

The exception applied in this instance is:

A small amount of information has been redacted from the documents disclosed under Regulation 11(2) – Personal Data as it contains personal information and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulations (GDPR) and in Section 34(1) of the Data Protection Act 2018. This exception is not subject to the ‘public interest test’.

From: CHIEFEXEC <CHIEFEXEC@angus.gov.uk>
Sent: Tuesday, October 31, 2023 9:36 AM
To: Louise Macdonald <[REDACTED: 11(2)]@gov.scot>
Cc: Margo Williamson <[REDACTED: 11(2)]@angus.gov.uk>
Subject: Storm Babet Recovery
Importance: High

Dear Ms MacDonald

Please find enclosed a letter from Margo Williamson, Chief Executive, Angus Council, for your attention.

Kind regards.
[REDACTED: 11(2)]

[REDACTED: 11(2)] Personal Assistant| Executive Support|Tel: [REDACTED: 11(2)] |
Email: [REDACTED: 11(2)]@angus.gov.uk or CHIEFEXEC@angus.gov.uk

From: Margo Williamson <[REDACTED: 11(2)]@angus.gov.uk>
Sent: Wednesday, October 25, 2023 8:48 AM
To: Louise Macdonald <[REDACTED: 11(2)]@gov.scot>
Subject: Gov support

Hi Louise, I hope you are doing well in your new role. Apologies for getting in touch, particularly if it is not you who I should be writing too. As you will be aware Angus, particularly Brechin has suffered terribly over the past week. The FM visited on Monday and said several times, that Government were working with Angus on support for the people of Brechin. I clearly did not want to say otherwise but I am unaware of any contact from officers in Government to outline what might be possible. I know the Bellwin Scheme has been activated but it would be useful to have a contact to discuss how we work together to have a fast recovery for our citizens.

Any help appreciated

Margo

Margo Williamson| Chief Executive| Angus House | Orchardbank | Forfar | DD8 1AX |
[REDACTED: 11(2)] | [REDACTED: 11(2)]@angus.gov.uk

MW/BAK

31 October 2023



Louise MacDonald
Director General
Communities Scottish
Government
By email: [\[REDACTED: 11\(2\)\]@gov.scot](mailto:[REDACTED: 11(2)]@gov.scot)

**CHIEF
EXECUTIVE**
Margo Williamson

Dear Louise

Storm Babet Recovery

On the 23 October 2023, I emailed you as, Director General of Communities about the plight of Angus. You passed my email to the Resilience team in Scottish Government who have been involved in our response work however we need far more than the Resilience Team can offer now we are in recovery mode.

The County of Angus was hit with unprecedented storm damage as a consequence of Storm Babet. It was by far the worst hit area of Scotland and our communities and businesses have suffered catastrophic loss. Our coastline at Montrose is considerably compromised. The Bellwin Scheme although activated, is for emergency response rather than recovery and much as it is appreciated it does not address the challenges Angus is facing now and in the immediate future. Since the storm, we have had two ministerial visits where support and help have been offered.

It is concerning almost two weeks on, that no officer in Scottish Government has contacted myself to ask how we are coping as a Council or discuss how Scottish Government can lean into the recovery phase of Storm Babet.

Recovery will be significant in terms of budget and timescales. In order to support you and your team I set out below Angus Council's short, medium and long term asks of Scottish Government. In doing so I request I have a senior contact who can engage with different areas of Government to assist me and my teams. It is anticipated we will have a provisional assessment of the cost of repairs end of November but it is already obvious that the scale of the damage is going to be beyond what we as an individual Council can afford to deal with in the current financial climate.

Short term – Scottish Government supported Angus during Storm Frank and Storm Desmond with grant support to individuals and businesses as well as additional funding to the Council for repairs. It is essential we see an allocation of funds now for individuals, businesses and the farming community. Presently we have nothing beyond our emergency contingency fund and demand is very high. Is the coordination of funds to support Angus being discussed at Government and when can I expect correspondence relating to this?

