

## **ANGUS COUNCIL**

MINUTE of MEETING of the **POLICY AND RESOURCES COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 26 November 2019 at 2.00 pm.

**Present:** Councillors DAVID FAIRWEATHER, ANGUS MACMILLAN DOUGLAS OBE, BRIAN BOYD, BRADEN DAVY, LYNNE DEVINE, BILL DUFF, SHEILA HANDS, KENNY BRAES, BEN LAWRIE, IAN McLAREN, BOB MYLES, RONNIE PROCTOR OBE, LOIS SPEED, DEREK WANN and BETH WHITESIDE.

Councillor FAIRWEATHER, Convener, in the Chair.

### **1. APOLOGIES/SUBSTITUTES**

Apologies for absence were intimated on behalf of Councillors Alex King, Mark Salmond and Ron Sturrock with Councillors Kenny Braes, Ronnie Proctor and Lois Speed substituting respectively.

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

Councillor Braes declared an interest in item 8 as his brother owned the Traill Pavilion on the seafront in Montrose. He indicated that he would not participate in any discussion and voting and would leave the meeting during consideration of this item.

Councillor Myles declared an interest in item 11 as he owned holiday cottages that were let out. He indicated that he would not participate in any discussion and voting and would leave the meeting during consideration of this item.

### **3. MINUTE OF PREVIOUS MEETING**

The minute of meeting of this Committee of 8 October 2019 was submitted and approved as a correct record.

### **4. APPOINTMENTS**

The Committee agreed to note that Councillor Lawrie would replace Councillor Fairweather on the Climate Change Member/Officer Group.

### **5. INFORMATION REPORT FOR THE PERIOD 24 SEPTEMBER TO 11 NOVEMBER 2019**

With reference to Article 7 of the minute of meeting of this Committee of 8 October 2019, there was submitted and noted Report No 392/19 by the Director of Strategic Policy, Transformation and Public Sector Reform providing information to members with regard to services in the Strategic Policy and Transformation Service and specifically in relation to an overview of Economic Development, Business Support and Investment activities.

### **6. INFORMATION REPORT FOR THE PERIOD 23 SEPTEMBER TO 11 NOVEMBER 2019**

There was submitted and noted Report No 393/19 by the Depute Chief Executive providing information to members with regard to services across the Council and specifically in relation to:

- Overview of Strategic Digital Activity – Schedule 1
- Tayside Multi Agency Public Protection Arrangements -Schedule 2

### **7. REVENUE MONITORING 2019/20 AND RENEWAL AND REPAIR FUND 2019/20**

With reference to Article 8 of the minute of meeting of this Committee of 8 October 2019, there was submitted Report No 394/19 by the Director of Finance providing revenue budget information and detailing the latest projected year end position for each main Council service; giving a brief explanation of significant variances and providing an update of expenditure

funded through the Council's Renewal and Repair Funds.

The Report indicated that a surplus compared to budget of £1.259 million was projected at this point in the financial year in respect of the General Fund Services net adjusted budget (excluding the Angus Health and Social Care Partnership budget) of £223.398 million i.e. 0.57%. Various adjustments were required to this total to reflect previously approved policy which were detailed at para 5.2 in the Report, leaving an adjusted projected surplus of £0.037 million.

The Committee agreed:

1. to note the contents of the Report and in particular the comments in the financial implications section regarding the projected year end position;
2. to approve the virements noted at paragraph 4.19 of the Report; and
3. to note the Renewal and Repair Fund position.

*Councillor Braes, having declared an interest at item 2 above, left the meeting during consideration of the following item.*

## **8. CAPITAL MONITORING – GENERAL FUND CAPITAL PROGRAMME – 2019/20**

With reference to Article 9 of the minute of meeting of this Committee of 8 October 2019, there was submitted Report No 395/19 by the Director of Finance providing members with details of the capital expenditure incurred for the period 1 April to 13 September 2019 and measuring projected capital expenditure for the year against budgeted provision.

The Report indicated that with 6 months (50%) of the financial year gone, the actual spend levels presented in tables 1 and 2 in the Report could be considered low, although historically around 10% of capital spend came through as accruals at the year end. It was noted that work was ongoing on a number of significant projects of which no payment had yet been made by virtue of the phasing of such projects. Furthermore, the value of work completed up to 31 March 2020 would be assessed as part of the year end process and expenditure accrued accordingly.

