

ANGUS COUNCIL

MINUTE of MEETING of the **POLICY AND RESOURCES COMMITTEE** held remotely on Tuesday 8 June 2021 at 2.00 pm.

Present: Councillors DAVID FAIRWEATHER, ANGUS MACMILLAN DOUGLAS OBE, LOIS SPEED, CRAIG FOTHERINGHAM, 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.

Deputation Request

The Convener intimated that a deputation request had been received from Mr Bill Gibson and Mr George Gammack, Carnoustie and Monifieth Men's Shed in relation to their Community Asset Transfer Application (item 6).

The Committee agreed to hear the deputation immediately prior to consideration of Item 6.

Urgent Item of Business

The Convener intimated that there was a late report on the Locally Employed Staff (LES) Scheme (Report No 207/21). He was of the view that it should be considered as an urgent matter as a commitment needed to be given to the Home Office and the Ministry of Defence via COSLA within the next week.

Thereafter, the Committee agreed that the Report would be considered as an exempt report at the end of the meeting, with a 15 minute recess immediately prior to this.

1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Brian Boyd and Braden Davy, with Councillors Lois Speed and Craig Fotheringham substituting respectively,

2. DECLARATIONS OF INTEREST

Councillor Whiteside declared an interest in item 14 as the driver of a plug-in hybrid vehicle. She indicated that she would participate in any discussion and voting on this item.

3. MINUTES

The minute of meeting of this Committee of 4 May 2021 was submitted and approved as a correct record.

4. 2021/22 FINAL REVENUE BUDGET DOCUMENTS

With reference to Article 3 of the minute of the special meeting of Angus Council of 4 March 2021, there was submitted Report No 187/21 by the Director of Finance seeking approval of the publication of the 2021/22 Final Revenue Budget Volume (incorporating Provisional Capital Budget 2021/22) on the Council's website.

The Committee agreed:

- (i) to note the amendments to the 2021/22 Revenue Support Grant and updates on Corporate revenue budgets as detailed in section 5 of the Report and approve the publication of the final budget volume on the Council's website;
- (ii) to note that one-off adjustments to 2021/22 revenue budgets due to the impacts of COVID-19 would be subject to a separate Report to Council;
- (iii) to note that a comprehensive update of the 2020/2025 Capital Plan (incorporating the 2021/22 capital monitoring budget) would be undertaken once actual expenditure for financial year 2020/21 had been established; and

- (iv) to note that a separate 2021/22 Final Capital Budget Volume would be submitted to the Policy & Resources Committee for approval following the summer recess.

5. MEMBERSHIPS OF MEMBER/OFFICER GROUPS

With reference to Article 6 of the minute of meeting of Angus Council of 13 May 2021, there was submitted Report No 188/21 by the Director of Legal and Democratic Services giving details of the membership of Member/Officer Groups and providing the opportunity for members to review this in light of the changes to political balance as reported to Angus Council.

The Report indicated that as the current political balance on the Council was Admin – 54%; SNP – 32% and Non-Aligned – 14%, members were asked to review the current memberships as detailed in the Report and make any changes, if so minded.

The Committee agreed:

- (i) to note the changes to political balance as detailed in the Addendum to Report No 136/21;
- (ii) to note the current membership of the Governance; Climate Change and Golf Governance Member/Officer Groups;
- (iii) to make no changes to the memberships of the Governance and the Golf Governance Member/Officer Groups;
- (iv) in relation to the Climate Change MOG, to note that details of the membership from the Administration Group had been provided to the Manager- Democratic and Members Services; and
- (v) to delegate authority to the Manager- Democratic and Members Services to confirm the revised membership (ie: the reduction to 1) with the two non aligned members on the Climate Change MOG.

DEPUTATION

Mr George Gammack, Carnoustie and Monifieth Men's Shed updated the Committee in relation to some recent developments. Two consultation sessions had been held with the Carnoustie Community Development Trust. Following these sessions they had felt it appropriate to do an up-to-date survey of the building, funded, with the approval of the Director of Communities, from the £10,000 Participatory Budgeting monies. In addition, contact has been maintained with some potential users and other interested parties. Funding considerations were also ongoing.

Following a number of questions from members, Mr Gammack was thanked for his deputation.

6. COMMUNITY ASSET TRANSFER APPLICATION – PANMURE CENTRE, CARNOUSTIE

With reference to Article 10 of the minute of meeting of this Committee of 27 October 2020, there was submitted Report No 189/21 by the Director of Legal and Democratic Services seeking the Committee's decision on a Community Asset Transfer (CAT) application by Carnoustie & Monifieth Men's Shed to lease the Panmure Centre, 114 Kinloch Road, Carnoustie.

