

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 an interest in item 9, as he had been involved in a number of discussions regarding this application. He indicated that he would not participate in any discussion and voting and that he would leave the meeting during consideration of the item.

Councillors Lynne Devine and Bill Duff each declared an interest in items 10 (Report 318/20) and 11 (Report 319/20) as Council appointed directors of ANGUSAlive. Each indicated that they would not participate in any discussion and voting on item 10 and would leave the meeting during consideration of this item. However, with regards item 11, each indicated that they had a specific exclusion in terms of the Code of Conduct and would therefore participate in any discussion and voting on this item.

3. MINUTES

(i) Previous Meeting

The minute of meeting of this Committee of 27 October 2020 was submitted and approved as a correct record.

(ii) Appeals Sub Committee

The minutes of meetings of the Appeals Sub Committee of 1 October, 21 October and 20 November 2020, (copies of which are appended hereto) were submitted and noted. (**Appendices I, II and III** respectively).

4. INFORMATION REPORT FOR THE PERIOD APRIL 2019 TO MARCH 2020

There was submitted and noted Report No 313/20 by the Director of Infrastructure providing information to members with regard to services in the Infrastructure Directorate, in relation to:

Schedule 1 – Energy Annual Report 2019/20
Schedule 2 – Water Annual Report 2019/20

5. CHANGE PROGRAMME UPDATE

There was submitted Report No 314/20 by the Director of Finance providing a progress update in relation to the Council's Change Programme, relating to the 3-year planning period 2020/21 to 2022/23.

The Report indicated that work had been ongoing to monitor and scrutinise the performance of all the projects in the change programme. The 'locked-down' position achieved for financial year 2020/21 was that £8,577,214 of savings had been achieved, subject to the AHSCP and ANGUSAlive positions being confirmed.

This equated to meeting 95% of the Council's updated target of £9,033,214 for 2020/21. The reconciliation of the changes to the revised target savings for this financial year were included in Section 5 of the Report.

The Committee agreed: -

- (i) to note the progress update in relation to the Council's Change Programme (2020/21 to 2022/23);
- (ii) to approve the updated savings to be delivered by the Change Programme (2020/21 to 2022/23) noting the risks which still remained to the delivery of those savings; and
- (iii) to approve the updated terms of reference for the Change Fund and Tay Cities Deal Fund as set out in Appendices 2 and 3 of the Report.

6. CAPITAL MONITORING – GENERAL FUND CAPITAL PROGRAMME 2020/21

With reference to Article 4 of the minute of meeting of this Committee of 27 October 2020, there was submitted Report No 315/20 by the Director of Finance apprising members of the capital expenditure incurred for the period from 1 April 2020 to 31 October 2020 and measuring projected capital expenditure for the year against budgeted provision.

The Report indicated that with seven months (58.33 per cent) of the financial year gone the actual spend levels presented in Tables 1 and 2 were extremely low, at 20.5 per cent on a gross basis and 34.0 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:

7. REVENUE MONITORING 2020/21 AND RENEWAL AND REPAIR FUND POSITION 2020/21

With reference to Article 5 of the minute of meeting of this Committee of 27 October 2020, there was submitted Report No 316/20 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 £0.849 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 £245.486 million, i.e. 0.35%. 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 £0.111 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.

- iii) to approve the request to use up to £0.172 million of the COVID-19 contingency fund to temporarily increase resources for the Council's Contact Centre.

8. TRANSFER OF ST CHRISTOPHER'S SITE FROM GENERAL FUND TO HOUSING REVENUE ACCOUNT

There was submitted Report No 317/20 by the Director of Communities seeking approval to transfer the St Christopher's Gypsy Travellers site in Montrose from Angus Council's General Fund Account to the Housing Revenue Account (HRA) subject to Scottish Ministerial consent.

The Committee agreed to approve, subject to the necessary Scottish Ministerial consent, that the St Christopher's Gypsy Travellers site in Montrose, shown outlined on the plan at Appendix 1 to the Report, be transferred from the General Fund to the Housing Revenue Account (HRA) at nil value.

Councillor Boyd having declared and interest in Article 2 above, left the meeting during consideration of the following item.

