

ANGUS COUNCIL

MINUTE of MEETING of the **COMMUNITIES COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 6 June 2017 at 2.00 pm.

Present: Councillors CRAIG FOTHERINGHAM, LOIS SPEED, JULIE BELL, DAVID CHEAPE, RON STURROCK, KENNY BRAES, BILL DUFF, ALEX KING, BOB MYLES, SHEILA HANDS, DAVID LUMGAIR, IAN McLAREN, RICHARD MOORE, RONNIE PROCTOR MBE and TOMMY STEWART.

Councillor FOTHERINGHAM, Convener, in the Chair.

Prior to the commencement of business, the Convener congratulated all members present on their election to the Council, and paid tribute to those members who had departed from the Council. He expressed confidence that all members of this Committee would work well together for the good of the people of Angus.

1. APOLOGIES/SUBSTITUTES

Apologies for absence was intimated on behalf of Councillors Braden Davy, Lynne Devine, Brenda Durno and David Fairweather, substituted respectively by Councillors Sturrock, Braes, King and Myles.

2. DECLARATIONS OF INTEREST

Councillor Myles declared a non-financial interest in item 11 (Report No 172/17), in that he had a family membership of Brechin Rugby Club. He indicated that he would leave the meeting during consideration of this item.

Councillor McLaren declared a non-financial interest in item 21 (Report No 182/17), in that he had a relative resident in Council sheltered housing. He indicated that he would participate in any discussion and voting on this item.

Councillor Proctor declared a non-financial interest in item 21 (Report No 182/17), in that he had a relative resident in Lousen Park Sheltered Housing. He indicated that he would participate in any discussion and voting on this item.

3. COMMITTEE MEMBERSHIP

The Committee noted that its membership was as agreed at the meeting of the Council on 16 May 2017.

4. REMIT OF COMMITTEE

The Committee agreed to note the remit of the Committee as set out in pages 6-10 of the agenda.

5. APPOINTMENTS TO SUB COMMITTEES

The Committee agreed to appoint members to the undernoted Sub Committees as detailed:-

(a) Executive Sub Committee

Councillors Fotheringham and Speed as Convener and Vice Convener; and Councillor Hands.

(b) Land Reform Sub Committee

Councillors Fotheringham and Speed as Convener and Vice Convener; together with the members of each Ward affected by the business to be transacted.

(c) Environmental Appeals Committee

Councillors Fotheringham and Speed as Convener and Vice Convener; and Councillor Hands.

(d) Arbroath Harbour Joint Consultative Committee

Councillors Fairweather, Wann, Speed, King, Durno and Sturrock; those elected members to appoint one of their number to serve as Convener of the Committee.

6. APPOINTMENTS TO MEMBER OFFICER WORKING GROUPS

The Committee agreed to appoint members to the undernoted Member Officer Working Groups as detailed:-

(a) Climate Change

Councillors Fairweather, Speed, Proctor, McLaren, Devine and Duff.

(b) Pride and Place

Councillors McLaren, Fairweather, Speed, Fotheringham, Bell and Hands.

(c) Kirriemuir Conservation Area Regeneration Scheme (CARS) Steering Group

Councillors Bell, Macmillan Douglas and Proctor, as the three members from the Kirriemuir and Dean Ward.

7. MINUTES**(a) Previous Meeting**

The minute of meeting of this Committee of 28 February 2017 was submitted, approved as a correct record and signed by the Convener.

(b) Executive Sub Committee

The minute of meeting of the Executive Sub Committee of 20 March 2017, was submitted and noted.

(c) William Lamb Studio Advisory Committee

The minute of meeting of the William Lamb Studio Advisory Committee of 24 March 2017 was submitted and noted.

(d) Arbroath Harbour Joint Consultative Committee

The minute of meeting of the Arbroath Harbour Joint Consultative Committee of 31 March 2017 was submitted and noted.

8. INFORMATION REPORT FOR THE PERIOD 28 FEBRUARY 2017 TO 6 JUNE 2017

With reference to Article 4 of the minute of meeting of this Committee of 28 February 2017, there was submitted and noted Report No 169/17 by the Strategic Director – Communities, together with its six schedules, providing information to members with regard to services delivered in the Communities Directorate for the relevant period, with the added proviso that the Strategic Director would forward to all members of the Committee details of his delegated authority in terms of tender values (Schedule 3 refers).

