

ANGUS COUNCIL

MINUTE of REQUISITIONED MEETING of **ANGUS COUNCIL** held remotely on Thursday 21 July 2022 at 2.00 pm.

Present: PROVOST BRIAN BOYD, DEPUTE PROVOST LINDA CLARK, Councillors CHRIS BEATTIE, JULIE BELL, KENNY BRAES, DAVID CHEAPE, SERENA COWDY, LYNNE DEVINE, HEATHER DORAN, BILL DUFF, BRENDA DURNO, DAVID FAIRWEATHER, IAIN GALL, ROSS GREIG, LLOYD MELVILLE, MARK MCDONALD, IAN MCLAREN, GEORGE MEECHAN, GAVIN NICOL, LOUISE NICOL, RONNIE PROCTOR MBE, LOIS SPEED, JILL SCOTT, MARTIN SHEPHERD, TOMMY STEWART, DEREK WANN and BETH WHITESIDE.

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Craig Fotheringham.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. REQUEST FOR A DEPUTATION

The Provost intimated that a deputation request had been received from Mr Jon Gill, Chairman of Caledonian Railway Brechin Ltd, in relation to Part 2 of the motion.

The deputation was to support discussion around revised Caledonian Railway (CRB) Levelling Up Funding Proposals in light of delays with the application process and an opportunity for the council to further examine CRB proposals for risk and scope.

The Council agreed to hear the deputation.

4. PROCEDURAL MOTION

Councillor Scott, seconded by Councillor Gavin Nicol, moved the following procedural motion:

To request that Council suspend in part Standing Order 25 (1) to remove the word "ordinary" from the first line thereof and to suspend in part Standing Order 25 (2) to remove the word "ordinary" from the second line thereof, solely for the purpose of allowing the under-noted Motion at ITEM 2 to be considered by Council at this Special Meeting of Council. In accordance with the provisions of Standing Order 27 this motion, if duly seconded, shall be put to the vote immediately without amendment or discussion.

On a vote being taken, members voted:

For the motion:

Provost Boyd, Depute Provost Clark, Councillors Beattie, Bell, Braes, Cheape, Cowdy, Devine, Doran, Duff, Durno, Fairweather, Gall, Greig, McDonald, McLaren, Meechan, Melville, Gavin Nicol, Louise Nicol, Proctor, Scott, Shepherd, Speed, Stewart, Wann and Whiteside (27)

Against the motion:

Nil

The motion was declared carried and the Council resolved accordingly.

4. NOTICE OF MOTION PART 1

Councillor Scott, seconded by Councillor Gavin Nicol, moved Part 1 of the Motion:

In accordance with the provisions of Standing Order 26 (2)(ii) that with reference to the Council decision on 30 June on Report Number 175/22 Levelling Up Fund Application for Brechin Caledonian Railway a "material change of circumstances" has occurred to such an extent that it is appropriate for the issue to be reconsidered.

We ask that the Provost considers the changes noted below to be material so as to allow Council to consider Part 2 of the Notice of Motion.

Material changes –

1. Portal has not opened for applications providing more time to analyse the Bid
2. Caledonian Railway Brechin Limited's intention to reduce the scope of its bid which it believes reduces exposure of a risk to the Council, (noting that Caledonian Railway Brechin Limited is otherwise detailed as Brechin Caledonian Railway)

Notice of Motion Part 2

1. to note the previous Report No. 175/22 Levelling Up Fund Application for Brechin Caledonian Railway;
2. to consider a new scope for a bid by Caledonian Railway Brechin Ltd to the Levelling Up Fund as per attached email from Caledonian Railway Brechin Ltd dated 13 July 2022, attached as Appendix 1.
3. To support the application to the Levelling Up Fund in terms of the said amendment of scope of proposals and:
 - a. Seek the Director of Finance's assurance that the scheme cost estimates quoted in this bid are accurate' reasonable and deliverable in the present climate;
 - b. And if so, instruct the Director of Finance to accept the terms and conditions of the fund, subject to timely receipt of all of the necessary information required to complete the application on behalf of Caledonian Brechin Railway limited.

The Council agreed to a 20 minute adjournment to allow the Provost to take advice from the relevant officers.

The meeting re-convened at 2.33pm.

The Provost ruled that there had not been a material change of circumstances based on the information in Part 1 of the Notice of Motion and gave the following explanation as to how he had arrived at this decision:-

In relation to 1, the motion states the application portal is not open. However, the Director of Finance noted in his briefing to the 30th June 2022 Council meeting that the portal was not yet open. Members were, therefore, aware of this when Report 175/22 Levelling Up Fund Application for Brechin Caledonian Railway was considered, and it is not new information.

Therefore, this is not a change since 30 June 2022.

Furthermore, an email was received on 15 July 2022 that the portal was now open for applications. The closing date for applications to be received by the UK Government is now Tuesday 2 August 2022 at Noon. This does not constitute a material change of circumstances, as although the time has changed due to technical issues, the application process has not.

In addition, no draft application has been received by officers for a reduced bid and there is still substantial gaps in the previous application, as Council agreed not to proceed with the application no further work has been undertaken to support the Group to finalise their application for Levelling Up Funding.

In relation to 2, Caledonian Railway Brechin Limited's intention to reduce the scope of its bid which it believes reduces exposure of risk to the Council, there are five areas of issue/risk identified in Report 175/22:-

1. Eligibility requirement of submission of funding

I consider there is no change from the Report.

2. Construction costs

I consider there is no change from the Report.

3. The Council's existing financial challenges

I consider there is no change from the Report.

4. Lack of detail to assess risks

The potential impact of some of these risks may reduce, but they are not extinguished through a reduction in scope/costs of the project it is not possible to assess this without an assessment of each aspect of the project. The Council has now less information on the proposed project than at the time of the Report.

5. Officer support required for the project

I consider there is no change from the Report.

In summary, four of the five areas of issue/risk identified in Report 175/22 are unchanged. One area of issue/risk may be impacted by the reduced scope but the extent of this cannot be assessed.

The Provost ruled that no material change of circumstances had occurred in terms of Standing Order 26.

Thereafter, the Provost intimated that as there was now no item of business to be discussed and in keeping with previous practice, the deputation would now not be heard.

The Provost then closed the meeting.