

## **ANGUS COUNCIL**

MINUTE of HYBRID MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 22 June 2023 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, DAVID FAIRWEATHER, 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.

PROVOST BOYD, in the Chair

Prior to the commencement of business, the Provost intimated that an emergency motion in relation to the SSEN Transmission East Coast Project had been received outwith the 7 clear days' notice in terms of Standing Order 25(i).

### **1. APOLOGY**

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

### **2. DECLARATIONS OF INTEREST OR STATEMENTS OF TRANSPARENCY**

Councillor Durno made a statement of transparency in relation to Item 5(iii) emergency motion on SSEN Transmission East Coast Project as her daughter worked for OVO Energy. She indicated that she would take part in any discussion and voting.

Councillor Cheape declared an interest in items 12 and 14 as a Council appointed Director of Carnoustie Golf Links Management Committee Ltd. He indicated that he would not take part in any discussion and voting and would leave the meeting during consideration of these items.

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

#### **(i) Minute of Council Meeting**

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

The minute of meeting of Angus Council of 11 May 2023 was submitted and approved as a correct record.

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

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

The minute of meeting of the Scrutiny and Audit Committee of 25 April 2023 was submitted and noted.

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

The minute of meeting of the Policy and Resources Committee of 2 May 2023 was submitted and noted.

##### **(d) Civic Licensing Committee (Special)**

The minute of the Special meeting of the Civic Licensing Committee of 4 May 2023 was submitted and noted.

**(e) Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 9 May 2023 was submitted and noted.

**(f) Development Standards Committee**

The minute of meeting of the Development Standards Committee of 16 May 2023 was submitted and noted.

**(g) Civic Licensing Committee**

The minute of meeting of the Civic Licensing Committee of 18 May 2023 was submitted and noted.

**(h) Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 23 May 2023 was submitted and noted.

**(i) Communities Committee**

The minute of meeting of the Communities Committee of 23 May 2023 was submitted and noted.

**(j) Children and Learning Committee**

The minute of meeting of the Children and Learning Committee of 1 June 2023 was submitted and noted.

**(k) Policy and Resources Committee**

The minute of meeting of the Policy and Resources Committee of 6 May 2023 was submitted and noted.

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

**(i) Ban on Disposable Vapes in Scotland**

Councillor Cowdy, seconded by Councillor Devine, moved the following motion:-

‘This Council believes that disposable vapes cause unacceptable damage to both the environment, and to the health and wellbeing of young people. We call on the Scottish Government to ban these devices.

Research shows that in 2022, at least 1.3 million disposable vapes were disposed of each week in the UK. Thousands have been discarded in communities and public spaces across the Angus council area.

This council notes the significant local concerns that have been raised on this issue, by Angus residents, the council’s own Trading Standards team, and by its working group on vaping and young people.

Environmental and safety risks:

- Disposable vapes discarded on our streets cause serious environmental pollution. The materials they are made of take many years to degrade, and they pose a threat to land and marine wildlife.
- Disposable vapes are powered by lithium-ion batteries which contain corrosive chemicals and pose a fire risk at waste facilities.
- Vehicle recovery organisations are reporting an increase in dangerous tyre blow-outs caused by disposable vapes thrown from other vehicles.

Risks to children and young people:

- Disposable vapes are often brightly coloured and produced in flavours that particularly appeal to a younger age group. Disposable vapes are also usually cheaper than their refillable counterparts, making them attractive to young people on limited budgets. Some young people are saying they are bullied if they do not vape, and children as young as P5 have been found to be vaping.
- The vapour in disposable vapes contains nicotine, which is highly addictive. Evidence suggests young people are not using vapes or e-cigarettes as stop smoking aids but rather as a starting point, which appears to be leading to smoking and other substance abuse.
- The other health risks of using vapes are not yet fully understood.

This Council welcomes the fact that the Scottish Government recently launched a review into the environmental impact of disposable vapes, led by Zero Waste Scotland.

However, we believe the matter is an urgent one, and we welcome the fact that several other Scottish councils have already passed motions in support of a ban on disposable vapes.

We ask the Scottish Government to ban disposable vapes as soon as possible, and meaningfully engage with young people throughout the process.'

The Council resolved to approve the motion.

**(ii) Pride**

Councillor Melville, seconded by Councillor Bell, moved the following motion:-

'That Angus Council:

1. Wishes people of the LGBTQ+ community in Angus a very happy Pride Month;
2. Acknowledges that Pride is a celebration of the history, diversity, achievements and equal status and dignity of the LGBTQ+ community;
3. Celebrates the significant progress made on LGBTQ+ equality in recent times, but;
4. Further understands that Pride is also a protest against the continuing inequalities faced by this community;
5. Notes with alarm the 10% and 87% yearly increases in, respectively, sexual orientation and transgender hate crimes in Scotland in 2021/22. See here: <https://www.copfs.gov.uk/media/d3jnt5t2/hate-crime-2021-22-publication-final.pdf>; and;
6. Affirms its commitment to tackle hate crime, and to drive progress towards the full equality and inclusion of LGBTQ+ people here in Angus, alongside every other protected characteristic.'

