

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in Angus House, Forfar on Thursday 15 December 2022 at 2.00pm.

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, CRAIG FOTHERINGHAM, IAIN GALL, ROSS GREIG, MARK MCDONALD, IAN MCLAREN, GEORGE MEECHAN, LLOYD MELVILLE, GAVIN NICOL, LOUISE NICOL, RONNIE PROCTOR MBE, JILL SCOTT, MARTIN SHEPHERD, LOIS SPEED, TOMMY STEWART, DEREK WANN and BETH WHITESIDE.

Prior to the commencement of the formal business, the Provost intimated that he had agreed that Councillors Bell and Shepherd join the meeting remotely.

Thereafter, the Provost intimated that as members were aware, Appendices A & B for Report No 400/22 had not been issued to members in line with the required "3 clear days" before the meeting. However, he had determined that in accordance with the provisions of Standing Order 11(1)(vii) these Appendices could be considered at this meeting as a matter of urgency as the Report and Appendices require to be considered by the Council before the end of December in terms of the statutory reporting timetables. The Council's consideration of the Report and Appendices could not be delayed until a later meeting due to the time-critical nature of the decision making required in terms of the report.

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. MINUTES OF COUNCIL AND COMMITTEES

(i) Minute of Council Meetings

(a) Angus Council

The minute of meeting of Angus Council of 3 November 2022 was submitted and approved as a correct record, subject to the following amendment: -

In terms of Item 5(i) the final paragraph should form part of item 4(ii) – Council Baillie. Item 4(ii) would now include a final additional paragraph which would read:

"Thereafter, in accordance with the provisions of Standing Order 16(11)(ii), Councillor Fairweather requested that his dissent be recorded from the foregoing decision following which Councillor Fairweather left the meeting."

(b) Angus Council (Special)

The minute of special meeting of Angus Council of 22 November 2022 was submitted and approved as a correct record.

(ii) Minutes of Committees

(c) Development Standards Committee

The minute of meeting of the Development Standards Committee of 18 October 2022 was submitted and noted.

(d) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 20 October 2022 was submitted and noted.

(e) Policy and Resources Committee

The minute of meeting of the Policy and Resources Committee of 25 October 2022 was submitted and noted.

(f) Scrutiny and Audit Committee

The minute of meeting of the Scrutiny and Audit Committee of 27 October 2022 was submitted and noted.

(g) Development Management Review Committee

The minute of meeting of the Development Management Review Committee of 8 November 2022 was submitted and noted.

(h) Civic Licensing Committee

The minute of meeting of the Civic Licensing Committee of 10 November 2022 was submitted and noted.

(i) Development Standards Committee

The minute of meeting of the Development Standards Committee of 15 November 2022 was submitted and noted.

(j) Children and Learning Committee

The minute of meeting of the Children and Learning Committee of 15 November 2022 was submitted and noted.

(k) Communities Committee

The minute of meeting of the Communities Committee of 22 November 2022 was submitted and noted.

4. APPOINTMENTS

(i) Angus Licensing Board and Civic Licensing Committee

The Council noted that Provost Brian Boyd had intimated his resignation from Angus Licensing Board and Civic Licensing Committee.

The Council resolved to appoint Councillor Craig Fotheringham to the Angus Licensing Board and Civic Licensing Committee.

(ii) Children and Learning Committee

The Council noted that Depute Provost Linda Clark had intimated her resignation from the Children and Learning Committee.

The Council resolved to appoint Councillor Kenny Braes to the Children and Learning Committee.

5. STANDARDS COMMISSION DECISION

There was submitted Report No 417/22 by the Director of Legal and Democratic Services advising members that in terms of Section 18 of the Ethical Standards in Public Life Etc (Scotland) Act 2000 and Rule 10.9 of the Standards Commission Hearing Rules, the Council required to consider, within three months, the terms of a written decision issued by the Standards Commission.

The Council resolved to note the decision in relation to complaint reference LA/AN3546.

6. APPOINTMENTS TO OUTSIDE BODIES - UPDATE

With reference to Article 9 of the minute of meeting of Angus Council of 26 May 2022, there was submitted Report No 418/22 by the Director of Legal and Democratic Services which provided members with an update in relation to appointments to Outside Bodies.

