WITH A REPORT COMING BACK TO COUNCIL ON 9 SEPTEMBER TO DETERMINE WHICH ONE OF THE FIVE OPTIONS IN APPENDIX 1, NAMELY 1. STATUS QUO; 2. SALE; 3. LEASE; 4 COMMUNITY ASSET TRANSFER; AND 5. DEMOLITION, ARE TO BE TAKEN FORWARD WITH A VIEW TO THE FORMAL SECTION 104 CONSULTATION ON THE FORMER LOCHSIDE LEISURE CENTRE LAND AND BUILDING;
- (III) TO NOTE THE NEED TO CARRY OUT REPAIRS TO THE BUILDING TO MAKE IT WATER TIGHT AND TO AUTHORISE THE DIRECTOR OF INFRASTRUCTURE TO UNDERTAKE MINIMAL REPAIRS; AND
- (IV) TO NOTE THE ADDITIONAL FINANCIAL IMPLICATION OF DEFERRAL WERE AS PROVIDED BY THE DIRECTOR OF FINANCE.

Councillor Whiteside, seconded by Councillor Braes, moved as an amendment, that the Council resolves:-

- (i) to proceed to consultation for demolition.

On a vote being taken, the members voted:-

For the motion:-

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

For the amendment:-

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

No Vote:-

Councillors Boyd and Cheape (2).

The motion was declared carried and the Council resolved accordingly.

Mr Guild thereafter left the meeting.

*At this stage, the Provost left the meeting. The Depute Provost took the Chair.*

*Councillor Durno left the meeting during consideration of the following item.*

## **17. CYCLING, WALKING AND SAFER ROUTES UPDATE AND 2021/22 PROGRAMME OF PROJECTS**

With reference to Article 4 of the minute of meeting of the Communities Committee of 23 February 2021, there was submitted Report No 219/21 by the Director of Infrastructure updating the Council on the delivery of the programme of projects funded in 2020/21 through the Cycling, Walking and Safer Routes fund ("CWSR") and to seek approval of the programme of projects to be funded during 2021/22.

A summary of the projects undertaken during 2020/21 was outlined in Appendix 1 of the Report. The initial programme of projects from the officer panel assessment were reviewed by the Road Safety Member Officer Working Group (MOWG) and outlined in Appendix 2 to the Report. Appendix 3 to the Report outlined the other active travel projects identified from the 2021/22 CWSR consultation.

The Service Leader, Roads and Transport responded to a number of member's questions and comments.

The Council resolved:-

- (i) to note the amended programme of projects undertaken during 2020/21;
- (ii) to approve the programme of projects to be undertaken funded by CWSR during financial year 2021/22; and
- (iii) to note that a list of other projects identified through the CWSR consultation process was utilised as substitutes for the CWSR programme of projects 2021/22 and delegated authority to the Service Leader – Roads & Transportation to make substitutions and to feed the others into the pipeline of Active Travel projects as funding opportunities were presented.

## **18. ANGUSALIVE – UPDATE**

With reference to Article 15 of the minute of meeting of Angus Council of 18 March 2021, there was submitted Report No 220/21 by the Director of Strategic Policy, Transformation and Public Sector Reform providing an update in relation to ANGUSalive, including the organisation's current temporary operating arrangements and recovery plans in relation to the Scottish Government's framework and timescales for the easing of lockdown restrictions, along with progress in relation to the ongoing development of the ANGUSalive Transformation Project previously agreed by the Council.

The Council resolved:-

- (i) to note ANGUSalive's current temporary operating arrangements, along with proposed recovery plans over the next few months, subject to Scottish Government's further easing of restrictions, as set out in Appendix 1;
- (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 arrangements, as set out in Appendix 1;