Medium term – Angus Council will require financial support for the cost of reinstating the damaged Brechin flood defences, the Montrose coastal defences and the urgent reinstatement and repair works to public infrastructure. Montrose is particularly vulnerable to the impacts of coastal erosion and significant funding will be required to support future works to renourish the beach and sand dunes in order to provide a natural defence of the coastline and to prevent flood corridors forming into the town. In addition, Storm Babet has seen sections of the hard defences at Montrose Bay fail and



parts of the seafront promenade and road collapse into the sea. The agreed shoreline management plan is to 'hold the line' and protect this location. Simple repairs of the existing rock armour and revetments are unlikely to be sufficient and a redesign and very significant spend will be required if we are to protect this valuable location. A meeting of relevant officers regarding damage and costs including how Government can immediately support us should be identified imminently. Can you bring together the relevant officers who can assist here?

Longer term – It is highly likely that flooding on this scale will happen again and capital investment will be required sooner rather than later given what we have seen since the construction of the flood defence scheme in Brechin in 2016. It is essential we conduct a further specialist engineer study to identify further mitigations to manage the flood risk in areas the flood scheme was designed to protect. Once completed, the costs of implementing further infrastructure to manage the flood risk will require consideration.

Finally, due to significant local demand for housing we ask no further appeal is made of Angus Council in the housing of refugees. Furthermore, with reference the Scottish Government Budget process for 24/25 in relation to our medium term needs please take account of Angus Council's longer term needs in budget planning while still addressing our need for immediate help in the current year.

I look forward to hearing how Scottish Government aims to work with us at this incredibly difficult time when our capacity to work with communities is stretched significantly.

Yours sincerely
Margo Williamson
Chief Executive

From: [REDACTED: 11(2)]@gov.scot **On Behalf Of**
DirectorForLocalGovernmentandHousing@gov.scot
Sent: 02 November 2023 10:49
To: Margo Williamson <[REDACTED: 11(2)]@angus.gov.uk>
Cc: DirectorForLocalGovernmentandHousing@gov.scot
Subject: Catch-up with Sean Neill

Dear Margo,

I hope you are well. Sean is wondering if you have any availability today for a 15 minute catch-up? If so, would 13:45 or 16:15 suit?

Kind regards,
[REDACTED: 11(2)]

[REDACTED: 11(2)] | Assistant Business Manager | Local Government & Housing
Directorate | [REDACTED: 11(2)]@gov.scot

Note of meeting on 3 November 2023 between Angus Council and Scottish Government Officials

There is frustration at official level about the gap between the need for the central and local government to work together on recovery and visible actions. Angus is concerned that the demands for help are going to go way beyond what Angus Council can support, and so keen to get clarity about exactly what additional support is available. We all agreed that whilst there will be huge demand, choices will have to be made. It is likely to be the end of November before the Council has an assessment of the full scale of the damage and recovery needs, but in advance of that there are clearly more immediate demands e.g. emergency accommodation, businesses at risk of failure, etc..

Scottish Government outlined our thinking on the Taskforce, and Angus said that what they need is:

- A single point of contact.
- Coordination of the information about what is currently available (through BAU) to support the council (e.g. Bellwin), people (e.g. Scottish Welfare Fund), businesses, etc.
- A group where there can be a discussion about what additional support Ministers are able/willing to provide to meet some of the needs of the recovery.

We agreed that:

- For now, Anne [REDACTED: 11(2)]@gov.scot) and Dave S (Director.Enfor@gov.scot) will provide the single point of contact, until we can get some kind of secretariat for the Taskforce set up
- Margot/Mark would be invited to sit on the Taskforce, to provide the link to the Local Resilience Partnership and the Angus Recovery Group.
- We will agree with Ministers the role and membership of the Taskforce, and set up an initial meeting ASAP.

From: <[REDACTED: 11(2)]@gov.scot>

Sent: Wed 01/11/2023 09:11

To: [REDACTED: 11(2)]@angus.gov.uk

Cc: <[REDACTED: 11(2)]@gov.scot>

Subject: RE: Scottish Government Subsidy Control Training Session

Hello [REDACTED: 11(2)],

Thanks for your email, I hope that you're well.

We raised this with the Department of Business and Trade (DBT) on Monday, who said that they are using Minimal Financial Assistance (MFA) – which effectively replaces EU de minimis – for this purpose, and that the Secretary of State Declaration Process requires UK Parliament to be sitting to action it. They have noted our concerns and agreed to look into this issue for future occurrences.