The Council resolved to approve the motion.

At this stage in the meeting, the Provost intimated that Councillor Wann had submitted an emergency motion outwith the required timeframe however, in terms of Standing Order 11(vii) he had determined that the item be considered as a matter of urgency by reason of special circumstance as Councillor Wann had clarified that the motion was submitted outwith the timeframe due to the consultation deadline.

**(iii) SSEN Transmission East Coast Project**

Councillor Wann, seconded by Councillor Proctor, moved the following motion:-

'That Angus Council:

Write to SSEN and request that they publish and provide details of future engagement activity planned with communities in Angus on this development. This should be of a gold-star standard to reflect the size and impact of the development. A detailed plan should set out clearly how details of activity will be communicated to communities, timescales and where and when specific engagement activity will be undertaken. Feedback should also be sought from communities on this engagement plan.'

The Council resolved to approve the motion.

## **5. APPOINTMENTS**

### **(i) Communities Committee**

The Council was advised that Councillor Boyd had intimated his resignation as a member of the Communities Committee.

The Council resolved to appoint Councillor Cheape to the Communities Committee.

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

The Council was advised that Councillor Cheape had intimated his resignation as a member of the Policy and Resources Committee.

The Council resolved to appoint Councillor Boyd to the Policy and Resources Committee.

## **6. APPOINTMENT OF ELECTED MEMBERS TO THE SUSTAINABLE ENERGY & CLIMATE ACTION PLAN STEERING GROUP**

With reference to Article 8 of the minute of meeting of Angus Council held on 4 November 2021, there was submitted Report No 188/23 by the Director of Vibrant Communities and Sustainable Growth which provided an overview of the Steering Group to support the Sustainable Energy and Climate Action Plan (SECAP) and sought nominations for up to 3 elected member representatives for appointment.

The Council resolved to appoint Councillors Cowdy, Devine & Proctor to the Sustainable Energy and Climate Action Plan Steering Group (SECAP).

## **7. 2022/23 FINANCIAL OUTTURN AND DRAFT ACCOUNTS UPDATE**

There was submitted Report No 189/23 by the Director of Finance providing details of the unaudited financial outturn position on both a revenue and capital basis for 2022/23 for Angus Council and an update regarding preparation of the 2022/23 Annual Accounts.

Having heard from the Director of Finance, the Council resolved:-

- (i) to note the update regarding preparation of the 2022/23 Annual Accounts and that, in accordance with statutory requirements, they would be submitted to Audit Scotland by 30 June 2023 deadline;
- (ii) to note that the Council's Annual Accounts would be published on the Council's website on or around 30 June 2023;
- (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 2022/23 100% budget carry forwards totalling £0.770 million as set out in Section 4 and Appendix E(ii) of the Report in accordance with the Council's 100% budget carry forward scheme, subject to none of those being affected by changes arising from the audit process;

- (vi) to approve that £0.327 million of prior year 100% carry forwards not utilised in 2022/23 due to delays in projects and plans be carried forward to 2023/24 as set out in Section 4 and Appendix E(iii) to the Report; and
- (vii) to note that the 2023/24 Final Revenue Budget Volume was still work in progress and would be published on the Council's website once finalised and any approvals of budget finalisation adjustments would be brought for approval to members after the summer recess.

## **8. COUNCIL TAX ON SECOND AND EMPTY HOMES: CONSULTATION – PROPOSED ANGUS COUNCIL RESPONSE**

There was submitted Report No 190/23 by the Director of Finance advising members of a consultation on Council Tax as it applied to second homes and long-term empty properties and sought approval for a proposed Council response as detailed in Appendix 1 to the Report.

The Director of Finance introduced the Report and responded to members questions.

Thereafter, the Council resolved:-

- (i) to note the background to the consultation as set out in the Report;
- (ii) to consider the proposed response to the consultation as detailed in Appendix 1 to the Report; and
- (iii) to approve the proposed response as detailed in Appendix 1 to the Report.

## **9. MONIFIETH COMMUNITY HUB AND LIBRARY – PROJECT IMPLEMENTATION**

With reference to Article 18 of the minute of meeting of Angus Council of 8 September 2022, there was submitted Joint Report No 191/23 by the Director of Finance and the Director of Strategic Policy, Transformation and Public Sector Reform advising members of the latest position on the proposed project to create a combined community hub and library/ACCESS facility in Monifieth being led by Monifieth Community Resource Group (MCRG) with support from the Council and ANGUSalive.