The Council resolved: -

- (i) to make appointments to the following Outside Bodies, having noted the due diligence that Officers had undertaken;

Angus Citizens Advice Bureau

Councillors Kenny Braes, Lynne Devine and Martin Shepherd (each as a decision-maker);

Forfar Day Care Centre/Deirdre Knight Centre

Depute Provost Linda Clark and Councillor Ross Greig. The Council agreed that both members be put forward as an observer should this be acceptable with the Forfar Day Care Centre/Deirdre Knight Centre.

Association of Public Service Excellence (APSE)

Councillors Serena Cowdy and Craig Fotheringham. The Council agreed that both members be put forward as an observer should this be acceptable with the Association of Public Service Excellence.

North East Scotland Agricultural Advisory Group

Councillors Julie Bell, Lynne Devine, Kenny Braes and Iain Gall (as an observer); and

- (ii) to note the position regarding the other Outside Bodies as detailed in Appendix 1 to the Report.

7. ANGUS COUNCIL ANNUAL ACCOUNTS 2021/22 AND ANNUAL AUDIT REPORT TO MEMBERS

With reference to Article 9 of the minute of meeting of the Scrutiny and Audit Committee of 29 November 2022, there was submitted Joint Report No 400/22 by the Chief Executive and the Director of Finance, providing Audit Scotland's Annual Audit Report to Members on the 2021/22 Audit of Angus Council, Robert and William Strang Mortification and Angus Council Charitable Trust and requesting that members of the Council review the content of Audit Scotland's Annual Audit Report covering letter and Annual Audit Report outlined in Appendices A & B to the Report.

The Director of Finance provided a brief summary of the key areas of the Report, and members congratulated the staff members for all their hard work in the preparation of these Reports.

The Council resolved to note the content of Audit Scotland's Annual Audit Report Covering Letter and Annual Audit Report outlined in Appendices A & B to the Report.

8. TREASURY MANAGEMENT 2022/23 MID-YEAR REVIEW

There was submitted Report No 419/22 by the Director of Finance requesting members to review Angus Council's treasury management arrangements, activities and performance for the period 1 April 2022 to 30 September 2022.

The Report advised that during the first 6 months of 2022/23 there had been a number of significant issues which had affected the economy and public finances including continued rises in inflation, rising interest rates, changes of both Prime Minister and Chancellor and changes in fiscal policy at the UK level.

The first half of the year had shown signs of economic activity losing momentum as production fell due to rising energy prices. This period had also been dominated by rising inflation which has resulted in the Monetary Policy Committee (MPC) implementing a series of increases to the bank base rate as it attempted to bring inflation under control. This situation was not unique to the UK, as other major economies around the world had also taken measures to increase interest rates to combat rising inflation.

The Report indicated that interest rates were currently at their highest level since the Global Financial Crisis in 2008/2009 and the latest forecast set out a view that both short and long-dated interest rates would be elevated for some time, as the Bank of England sought to control inflation, whilst the government was providing a package of fiscal loosening to try and protect households and businesses from ultra-high wholesale gas and electricity prices. From a treasury perspective this was both good and bad news. Bad in so far as the cost of borrowing was more expensive but, more noteworthy for the Council, good in terms of the return available on the investment of temporary cash balances. Angus Council continued to experience higher levels of cash balances due to the capital programme not having recovered to pre-pandemic levels as well as high levels of COVID-related grants provided by the Scottish Government which would be spent over the short and medium term. This had made it difficult to justify incurring any borrowing over the first 6 months of 2022/23 however, this was being kept under close review given the Council's underlying need to borrow to finance its capital expenditure plans.

Having heard from the Director of Finance, the Council resolved to note the treasury management activities for the period 1 April 2022 to 30 September 2022, as outlined in Appendix 1 to the Report.

