

ANGUS COUNCIL

MINUTE of MEETING of the **POLICY AND RESOURCES COMMITTEE** held remotely on Tuesday 8 March 2022 at 2.00 pm.

Present: Councillors DAVID FAIRWEATHER, ANGUS MacMILLAN DOUGLAS OBE, BRIAN BOYD, LYNNE DEVINE, BILL DUFF, CRAIG FOTHERINGHAM, ALEX KING, BEN LAWRIE, MARK SALMOND, LOIS SPEED, TOMMY STEWART, IAN MCLAREN, DAVID LUMGAIR and BETH WHITESIDE.

Councillor FAIRWEATHER, Convener, in the Chair.

The Convener intimated that an Exempt Report on an Urgent Property Matter had been issued to members. He was of the opinion that this matter should be considered as a matter of urgency as a decision was required in relation to the property which could not be dealt with at a later date. The Convener indicated that this Report would be considered as the last item of business.

1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Ron Sturrock and Derek Wann, with Councillors Ian McLaren and David Lumgair substituting respectively.

2. DECLARATIONS OF INTEREST

Councillors Duff and Boyd declared an interest in Item 8 as Council members of Montrose Golf Links Board.

Both indicated that they would participate in any discussion and voting on this item.

3. MINUTES

(a) Previous Meeting

The minute of meeting of this Committee of 1 February 2022 was submitted and approved as a correct record.

(b) Appeals Sub-Committee

The minutes of meetings of the Appeals Sub-Committee of 4 February and 16 March 2022, copies of which are appended hereto, were submitted and noted (**APPENDICES I & II respectively**).

(c) Special Sub-Committee

The minute of meeting of the Special Sub-Committee of 9 February 2022, a copy of which is appended hereto, was submitted and noted (**APPENDIX III**).

4. CAPITAL MONITORING – GENERAL FUND CAPITAL PROGRAMME 2021/22

With reference to Article 4 of the minute of meeting of this Committee of 1 February 2022, there was submitted Report No 83/22 by the Director of Finance apprising members of the capital expenditure incurred for the period 1 April 2021 to 31 January 2022 and measuring projected capital expenditure for the year against budgeted provision.

The Report indicated that with ten months of the financial year gone the actual spend levels presented in Tables 1 and 2 were low, at 54.19 per cent on a gross basis and 60.3 per cent on a net basis respectively.

Furthermore up to 10 per cent of annual capital spend would come through as accruals at the year end. The value of work completed up to 31 March 2022 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 was also 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 2020/21 actual spend outturn was 67.2 per cent (gross) and 56.4 per cent (net), noting that number must be taken within the context of the disruption to the capital programmes caused by the COVID-19 pandemic.

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, as detailed in Appendix 1 to the Report.

5. REVENUE MONITORING 2021/22 AND RENEWAL AND REPAIR FUND POSITION 2021/22

With reference to Article 5 of the minute of meeting of this Committee of 1 February 2022, there was submitted Report No 84/22 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 position within the Report was based upon actual spend and income information as at 31 January 2022.

The Report indicated that an overall saving compared to budget of £14.614 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 £245.532 million, i.e. 6%, with a significant part of the saving (£3.1 million) having arisen as the full amount of additional one-off COVID funding the Council received for 2021/22 would not all be spent in this financial year and would be used in future years. The projected overall saving was also higher because of the return of £0.648 million of one-off reserves from the Angus Health & Social Care Partnership. Over and above this there were one-off savings in a number of budgets funded by ring-fenced grants which could not be used for other purposes. All of these factors meant the projected saving which was available for use was substantially lower than the headline figure of £14.614 million.

There were also adjustments required to reflect funding within Education and Lifelong Learning and Children, Families & Justice (paragraphs 4.2, 4.3 and 4.4 respectively) which due to accounting treatment would be carried forward into 2022/23.

