

# ANGUS COUNCIL

MINUTE of MEETING of the **POLICY AND RESOURCES COMMITTEE** held remotely on Tuesday 8 December 2020 at 2.00 pm.

**Present:** Councillors DAVID FAIRWEATHER, ANGUS MACMILLAN DOUGLAS OBE, BRIAN BOYD, BRADEN DAVY, LYNNE DEVINE, BILL DUFF, SHEILA HANDS, ALEX KING, BEN LAWRIE, IAN MCLAREN, BOB MYLES, MARK SALMOND, RON STURROCK, DEREK WANN and BETH WHITESIDE.

Councillor FAIRWEATHER, Convener, in the Chair.

## 1. APOLOGIES/SUBSTITUTES

No apologies for absence were intimated.

## 2. DECLARATIONS OF INTEREST

Councillor Boyd declared a non-financial interest in Item 9 intimated that he had a connection with the CAT Application from Carnoustie and Monifieth Men's Shed, by virtue of the fact that he was mentioned in the papers. He had been heavily involved in the campaign to save The Panmure Centre and had attended a number of meetings. He had applied the objective test and would take part in any discussion and voting on this item.

Councillor Myles intimated that he had received some correspondence in connection with item 14 but had not made any comment. He had also attended Community Council meetings when this had been discussed but again had made no comment. He indicated that he would participate in any discussion and voting on this item.

Councillor Macmillan Douglas intimated that he had received some correspondence in connection with item 14 but had not made any comment. He indicated that he would participate in any discussion and voting on this item.

Councillor Macmillan Douglas also intimated that in relation to Item 10 he was working with Mr Brunton on another project which had no connection with the CAT Application. He indicated that he would participate in any discussion and voting on this item.

The Convener intimated that most members of the Committee would have received correspondence in connection with item 14.

Councillor King referred to the lobbying by Mr Guild and that he had not responded to any.

## 3. MINUTES

### (i) Previous Meeting

The minute of meeting of this Committee of 1 Sept 2020 was submitted and approved as a correct record.

## 4. CAPITAL MONITORING – GENERAL FUND CAPITAL PROGRAMME 2020/21

There was submitted Report No 253/20 by the Director of Finance apprising members of the capital expenditure incurred for the period from 1 April 2020 to 31 August 2020 and measuring projected capital expenditure for the year against budgeted provision.

The Report indicated that with five months (41.67 per cent) of the financial year gone the actual spend levels presented in Tables 1 and 2 were extremely low, at 7.7 per cent on a gross basis and 12.5 per cent on a net basis respectively. This unprecedented low level of actual expenditure was a direct result of the lockdown imposed during the COVID-19 pandemic, in particular the shutdown of the construction industry and the delay in reopening sites (which must be compliant with new protocols introduced to ensure the health and safety of personnel on site).

Furthermore around 10 per cent of capital spend would come through as accruals at the year end. The value of work completed up to 31 March 2021 would be assessed as part of the year end process and expenditure accrued accordingly, hence the reason why spend could increase significantly in the final month of the year. It should also be noted that work was ongoing on a number of significant projects for which no payment had yet been made by virtue of the phasing of such projects. For information purposes, the 2019/20 actual spend outturn was 75.9 per cent (gross) and 80.4 per cent (net).

The Committee agreed 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 accompanying capital monitoring statement:

## **5. REVENUE MONITORING 2020/21 AND RENEWAL AND REPAIR FUND POSITION 2020/21**

There was submitted Report No 254/20 by the Director of Finance detailing the latest projected year-end position for each main Council service area, giving a brief explanation of significant variances and providing an update on expenditure funded through the Council's Renewal and Repair Funds.

The Report indicated that a surplus compared to budget of £0.367 million was projected at this point in the financial year in respect of the General Fund services net adjusted budget (excluding the Angus Health & Social Care Partnership budget) of £244.430 million, i.e. 0.15%. There were adjustments required to this total to reflect previously explained funding within Schools and Learning which due to accounting treatment would be carried forward into 2021/22, leaving an adjusted projected deficit of £0.423 million.

The Committee agreed:

- i) to note the content of the Report and in particular the comments on the Financial Implications section regarding the projected year end position; and
- ii) to note the Renewal and Repair fund position.