9. 2022/23 STAFF PAY DEAL – COSTS AND FUNDING ARRANGEMENTS INCLUDING REVIEW OF GENERAL RESERVE COMMITMENTS

There was submitted Report No 420/22 by the Director of Finance advising members of the costs and proposed funding arrangements arising from the 2022/23 staff pay deals negotiated between COSLA on behalf of all Councils and staff Trade Unions. The complexity of the pay deals, the financial implications for the Council and the need to consider how additional Scottish Government funding would be applied, had necessitated a specific report on these matters.

The Director of Finance introduced the Report and advised that the costs within the Report were unresolved due to negotiations still taking place on the pay deal for teachers however, funding decisions could not be delayed any further. For information he advised that each 1% additional increase on pay for Angus teachers would cost approximately £0.7million.

He advised that pay offers which included a permanent uplift to pay added to the Council's cost base on an ongoing (year after year) basis. While one-off funding sources of funding such as reserves could be used to address a shortfall arising on pay in-year as a temporary solution they could not be used as a means of paying for pay deals on an ongoing basis.

The Report indicated that the Council could not increase Council Tax during the year and because the pay negotiations had taken so long to conclude the options for finding permanent savings in the remainder of financial year 2022/23 over and above the £6.8 million already required per the Change Programme were limited. The Council would therefore have to cover the gap of £2.906 million shown in Table 4 of the Report through other means.

The Council resolved: -

- (i) to note the background to the 2022/23 pay deals and current position as set out in the Report;
- (ii) to note the total estimated cost to the Council and partners from the 2022/23 pay deals noting that the pay deal for teaching staff was still to be settled and therefore remained an area of risk and uncertainty;
- (iii) to note the additional funding being provided by the Scottish Government to support some of the cost of the 2022/23 pay deals as set out in Section 8 of the Report;

- (iv) to approve the allocation of a proportionate share of the additional government funding to the Angus Health and Social Care Partnership (AHSCP), Tayside Contracts and ANGUSalive as set out in Section 8 of the Report to support those partner organisations with part of their pay deal costs, and to delegate authority to the Director of Finance to finalise the proposed shares to the AHSCP, Tayside Contracts and ANGUSalive once all pay deals had been finalised and the full financial implications for the Council and these partners were confirmed;
- (v) to approve the approach to using the additional capital grant funding being provided by the Scottish Government set out in Section 9 of the Report and the associated revisions to the funding of the 2022/23 Housing Capital Budget which arose from this;
- (vi) to approve the revisions to the Council's General Fund Reserve commitments and the new budget carry forwards as set out in Section 10 and Appendix A to the Report;
- (vii) to approve the use of up to £2.906 million of the Council's uncommitted General Fund Reserves in financial year 2022/23 to meet the gap between costs and available funding as set out in Table 4 (Section 8), noting that the final required use of Reserves would depend on the outcome of the pay deals which were still to be settled and the overall outturn on the Council's 2022/23 budget; and
- (viii) to note the implications for the Council's Medium Term Budget Strategy outlined in Section 12 of the Report.

10. ANGUS LOCAL DEVELOPMENT PLAN ACTION PROGRAMME - 2022 UPDATE

With reference to Article 14 of the minute of meeting of Angus Council of 8 September 2022 there was submitted Report No 421/22 by the Director of Vibrant Communities and Sustainable Growth seeking approval of the updated Action Programme for the Angus Local Development Plan which detailed the progress with the implementation of the Plan.

The Service Leader – Planning & Sustainable Growth introduced the Report which provided a snapshot of progress and current activity towards implementing the Angus Local Development Plan and advised that it had not been anticipated that this update would be required but delays to implementation of the Planning (Scotland) Act 2019, associated secondary legislation and guidance had resulted in the current legislative requirements still being in force. This update had been prepared in consultation with parties identified as contributing to delivery of the actions, drawing on progress updates from landowners/developers through regular monitoring activities (including the housing and employment land audits and development delivery monitoring).

Following a response to questions, the Council resolved:

- (i) to agree the Angus Local Development Plan Action Programme - 2022 Update for adoption, submission to Scottish Ministers and publication as detailed in Appendix 1 to the Report; and
- (ii) to delegate authority to the Service Leader - Planning and Sustainable Growth to make minor formatting and drafting changes if required.