The Report indicated that Carnoustie and Monifieth Men's Shed had submitted further information in relation to their application, attached at Appendix 2 to the Report. The updated proposal was for a 25 year lease with a 3 year break clause. The Men's Shed now saw the project as being split into 3 phases: -

- Phase 1: Survey (now completed).

- Phase 2: a viability appraisal allowing further investigation reports as suggested in the survey; further consultation with other interested parties regarding the long-term management of the building and a funding search for appropriate sources to upgrade the building
- Phase 3: long term development; this would only go ahead subject to all factors in Phase 2 confirming the viability of the project

A 3-year break clause would allow the Men's Shed to terminate the lease before Phase 3 should they wish.

For Phase 3 to proceed the Men's Shed saw the formation of an organisation with a collective interest in using and maintaining the Panmure Centre as vital. They had made preliminary contact with a number of local groups, but now needed to consult further as to what usage such groups would propose to make of the building, and towards formalising these into a constituted organisation.

Following a number of comments from members, the Committee agreed:

- a. to note the contents of Report No 260/20 to the Policy & Resources Committee of 27 October 2020;
- b. to note that on 27 October 2020 the Policy & Resources Committee had deferred the determination of the CAT application to allow the Men's Shed to have further discussions with other community groups regarding their proposed lease of the Panmure Centre;
- c. to note the background to Community Asset Transfer (CAT) and the Council's policy and method of assessing applications as set out in Report No 105/18;
- d. to note the summary information on the CAT application in relation to the Panmure Centre, 114 Kinloch Street, Carnoustie contained in Appendix 1;
- e. to note the further information provided by the applicants, Carnoustie & Monifieth Men's Shed at Appendix 2;
- f. to note the other factors relevant to this CAT application including the financial implications and risks outlined in the Report;
- g. to note the outcome of the assessment process and the recommendation and views of the Community Asset Transfer Officer Group as outlined in Sections 5.3 and 5.10. of the Report;
- h. that based on the information and advice contained within the Report to agree the application, subject to the additional information, on the proposed community asset transfer lease conditions set out in Appendix 4, based on the following reasons:
 - A 3 year break clause will allow time to assess sustainability in terms of partner organisations joining with Men's Shed.
 - The potential community outcomes for the project are valid
 - This will be good for the community and the wellbeing of the Men's Shed and become an excellent community asset.
- i. to note that it would be necessary to conclude formal legal agreements before the transfer formally took place, and:
 - (i) agrees that the terms and conditions of such formal legal agreements will be in line with the Council's agreed CAT policy per Report 105/18 as outlined in (ii) below, subject to the exceptions mentioned in (iii) below;
 - (ii) notes the Council's agreed CAT policy per Report 105/18 provides that tenants will be liable for all repairs and insurance, cannot transfer the lease or sub-let and must (a) use the property as agreed, (b) allow public use for a reasonable charge (if any), and (c) pay the Council's legal fees;

(iii) notes the proposed exceptions to the Council's agreed CAT policy per Report 105/18 are that the Men's Shed would be permitted:-

- i. to sub-let part of the premises to other community groups, with the Council's prior written consent and would also be able to hire out space to other community groups on reasonable terms, which terms would require to be approved by the Council in advance.
- ii. to transfer the lease to another Community Transfer Body (as defined in the Act) subject to the prior written approval of the Council which approval would include being subject to that Body having full funding in place for the future maintenance and improvement of the property.

Mr Gammack left the meeting.

7. COMMON GOOD REGISTER - ARBROATH

With reference to Article 11 of the minute of meeting of this Committee of 9 October 2018, there was submitted Report No 190/21 by the Director of Legal and Democratic Services seeking approval of proposals for the compilation of, and consultation on, a publicly accessible register of Common Good property assets for the burghs in Angus. This publicly accessible register and associated consultation was required under Part 8 of the Community Empowerment (Scotland) Act 2015.

The Report also sought approval to publish, by October 2021, a list of properties which were proposed to be included in the Common Good Register for Arbroath, to consult on the list and to respond to representations. It also sought approval of funding to appoint a solicitor to undertake the necessary checks in relation to the common good burghs to ensure that a robust list of all burghs is compiled prior to publication.