## **6. EXTENSION OF DEBT COLLECTION AND SHERIFF OFFICER SERVICES**

There was submitted Report No 255/20 by the Director of Finance seeking authority to extend the existing debt collection and sheriff officer contract for a period of one year and also seeking authority to proceed with a procurement exercise for a new contract to start at the end of the one-year extension.

The Committee agreed to delegate authority to the Director of Finance to:-

- i) extend the existing contract with A. A. Hutton for a period of one year from 1 April 2021; and
- ii) procure debt collection and sheriff officer services for a period of up to four years from 1 April 2022, with provision for extension for an additional two years subject to being satisfied with the performance of the contractor.

## **7. COMMON GOOD FUNDS – PROJECT APPROVALS**

There was submitted Report No 256/20 by the Director of Infrastructure seeking approval for 2020/21 Common Good Funded Projects.

The Committee agreed:

- i) to approve the funding from Forfar Common Good for ceiling repairs to the Council Chamber, Town and County Buildings, Forfar totalling £33,000; and
- ii) to approve the part funding from Montrose Common Good towards the provision of new toilet block at Splash, Traill Drive, Montrose totalling £35,000.

**8. APPROPRIATION OF AREAS OF LAND BETWEEN GENERAL FUND AND THE HOUSING REVENUE ACCOUNT (HRA) AT EMISLAW DRIVE AND NEWBIGGING DRIVE, ARBROATH**

There was submitted joint Report No 257/20 by the Director of Communities and the Director of Infrastructure requesting approval for areas of the parks at Emislaw Drive Park and Newbigging Drive Play Area Arbroath to be appropriated to the HRA for the delivery of affordable housing.

The Report indicated that the development would result in the net loss of around 3,089sqm of open space, as outlined in the plan at Appendix 1 to the Report. However, the Council's open space audit for Arbroath significantly exceeded the Playing Fields Association (Six Acre) standard of 2.43HA per 1000 per head population (at 4.23HA per 1000 per head population). The audit results identified the park as just 'Fair', with low scores for the diversity and quality of the facilities (play area and sports provision) and also for biodiversity. The new play area would increase the scoring for functionality significantly and also the tree and shrub planting, wildflower meadow and planting of heritage fruit trees would enhance the biodiversity and landscape character of the site and create new habitats, as shown in Appendix 2 to the Report.

In return for the appropriation of net increase land to the HRA for the new affordable housing, improvements (valued at £205,000 and funded by the HRA) would be carried out to the park, including the installation of a new playpark facility with an informal kick about area. A pedestrian and cycle route would also be provided through the park as part of an objective to improve active travel and safe routes to school around Arbroath. A new pedestrian connection to Arbirlot Road to the south of the site would be created through the development improving links to public transport.

The Committee agreed:

- (i) to approve that the sites extending together to approximately 4,091sqm at Emislaw Drive Park and Newbigging Drive Play Area Arbroath, (both shown coloured pink, with the larger site outlined as Area 1 on the plan at Appendix 1 to the Report ), be appropriated at nil value from the General Fund to the HRA for the delivery of affordable housing;
- (ii) to approve that an area of approximately 523sqm (shown outlined as Area 2 on the plan at Appendix 1 to the Report), be appropriated at nil value from the HRA to the General Fund to form part of Emislaw Drive Park; and
- (iii) to note that in exchange for the appropriation of land, the HRA would fund improvements to the park including provision of new play equipment, landscaping and pathways (as shown on the proposed landscaping plan at Appendix 2 to the Report).

**9. COMMUNITY ASSET TRANSFER APPLICATION – DECISION – SKILZ ACADEMY, ASTROTURF PITCH AND GROUND, ARBROATH SPORTS CENTRE, KEPTIE ROAD, ARBROATH**

The Committee noted that Report No 259/20 had been withdrawn to allow further discussions.

**10. COMMUNITY ASSET TRANSFER APPLICATIONS – CARNOUSTIE & MONIFIETH MEN'S SHED**

Prior to consideration of the Report Mr Gammack, Secretary of Carnoustie and Monifieth Men's Shed addressed the meeting in support of their Community Asset Transfer Application for the Panmure Centre and responded to member's questions with regard to the lease period, the Feasibility Study, the Business Plan and the heating costs of the Panmure Centre, including the use of "Green Schemes".