9. EXTENSION OF LICENCE TO OCCUPY 5/9 BANK STREET, KIRRIEMUIR

With reference to Article 14 of the minute of meeting of this Committee of 26 May 2015, there was submitted Report No 170/17 by the Head of Technical and Property Services, regarding the former Kirriemuir Access Office in Bank Street, which had been made available to the Kirriemuir and Dean Area Partnership Dementia Friendly Kirriemuir Initiative, under the current licence to occupy on a rent free basis, with the Council continuing to be responsible for repair and maintenance of the ground floor premises. The current licence to occupy was due to expire on 2 August 2018.

The Committee agreed to approve the extension of the licence to occupy the ground floor premises at 5 Bank Street, Kirriemuir, with the Kirriemuir and Dean Area Partnership, with approval from the current Head Landlord under the current terms and conditions until the expiry of the Council's lease of the premises on 22 July 2020.

10. SURPLUS PROPERTY – FORMER PUBLIC CONVENIENCE, DALL'S LANE, BRECHIN

With reference to Article 13 of the minute of meeting of this Committee of 28 February 2017, there was submitted Report No 171/17 by the Head of Technical and Property Services, regarding a former public convenience located in Brechin.

The Committee agreed that the former public convenience at Dall's Lane, Brechin, as shown outlined on the plan at Appendix 1 to the Report, be declared surplus to the Council's requirements and disposed of on the open market, generating a capital receipt for the Council.

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

11. PROPERTY TRANSACTIONS

With reference to Article 12 of the minute of meeting of this Committee of 28 February 2017, there was submitted Report No 172/17 by the Head of Technical and Property Services, seeking approval for two property transactions which had been provisionally agreed, and also two property transactions which had been approved under the Head of Technical and Property Services' delegated authority.

The Committee agreed:-

- (i) to note the disposal of 151.6m² of ground adjacent to the former toilet at Springfield, Arbroath, to a private individual, by the Head of Technical and Property Services under delegated authority, for £5,300 with the purchaser meeting the Council's reasonable legal fees;
- (ii) to note the disposal of land at Victoria Street, Monifieth as set out in Report No 141/17 (Article 17, minute of meeting of Angus Council of 23 March 2017 refers) through the delegated authority of the Head of Technical and Property Services for £942,000 with both parties meeting their own costs;
- (iii) to approve the lease of 1.99ha of ground at Cookston Playingfields, Brechin, to Brechin Rugby Club on a lease of 99 years, with rent reviews every five years and a mutual option to break the lease at every ten years; the rent being £433.75 per annum for the first year, £887.50 per annum for the second, £1,331.25 per annum for the third and £1,775 per annum thereafter; and
- (iv) to approve disposal of the flat at 24 Hill Road, Arbroath after advertising on the open market, to a private individual for £64,500, subject to consent of Scottish Ministers; the property being held on the Housing Revenue Account.

Councillor Myles returned to the meeting at this point.

12. NEW AFFORDABLE HOUSING, NORAN AVENUE, ARBROATH – PROCUREMENT AUTHORITY APPROVAL REQUEST

With reference to Article 7 of the minute of meeting of this Committee of 15 November 2016, there was submitted Report No 173/17 by the Head of Technical and Property Services, seeking homologation of the granting of authority for the procurement where the maximum value of the contract was above the delegated authority limit of the Chief Officer.

The proposed works comprised construction of four properties, together with all associated external works and services including gardens and off street car parking, as part of the new Council house building programme in terms of the Local Housing Strategy, Strategic Housing Investment Plan and the Council's Affordable Housing Supply Programme Delivery Plan. The 8 existing flats at 2-16 Noran Avenue would be demolished as part of the development. The development also addressed the need to meet current as well as future requirements of a family with special needs.