The Committee agreed:

- (i) to approve the proposals for the compilation of, and consultation on, a publicly accessible register of Common Good property assets for each burgh, as detailed in the Report;
- (ii) to approve the publication, by October 2021, of a list of properties which were proposed to be included in the common good register for Arbroath for consultation with the public, local elected members for Arbroath, community councils and community bodies, inviting representations;
- (iii) to note that these timescales were dependent upon Covid-19 restrictions continuing to be eased and staff being able to access the necessary records;
- (iv) to delegate authority to the Director of Legal and Democratic Services to consider and respond to all representations, in terms of the legal position, and publish the representations and responses;
- (v) to note that the Director of Legal and Democratic Services would then bring a Report to Committee seeking approval to publish the common good register for Arbroath;
- (vi) to follow the same procedure for the other common good burghs in due course;
- (vii) to note that the Director of Legal and Democratic Services would bring a Report to Committee seeking approval of a draft list to be consulted on before taking the steps outlined above for each of the other common good burghs;
- (viii) to approve funding from the Common Good Funds as set out in Section 6 for the appointment of 1 FTE solicitor for a period of 2 years to undertake work in relation to the other common good burghs to ensure that the proposed list for each burgh was robust prior to publication, as required by statutory guidance;
- (ix) to approve the publication, with the list for Arbroath, of a note of any properties which have been considered in relation to the Council's common good estate, but had been legally determined not to form part of the common good of Arbroath, namely Arbroath Library; and

- (x) agrees that the Council would undertake a public consultation before any future proposals to sell or lease Arbroath Library

8. FRIDAY NIGHT PROJECTS – FUTURE COMMISSIONING ARRANGEMENTS

With reference to Article 9 of the minute of meeting of this Committee of 9 March 2021, there was submitted Joint Report No 192/21 by the Director of Strategic Policy, Transformation and Public Sector Reform and the Director of Education and Lifelong Learning seeking approval to review the current grant funding arrangements applied to the various Friday Night Project providers across Angus and the potential opportunities of collaborating this service with the Councils venues currently occupied and utilised by ANGUSalive (AA)

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

- (i) to continue with the application of existing funding arrangements of the Friday Night Project for the remainder of the 2021/22 financial year while officers work with current Friday Night Project providers to develop and monitor the reintroduction of these projects throughout the COVID-19 pandemic recovery;
- (ii) to authorise the Director of Strategic Policy, Transformation and Public Sector Reform to review the options available for collaboration between Friday Night Project providers, the Council and ANGUSalive as part of the latter's Transformation Project; and
- (iii) Officers to have discussions regarding the transitioning arrangements for P7 pupils and also the possibility of extending the Friday Night Projects to Monifieth.

9. APPROVAL OF EMAIL USAGE POLICY

There was submitted Report No 193/21 by the Director of HR, Digital Enablement, IT and Business Support, presenting and seeking approval for the new email usage policy.

The policy was designed to safeguard both Angus Council and all users of its e-mail facilities. It aims was to ensure that these facilities were used effectively, for their intended purposes and without infringing legal requirements or creating unnecessary business risk. The policy set out general principles and specific rules. Its aims were to:

- promote the effective use of email facilities;
- ensure that all users understand what was permitted and what was not permitted when using email facilities;
- protect both the council and individuals from the possibility of legal action;
- protect the council's information technology systems from damage.

The summary messages of the policy were:

- emails and the email system were vital council assets and they needed protected accordingly;
- council email must not be used for personal purposes;
- everyone needed to be alert to scam emails and make sure they were aware of what to do if they got one.

The Committee agreed to:

- (i) note the inclusion of elected members in the new email usage policy with the implication that it equally applies to elected members and employees; and
- (ii) approve the email usage policy attached as Appendix 1 to the Report.

10. REVISIONS TO THE COUNCIL'S EARLY RETIREMENT, VOLUNTARY REDUNDANCY AND FLEXIBLE RETIREMENT SCHEMES

There was submitted Report No 194/21 by the Director of HR, Digital Enablement, IT and Business Support recommending changes to the Council's Early Retirement and Voluntary Redundancy Scheme and the Council's Flexible Retirement Scheme to take effect from 1 July 2021.

The proposed revisions would provide the Council with Early Retirement and Voluntary Severance and Flexible Retirement Policies which were more affordable for the Council, but which remained attractive to employees and supported the implementation of workforce change and service reviews.

The proposed reduction of the payback period from 5 years to 2.5 years would make the financial viability of employee requests for Early Retirement, Voluntary Severance and Flexible Retirement less likely and may therefore mean that fewer requests could be approved. This may in turn make any proposed reduction in staff numbers more difficult to achieve through voluntary severance.

The Committee agreed:

- (i) to approve the revised Early Retirement and Voluntary Severance Policy; and
- (ii) to approve the revised Flexible Retirement Policy.