Thereafter, Mr Brunton addressed the meeting on behalf of the Carnoustie Development Trust. While they were not opposed to the CAT application they did have concerns regarding the period of lease and the implications for potential funders. Mr Brunton responded to member's questions with regard to the Trust's plans for the building.

The Report No 260/20 by the Director of Legal and Democratic Services asked the Committee to note the outcome of an application for appeal under section 88 of the Community Empowerment (Scotland) Act 2015 in relation to Invertay House, 3 Maule Street, Monifieth and to determine a Community Asset Transfer (CAT) application recently submitted in relation to a Council asset, namely the Panmure Centre, 114 Kinloch Street, Carnoustie.

The Report indicated that Carnoustie & Monifieth Men's shed had applied for a Community Asset Transfer for The Panmure Centre, 141 Kinloch Street, Carnoustie. The group wished to lease this asset for a period of 10 years at a rent of £1,500 per annum. The CAT group's recommendation was to approve the CAT application.

The Director of Legal and Democratic Services outlined to members the CAT process, the legislative process and the statutory framework.

Having heard from a number of members and some of the concerns expressed, the Committee agreed that the Report be deferred for a maximum of 4 weeks to allow further discussions to proceed with interested parties and that all Carnoustie and Monifieth & Sidlaw councillors were kept informed of any developments.

#### **11. COMMUNITY ASSET TRANSFER: ANNUAL REPORT 2019/20**

There was submitted Report No 261/20 by the Director of Legal and Democratic Services presenting the Angus Council Annual Report on Community Asset Transfer activities by Angus Council covering the 2019/2020 financial year

The Report indicated that The Community Empowerment (Scotland) Act 2015 ("the Act") introduced a right for community bodies to make requests to all local authorities, Scottish Ministers and a wide-ranging list of public bodies, for any land or buildings they felt they could make better use of. Community bodies could request ownership, lease or other rights, as they wished through a process known as Community Asset Transfer (CAT). The Act required those public authorities to assess requests transparently against specific criteria, and to agree the request unless there were reasonable grounds for refusal.

Section 95 of the Act required every relevant authority to publish an Annual Report setting out the numbers of asset transfer requests received and their outcomes and anything the relevant authority had done to promote the use of asset transfer and support community transfer bodies to make requests.

The Committee agreed:-

- (i) to note the requirements of the legislation as outlined in the report;
- (ii) to notes the summary of activity described in Section 4 and the Appendix to the report;
- (iii) to note that a significant staff resource across different services was required in order to implement the requirements of the legislation and facilitate CAT transfers;
- (iv) to approve the publication of the report and Appendix on the Community Asset Transfer pages of the Council's website for 2019/20; and
- (v) to approve delegated authority as described in Section 3.3 of the report for future annual reports.

#### **12. REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000 – ANNUAL REPORT**

There was submitted Report No 262/20 by the Director of Legal and Democratic Services presenting a revised and updated Policy and Guidelines on the Use of Covert Surveillance and Covert Human Intelligence Sources and Surveillance Through Social Media Policy, for approval.

The Report indicated that Angus Council was a public authority for the purpose of the Regulation of Investigatory Powers (Scotland) Act 2000 ("RIP(S)A") and had the power to authorise directed covert surveillance and the use of covert human intelligence sources.

Covert activities covered by RIP(S)A would be lawful if the activities were authorised and if they were conducted in accordance with the authorisation.

RIP(S)A covered two main types of surveillance that local authorities were involved in. The first was “directed surveillance”. Directed surveillance was defined as surveillance undertaken for the purpose of a specific investigation or operation which was likely to result in obtaining private information about a person. The second was the use of a Covert Human Intelligence Source (“CHIS”). A CHIS was someone who established or maintained a relationship with another person with the intention of covertly obtaining information from that person.

A policy had now been developed regarding internet surveillance using social media and was attached as Appendix 2 to the Report.

The Committee agreed to:-

- (i) approve the Policy and Guidelines on the Use of Covert Surveillance and Covert Human Intelligence Sources annexed as Appendix 1 to the report; and
- (ii) approve the Surveillance through Social Media Policy annexed as Appendix 2 to the report;
- (iii) delegate authority to the Director of Legal and Democratic Services to make minor amendments to the Policies referred to at (i) and (ii) above in light of future legislative changes, best practice, Scottish Government Codes of Practice and Guidance from the Investigatory Powers Commissioner’s Office; and
- (iv) note that the Policies referred to at (i) and (ii) above would be presented to this Committee annually for approval.