[Out of scope]

As for your previous query, I would advise looking at the Minimal Financial Assistance (MFA) section on our webpage in the first instance. This provides details about the MFA thresholds and limits, as well as outlining the process Public Authorities should follow when awarding MFA. Specifically, there is example text for use when issuing beneficiaries with MFA Notification and Confirmation letters. I would also point you to Chapter 7, paragraph 17 of the Subsidy Control Statutory Guidance for more information, however please don't hesitate to reach out if you have any questions on anything, we are happy to help however we can.

MFA Awards over £100k must be reported to the transparency database. This is done via our team, by completing the attached template and sending to our [transparency mailbox](#). Again, we are happy to help guide you through this process as required.

I hope this is helpful however please let me know if there's anything else we can help with.

Many Thanks,

[REDACTED: 11(2)]

Subsidy Control Analyst – **Subsidy Control Team** | Directorate for Economic Development | **The Scottish Government** – 5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU | [REDACTED: 11(2)]

From: <[REDACTED: 11(2)]@angus.gov.uk>
Sent: Tuesday, October 31, 2023 12:32 PM
To: Subsidy Control Central Mailbox <Subsidycontrol@gov.scot>
Subject: RE: Scottish Government Subsidy Control Training Session

Good Afternoon, further to me previous email please can I ask if I can seek an exemption under Natural Disasters and other exceptional circumstances item 8 of the guidance?

- 8.6. An exemption under this section can only apply if the Secretary of State publishes a notice declaring that it applies in respect of a specified natural disaster or exceptional circumstance. Notices of this kind will be published on

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Subsidy Control Statutory Guidance

gov.uk. Public authorities seeking to use this exemption should therefore [contact the DBT Subsidy Control team](#) as early as possible.

[REDACTED: 11(2)] | Development Officer (UKSPF) | Vibrant Communities & Sustainable Growth | Angus Council | Email [REDACTED: 11(2)]@angus.gov.uk

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From: [REDACTED: 11(2)]
Sent: 30 October 2023 18:51
To: <Subsidycontrol@gov.scot>
Subject: FW: Scottish Government Subsidy Control Training Session

Good Afternoon, Out of Office received from [REDACTED: 11(2)] – please can I ask for some advice from the team on the matter below?

[REDACTED: 11(2)] | Development Officer (UKSPF) | Vibrant Communities & Sustainable Growth | Angus Council | Email [REDACTED: 11(2)]@angus.gov.uk

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From: [REDACTED: 11(2)]
Sent: 30 October 2023 18:18
To: <[REDACTED: 11(2)]@gov.scot>
Subject: RE: Scottish Government Subsidy Control Training Session

Hi [REDACTED: 11(2)], this is a sort of stab in the dark and I'm wondering if you can offer your advice or point me in the right direction?

Angus Council are setting up a grant programme for businesses impacted by storm Babet. Looking back through my files to our last big flood grants in 2015/16 we had guidance for Scottish Government funding that was distributed by local authorities – and it is the section on state aid that I am looking to re-word to meet the new subsidy control guidance. The previous wording was:

State Aid

For the purposes of complying with State Aid Rules, we cannot treat the grant as a notified aid scheme under article 50 of the GBER i.e *Aid to make good the damage caused by certain natural disasters*, because the aid to cover loss of trade or loss of benefit from Business Rates would not meet the criteria of the regulation. The funding will need to be offered as de-minimis aid. The basic criteria for de minimis aid is set out below, but we would advise contacting the Scottish Government State Aid team regarding this, particularly as separate rules apply to the Agriculture, Fisheries and Road Transport sectors.

- The maximum *de minimis* funding any single recipient can receive is €200,000 (cash grant equivalent) over a 3 year fiscal period. The sterling equivalent is calculated using the Commission exchange rate applicable on the written date of offer of the de minimis funding.
- This ceiling takes into account all public assistance given as *de minimis* funding for the current and previous two fiscal years which can take various forms (grants, loans, subsidised contracts, etc). Aid given under an approved scheme does *not* have to be cumulated with *de minimis* aid, provided any such *de minimis* aid is not awarded towards the same eligible costs as those supported via that approved scheme.