11. EQUALITIES MAINSTREAMING REPORT

With reference to Article 7 of the minute of meeting of this Committee of 4 May 2021 there was re-submitted Report No 133/21 by the Director of HR, Digital Enablement, IT and Business Support presenting an Equalities Mainstreaming Report 2021 and Equality Outcomes (2021-23) as required by legislation.

The Report indicated that The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 had come into force in May 2012. These specific duties were designed to help public authorities in their performance of the general equality duty for public bodies to, in the exercise of their functions, having due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation.
- advance equality of opportunity between persons who share a relevant protected characteristic, and persons who do not share it.
- foster good relations between persons who share a relevant protected characteristic, and those who do not share it.

The key legal requirements for the council contained in these specific duties were to:

- Report progress on mainstreaming the equality duty.
- Publish equality outcomes and report progress.
- Assess and review policies and practices.
- Gather and use employee monitoring information.
- Publish gender pay gap information.
- Publish statements on equal pay.
- Consider award criteria and conditions in relation to public procurement.
- Publish equality information in a manner which is accessible.

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

- (i) to adopt the Equalities Mainstreaming Report 2021-23
- (ii) to note the Equality Outcomes (2021-23) and Progress Update of those from 2019 – 2021 as outlined in Appendix 1 to the Report;
- (iii) Officers to review the Report to look at changing Workforce data for Protected Characteristics to percentages rather than numbers; and
- (iv) the Director of HR, Digital Enablement, IT and Business Support have discussions with councillors in relation to a number of matters, including the potential of developing a more inclusive consultation process around development of Equality Outcomes.

12. PARTICIPATORY BUDGETING

There was submitted Report No 195/21 by the Interim Director of Communities providing an update on the Participatory Budgeting process undertaken in 2019/20 – Choice for Angus and proposing a revised approach to Participatory Budgeting in 2021/22 as a result of lessons learned and taking account of the impact of the global Coronavirus pandemic.

The Report indicated that as a result of the delays in progressing grant based Participatory Budget work in 2020/21 the £65,000 per locality that was to be used for Participatory Budgeting activity in 2020/21 had been rolled forward to be used in 2021/22. This funding was earmarked for this use in the General Fund Reserve and could therefore be used flexibly across financial years. This would exhaust the previously budgeted £460,000 committed by the Council to support the development of Participatory Budgeting in the four Angus Localities.

It was also proposed that given the experience of 2019/20 Choice for Angus activity in 2021/22 should focus on addressing inequalities in the four localities aligned to recovery and renewal post Covid. The proposals set out in the Report aimed to target the spend, simplify the process and ensure consistency across Angus. £65,000 would be available in each locality.

A short life officer working group would be established to identify a menu of projects for each locality in the next two months with a finalised list to be presented to Angus Council at its meeting on 9 September 2021. The proposed menu of projects would be drawn from proposals sought from council departments, other Community Planning Partners as well as social enterprise companies and local businesses.

The Committee agreed:

- (i) to note the work on Participatory Budgeting to date;
- (ii) to the extension of timescales to spend allocations from the 2019/20 Choice for Angus process;
- (iii) that activity using identified Participatory Budgeting monies in 2021/22 focused on addressing inequalities aligned to recovery and renewal post Covid; and
- (iv) to approve the process set out in Section 5 of the Report.

13. REVIEW OF COMMON GOOD RENTS

With reference to Article 22 of the minute of meeting of the Communities Committee of 16 August 2016, there was submitted Report No 196/21 by the Director of Infrastructure detailing the outcome of the 5 yearly Common Good rent reviews, effective from 1 April 2021.

The review of the Common Good rents for properties occupied by Angus Council with effect from 1 April 2021 had resulted in a proposed annual increase of £34,653 in rental income to the Common Good funds. The increases summarised on a burgh by burgh basis were outlined in paragraph 6.1 of the Report.

The Committee agreed to approve the review of the rent of the Common Good properties occupied by Angus Council for General Fund purposes as detailed in Appendix 1 to the Report.

14. RECOVERY OF COSTS FOR OPERATION OF ELECTRONIC VEHICLE CHARGING

There was submitted Report 197/21 by the Director of Infrastructure providing the opportunity for members to consider the issues associated with the roll out of the introduction of charging for the electricity used at publicly owned and maintained electric vehicle charge points in Angus and decide on the charges to be applied to recover those costs.

