

## ANGUS COUNCIL

MINUTE of SPECIAL MEETING of the **EDUCATION COMMITTEE** held in the Town and County Hall, Forfar on Monday 28 June 2004 at 4.15 pm.

**Present:** Councillors JACK GIBB, SHEENA WELSH, DAVID SELFRIDGE (substitute for IAN ANGUS), IAIN GAUL, JOHN HENDERSON, IAN MACKINTOSH (substitute for DAVID LUMGAIR), STEWART McGLYNN, GLENNIS MIDDLETON, ROB MURRAY, ROBERT MYLES, RICHARD SPEIRS (substitute for PETER NIELD), GEORGE NORRIE MBE, MARK SALMOND, RON SCRIMGEOUR and JENNIFER SPEIRS.

**Church Representatives:** Mrs EDNA BOFFEY and Mr BILL SIMPSON.

**Apologies:** Apologies for absence were intimated on behalf of Councillors IAN ANGUS, DAVID LUMGAIR and PETER NIELD and Mr BRIAN MCHARDY.

Councillor GIBB, Convener, in the Chair.

### 1. DECLARATIONS OF INTEREST

The Committee agreed to note that no declarations of interest were made.

### 2. MINUTE OF STAFFING SUB-COMMITTEE

The Director of Law and Administration reported on the outcome of a meeting of the Staffing Sub-Committee held earlier this day.

The Committee noted the decisions as set out in the minute, a copy of which is appended hereto ([APPENDIX I](#)).

### 3. FORFAR/CARNOUSTIE SCHOOLS PROJECT

#### (a) Public Consultation Exercise

With reference to Article 4 of the minute of meeting of this Committee of 25 March 2004, there was submitted [Report No 822/04](#) by the Director of Education summarising responses to the recent public consultation exercises on the future primary school provision which had been carried out in the burghs of Forfar and Carnoustie, outlining particular recommendations received in relation to the Carnoustie proposals and the requirement to examine the possibility of providing revised proposals in relation to Forfar.

The Report indicated that the reaction of parents/carers of pupils affected in Carnoustie had been extremely positive with the main area of concern appearing to be in relation to the proposal to utilise a portion of the existing caravan park for the central primary school and how the caravan park would be realigned to maintain its existing attraction.

With regard to the proposals for Forfar, these had also been well received, although several expressions of concern had been intimated from some sections of the community in relation particularly to the proposal to utilise Guthrie Park as the site for the new school.

The Committee agreed:-

- (i) to note the responses to the public consultation exercise in relation to the Forfar/Carnoustie Primary School proposals;
- (ii) to note the details of the developments which had arisen during the consultation exercise resulting in the requirement to examine the possibility of providing revised proposals in relation to Forfar;

- (iii) to approve in principle, subject to satisfactory understandings being reached with Scottish Water and **sportscotland**, the proposals for Carnoustie comprising a new build primary school with a capacity for 222 pupils on part of the existing caravan park, refurbishment at Carlogie Primary School with a capacity for 444 pupils, a new build primary school with a capacity for 444 pupils at Thomas Street and the adoption of new catchment areas, as set out in the consultation proposals;
- (iv) to note that approval of Scottish Ministers would be required to the proposed new school sites and delineated areas; and
- (v) to approve the proposed policy in relation to parental placing requests, as detailed in the Report, which had been specifically tailored for the purposes of this project.

**(b) Selection of Public Private Partnership Procurement Model**

With reference to 3(a) above, there was submitted [Joint Report No 823/04](#) by the Director of Finance, the Director of Education and the Director of Law and Administration seeking approval of the Public Private Partnership Procurement Model to be adopted for the purposes of taking forward the Forfar/Carnoustie schools project and outlining the key issues which were relevant in this regard.

The Report indicated that the choice of the PPP procurement model was of critical importance, outlined the main factors to be taken into account in making this choice and recommended that the Committee:-

- (i) note the contents of Report 823/04 and in particular the main issues to consider in choosing the PPP procurement model to be adopted;
- (ii) note the difficulty in assessing the two PPP models on a like for like basis due to the evolving and, as yet, commercially undelivered nature of the Non-Profit Distributing Organisation model;
- (iii) determine, in light of all the information available, which of the undernoted options be adopted for delivering the Forfar/Carnoustie schools project:-
  - Option 1 – a conventional PPP model, as detailed in section 4 of the Report; or
  - Option 2 – a non-profit distributing organisation PPP model, as detailed in section 5 of the Report; and
- (iv) authorise the project team to reflect the choice of procurement model in the Revised Outline Business Case to be submitted to the Scottish Executive, once it was available.