Do you know if this is still the case under subsidy control?

[REDACTED: 11(2)] | Development Officer (UKSPF) | Vibrant Communities & Sustainable Growth | Angus Council | Email [REDACTED: 11(2)]@angus.gov.uk

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From: <[REDACTED: 11(2)]@angus.gov.uk>
Sent: Tuesday, November 7, 2023 9:52 AM
To: <[REDACTED: 11(2)]@gov.scot>
Cc: <[REDACTED: 11(2)]@gov.scot>; Ian Lorimer <[REDACTED: 11(2)]: 11(2)]@angus.gov.uk>; <[REDACTED: 11(2)]@gov.scot>; Graeme Dailly <[REDACTED: 11(2)]@angus.gov.uk>; <[REDACTED: 11(2)]@angus.gov.uk>; <[REDACTED: 11(2)]@angus.gov.uk>
Subject: RE: Bellwin Scheme Guidance

Hello [REDACTED: 11(2)]

Thank you for the responses you provided below. Following discussion with Council officers I would seek the following follow up clarifications:

Waste Disposal

For the avoidance of doubt, are you saying that any non-hazardous waste disposal is not eligible, despite the Council's view that such non-hazardous waste may be causing "severe inconvenience" to our "inhabitants"?

Roads Infrastructure

Please find below further information on the two distinct repair methods the Council intends to use. I would be grateful if you could confirm both these methods qualify under the Bellwin Scheme.

Localised Patching: This method will be employed to address isolated potholes, ensuring a safe road surface. It serves as a cost-effective and immediate solution for minor road defects.

Surface Reinstatement: This method will be employed where there are sections of road that have multiple defects, structural failings and potholes and it has been assessed that localised patching will not provide a safe or cost-effective solution. The surface reinstatement would be confined to only the section of the road that has been assessed as requiring repair. We would otherwise expect the road to fail very quickly and potentially form dangerous defects (due to the large number of repair joints and incoming wet and cold weather) if we were to only undertake localised patching. We consider this as the initial repair of the road surface and do not consider this as betterment of the road (rather restoration of small sections of the carriageway to pre-damage conditions).



Further information and supporting photographs can be provided if this would assist.

I thank you for your early response.

Regards

[REDACTED: 11(2)]
Service Lead (Finance)
Angus Council
[REDACTED: 11(2)]
[REDACTED: 11(2)]@angus.gov.uk

From: <[REDACTED: 11(2)]@gov.scot>
Sent: 02 November 2023 17:25
To: <[REDACTED: 11(2)]@angus.gov.uk>
Cc: <[REDACTED: 11(2)]@gov.scot>; Ian Lorimer <[REDACTED: 11(2)]@angus.gov.uk>; <[REDACTED: 11(2)]@gov.scot>; Graeme Dailly <[REDACTED: 11(2)]@angus.gov.uk>; <[REDACTED: 11(2)]@angus.gov.uk>; <[REDACTED: 11(2)]@angus.gov.uk>
Subject: RE: Bellwin Scheme Guidance

Hi [REDACTED: 11(2)],

I've added responses to your queries below in red. If you have any other queries please don't hesitate to get in touch.

Regards

[REDACTED: 11(2)] - Team Leader - Local Government Finance - Area 3G North Victoria Quay

From: <[REDACTED: 11(2)]@angus.gov.uk>
Sent: Thursday, November 2, 2023 10:44 AM
To: [REDACTED: 11(2)]@gov.scot
Cc: <[REDACTED: 11(2)]@gov.scot>; Ian Lorimer <[REDACTED: 11(2)]@angus.gov.uk>; <[REDACTED: 11(2)]@gov.scot>; Graeme Dailly <[REDACTED: 11(2)]@angus.gov.uk>; <[REDACTED: 11(2)]@angus.gov.uk>; <[REDACTED: 11(2)]@angus.gov.uk>
Subject: RE: Bellwin Scheme Guidance

Hello [REDACTED: 11(2)]

Thank you for the clarifications in your email of 31/10/23. I have a further two clarifications I would be grateful for your early response to, to assist the Council formulating its response to the storm event:

Waste Disposal

The Bellwin Scheme guidance notes that its general purpose is for:

“1.3 The key criterion of the Scheme is to safeguard life and property, and prevent suffering or severe inconvenience in a local authority's area or among its inhabitants.”

