

## **ANGUS COUNCIL**

MINUTE of MEETING of **ANGUS COUNCIL** held in Angus House, Forfar on Thursday 3 November 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, DAVID FAIRWEATHER, CRAIG FOTHERINGHAM, IAIN GALL, ROSS GREIG, MARK MCDONALD, IAN MCLAREN, GEORGE MEECHAN, LLOYD MELVILLE, GAVIN NICOL, LOUISE NICOL, RONNIE PROCTOR MBE, MARTIN SHEPHERD SPEED, JILL SCOTT, TOMMY STEWART, DEREK WANN and BETH WHITESIDE.

Prior to the commencement of the formal business, the Provost intimated that Councillor Fairweather had been celebrated as part of the Leaders of the Year Showcase at the 2022 Local Government Awards. Councillor Fairweather had been recognised for his hard work and dedication shown to the community of Angus during his tenure as Leader of the Council; a further addition to his leadership including an outstanding Best Value Report.

Thereafter, the Provost intimated that as meetings of full Council had been very lengthy, in order to manage this a bit better he would be limiting members to one question each as far as was possible.

In relation to Standing Order 15 (3) where it states “no member shall speak more than once (except when raising a point of order, making a point of clarification, moving or seconding a procedural motion) in a debate on any one motion and amendment”, he would also be limiting this as far as was possible, for the same reasons.

### **1. APOLOGIES**

An apology for absence was intimated on behalf of Councillor Brenda Durno.

At this point in the meeting the Provost intimated that a Deputation Request had been received from Mr Chris Boyle, UNISON in relation to Item 15.

Having heard from Councillor Whiteside, who proposed that the deputation should be heard but that it should only be for noting given that the Council did not control operational matters of ANGUSAlive as an Arm’s Length Organisation, the Council agreed to hear the deputation on that basis.

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

Councillor Scott declared an interest in item 4(i) as the item of business related to her day job. She indicated that she would not take part in any discussion and voting and would leave the meeting during consideration of the item.

Councillor Cheape declared an interest in items 7 and 8 as a Council appointed Director of Carnoustie Golf Links Management Committee. He indicated that he would not take part in any discussion and voting and would leave the meeting during consideration of these items.

Councillor Braes made a Statement of Transparency in that while he was also a Council appointed Director of Carnoustie Golf links Management Committee, he considered he played a very different role to that of Councillor Cheape and therefore he would remain in the meeting during consideration of Items 7 and 8.

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

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

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

The minute of the special meeting of Angus Council of 8 September 2022, was submitted and approved as a correct record

**(ii) Minutes of Committees**

**(b) Appointments Sub Committee**

The minutes of meetings of the Appointments Sub Committee of 21 June, 16 and 25 August and 6 September 2022 were submitted and noted.

**(c) Scrutiny and Audit Committee**

The minute of meeting of the Scrutiny and Audit Committee of 23 August 2022 was submitted and noted.

**(d) Policy and Resources Committee**

The minute of the meeting of the Policy and Resources Committee of 30 August 2022 was submitted and noted.

**(e) Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 31 August 2022 was submitted and noted.

**(f) Development Standards Committee**

The minute of meeting of the Development Standards Committee of 13 September 2022 was submitted and noted.

**(g) Development Management Review Committee**

The minute of meeting of the Development Management Review Committee of 14 September 2022 was submitted and noted.

**(h) Civic Licensing Committee**

The minute of meeting of the Civic Licensing Committee of 15 September 2022 was submitted and noted.

**(i) Children and Learning Committee**

The minute of meeting of the Children and Learning Committee of 20 September 2022 was submitted and noted.

**(j) Communities Committee**

The minute of meeting of the Communities Committee of 27 September 2022 was submitted and noted.

**(j) (Special) Civic Licensing Committee**

The minute of the special meeting of the Civic Licensing Committee of 29 September 2022 was submitted and noted.

Councillor Scott having declared an interest at item 2 above, left the meeting during consideration of item 4(i) below.

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

**(i) Overdose prevention, intervention and naloxone training**

Councillor Doran, seconded by Councillor Speed, moved the following motion:

It is known that the drug-related death rate in Scotland is one of the worst in Europe. Death from overdose from opioid use can be preventable if naloxone is administered quickly.