The Committee agreed:-

- (i) to note the contents of the Report, 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. CONTINUING CARE IMPLEMENTATION, ALLOWANCES AND EXPENDITURE

There was submitted Report 85/22 by the Director of Children, Families and Justice providing an update to members on the resource impact of the implementation of Continuing Care entitlement for eligible looked after children and young people. The Report also sought approval for the implementation of a consistent fee payable to all approved carers delivering continuing care placements. Report No. 235/18 had highlighted the potential for additional budget pressures to arise from the introduction of young people's entitlement to remain in placement for longer. This Report provided an update on the current position in relation to the implementation of Continuing Care in Angus

The increased uptake and widened eligibility had impacted on both the financial resource and on family placement resource capacity. As eligible young people remained in placements longer, capacity to place other children in internal fostering resources was reduced. Whilst this impact had been anticipated, it had proven challenging to grow the availability of foster care placements to meet this additional demand. As a result, the use of externally commissioned provision has increased.

To ensure that the Council met its legal obligations to eligible young people and could do so without drawing resources from other equally critical areas of service delivery, it was recommended that the emerging gap in funding for this statutory responsibility was highlighted. Therefore, members were asked to authorise the Director of Children, Families

and Justice and the Director of Finance to write to COSLA highlighting the actual cost of implementing Continuing Care, and the projections for future years, to enable appropriate representations to be made to Scottish Government.

The Committee agreed:

- (i) to note the content of the Report and the financial implications arising;
- (ii) to authorise the Director of Children, Families and Justice and the Director of Finance to write to COSLA highlighting the cost of implementing Continuing Care, and the projections for future years, to enable appropriate representations to be made to Scottish Government; and
- (iii) to approve the proposal that carers providing a Continuing Care placement were paid a fee at the rate equivalent to that payable for level two foster care placements, plus the young person's allowance (minus the young person's contribution) from 1 April 2022.

7. APPROVAL OF THE REVISED WHISTLE-BLOWING POLICY

There was submitted Report No 86/22 by the Director of HR, Digital Enablement, IT and Business Support presenting and seeking approval for the revised Whistle-blowing Policy.

The Council's Whistle-blowing Policy has been the subject of a review and revision and had incorporated best practice taken from Independent National Whistle-blowing Officer's draft standards.

The main additions to the Whistle-blowing Policy and arrangements were:

- references to partner organisation employees;
- the provision of HR support for prospective Whistle-blowers;
- the extension of reporting routes;
- an expanded section on how the council will handle a reported concern;
- a roles and responsibilities section for persons involved;
- a named support contact introduced for the Whistle-blower.

The Committee agreed to approve the Whistle-blowing Policy and Whistle-blowing Process, attached as Appendices 1 and 2 to the Report.

8. GOLF MEMBER/OFFICER GROUP – PROGRESS UPDATE AND RECOMMENDATIONS FOR CHANGE FROM MONTROSE GOLF LINKS

With reference to Article 12 of the minute of meeting of Angus Council of 12 August 2020, there was submitted Report No 87/22 by the Director of Vibrant Communities and Sustainable Growth providing an update on the progress of the Angus Golf Member/Officer Group (MOG) and seeking agreement that the MOG had delivered on its remit and to dissolve the MOG. The Report also sought approval of a revised request for change from Montrose Golf Links Ltd (MGLL) to its Memorandum and Articles of Association to support an alternative new structure.

The Committee agreed:

- (i) to note that a cross council Officer Group, led by the Director of Vibrant Communities and Sustainable Growth, had been set up to deliver on the priority activities and timescales set within the Action Plan which was approved by the MOG;
- (ii) to approve the recommendation to dissolve the Golf Member/Officer Group which agreed at a meeting on 7 February 2022, that the Group had satisfactorily delivered against its revised remit and as delivery could continue at an operational level, the Member/Officer Group should be dissolved;
- (iii) to approve the revised changes to the Memorandum and Articles of Association as requested by Montrose Golf Links Ltd and delegate authority to the Director of Legal and Democratic Services or their nominee to agree the finalisation of these proposed

changes to the Memorandum and Articles of Association in alignment with the Management Agreement. This would support Montrose Golf Links Ltd continued progress towards a more dynamic structure, assist their response for recovery post COVID-19 and build for a more sustainable future; and

- (iv) to the ongoing representation of two Angus Council representatives on the Montrose Golf Links Board, one of whom should be a local Councillor.

9. BUSINESS GATEWAY TAYSIDE: PERFORMANCE AND GOVERNANCE

There was submitted Report No 88/22 by the Director of Vibrant Communities and Sustainable Growth providing an update on the performance of the Business Gateway Tayside service against the backdrop of the COVID-19 pandemic. The Report also sought approval for revised governance arrangements to align a strategic fit with Tay Cities and the focus on regional collaboration.