9. COMMUNITY ASSET TRANSFER APPLICATION – CARNOUSTIE & MONIFIETH MEN'S SHED – PANMURE CENTRE CARNOUSTIE

Reference was made to Article 10 of the minute of meeting of this Committee of 27 October 2020 when it was agreed to defer the application for a period of 4 weeks to allow the Men's Shed and the Carnoustie Community Development Trust an opportunity to meet and discuss a way forward, The driver for this timeframe was to avoid any further delays for the Men's Shed.

Following discussions with the Men's Shed, an extension to this deadline had been agreed with officers to the end of January 2021. The Group had indicated that to come back to the Committee in November would be too early and that "an extension to a January P&R meeting could really make a difference to the outcome and would be best all round".

Officers had held an initial meeting with the groups to progress matters and a further meeting was to be arranged.

A special meeting of this Committee would be called early/mid-January to consider the application.

The Committee agreed to note the update.

Councillor Boyd re-joined the meeting at this stage.

Councillors Devine and Duff having declared and interest in Article 2 above, left the meeting during consideration of the following item.

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

With reference to Article 4 of the minute of meeting of the Special Arrangement Committee of 23 June 2020, there was submitted Joint Report No 318/20 by the Director of Legal and Democratic Services and the Director of Finance seeking approval for the Director of Legal and Democratic Services to issue a Decision Notice to reject the Community Asset Transfer application by Skilz Academy, a Scottish Charitable Incorporated Organisation (Number SC047883), Studio 4, Erskine House Business & Design Centre, Commerce Street, Arbroath, to take ownership of the Astroturf pitch and ground at Arbroath Sports Centre, Arbroath and seeking approval for the Council to enter into a lease with Skilz Academy for the pitch and ground.

The Director of Legal and Democratic Services and the Director of Infrastructure both indicated that the 99 year lease had no break clause in it as it was aimed at replicating a sale.

Having heard from Councillor Hands, the Committee agreed:

- (i) to note that:
 - (a) on 23 June 2020 the Special Arrangements Committee considered a Community Asset Transfer (CAT) application by Skilz Academy to take ownership of the Astroturf pitch and ground at Arbroath Sports Centre, Arbroath, and agreed to approve this application subject to conditions 1-7 set out in Paragraph 7.4 of Report 151/20 (attached as Appendix 3 to the Report) and the additional conditions (vii) and (viii) set out in Article 4 of the minute of that meeting (attached as Appendix 4 to the Report) being agreed between the parties; and
 - (b) as mentioned in Report 151/20 (and taken into account by the CAT Working Group when scoring the CAT purchase application) Skilz Academy need to secure significant funds, and although they had identified funding sources they had not yet confirmed to the Council that funding was in place, but the previous approval of the CAT purchase and current proposal were conditional upon funding.
- (ii) to note that Standing Order 26(3) applied in these circumstances as it was the ongoing progression or development of an issue on which a decision was required;
- (iii) to note that, taking on board the Special Arrangements Committee's decision on 23 June 2020 to sell the site to Skilz Academy and based on the information and advice contained within this report, officers were recommending that the transfer of the Astroturf pitch and ground at Arbroath Sports Centre, Arbroath be facilitated through a lease rather than a sale; and consequently,
- (iv) (a) to delegate authority to the Director of Legal and Democratic Services to issue a Decision Notice to reject the application by Skilz Academy to take ownership of the Astroturf pitch and ground at Arbroath Sports Centre, Arbroath for the following reasons:
 1. Due to issues concerning the enforceability of conditions (as outlined below as CAT Conditions) which conditions were necessary in terms of the sale given (i) the area of ground is situated in a secondary school and (ii) the operational challenges that exist relating to the nature of the proposed use for the site;
 2. Skilz Academy did not apply for a CAT lease, under which such conditions might be more easily enforced;
- (b) to delegate authority to the Director of Infrastructure, following consultation with the Director of Legal and Democratic Services, to remove the pitch from ANGUSalve's licence to occupy and thereafter, enter into a non-CAT 99-year lease with Skilz Academy (**subject to the discretion as detailed in 2 (v) below**) for the Astroturf pitch and ground at Arbroath Sports Centre, Arbroath at a rent of £1 a year, if asked, subject to the following conditions being agreed among the Skilz Academy, the council and Angus Alive and included in the lease documentation as appropriate, namely: -
 - (1) THE "CAT CONDITIONS", being
 - (a) conditions 1-7 set out in Paragraph 7.4 of Report 151/20, being:
 - (i) Agreement being reached between the Council, ANGUSalve and Skilz Academy on school use arrangements and costs, i.e. so as to ensure there is no detriment or negative impact on school access and costs compared to retaining the asset;
 - (ii) Safe and workable plans for public access to the facility being agreed by the Council / ANGUSalve and suitable legal agreements being put in place for rights of access being established for Skilz Academy. This would cover both construction and operational phases;