The Report provided an update on the costs and funding and sought a decision on whether to proceed with the project.

Having heard a number of members welcome the Report, the Council resolved:-

- (i) to note the latest update on estimated construction costs and funding and running costs and incomes for the community hub and library/ACCESS facility as set out in Sections 5, 6 and 8 respectively of the Report;
- (ii) to note the assessment of key risks and the mitigation measures as set out in Section 10;
- (iii) to note the conditions from Section 12 of Report 313/22 and the current position in relation to fulfilling those conditions as set out in Section 11;
- (iv) to note the proposals for public transport provision to the new facility and the update on access routes as set out in Section 9;
- (v) to note the implications of not proceeding with the project as set out in Section 12;
- (vi) to approve the proposed means of addressing the funding gap for the project as set out in paragraph 7.5;
- (vii) to delegate authority to the Director of Finance to vary (increase or decrease) the components of the funding package in paragraph 7.5 of this Report up to a maximum of £100,000 in total following consultation with the Leader of the Council and the Leader of the Opposition Group;

- (viii) that a cash flow support grant of £20,000 be provided to MCRG from the Council's UK Shared Prosperity Fund allocation in financial year 2024/25 to support cashflow in the early months of the new community facility;
- (ix) to approve the Change Request from ANGUSalve regarding the relocation of the current Monifieth Library and ACCESS Office as set out in Section 13 and Appendix 1, and to authorise the Director of Strategic Policy, Transformation & Public Sector Reform to sign the Change Request on behalf of Angus Council;
- (x) that the project proceed to implementation on the basis set out in the Report and to authorise the Director of Legal & Democratic Services or her nominated representative, in consultation with the Director of Finance, to finalise the legal agreements between MCRG, ANGUSalve and the Council to enable this to happen; and
- (xi) to note that a further Report regarding the future of the existing library building would be brought forward in due course.

## **10. STANDARDS COMMISSION DECISION**

There was submitted Report No 192/23 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/AN/3690.

## **11. PROTOCOL ON HYBRID MEETINGS**

With reference to Article 12 of the minute of meeting of Angus Council held on 8 September 2022 there was submitted Report No 193/23 by the Director of Legal and Democratic Services seeking approval of a protocol for hybrid meetings to assist with the smooth and effective running of such meetings as detailed in Appendix 1 to the Report.

The Director of Legal and Democratic Services introduced the Report and discussion took place on the contents of the Protocol during which it was noted that members wished to see the protocol amended to allow them to use any suitable background when joining remotely and that the 3 days advance notice for members wishing to participate remotely in a Hybrid meeting be removed.

The Director of Legal and Democratic Services confirmed that these comments would be considered.

The Council resolved: -

- (i) to approve the Protocol as detailed in Appendix 1 to the Report for implementation after the summer recess;
- (ii) to delegate authority to the Director of Legal and Democratic Services to make minor adjustments to the Protocol if required; and
- (iii) to note that a further report would be brought back to a future meeting if a further review of the Protocol was required.

*Councillor Cheape having declared an interest at Item 2 above, left the meeting during consideration of Items 12 and 14.*

## **12. CARNOUSTIE GOLF PROVISION – FUTURE ARRANGEMENTS – UPDATE**

With reference to Article 6 of the minute of meeting of Angus Council of 23 December 2022, there was submitted Joint Report No 194/23 by the Director of Legal and Democratic Services and the Director of Finance which provided members with an update on matters following the Special Meeting of the Council on 23 December 2022. The Council was being asked to consider this Report and the accompanying confidential (exempt) Report No 195/23 (“the Exempt Report”) which provided restricted content.

The Director of Legal and Democratic Services provided an update and informed members that with regards to paragraph 6.4 of the Report following discussions with Council officers, CGLMC had agreed to postpone the consultation event scheduled for 29 June 2023 and it would be brought forward later in the year as part of a coordinated approach to engagement about Place. This would allow broader discussion with all stakeholders around the wider masterplan elements of their ambitions.

The Council resolved to note the update on the progress following on from the Special Meeting of the Council on 23 December 2022.

**13. EXCLUSION OF PUBLIC AND PRESS**

The Council resolved 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 paragraphs 6 and 9.

**14. CARNOUSTIE GOLF PROVISION – FUTURE ARRANGEMENTS – EXEMPT UPDATE**

With reference to Article 6 of the minute of meeting of Angus Council of 23 December 2022, there was submitted Report No 195/23 by the Director of Legal and Democratic Services providing members with additional confidential background on further information received from CGLMC/the Investor set out in Report No 194/23 which had also been considered prior to this item.

The Council resolved to note the contents of the Report.