The Committee agreed:-

- (i) to approve the estimated total cost of £990,000 at outturn prices;
- (ii) to homologate the approval given by the Strategic Director – Communities in consultation with the Head of Corporate Finance and the Head of Technical and Property Services during the election period, to initiate the procurement process and now retrospectively grant procurement authority, as contained in the Report, in accordance with the process stated at section 16.8 and 16.24.16 of the Financial Regulations of the Council;
- (iii) to note that the funding for this project, amounting to £990,000, would comprise £228,000 from the Scottish Government Affordable Housing Grant and £762,000 from the Housing Revenue Account Capital Budget;
- (iv) to note that the Housing Financial Plan would be amended at its next review to reflect the revised funding for this project; and
- (v) to note the financial implications as set out in section 6 of the Report.

13. ENERGY EFFICIENCY MEASURES AND REPLACEMENT HEATING INSTALLATIONS 2017 TO 2022 – PROCUREMENT AUTHORITY APPROVAL REQUEST

With reference to Article 15 of the minute of meeting of this Committee of 24 May 2016, there was submitted Report No 174/17 by the Head of Technical and Property Services, seeking authority for the proposed procurement method where the maximum value of the contract arrangements was above the delegated authority limit of the Chief Officer.

The current Housing Revenue Account Financial Plan 2016-2021, included £11.60 million for energy saving measures and related upgrading of Council properties over the financial years 2017/18 to 2021/22 with a further £9.05 million allocated for heating installation and replacement programme over the same period.

The Report set out the scope of the contract and details of the proposed separate framework contracts put in place by Scotland Excel and the Scottish Procurement Alliance which, as well as helping to speed up the procurement process, were also anticipated as resulting in better value for money. The Report further detailed the financial implications for the works.

The Committee agreed:-

- (i) to note the indicative estimated overall cost of £20,650,000 for energy efficiency measures and replacement heating installations, to be installed over a period covering the financial years 2017/18 to 2021/22;

- (ii) to approve the procurement authority, as contained in the Report, including participation by the Council for these purposes in both the Scotland Excel framework 09-13 and the Scottish Procurement Alliance (SPA) framework N7 in accordance with sections 16.6 and 16.8 of the Financial Regulations of the Council;
- (iii) to authorise the Service Manager - Property to select the most appropriate procurement method against the appointed frameworks for individual procurements, for example, whether by direct award or by mini-competition to ensure best value was obtained on a case by case basis; and
- (iv) to note the financial implications included in section 6 of the Report.

14. NEW AFFORDABLE HOUSING SMALL DEVELOPMENTS FRAMEWORK ARRANGEMENT – PROCUREMENT AUTHORITY APPROVAL REQUEST

With reference to Article 6 of the minute of special meeting of this Committee of 14 February 2017, there was submitted Report No 175/17 by the Head of Technical and Property Services, seeking authority for the proposed procurement method where the maximum value of the contract arrangements was above the delegated authority limit of the Chief Officer.

The Report proposed the construction of new build affordable housing including properties funded through the shared equity route through a framework arrangement split into two Lots. The estimated value for the programme meant that relevant EU procurement procedures would apply although any capable local contractor would be identified and alerted to the bidding opportunity prior to advertisement of the programme alongside the proposed procurement procedures. The Report detailed the financial implications for the proposed new build units, 24 in total, located in Forfar, Newtyle and Montrose.

The Committee agreed:-

- (i) to note the indicative estimated overall available funding of up to £20,209,000 (subject to final confirmation of Grant) for the construction of small individual developments of less than £4 million covering the financial years 2017/18 to 2021/22 at out-turn prices;
- (ii) to approve the Procurement Authority as contained in the Report, in accordance with the process stated in section 16.8 and 16.24.16 of the Financial Regulations of the Council;
- (iii) to note that the available funding for small developments was up to £20,209,000 and included up to £1,488,000 from the Scottish Government Affordable Housing Grant, and £18,721,000 from the HRA Capital Budget;
- (iv) to note that further Scottish Government Affordable Housing Grant money would be available to support the HRA Capital Budget; and that final confirmation being awaited of the level of grant available for Council funded schemes which would increase the level of available funding; and
- (v) to note the financial implications as set out in section 6 of the Report.