COUNCILLOR FAIRWEATHER, SECONDED BY COUNCILLOR WANN, MOVED THAT THIS COMMITTEE AGREES:

1. TO NOTE THE EXPENDITURE TO DATE AND PROJECTED OUTTURN POSITION ON THE GENERAL FUND CAPITAL PROGRAMME AS PER TABLES 1 AND 2 IN THE REPORT AND THE CAPITAL MONITORING STATEMENT, ATTACHED AS APPENDIX 1 TO THE REPORT; AND
2. TO APPROVE THE REQUEST FOR ADDITIONAL FUNDING FROM THE GENERAL CAPITAL CONTINGENCY TOTALLING £127,000 FOR MONTROSE SEAFRONT SPLASH ZONE (PARAGRAPH 6.1 OF THE REPORT REFERS).

Councillor Boyd, seconded by Councillor Whiteside, moved as an amendment, that this Committee does not approve the request for additional funding from the General Capital Contingency totalling £127,000 for Montrose Seafront Splash Zone.

On a vote being taken, members voted:-

For the motion:

Councillors Fairweather, Macmillan Douglas, Davy, Duff, Lawrie, McLaren, Myles, Proctor, Speed and Wann (10)

For the amendment:

Councillors Boyd, Devine, Hands and Whiteside (4)

The motion was declared carried and the Committee resolved accordingly.

## **9. PROCUREMENT ANNUAL REPORT 2018/19 AND PROCUREMENT STRATEGY REVIEW 2019/21**

There was submitted Report No 396/19 by the Director of Finance presenting the Council's second statutory Annual Procurement Report and review of the Council's Procurement Strategy under the Procurement Reform (Scotland) Act 2014.

The Report and Strategy would be published on the Council's website and notified to the Scottish Ministers in line with the Council's duties under Section 15 of the Procurement Reform (Scotland) Act 2014.

Having heard from a number of members, the Committee agreed:

1. to note the Angus Council Procurement Annual Report 2018/19, an executive summary of which was annexed as Appendix 1 to the Report;
2. to approve the review of the Council's Procurement Strategy, an executive summary of which was annexed as Appendix 2 to the Report; and
3. to authorise the Director of Finance to publish same on the Council's website and notify publication to the Scottish Ministers in line with the Council's duties under Section 15 of the Procurement Reform (Scotland) Act 2014.

## **10. CHANGE PROGRAMME UPDATE**

With reference to Article 11 of the minute of meeting of this Committee of 27 August 2019, there was submitted Report No 397/19 by the Director of Finance providing a progress update of the Council's current Change Programme and presenting a new version of the Change Programme relating to the updated 3 year Strategic Planning period from 2020/21 to 2022/23 which aligned with the latest Medium Term Budget Strategy.

The Report indicated that significant progress has been made as far as possible on all of the £10,219,711 saving proposals for 2019/20. The final position achieved for financial year 2019/20 was that £9,974,711 of savings had been delivered and removed from base budgets. This equated to meeting 97.6% of the Council's target which was an excellent achievement. The balance of £245,000 could be met from one-off funding measures using the Council's uncommitted General Fund balances.

The Committee agreed:

1. to note the progress update in relation to the Council's current Change Programme 2019/20 to 2021/22;
2. to approve the final list of Organisational Design/Zero Based Budgeting Review savings as set out in Appendix 1 of the Report including the saving of £51,000 from stopping the Angus Council Community Grants Scheme, which had largely been superseded by other initiatives such as Crowdfund Angus and Participatory Budgeting;
3. to approve the new version of the Change Programme (2020/21 to 2022/23); and
4. to note the next steps of developing the Council's Change Programme to support the 2020/21 budget setting process in February 2020 and beyond.

*Councillor Myles, having declared an interest at item 2 above, left the meeting during consideration of the following item.*

## **11. CONSULTATION ON THE PRINCIPLES OF A LOCAL DISCRETIONARY TRANSIENT VISITOR LEVY OR TOURIST TAX – PROPOSED ANGUS COUNCIL RESPONSE**

There was submitted Report No 398/19 by the Director of Finance advising members of a Scottish Government consultation on the principles of a Local Discretionary Transient Visitor

Levy or Tourist Tax and providing a proposed Angus Council response for the Committee's consideration.