We would like this council to commit to encouraging and supporting all staff to undertake 'Overdose prevention, intervention and naloxone training' with particular focus on those involved in public facing roles, first aiders and enforcement wardens and those based in public buildings. New staff will also be signposted to the training opportunities available to them on this.

The Council agreed to approve the motion.

## **(ii) Council Baillie**

Councillor Fairweather, seconded by Councillor Wann, moved the following motion:

Baillies were originally the King's representatives for the administration of the Scottish burghs, dating back to at least 1319 and they have a long and honourable place in the government of the burghs. Baillies played an integral part in the administration of the local area and in the latter years most significantly as magistrates in the Burgh Court. Appointment as a Baillie tended to be a mark of seniority as a Councillor.

The Local Government (Scotland) Act 1973 abolished the office and duties of the Baillie and the District Courts (Scotland) Act 1975 radically altered the way in which the courts were run. Moving onto the present time, if the Council was to use the title "Baillie", the duties should be specified. Other Councils in Scotland have appointed Baillies such as West Dunbartonshire Council, Dundee, Glasgow and Aberdeen City Councils.

Council is asked to agree:-

1) That ex Provost Cllr Ronnie Proctor is bestowed the title of "Baillie" whilst he remains a Councillor and for no longer than the remaining term of the Council, which role would extend to deputising for the Provost or Depute Provost in their role at civic events or at civic functions as and when requested by the Provost and would not include the wearing of any civic chain or other regalia.

2) Given his previous role and exemplary commitment to his Civic duties in Angus and beyond, he be given this courtesy title and role.

3) There were no financial implications to the motion as this was an unpaid post which would not carry any additional salary or require any additional officer support and would not result in any additional civic duties/travel.

Councillor Whiteside, seconded by Councillor Meechan, moved as an amendment, that the Council take no action with the motion.

On a vote being taken, members voted:

For the motion:

Councillors Fairweather, Fotheringham, Gall, Greig, McLaren, Gavin Nicol, Louise Nicol, Proctor, Stewart and Wann (10).

For the amendment:

Provost Boyd, Depute Provost Clark, Councillors Beattie, Bell, Braes, Cheape, Cowdy, Devine, Doran, Duff, McDonald, Meechan, Melville, Shepherd, Speed and Whiteside (16).

No Vote: Councillor Scott

The amendment was declared carried and the Council resolved accordingly

## **5. APPOINTMENTS**

### **(i) Angus Licensing Board and Civic Licensing Committee**

The Council noted that Councillors Fotheringham and Gavin Nicol had intimated their resignation from Angus Licensing Board and Civic Licensing Committee.

The Council also noted that a further vacancy remained following the resignation of Councillor Fairweather, as reported to the Council in June 2022.

Councillor Wann, as Leader of the Opposition, indicated that he did not have any nominations to fill these vacancies.

Following some discussion and each member being duly proposed and seconded, Provost Boyd, Depute Provost Clark and Councillor Gavin Nicol, were appointed to Angus Licensing Board and Civic Licensing Committee.

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.

### **(ii) Convener of Civic Licensing Committee**

The Council noted that Councillor Durno had resigned as Convener of the Civic Licensing Committee.

Councillor Whiteside, seconded by Councillor Duff, moved the appointment of Councillor Meechan.

Councillor Wann, seconded by Councillor Proctor, moved the appointment of Councillor Gavin Nicol.

On a vote being taken, members voted:

For Cllr Meechan:

Provost Boyd, Depute Provost Clark, Councillors Beattie, Bell, Braes, Cheape, Cowdy, Devine, Duff, McDonald, Meechan, Melville, Scott, Shepherd, Speed and Whiteside (16).

For Cllr Gavin Nicol:

Councillors Fotheringham, Gall, Greig, McLaren, Gavin Nicol, Louise Nicol, Proctor, and Wann (8).

No Votes: Councillors Doran and Stewart.

Councillor Meechan was therefore appointed Convener of Civic Licensing Committee

### **(iii) Vice Convener of Civic Licensing Committee**

As a consequence of Councillor Meechan being appointed Convener of Civic Licensing Committee, the Council noted that there was now a requirement to appoint a Vice Convener.

Councillor Whiteside, seconded by Councillor Braes, moved the appointment of Councillor Melville.

Councillor Wann, seconded by Councillor Proctor, moved the appointment of Councillor Greig.