Annex A, “1.2 Expenditure must have been incurred as a result of the incident specified by the activation of the Scheme which involved the destruction of, or danger to, life or property.”

The Council will incur expenditure in relation to flood related waste disposal for businesses and private individuals, some of which will be hazardous in nature and will necessitate testing / specialised disposal. I note that expenditure of this nature isn't explicitly covered by

the specific examples provided in Annex A of the guidance. It does, however, comply with the general purposes quoted above and it would be the Council's intention to recover all such expenditure through the Bellwin Scheme and **would seek your confirmation this would be eligible.**

I can confirm that expenditure incurred in relation to the disposal of flood related hazardous waste would be eligible for Bellwin Scheme funding.

Roads Infrastructure

The Bellwin Scheme guidance notes:

Annex A, "1.4.4 the costs of initial repairs to highways, pavements and footpaths, where the surface of the road must be replaced at the time or temporarily patched (subsequent permanent repair does not qualify);"

Further to the ongoing inspection of our assets following the storm, Council officers have been considering the most appropriate, effective and efficient method of repair to undertake on our road network. This is taking into consideration both short and long term sustainability. Much of the damage we are encountering on our road network is considerable and with cognisance of the Bellwin eligibility (specifically Annex A section 1.4.4 above) we are concerned of the long-term sustainability of us undertaking temporary localised repairs. This approach, while rectifying the defect, will create a further weakness in the carriageway structure and will not be long lasting especially with the colder winter months approaching. In recognition of this, and to ensure that repairs undertaken to damaged areas are most effective both structurally and financially, we are proposing larger patching / resurfacing work be undertaken. This would limit the number of repair joints created in the road and also establish a repaired durable surface of carriageway over a required length. It would also remove the chance of new defects appearing over winter, create a safer running surface for the public and make best use of resources. It would be the Council's intention to recover such expenditure through the Bellwin Scheme and **would seek your confirmation this would be eligible.**

Costs associated with road resurfacing would not be eligible for Bellwin Scheme funding. Initial repairs where the surface of the road must be replaced at the time or temporarily patched would be eligible.

I would be grateful if you would reply to all officers in this email as I will be on leave for a few days.

Regards

[REDACTED: 11(2)]

Service Lead (Finance)

Angus Council

[REDACTED: 11(2)]

[REDACTED: 11(2)]@angus.gov.uk

From: <[REDACTED: 11(2)]@gov.scot>

Sent: 31 October 2023 14:56

To: <[REDACTED: 11(2)]@angus.gov.uk>

Cc: <[REDACTED: 11(2)]@gov.scot>; Ian Lorimer <[REDACTED: 11(2)]@angus.gov.uk>; <[REDACTED: 11(2)]@gov.scot>

Subject: RE: Bellwin Scheme Guidance

Hi [REDACTED: 11(2)],

Please accept my apologies for the delay responding.

I can confirm that any expenditure incurred by arm's length organisations should be invoiced/recharged to the council and included as part of your potential claim.

As you have noted the scheme addresses revenue expenditure incurred within a 2 month period from the date of the incident, an interim claim should also be submitted within 4 months from the date of the incident. The interim claim should be supported by documentation confirming that the expenditure meets the criteria of the scheme and records, such as invoices, may be required for certification purposes. On your specific query, any expenditure that you can evidence has been "incurred" within the 2 month window from the date of the incident, whether that is legally contracted or completed on the ground - can be included in any potential claim.

I should note that you can request an extension to the 2 month period as the impact and costs become clear, however any request to extend the deadline would require supporting evidence and is subject to Ministerial approval.

I hope that's helpful and apologies again for the delay responding.

[REDACTED: 11(2)] - Team Leader - Local Government Finance - Area 3G North Victoria Quay

From: <[REDACTED: 11(2)]@angus.gov.uk>
Sent: Tuesday, October 31, 2023 1:33 PM
To: <[REDACTED: 11(2)]@gov.scot>
Cc: <[REDACTED: 11(2)]@gov.scot>; Ian Lorimer <[REDACTED: 11(2)]@angus.gov.uk>
Subject: Bellwin Scheme Guidance

Hello [REDACTED: 11(2)]

Further to below, I have another query in relation to the Bellwin Scheme guidance.