### **13. REDRESS FOR SURVIVORS (HISTORICAL CHILD ABUSE IN CARE) (SCOTLAND) BILL**

There was submitted Report No 263/20 by the Director of Legal and Democratic Services advising the Committee that the Scottish Government had introduced the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill (“the Bill”) to the Scottish Parliament and had sought comments on the Bill. The deadline for responses was 9 October 2020.

A proposed response on behalf of Angus Council was attached at Appendix 1 to the Report and the Committee was asked to consider this draft response and to provide any further comments prior to approving a final response for submission.

The Bill sought to establish a financial redress scheme for survivors of historical child abuse in relevant care settings in Scotland and, in some circumstances, where the survivor has died, their next of kin. The purpose of the redress scheme was to acknowledge and provide tangible recognition of the harm suffered as a result of that abuse. The redress scheme would also offer survivors access to some nonfinancial elements of redress such as acknowledgement, apology and therapeutic support.

The Committee agreed:

- a) to note that the Scottish Government had introduced the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill (“the Bill”) to the Scottish Parliament as detailed in the Report;
- b) to note that a proposed response to the consultation on behalf of Angus Council had been intimated to the Scottish Government by the deadline of 9 October 2020, on the condition that it was subject to approval and further comment by this Committee;
- c) to approve the Council’s draft response to the consultation attached at Appendix 1 to the Report; and
- d) to delegate authority to the Director of Legal and Democratic Services to confirm the Council’s final response to the Scottish Government.

**14. OFFER TO BUY A NON-SURPLUS HRA ASSET AT INGLIS COURT, EDZELL**

There was submitted Report No 258/20 by the Director of Communities recommending that the Committee declines an unsolicited offer to buy a non-surplus Housing Revenue Account (HRA) asset at Inglis Court, Edzell.

Details of the offer were attached at Appendix 1 to the Report (exempt). The asset had not been declared surplus to requirements, and it formed a fundamental part of the Council's Affordable Housing Programme. The building on the site was currently being vacated to allow for proposed demolition and subsequent development of around 20 new Council houses for rent, supported by significant grant investment by the Scottish Government.

The Report indicated that specific guidance from the Scottish Government set out the process which must be followed in order for the HRA to dispose of assets. This guidance included a requirement for the Council to consult fully with tenants prior to any disposal. In this case it would include the Council Tenants Steering Group and the wider North Angus tenant base. Accordingly, if members instructed the Director of Communities to explore the potential to dispose of the asset, the Council would need to consult with tenants. As part of the framework for disposing of HRA assets, Scottish Ministers' consent was required. Previously the Council usually had to seek consent for each transaction but Scottish Ministers now had a general consent process for sales which met certain criteria, which avoided the need for site specific Scottish Ministers' approval. For the sale to be covered by Scottish Ministers' General Consent provisions, the Council must also demonstrate that any site disposal was for more than 75% of the market value. Therefore a valuation would be obtained in order to inform any decision about disposal. A further report would be brought to members to allow members to take account of the consultation and the valuation, and to decide if the site should be placed on the open market. A valuation would also be relevant in terms of evidencing how best value could be achieved. It should be noted that if these two matters could not be satisfied, then the General Consent process was not sufficient and therefore Ministerial consent for disposal would be required.

Kate Cowey, Service Leader (Planning and Communities) and John Morrow, Service Leader (Housing) then responded to a number of member's questions.

Following discussion, the Committee agreed that the public and press be excluded during consideration of the Exempt Appendix to Report No 258/20, and further consideration of Report No 264/20 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.

**15. CONTRACT FOR IT INTERNAL AUDIT SERVICES**

There was submitted Report No 264/20 by the Director of Strategic Policy, Transformation and Public Sector Reform with regard to the contract for IT Internal Audit Services.

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

**16. OFFER TO BUY A NON-SURPLUS HRA ASSET AT INGLIS COURT, EDZELL - DECISION**

Having discussed the contents of the Exempt Appendix the meeting resumed in public

The Committee agreed to instruct the Director of Communities to decline an unsolicited offer received for the purchase of a non-surplus Housing Revenue Account (HRA) asset at Inglis Court in Edzell.