On a vote being taken, members voted:

For Cllr Melville:

Provost Boyd, Depute Provost Clark, Councillors Beattie, Bell, Braes, Cheape, Cowdy, Devine, Duff, McDonald, Meechan, Melville, Scott, Shepherd, Speed and Whiteside (16).

For Cllr Greig:

Councillors Doran, Fotheringham, Gall, Greig, McLaren, Gavin Nicol, Louise Nicol, Proctor, and Wann (9).

No Vote: Councillor Stewart.

Councillor Melville was therefore appointed Vice Convener of Civic Licensing Committee.

**(ii) Vice Convener of Development Standards Committee**

The Council noted that Councillor Beattie had resigned as Vice-Convener of the Development Standards Committee.

The Council agreed to appoint Councillor Durno as Vice Convener of the Development Standards Committee.

**6. EXCLUSION OF PUBLIC AND PRESS**

The Council agreed 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.

Councillor Cheape having declared an interest at Item 2 above, left the meeting during consideration of Items 7 and 8 below.

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

With reference to Article 16 of the minute of meeting of Angus Council of 30 June 2022, there was submitted Report No 367/22 by the Director of Legal and Democratic Services providing confidential and commercially sensitive information regarding the ongoing discussions with CGLMC Limited (CGLMC), and informing the position as outlined in the public report Carnoustie Golf Provision – Future Arrangements - Update on the Council agenda of this meeting.

The Council agreed to note the contents of the Report.

**8. CARNOUSTIE GOLF PROVISION – FUTURE ARRANGEMENTS -UPDATE**

With reference to Article 16 of the minute of meeting of Angus Council of 30 June 2022 and also Article 7 above, there was submitted Report No 365/22 by the Director of Legal and Democratic Services updating members on progress with the investigation of options which the Council agreed be undertaken at a Special Council meeting on 20 January 2022.

The Report indicated that the Council's specialist advisers had intimated what CGLMC might include within their Option 4 in the proposal to explain the plans and timescales for the redevelopment and operation of Carnoustie Links. The Council's specialist advisers would provide an assessment of the Option 4 proposal and, if considered sufficiently comprehensive (either in its original form or with supplements/amendments made by CGLMC after further discussion) the Option 4 proposal would be put to Council with a view to being consulted upon with the public. Due to the lack of viability of Option 2 as detailed in the Report, it was not now proposed that Council consult on this Option. Option 3 and Option 5 in the Report required further time to be fully worked up, again as outlined. It was proposed that a final decision was taken on which Options to consult on by Council when the specialist advisers assessed they were ready to be considered.

Having heard from both the Director of Legal and Democratic Services and the Director of Finance and having also heard from a number of members, the Council agreed to note the update on progress with the investigation of the options.

**9. PUBLIC BODIES' CLIMATE CHANGE DUTIES: ANGUS COUNCIL ANNUAL REPORT 2021/22**

With reference to Article 5 of the minute of meeting of Angus Council of 4 November 2021, there was submitted Report No 349/22 by the Director of Vibrant Communities and Sustainable Growth relating to the period 2021/22, giving an overview of Angus Council's compliance with its climate change duties, with measures to improve performance relating to sustainability and climate change.

The report template covered the following mandatory topics: profile of reporting body; governance, management, and strategy; emissions, targets, and project data; adaptation; procurement; validation and declaration. Recommended topics relating to wider influence

across the Council area were wider impact and influence on greenhouse gas emissions and other notable reportable activity. The report was largely retrospective, scrutinising performance over the period 2021/22.

The Council agreed::

- (i) to approve the contents of the Report in accordance with the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Amendment Order 2020;
- (ii) to approve the content of the report, attached as Appendix 1, for submission to the Scottish Government and to note the progress that the Council had made in embedding climate change and sustainability into its policy and operations; and
- (iii) to approve the annual production of a Public Bodies Climate Change Duties Report summary report, attached as Appendix 2, to be housed on the Angus Council website and used for wider communication purposes.

## **10. MEDIUM TERM BUDGET STRATEGY 2023/24 TO 2025/26**

With reference to Article 15 of the minute of meeting of Angus Council of 4 November 2021, there was submitted Report No 361/22 by the Director of Finance setting out an updated Medium Term Budget Strategy (MTBS) for Angus Council's General Fund Services incorporating the projected funding shortfall over the period 2023/24 to 2025/26.