The Scheme notes at a number of points that expenditure must have been "incurred" within with the two month period.

Can you clarify what is defined as "incurred" as this could influence whether Angus Council needs to request an extension to the current 2 month period. From my perspective "incurred" could be either when works are legally contracted (my preference) or works are completed on the ground.

Please note that I have attempted unsuccessfully to contact you a number of times on the phone number provided in the Bellwin Scheme guidance ([REDACTED: 11(2)]) to get an update on my initial query below. I also tried through the Scottish Government switchboard today, but they could not connect me either. Can you clarify what phone number you are contactable on given the urgency of dealing with the Council's Storm Babet response?

Regards

[REDACTED: 11(2)]
Service Lead (Finance)
Angus Council
[REDACTED: 11(2)]



[REDACTED: 11(2)]@angus.gov.uk

From: [REDACTED: 11(2)]

Sent: 25 October 2023 09:25

To: [REDACTED: 11(2)]@gov.scot

Cc: <[REDACTED: 11(2)]@gov.scot>; Ian Lorimer <[REDACTED: 11(2)]@angus.gov.uk>

Subject: Bellwin Activation Request - Storm Babet - Angus Council

Hello [REDACTED: 11(2)]

I have been asked to coordinate any Bellwin claim that Angus Council may make – that isn't clear yet as we are at the early stages of assessing the impact, never mind the financial impact, of Storm Babet.

Having reviewed the guidance, I have an initial question (albeit there will likely be more to follow):

- Arms Length Organisations: Angusalive (our Leisure Trust) and Tayside Contracts (our Joint Arrangement with Dundee / Perth councils) are both separate legal entities. They are incurring additional expenditure to aid Angus Council in its response to the storm. Can the costs these organisations are incurring merely be included in any claim Angus Council makes or does such spend (as with other contractors) needs to be actually invoiced / recharged to the Council for inclusion.

I welcome your thoughts on this matter.

Regards

[REDACTED: 11(2)]

Service Lead (Finance)

Angus Council

[REDACTED: 11(2)]

[REDACTED: 11(2)]@angus.gov.uk

From: <[REDACTED: 11(2)]@gov.scot>

Sent: 24 October 2023 10:34

To: Ian Lorimer <[REDACTED: 11(2)]@angus.gov.uk>

Cc: <[REDACTED: 11(2)]@gov.scot>

Subject: RE: Bellwin Activation Request - Storm Babet - Angus Council

Hi Ian,

The Minister for Community Wealth and Public Finance, Tom Arthur, has activated the Bellwin Scheme and your potential claim has been noted and added to our tracker.

I've attached a link to the Bellwin Scheme Guidance which should be considered carefully before any notifications are made to the Scottish Government, and the 2023-24 thresholds for ease of reference.

<https://www.gov.scot/publications/bellwin-scheme-guidance-and-application-form/>

<https://www.gov.scot/publications/bellwin-scheme-guidance-and-application-form/pages/threshold-amounts/>

I would appreciate if you can keep me updated as actual costs emerge and if you have any queries please don't hesitate to get in touch.

Thanks

[REDACTED: 11(2)] - Team Leader - Local Government Finance - Area 3G North Victoria Quay

From: Ian Lorimer <[REDACTED: 11(2)]@angus.gov.uk>
Sent: Monday, October 23, 2023 8:12 AM
To: <[REDACTED: 11(2)]@gov.scot>
Subject: Bellwin Activation Request - Storm Babet - Angus Council

Good Morning [REDACTED: 11(2)] – we're still assessing the full impact from Storm Babet but would request that this be considered for activation of the Bellwin Scheme. Please let me know if you require anything further at this point.

Thanks, Ian

Ian Lorimer – Director of Finance / Angus Council / Angus House / Orchardbank Business Park / Forfar /DD8 1AF / Telephone [REDACTED: 11(2)] / E-mail:- [REDACTED: 11(2)]@angus.gov.uk