- (iii) to note the Chief Executive's emergency decision, in consultation with the Director of Infrastructure, requiring ANGUSalve to temporarily hand-back to the Council three facilities (Reid Hall, Forfar; Arbroath Community Centre; and Montrose Town Hall) from ANGUSalve, using the provisions in the licence to occupy agreement, with the purpose of using said facilities to support the acceleration of the vaccination programme, in response to the recent guidance issued by the Chief Medical Officer;
- (iv) to agree that ANGUSalve should stop taking any bookings at these three venues until the start of the new calendar year in January 2022, as noted at Section 4.2.5 below, subject to ongoing review of the emerging position with the vaccinations roll-out;
- (v) to note that agreeing to recommendation (iv) above would result in a loss of income for ANGUSalve, and the financial implications of that would continue to be monitored closely and considered as part of the support package measures as set out in Section 4.4.12 below;
- (vi) to note that ANGUSalve 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 £2,953,218.11 (up to 31 May 2021), with details included in Appendix 2 of the Report;
- (vii) to delegate authority to the Director of Finance the implementation as necessary of the support package measures as set out in paragraph 4.4.12; and
- (viii) to note the progress with the ongoing development of the transformation project, together with the significant work that was advancing in relation to the new ANGUSalve Digital 'App', the Angus Sports and Physical Activity Framework and the Angus Cultural Strategy, whilst opportunities to bid for new UK funding were also being explored.

**19. LAND REFORM (SCOTLAND) ACT 2003 (ANGUS COUNCIL) (CARNOUSTIE GOLF LINKS) ORDER 2021**

There was submitted Report No 221/21 by the Interim Director of Communities in relation to the introduction of an Order to exempt temporarily an area of land at Carnoustie Links, from access rights which would otherwise be exercisable under the Land Reform (Scotland) Act 2003, to accommodate the AIG Women's Open 2021.

The Report indicated that the AIG Women's Open would be held in Carnoustie between 19 and 22 August 2021. The proposed dates and reasons for the required exemption were set out in the draft Order which was outlined in Appendix 1 to the Report. The duration and extent of the exemption sought was considered necessary to maintain course security and to allow a charge to be made for admission. Appendix 2 to the Report detailed the proposed area.

The Council resolved:-

- (i) to authorise the Interim Director of Communities to seek a resolution to any objections received during the statutory consultation period; and
- (ii) to authorise the making of the Order, with any modifications required by Scottish Ministers.

**20. MONIFIETH LEARNING CAMPUS – CONSULTATION OUTCOME**

With reference to Article 3 of the minute of the special meeting of Angus Council of 4 March 2021, there was submitted Report No 222/21 by the Director of Education and Lifelong Learning providing an update to Council on the recent consultation exercise relating to Monifieth Learning Campus.

The Report highlighted the key themes from the consultation and made a series of proposals to move the project forward. Appendix 1 to the Report detailed the Monifieth Learning Campus Consultation Report.

The Director of Education and Lifelong Learning responded to member's questions relating to after school activities, boundaries and school capacity.

Thereafter, having heard from a number of members who intimated their support to the recommendations as detailed in the Report; the Council resolved:-

- (i) to note, and having had regard to the outcomes of the initial consultation exercise for the Monifieth Learning Campus and the further opportunities to be provided for stakeholders to provide their views;
- (ii) to approve the inclusion of an early learning and childcare facility within the new Monifieth Learning Campus;
- (iii) to approve further consultation with the Monifieth community regarding the inclusion, or otherwise, of a relocated library within the new Monifieth Learning Campus;
- (iv) to approve the inclusion of a replacement swimming pool and sports block within the new Monifieth Learning Campus;
- (v) to approve the inclusion of an allowance of additional area to increase out of hours, non-school use of sports facilities in the future;
- (vi) to note the feedback in relation to the potential to increase community access and how this would be considered as the design developed;
- (vii) to note the feedback provided in relation to Active Travel opportunities and how this would be considered as the design developed;
- (viii) to approve the continued engagement with Police Scotland regarding the potential sharing of space and facilities at Monifieth Learning Campus; and
- (ix) to note that it may be necessary to reassess the project scope as the project developed to fit within the affordability envelope the Council had available should costs be higher than currently estimated or should the funding support provided from the Scottish Government differ from the levels assumed in the Council's affordability assessment.

## **21. 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 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.

*Councillors Cheape and Myles, having declared an interest at Article 2 above, left the meeting.*

## **22. CGLMC LTD**

With reference to Article 12 of the minute of meeting of the Policy and Resources Committee of 2 February 2021, there was submitted Report No 224/21 by the Director of Legal and Democratic Services.

Having heard from a number of members and the Director of Legal and Democratic Services, the Council resolved to approve the recommendations as detailed in the Report.