The Report indicated that at this stage there was no requirement for the Council to express their view on whether it would implement a Transient Visitor Levy, should legislation enabling this be introduced. The response was therefore based on the views of Council Officers on the design and operational aspects of the legislation which was planned. The Council's proposed response had not been subject to consultation with the local tourism industry in Angus on the basis that the industry was able to respond directly to the Government's public consultation. Assuming the legislation to implement a Transient Visitor Levy was passed by the Scottish Parliament, a further report on the final terms of that legislation would be brought back to this Committee so that the Council's Policy position and whether to implement such a Levy could be considered.

The Committee agreed:-

- 1) to note the background to the consultation as set out in the Report and the online consultation document;
- 2) to note that at this stage there was no requirement for the Council to express a view on whether it would implement a transient visitor levy, should legislation enabling this be introduced; and
- 3) to approve for submission the proposed Angus Council response to the consultation as set out in Appendix 1 to the Report.

## **12. MANAGING BEHAVIOURS THAT CHALLENGE POLICY**

There was submitted Report No 399/19 by the Director of HR, Digital Enablement, IT and Business Support advising of the introduction of a new policy and associated guidance that related to the management of behaviours that challenge.

The Report indicated that many of the Council's employees encountered behaviours that challenge, some were one-off incidents but others on a more frequent basis. While it was recognised difficult behaviour was mostly a reaction to unmet needs, it still presented a significant issue for staff encountering it regularly. This policy affirmed Angus Council's view that de-escalation of such incidents must be the first priority for all staff and whilst there may be times physical intervention was required in order to ensure the safety of the supported individuals or others, this must be the last resort.

The policy applied to all Council staff with the exception of teaching staff which would be covered under a separate Angus Joint Negotiation Committee for Teacher's agreement which was currently in development.

Having heard from a number of members, the Committee agreed:

1. to approve the new policy on Managing Behaviours that Challenge, attached as Appendix 1 to the Report (subject to some re-wording/clarification regarding the use of "electronic devices") ; and
2. to delegate authority to the Director of HR, Digital Enablement, IT and Business Support to update and provide further guidance, as appropriate, in terms of the policy.

## **13. EXCLUSION OF PUBLIC AND PRESS**

The Committee resolved, in terms of Standing Order 28(2) that the public and press be excluded from the meeting during consideration of the following items so as to avoid the possible disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 3, 6, 8 and 9.

**14. PROPOSED LEASE OF UNIT 4, BROOMFIELD INDUSTRIAL ESTATE, MONTROSE TO NATIONAL OILWELL, VARCO**

There was submitted Report No 401/19 by the Director of Strategic Policy, Transformation and Public Sector Reform seeking authorisation to agree to proceed with the preparation of a lease agreement between Angus Council and National Oilwell Varco for Unit 4, Broomfield Industrial Estate, Montrose.

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

**15. INFORMATION REPORT FOR THE PERIOD 23 SEPTEMBER TO 11 NOVEMBER 2019**

There was submitted and noted Report No 403/19 by the Depute Chief Executive providing information to members with regard to services across the Council and specifically in relation to:

- Angus Community Justice Partnership Annual Return 2018/19 (Schedule 1)
- Angus Community Payback Order Annual Report 2018/19 (Schedule 2)

**16. MONTROSE GOLF LINKS LIMITED (MGLL) AND GOVERNANCE OF GOLF COURSES**

There was submitted Report No 404/19 by the Depute Chief Executive in relation to Montrose Golf Links Limited setting out a number of proposals and recommendations for member's consideration.

Having heard from a number of members, the Committee agreed to approve recommendations (i) - (xii) including:-

- (a) the appointment of Councillors Duff (subject to the conditions as specified by Councillor Duff being met, in relation to the membership of MGLL Board) and Boyd as Directors of Montrose Golf Links Ltd;
- (b) the establishment of a Member/Officer Group to undertake a review of all the golf courses in which Angus Council had an interest ( subject to the condition as specified by Councillor Macmillan Douglas being met in relation to supporting the work of the MOG); and
- (c) to appoint Councillor Boyd as Chair of the Member/Officer Group.