- (iii) Agreement being reached between the Council, ANGUSalive and Skilz Academy on access to Changing Facilities in a manner which ensures the safety and wellbeing of all users of facilities;
 - (iv) Agreement being reached with the Council / ANGUSalive on how Skilz Academy will ensure adequate community access and fair pricing will apply to usage of the facility;
 - (v) Skilz Academy securing the full funding package required and commissioning the works to replace the existing astroturf surface and fencing to industry standards and if required provision of an access route; and
 - (vi) Agreement that the Skilz Academy will meet the cost of changes to the energy supply arrangements (currently through the school and will need to be separated).
 - (vii) Agreement being reached on any other requirements which the Council, ANGUSalive and Skilz Academy need to put in place to operate the facility in a manner which ensures compliance with relevant laws and regulations. This includes applying the Council's standard CAT Lease terms and conditions; and
- (b) the additional conditions (vii) and (viii) set out in Article 4 of the minute of the meeting of the Special Arrangements Committee of 23 June 2020, being:
- (i) that the applicant must reach agreement with ANGUSalive and Angus Council on the question of, and terms and conditions of, public access and school access as required to the new proposed facility on an equivalent basis of current usage including provision of term time and holiday coaching courses.
 - (ii) toilet facilities, including suitable disabled access, are to be provided by the applicant as agreed with Angus Council in accordance with the phases of the applicant's business plan.
- (2) TO THE FOLLOWING ADDITIONAL CONDITIONS, required to secure the services/outcomes set out in Skilz Academy's CAT application:
- (i) Within 1 year from the date of entry Skilz Academy will replace the existing floodlights with new low energy LED lights.
 - (ii) Within 5 years of the date of entry Skilz Academy will secure funding for the provision of a community building adjacent to the pitch for the use of the community.
 - (iii) Skilz Academy to complete the community building within 2 years of securing funding.
 - (iv) Such other conditions as the Director of Legal and Democratic Services may determine necessary to secure the services/outcomes in Skilz Academy's CAT application;
- AND
- (v) That the Director of Infrastructure Services explore with Skilz Academy the possibility of amending the lease to allow for a potential break clause and the option for a re-location where possible to a nearby site that was more appropriate on the basis of it being mutually agreeable to all parties.
- (3) **THE COUNCIL'S STANDARD CAT LEASE CONDITIONS** set out in Appendix 1.
- And
- (4) **THE PROPOSED TERMS FOR THE LEASE** set out in Appendix 6, subject to any variation which may be approved by the Director of Infrastructure, following consultation with the Director of Legal and Democratic Services.

- (vi) note that as recommendation (iv) of this report has been agreed it will be necessary to conclude formal legal agreements before the lease transfer to Skilz Academy formally takes place.

Councillors Devine and Duff re-joined the meeting at this stage.

11. AWARD OF CONTRACT – LIBRARY SELF SERVICE KIOSK

There was submitted Report No 319/20 by the Director of HR, Digital enablement, IT and Business Support summarising the evaluations undertaken in respect of the suppliers on the current ESPO Framework ESPO350_19 1A Library Solutions and Systems (“the ESPO Framework”) for procurement of supplies and services required to provide library self-service kiosks to library customers and recommending the award of a contract to that supplier, namely Bibliotheca.

The Committee agreed:

- (i) to note the detailed evaluation process undertaken of suppliers on the ESPO Framework and the compliant route to procurement;
- (ii) to approve the award of a contract by direct award under the ESPO Framework to the supplier providing best value to the Council, namely Bibliotheca for the amount of £81,550; and
- (iii) to note that the funding and financial implications related to this project were detailed in Section 7 of the Report.