15. TERM CONTRACTS BASED UPON SCHEDULE OF RATES 2018 TO 2022 – PROCUREMENT AUTHORITY APPROVAL REQUEST

There was submitted Report No 176/17 by the Head of Technical and Property Services seeking authority for a new Schedule of Rates Term Contracts in order to continue the provision of a Term Contract for Works which were repair, maintenance and improvement in nature up to £500,000 in value of each individual order, excluding works of an urgent repair and jobbing nature up to £20,000 in value. The proposed procurement maximum value of the contract was above the delegated authority limit of the Chief Officer.

The Committee agreed:-

- (i) to note the indicative and estimated overall cost of £4 million for the Schedule of Rates Term Contracts for repair, maintenance and improvement works for the four year framework period from February 2018 to January 2022;
- (ii) to approve the procurement authority, as contained in the Report, in accordance with the process stated in section 16.8 of the Financial Regulations of the Council;
- (iii) to authorise the Service Manager – Property to negotiate with and appoint contractors from other contract Lots where a deficiency of contractors arose in a given trade category and contract Lot due to circumstances outwith the control of the Council, and to empower the Head of Technical and Property Services, where appropriate, to recover all additional costs incurred as a result of such action from any terminated and/or defaulting contractor who had contributed towards such a deficiency on the understanding that the outcome of all such negotiations were subsequently reported to Committee in accordance with the Financial Regulations; and
- (iv) to note the financial implications as set out in section 6 of the Report.

16. STOPPING UP OF A SECTION OF FORMER B954 MUIRHEAD – ALYTH ROAD AT DRONLEY, MUIRHEAD

There was submitted Report No 177/17 by the Head of Technical and Property Services relating to the proposed stopping up of a section of the former public road at Dronley, Muirhead. Some years ago this section of road has been upgraded and realigned and had subsequently become disused as a road as a result of the realignment being used instead by the Council and Tayside Contracts for storage of materials. It was now no longer needed for that purpose. A local farmer, owner of the solum of the affected road, intended that once stopped up, the section would revert to his control for agricultural purposes.

The Committee agreed to the promotion and making of the Order and to the confirmation of the Order if unopposed, or the submission to Scottish Ministers for confirmation if opposed, of the Stopping Up Order under Section 68(1) of the Roads (Scotland) Act 1984 to extinguish public right of passage over a section of road at Dronley, Muirhead, as detailed on the plan at Appendix 1 to the Report.

17. CYCLING, WALKING AND SAFER STREETS FUND – PROGRAMME OF WORKS

With reference to Article 6 of the minute of meeting of this Committee of 16 August 2016, there was submitted Report No 178/17 by the Head of Technical and Property Services, advising as to delivery of the programme of projects funded in 2016/17 through the Cycling, Walking and Safer Streets Fund, and setting out the programme of projects proposed for funding during 2017/18. Appendices 1 and 2 to the Report summarised the projects undertaken during 2016/17 and the proposed programme to be undertaken in 2017/18.

The Committee agreed:-

- (i) to note the amended programme of projects undertaken during 2016/17; and
- (ii) to approve the programme of projects to be undertaken during financial year 2017/18.

18. DECRIMINALISED PARKING ENFORCEMENT – TRAFFIC REGULATION ORDERS

With reference to Article 9 of the minute of meeting of this Committee of 17 January 2017, there was submitted Report No 179/17 by the Head of Technical and Property Services, updating members on the progress of current Traffic Regulation Orders and providing information on additional Traffic Regulation Orders necessary for the introduction of Decriminalised Parking Enforcement (DPE) in Angus. Appropriate Orders had been made and become effective as of 3 May 2017. At that time it was anticipated that additional Orders would be required where necessary, either to clarify existing restrictions in the context of DPE, or where new or additional restrictions were proposed. A number of such situations had now

been identified, including keep clear areas at schools; taxi stances; and the electric vehicle charging bays in car parks.