Having heard the Director of Finance highlight the scale of the financial challenge the Council faced and having also heard from a number of members, the Council agreed:

- (a) to note the contents of the Report and in particular the need to continue to plan and deliver sustainable savings over the medium to long term to meet the significant financial challenges which the Council faces in the next few years;
- (b) to note the severity of the challenge the Council faced to remain financially sustainable and the significant and unavoidable impact this would have on services to the public;
- (c) to approve the updated Medium Term Budget Strategy for the period 2023/24 to 2025/26, attached as Appendix A to the Report;
- (d) to note the central role of the Council's Change Programme in addressing the projected funding gap and the work that was being undertaken to refresh and transition the programme as outlined in section 5.14 of the Report and Appendix A. This would be reported separately to members as part of the budget setting process for 2023/24;
- (e) to note that it was essential the Council planned its budget strategy over a rolling 3 year period and made decisions to ensure savings were planned and made across that rolling 3 year period; and
- (f) to note the intention to update the strategy annually to ensure the Council had a rolling and detailed 3 year strategy for the revenue budget and a rolling 4 year strategy for the capital budget.

## **11. TREASURY MANAGEMENT ANNUAL REPORT 2021/22**

With reference to Article 13 of the minute of meeting of the Scrutiny and Audit Committee of 27 October 2022, there was submitted Report No 360/22 by the Director of Finance detailing Angus Council's treasury management arrangements, activity and performance during 2021/22.

The Report indicated that the financial year 2021/22 had seen some significant events that impacted on treasury operations related to the Economy and Interest Rates and Loans Fund Review. In summary, as a result of sound treasury management activity, the Council was able

to meet all of its financial obligations and cashflow requirements during the financial year, without encountering any liquidity problems.

The Council agreed to note the 2021/22 Treasury Management Annual Report and associated Appendix to the Report.

## **12. RECOVERY AND RENEWAL**

With reference to Article 8 of the minute of meeting of the Scrutiny and Audit Committee of 23 August 2022, there was submitted Report No 362/22 by the Chief Executive following on from the Accounts Commission "[Local Government in Scotland Overview 2022](#)" providing details of what the Council was doing to respond in terms of the Cost of Living Crisis.

The Council agreed:-

- (a) to note the key messages from the Accounts Commission "Local Government in Scotland Overview 2022" also highlighted in Report 204/22 and note how these key messages were linked to our experiences in Angus as was detailed in Appendix 1 to this report;
- (b) to note the detail in the "[Supplement One: Questions for Elected Members](#)" which formed part of the said Accounts Commission Overview which was designed to support elected members in scrutinising and understanding how well their council was planning recovery and renewal and note the information provided which gave an Angus context to the questions posed as outlined in Appendix 2 to this report; and
- (c) to note what was being done in relation to the cost of living crisis working with communities and other partners to address the challenges facing our communities as outlined in Appendix 3.

## **13. ANNUAL CHIEF SOCIAL WORK OFFICER REPORT 2021-2022**

With reference to Article 12 of the minute of meeting of the Scrutiny and Audit Committee of 27 October 2022, there was submitted Report No 359/22 by the Chief Social Work Officer presenting the Annual Report for 2021 to 2022.

The Report and its consideration was a requirement to ensure oversight and accountability within the local authority for all social work and social care services, including those delegated to the Integration Joint Board. Following scrutiny and consideration by relevant Council committees, the Report was required to be submitted to Scottish Government.

The Report provided an overview of how Angus Council performed in the delivery of a wide range of social work and social care services during 2021/22 and also acknowledged the external pressures that had impacted on the delivery of services and increased service demand this year included the pandemic, the war in Ukraine, the emerging cost of living crisis and the budgetary pressures on all local authority and partner services. Further impact was the transformative change proposed in terms of the National Care Service.

The Council agreed to note and endorse the contents of the Chief Social Work Annual Report for 2021-22, attached as Appendix 1 to the Report.

## **14. LOCAL AUTHORITY COVID19 ECONOMIC RECOVERY (LACER) FUNDING**

With reference to Article 14 of the minute of meeting of Angus Council of 30 June 2022, there was submitted Report No 363/22 by the Director of Finance seeking member agreement to use Scottish Government LACER funding provided to the Council to support businesses and communities recover from the pandemic.