THE CONVENER, SECONDED BY COUNCILLOR MURRAY, MOVED APPROVAL OF RECOMMENDATIONS (I), (II) AND (IV) ABOVE AND THAT THE COMMITTEE:-

- NOTES THAT THE MODEL OF THE ONLY NPDO RECOGNISED BY THE SCOTTISH EXECUTIVE WAS INSUFFICIENTLY DEVELOPED FOR A PROPER ASSESSMENT TO BE MADE;
- NOTES THAT THIS FORM OF NPDO DID NOT COMPARE FAVOURABLY TO THE MODEL OF A SCOTTISH PUBLIC SERVICES TRUST AS PROPOSED BY THE SCOTTISH NATIONAL PARTY;
- EXPRESSES REGRET THAT THE SCOTTISH EXECUTIVE WOULD NOT PERMIT THE PROJECT TO BE PROCURED BY CONVENTIONAL MEANS; AND
- AGREES WITH REGRET THAT THE PROJECT BE PROCURED AS A STANDARD PPP AS DETAILED IN OPTION 1.

Councillor Richard Speirs, seconded by Councillor Jennifer Speirs, moved as an amendment, that the recommendations in the Report be approved with Option 2, the NPDO Model, as the preferred option.

On a vote being taken, the members voted:-

For the motion:-

Councillors Gibb, Welsh, Selfridge, Gaul, Macintosh, McGlynn, Glennis Middleton, Murray, Myles, Norrie and Salmond and Mrs Boffey and Mr Simpson (13).

For the amendment:-

Councillors Richard Speirs and Jennifer Speirs (2).

Councillors Henderson and Scrimgeour declined to vote.

The motion was thereupon declared carried and the Committee agreed accordingly.

**(c) Implications for Facilities Management Services**

With reference to Article 1(a) above, there was submitted [Report No 824/04](#) by the Director of Education containing background information on the implications for Facilities Management services in the context of a Public Private Partnership project, and recommending the most appropriate approach in each specified service area taking account of Scottish Executive guidance, together with detailing the implications for employees of Council departments and Tayside Contracts who were currently responsible for delivering services to the Forfar and Carnoustie schools included in the project.

The Report indicated that the whole matter was very complex and further refinement of the proposals was required, particularly in relation to the Janitorial and Grounds Maintenance (Soft Landscaping) Services.

The Committee agreed:-

- (i) to note the background information outlining the implications for Facilities Management services in the context of a Public Private Partnership project;
- (ii) to approve the proposals detailing the most appropriate approach in each specified service area, taking cognisance of Scottish Executive guidance, all as summarised in Section 5 of the Report;
- (iii) to note the implications for employees of Council departments and Tayside Contracts who were currently responsible for delivering services to the Forfar and Carnoustie schools included in the project;
- (iv) to note the potential financial implications arising from the proposals for both the Council and Tayside Contracts;
- (v) to note that the Facilities Management services element of the Revised Outline Business Case for submission to the Scottish Executive would be produced on the basis of the approval detailed at (ii) above;
- (vi) to authorise consultation with employees who might be affected by these proposals;
- (vii) to instruct officers to ensure the details of the Staffing Protocol were adhered to throughout the procurement process and thereafter; and
- (viii) to instruct officers to apply appropriate procedures to ensure that confidentiality and probity were maintained throughout the procurement process in relation to the development of Council related bids for Facilities Management services.

**4. EXCLUSION OF PUBLIC AND PRESS**

The Committee resolved, in terms of Standing Order 27(2), 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 Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 6, 8 and 9.

**5. PROCUREMENT OF COMPUTERS FOR PRIMARY SCHOOLS**

With reference to Article 6 of the minute of meeting of the Resources and Central Services Committee of 28 June 2004, there was submitted [Joint Report No 825/04](#) by the Director of Education and the Director of Information Technology outlining the procurement process for the purchase of computers for primary schools in session 2004/2005 and seeking approval for the method of procurement.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the procurement of ICT equipment for primary schools in session 2004/2005, as detailed in the Report.