11. TEMPORARY MODULAR ACCOMODATION UKRAINIAN DISPLACED PERSONS

There was submitted Report No 422/22 by the Depute Chief Executive advising members of a request from the Scottish Government to participate in a pilot project to provide temporary modular accommodation for Ukrainian Displaced Persons (UDP) as an addition to the existing Welcome Hub hotel and cruise ship accommodation that was available in other council areas in Scotland. Pending receipt of certain clarifications and assurances from the Scottish Government, the report recommended the previous St Thomas' school site at Arbroath, (Arbroath site), as a suitable site for this national pilot.

The Depute Chief Executive introduced the Report and advised that as with much of the council's emergency response to the war in Ukraine, the proposals had been developed at a rapid pace and over a very short period of time and as such there were some operational details that still required to be clarified.

He advised that as detailed in the Report, this would be a time limited pilot project which would provide temporary accommodation for no longer than 12 months which would test the use of temporary modular accommodation as part of the council's overall response to supporting those who had fled Ukraine because of the war with Russia. In consultation with many services and partners, including Angus Health and Social Care Partnership, the council had worked closely with Scottish Government officials, and their partners Palladium, to critically test and consider the suitability of Angus as a council area within which to locate the pilot.

He acknowledged the risks and challenges as detailed in the Report and advised that from the outset officers had highlighted these concerns to the Scottish Government and assurance had been received from them that they would work in partnership with officers to mitigate them. He also advised that there had been progress on many of the areas of clarification as highlighted in paragraph 5.7 of the Report and confirmed that the lease would be for no more than 15 months and short-term accommodation provided for 12 months maximum. The value of the lease would be £8,000 per annum.

The Depute Chief Executive then provided advice in terms of the basis on which the Appendix to Report No 422/22 was exempt.

He then responded to various questions from members and addressed some of the concerns following which a number of members generally welcomed the proposals.

The Council resolved: -

- (i) to note the work done to date by the council and its partners in providing support and assistance for Ukrainian Displaced Persons (UDP) residing in Angus;
- (ii) to agree that as part of the ongoing Angus response to the humanitarian disaster in Ukraine, Angus Council agree to participate in the Scottish Government pilot to provide temporary modular accommodation for UDP;
- (iii) to note that the agreement to participate in the pilot would be subject to the final pilot-proposal being signed-off through the Scottish Government's governance arrangements as advised in Paragraph 4.20 of the Report;
- (iv) to approve that agreement to participate in the pilot was dependent upon officers receiving satisfactory clarifications and assurances as detailed in Section 5 of the Report;
- (v) to note that the temporary modular accommodation was exclusively for the use of Ukrainian displaced persons;
- (vi) to agree that the previous St Thomas school site would be the site for the pilot of temporary modular accommodation;
- (vii) to delegate authority to the Depute Chief Executive in consultation with the Director of Legal and Democratic Services to agree the lease arrangements for the St Thomas school site with the Scottish Government to allow the Scottish Government to then agree the delivery arrangements with the Palladium Group. This would be subject to consent criteria for disposal / use of the HRA asset being satisfied;
- (viii) to note the existing and planned ongoing community engagement activity that would involve both local residents and Ukrainian displaced persons in the development and monitoring of the delivery of the temporary modular accommodation in Arbroath;
- (ix) to agree that if the pilot was delayed then the Brechin site which was situated between Wards Park and Brechin Park and as shown outlined in red on the plan forming Appendix 2 of the Report, (Brechin site) could be used as the Angus site instead of the Arbroath site for the pilot of temporary modular accommodation; and
- (x) to note that if the Brechin site was to be considered, that any associated proposals for this site would be subject to the same clarifications and assurances being sought for the Arbroath site and would also be the subject of reports to Communities and Development Standards Committees as appropriate.

12. EXEMPT APPENDIX - TEMPORARY MODULAR ACCOMODATION UKRAINIAN DISPLACED PERSONS

The Provost intimated that this item had been considered as part of item 11 above and he therefore proposed that there was no requirement to consider the information contained within the exempt appendix as members had taken that information into account in making their decision.