The Committee agreed:

- (i) to note the excellent performance of the Business Gateway Tayside service against targets of the service delivered despite the challenging operating environment;
- (ii) to approve the revised governance arrangements set out in the Report; and
- (iii) to delegate authority to the Director of Vibrant Communities and Sustainable Growth to enter into a Memorandum of Understanding (MoU) with Dundee City Council and Perth and Kinross Council that would underpin the revised governance arrangements.

10. ANNUAL PROCUREMENT REPORT

There was submitted Report No 89/22 by the Director of Legal and Democratic Services presenting the Council's statutory annual procurement report under the Procurement Reform (Scotland) Act 2014 and recommending that the Annual Report be published and the necessary return made to Scottish Ministers.

Having heard from the Director of Legal and Democratic Services and having also noted the changes in recommendations (iv) and (v) to read "2019-2020" instead of "2018-19", the Committee agreed:

- (i) to note the Angus Council Procurement Annual Report 2020/21 which was annexed as Appendix 1 to the Report;
- (ii) to authorise the Director of Legal and Democratic Services to publish the Annual Report on the Council's website and to provide the necessary return on the Annual Report to Scottish Ministers in line with Section 15 of the Procurement Reform (Scotland) Act 2014;
- (iii) to note the current position in terms of staff recruitment and future key targets for procurement;
- (iv) to delegate authority to the Director of Legal and Democratic Services, following consultation with the Leader of the Council and the Leader of the Non-Administration, to submit a return covering the period 2019-20 to the Scottish Government as soon as reasonably practicable; and
- (v) to note that the return covering the period 2019-20 to be submitted to the Scottish Government would be provided by way of an Information Report to elected members

11. POLICY FOR RECORDING IN MICROSOFT TEAMS

There was submitted Report No 90/22 by the Director of Legal and Democratic Services presenting and seeking approval of the proposed new "Recording in MS Teams" Policy to be adopted by the Council.

The Report indicated, that as members were aware, recording of council and committee meetings were dealt with under separate arrangements and had been happening for some

time now following approval by Council. It was now proposed that no other type of event may be recorded in MS Teams. The proposed policy was attached at Appendix 1 to the Report and made it clear that recording of meetings or events in MS Teams must not be used in situations where personal or sensitive information was going to be discussed.

The Privacy Notice annexed to the Policy would need to be used in order to get consent from all those taking part in a recorded meeting. Agreeing to take part in the event would be considered as consent from all those taking part.

Having heard from the Director of Legal and Democratic Services that the policy would be subject to the Council's equalities obligations, the Committee agreed:

- (i) to note the proposal that only the types of events detailed in the Report could be recorded by the Council in MS Teams and that no other events may be recorded; and
- (ii) to approve the adoption by the Council of the "Recording in MS Teams" policy, attached as Appendix 1 to the Report.

12. REDRESS FOR SURVIVORS (HISTORICAL CHILD ABUSE IN CARE)(SCOTLAND) ACT 2021

There was submitted Report No 91/22 by the Director of Legal and Democratic Services informing Members of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act in 2021, the financial implications for the Council and the potential implications for the Council of parties not using the scheme and raising a court action against the Council instead.

The scheme was designed as an alternative to the civil court process. It was intended to offer a route to justice which was not available to some survivors and to offer choice to those who may not wish to pursue an action in court. The choice of whether to seek redress through the scheme, or to pursue action in court, would always sit with survivors unless and until they chose to accept a redress payment, and each individual would make that choice based on their own individual circumstances. The scheme opened for applications on 8 December 2021.

The Committee agreed to note the contents of the Report, including the financial implications associated with the contributory provisions of the legislation and the potential implications of parties not using the scheme and raising a court action against the Council.