The Committee agreed:

- (i) to note the information in the Report relating to the current costs associated with operating the public electric vehicle (EV) charge points in Angus;

- (ii) that having considered the options for cost recovery, to approve the recommended charge of £0.23 per kWh to allow for recovery of costs associated with the operation of public EV charge points;
- (iii) to instruct the Service Leader – Roads & Transportation to progress the implementation of a mechanism to recover the operational costs of using the EV charge points from customers in Angus; and
- (iv) to delegate the authority to vary the rate cost associated with the recovery of costs of operating the EV charge network to the Service Leader – Roads & Transportation in consultation with the Director of Finance in line with the method described in the report to reflect any variation.

15. LAND AT FORMER KNLOCH PRIMARY SCHOOL, DUNDEE STREET, CARNOUSTIE

There was submitted Report No 198/21 by the Director of Infrastructure seeking approval to withdraw the land at the former Kinloch Primary School, Dundee Street, Carnoustie from the open market for sale and its appropriation to the Housing Revenue Account for the delivery of affordable housing.

The Report indicated that local elected members had been fully informed throughout the process and were supportive of the appropriation to the Housing Revenue Account for the provision of council housing in Carnoustie in accordance with Financial Regulations.

The Committee agreed:

- (i) to approve the withdrawal of this site for sale on the open market for commercial purposes; and
- (ii) to approve the appropriation of this site to the Housing Revenue Account (HRA) at nil cost for the delivery of affordable housing.

16. PROPERTY TRANSACTION

There was submitted Report No 199/21 by the Director of Infrastructure seeking approval of a property rental transaction

The Committee agreed to approve the renewal of the lease of Units 5a -5e Broomfield Road, Montrose to the current tenant Safety-Kleen UK Limited for a period of 6 years with provision for a rent review after 3 years at a stepped rent over the first 3 years as follows:

Year 1 £25,500 per annum
 Year 2 £26,000 per annum
 Year 3 £26,500 per annum

17. REGENERATION CAPITAL GRANT FUND AND LEVELLING UP FUND

There was submitted Report No 191/21 by the Interim Director of Communities seeking authorisation for Angus Council to act as lead applicant and to submit stage one applications to Scottish Government “Regeneration Capital Grant Fund” on behalf of Arbroath Courthouse Community Trust and Showcase the Street. The Report also sought approval to act as lead applicant to submit a bid to the Levelling Up Fund for Showcase the Street – Seaton Park.

The Committee agreed:

- (i) to note the background to the Regeneration Capital Grant Fund and the specific opportunities and risks which arose from participation in the programme as set out in the Report;
- (ii) to note the position on the applications covered by the Report and the specific benefits and potential risks associated with these;

- (iii) to authorise Angus Council to act as lead applicant and to submit stage one applications to Scottish Government "Regeneration Capital Grant Fund" on behalf of Arbroath Courthouse Community Trust and Showcase the Street;
- (iv) to rank Arbroath Courthouse Community Trust as 1st priority and Showcase the Street as 2nd;
- (v) that should the stage one applications be successful a further report would be provided to members to confirm next steps; and
- (vi) to note that agreeing to submit a stage one application would mean the Council was supportive of the projects in principle at this stage and that final sign off, should RCGF be awarded, would be the subject of further reports.
- (vii) to authorise Angus Council to act as lead applicant and to submit an application to UK Government "Levelling Up Fund" on behalf of Showcase the Street;
- (vii) that should the application be successful at stage one, a further report would be provided to members to confirm next steps; and
- (vi) to note that agreeing to submit a stage one application would mean the Council was supportive of the project in principle at this stage and that final sign off, should Levelling Up Fund be awarded, would be the subject of further reports.

18. 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 1, 6, and 8 (having already agreed to consider the urgent item of business as an exempt matter, paragraph 9).

19. REGENERATION CAPITAL GRANT FUND AND LEVELLING UP FUND EXEMPT APPENDICES

The Committee noted the Appendix to the Report.

20. FORMER FORFAR SWIMMING POOL, THE VENNEL, FORFAR - SALE BY AUCTION

With reference to Article 13 of the minute of meeting of this Committee of 28 August 2018, there was submitted Report No 200/21 by the Director of Infrastructure seeking approval to remarket the former Forfar Swimming Pool, The Vennel, Forfar by auction.

The Committee agreed to authorise the Director of Infrastructure to instruct the Council's retained agents Shepherd, Chartered Surveyors to remarket the former Forfar Swimming Pool at auction, as set out in Section 5 of the Report.

At this stage in the meeting the Committee adjourned for 15 minutes and re-convened at 3.45pm.

21. LOCALLY EMPLOYED STAFF (LES) SCHEME

There was submitted Report No 207/21 by the Interim Director of Communities informing members of the UK-wide Locally Employed Staff (LES) Relocation Scheme and seeking agreement for participating.

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