The Committee agreed:-

(i) to note the making of:-

- The Angus Council (Prohibition and Restriction of Waiting and Loading) (On Street Parking) (Decriminalised Enforcement) Order 2017;
- The Angus Council (Disabled Persons Parking Places) (Street Parking Places) (Decriminalised Enforcement) Order 2017; and
- The Angus Council (Off-Street Car Parks) (Decriminalised Enforcement) Order 2017

all as previously published; and

(ii) to the promotion and making of various ancillary DPE Orders relating to Keep Clear Areas (yellow zig zags at schools), taxi stances and electric vehicle charging spaces, all as set out or referred to in the Report.

19. BRECHIN INCH

There was submitted Report No 180/17 by the Head of Technical and Property Services, advising as to damage caused by Storm Frank in 2015 to the Brechin all weather pitch, and making proposals as to the future of the facility along with the toilets and paddling pool at the Inch, River Street, Brechin with a view to exploring the potential of transferring the pitch to a community group. The pitch, toilets, paddling pool and associated area were detailed on the plan attached as Appendix 1 to the Report.

The Committee agreed to declare the properties surplus to requirements and to note that the Head of Technical and Property Services, under delegated authority, might consider transferring the pitch to a community group.

20. VEHICLE REPLACEMENT PROGRAMME FOR 2017/18

With reference to Article 5 of the minute of meeting of this Committee of 1 March 2016, there was submitted Report No 181/17 by the Head of Housing, Regulatory and Protective Services, seeking authorisation for the procurement of fleet vehicles and equipment required for the 2017/18 Capital Replacement Programme.

The programme had been profiled for 2017/18 to ensure that vehicles and equipment, scheduled for replacement as set out in section 6 of the Report, represented those which were the priority in order to maintain service provision for those service areas detailed in Tables 1 and 3 in section 6. Tayside Contracts would procure vehicles and plant on behalf of the Council as part of a fleet management agreement between Tayside Contracts and the Council; the Council would continue to fund and retain ownership of the vehicles and plant.

The Council agreed to authorise the Strategic Director – Communities to procure vehicles and equipment required for 2017/18 Capital Replacement Programme in connection with Tayside Contracts and on the basis set out in the Report.

21. SERVICE LEVEL AGREEMENT WITH VOLUNTARY ACTION ANGUS FOR 2017/18

With reference to Article 10 of the minute of meeting of the Policy and Resources Committee of 30 August 2016, there was submitted Report No 182/17 by the Head of Planning and Place seeking Committee approval of the proposed Service Level Agreement with Voluntary Action Angus.

The Report indicated that the Service Level Agreement facilitated the provision of a range of services across the Communities/People Directorate. The services provided under the Service Level Agreement would be subject to the monitoring arrangements as set out in the corporate standard for Service Level Agreements.

The Committee agreed:-

- (i) to approve provision of grant funding for the amounts of £95,078 to Voluntary Action Angus for the financial year 2017/18 for the services outlined in paragraph 3.2 of the Report, including a payment of £30,000 to enable social activities for older people focussed on Council sheltered housing communal lounges as community hubs; and
- (ii) to authorise the Head of Legal and Democratic Services in consultation with the Head of Planning and Place to agree the terms of a Service Level Agreement with Voluntary Action Angus to document the grant funding to support the provision of said services.

22. REVISED COMMUNITY ASSET TRANSFER POLICY

With reference to Article 12 of the minute of meeting of Angus Council of 23 March 2017, there was submitted Report No 183/17 by the Head of Strategic Policy and Transformation, advising that the review of the Community Asset Transfer Policy and Procedures had been completed. Nine applications for community asset transfer had been approved by Committee and the Council with several in the development stages as listed in Appendix 2 to the Report. Since January 2017 all enquiries for asset transfer, and those currently at stage 1 in the previous policy, had been dealt with using the new Guidance for Relevant Authorities. The Capital Asset Transfer Group had developed a new guide in conjunction with Scottish Government guidance, and the Report detailed the changes in the process.

The Report also noted that successful Community Asset Transfers could result in a loss of revenue or capital value which could be substantial, although this could sometimes be mitigated where the Council's maintenance responsibilities and associated expenditure was removed. It was considered however that the proposals generally contributed to the health and social wellbeing of the local community and the transfer supported individuals in their own communities with good quality services.

The Committee agreed to approve the new Community Asset Transfer Guide as set out in Appendix 1 to the Report.