As outlined in report 180/22 a project proposal, at that time requesting up to £250,000 for free public transport, had been further developed and was now ready to present to members. Officers were proposing an initial allocation for the free public transport provision of £150,000 at this time to enable actual data to be gathered on usage and costs. This would mean £100,000 still being available either to increase the free public transport project to the originally anticipated £250,000 or to support other LACER projects.

The proposal outlined in Table 2 in the Report, if approved, would support the lowest-income households, particularly families, with the increasing costs of living, increasing the income

people had to spend in the local economy and prioritising town centres, encouraging collaboration and economic growth

Having heard from a number of members, and also from the Director of Finance who indicated that he would give consideration to the points raised by Councillor Speed regarding accessible taxis and from Councillor Devine regarding Community Halls, the Council agreed:

- (i) to note the amendment to the LACER funding allocation as set out in section 4.1 of the Report;
- (ii) to note the brief update on progress with previously approved projects using LACER funding set out in Appendix 1;
- (iii) to approve the proposed use of LACER funding as set out in Table 2 of the Report; and
- (iv) to note that the proposal in this report will leave £100,000 available to support other areas of need which may include providing additional funding to some of the existing programmes members previously agreed in Report 180/22 for use of the LACER funding.

At this stage in the meeting, the time being 4.52pm, in accordance with the provisions of Standing Order 21(8), the Council agreed to extend the meeting to the conclusion of the business.

Thereafter, the Council agreed to a 15 minute adjournment.

The meeting re-convened at 5.10 pm

## **15. ANGUSALIVE TRANSFORMATION PROGRAMME UPDATE**

Prior to consideration of item 15, the Council heard a deputation from Chis Boyle, UNISON who asked the Council to halt the proposals to change the opening hours, contracted hours and days of work of the ANGUSAlive libraries and museums referenced in Report No 364/22, as there had been no formal consultation. This formal consultation needed to be carried out before a Report should be presented to Council.

The Council noted the deputation.

With reference to Article 8 of the minute of meeting of Angus Council of 8 September 2022, there was submitted Report No 364/22 by the Director of Strategic Policy, Transformation and Public Sector Reform presenting an update in relation to ANGUSAlive's Transformation Programme which was being progressed in partnership with the Council to support the organisation in working towards a sustainable long-term future.

The Report included details of the range of proposals which, in some cases, were now at a stage in their development that required Council consideration/approval to proceed. It also set out the principles of the Council's strategic direction for ANGUSAlive, which would assist the organisation progress in a way that was closely aligned to the Council's needs going forward.

The Council then heard Mr Gordon Cargill, Service Leader (Governance and Change) and Ms Kirsty Hunter, Chief Executive ANGUSAlive respond to a number of members' questions.

At this point in the meeting Councillor Wann intimated the terms of a potential amendment.

Councillor Doran referred to some inaccuracies in the Equality Impact Assessment (EIA) of Report No 364/22 regarding any potential negative impact on staff.

The Council agreed to adjourn for 10 minutes to allow officers to assess the terms of the potential amendment and also to give consideration to the issue raised by Councillor Doran.

The meeting re-convened at 5.45pm

The Director of Finance advised that with regard to the financial competency of the proposal to defer the report, this would have negative financial implications, although he was not at this stage able to quantify them.



In relation to the EIA, Ms Hunter referred to Step 5 which did specify that there had been consultation with staff groups and also trade unions, however under Step 8 it should also have been stated there that there had been consultation about the negative impacts with staff.

Ms Hunter and Mr Cargill then answered a number of further questions from members.

Following closure of the debate, in accordance with the provisions of Standing Order 16(11)(ii) Councillors Wann, Greig, Speed, Scott, Doran, Stewart and Fotheringham requested that their dissent be recorded from the proposed decision.

The Council thereafter agreed to approve the recommendations of the Report.

**16. EXCLUSION OF PUBLIC AND PRESS**

The Council agreed 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 8.

**17. MIGRATION OF CORE SYSTEMS TO CLOUD BASED APPLICATIONS**

There was submitted Report No 366/22 by the Director of HR, OD, Digital Enablement & IT and Business Support detailing the strategic direction to migrate core IT Systems (applications) to modern, supplier hosted and fully supported and managed versions.

The Council agreed to approve the recommendations, as detailed in the Report.