13. GRANT AGREEMENT WITH VOLUNTARY ACTION ANGUS FOR 2020/21-23

With reference to Article 9 of the minute of meeting of this Committee of 9 March 2021, there was submitted Joint Report No 92/22 by the Director of Strategic Policy, Transformation and Public Sector Reform and the Director of Vibrant Communities and Sustainable Growth seeking approval to continue the existing grant agreement to support Voluntary Action Angus (VAA) for an additional one year (year 3 of 3) to deliver services in Angus subject to annual review

The Committee agreed:

- (i) to extend the existing agreement with Voluntary Action Angus (VAA) and provide grant funding for the amount of £52,078 to Voluntary Action Angus (VAA) in the 2022/23 financial year (year 3 of 3) for the services outlined in section 3 of the Report; and
- (ii) to authorise the Director of Strategic Policy, Transformation & Public Sector Reform in consultation with the Director of Legal and Democratic Services, to agree the terms of a Grant Agreement with Voluntary Action Angus (VAA) to document the grant funding to support the provision of said services.

14. PROPERTY TRANSACTION – LUNAN PARK, FRIOCKEIM

There was submitted Report No 93/22 by the Director of Infrastructure seeking approval to dispose of the former offices at Lunan Park, Friockeim either to a Housing Association or by public auction.

Having heard from a number of members, Councillor King, seconded by Councillor Fairweather, moved that the Committee agree to approve the sale of the property, but in the event of the sale falling through, to authorise officers to proceed to auction.

Thereafter, the Committee agreed that the public and press be excluded during consideration of the Appendices to Report 93/22

15. PROPERTY TRANSACTION – LUNAN PARK, FRIOCKEIM- APPENDICES

There was submitted Exempt Appendices 1,2,3 and 4 to Report No 93/22 by the Director of Infrastructure.

Following consideration of the matter the Committee agreed to resume the meeting in public to allow the decision of the Committee to be intimated.

The Committee agreed to approve the sale of the property, but in the event of the sale falling through, to authorise officers to proceed to auction.

16. EXCLUSION OF PUBLIC AND PRESS

The Committee agreed, in terms of Standing Order 28(2), that the public and press be excluded during consideration of the following items 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, paragraphs 6 and 9.

17. PROCUREMENT AUTHORITY REPORT – MAINSTREAM RESIDENTIAL REPITE FOR OLDER PEOPLE

There was submitted Report No 94/22 by the Chief Integration Officer outlining the procurement strategy for the procurement relating to Mainstream Residential Respite for Older People and seeking authority for its implementation in line with the Angus Health and Social Care Partnership (AHSCP) Strategic Commissioning Plan 2019-2022.

The Committee agreed:

- (i) to authorise the Chief Integration Officer on behalf of Angus Health and Social Care Partnership (the Partnership) to procure Mainstream Residential Respite for Older People as set out in the Report; and
- (ii) to delegate authority to the Director of Legal and Democratic Services, following consultation with the Chief Integration Officer, to execute and deliver the contract and any other necessary documentation on behalf of the Council.

18. PROCUREMENT AUTHORITY UPDATE – TERM CONTRACT FOR A RESPONSIVE REPAIRS AND CHANGE OF TENANCY SERVICE TO COUNCIL HOUSING 2021 TO 2024 LOTS 3 AND 4 OF HOUSING REPAIRS

There was submitted Report No 100/22 by the Director of Infrastructure advising members of the contractor's early break of the Council's current contracts for Lots 3 (Montrose and Brechin) and 4 (Forfar and Kirriemuir) of the Responsive Repairs and Change of Tenancy Service to Council Housing for the period 2021-2024 with effect from 12 April 2022. The Report further advised members of the proposed procurement route to award contracts to a replacement contractor or contractors for the remainder of the contract period and

seeking delegated authority for the Director of Infrastructure to award the contracts following that process.

Having heard the verbal update from the Service Leader (Assets), the Committee agreed:

- (i) to note the contractor's early break of the Council's current contracts for Lots 3 (Montrose and Brechin) and 4 (Forfar and Kirriemuir) of the Responsive Repairs and Change of Tenancy Service to Council Housing with effect from 12 April 2022;
- (ii) to note the financial implications detailed in Section 6 of the Report;
- (iii) to note the oral update given as set out in paragraph 5.3 of the Report; and
- (iii) to approve procurement authority for the award by negotiation without prior advertisement of Lots 3 & 4, as detailed in the Report, and delegates authority to the Director of Infrastructure, following consultation with the Director of Legal and Democratic Services, to award contracts with the successful contractor following that process.

19. URGENT PROPERTY MATTER

There was submitted Report No 111/22 by the Director of Infrastructure relating to an urgent property matter.

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