

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **POLICY AND RESOURCES COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 2 May 2023 at 2.00 pm.

Present: Councillors BETH WHITESIDE, KENNY BRAES, CHRIS BEATTIE, LYNNE DEVINE, BRIAN BOYD, SERENA COWDY, BILL DUFF, BRENDA DURNO, DAVID FAIRWEATHER, IAIN GALL, ROSS GREIG, IAN McLAREN, GAVIN NICOL, LLOYD MELVILLE, LOIS SPEED and DEREK WANN.

Councillor WHITESIDE, Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Julie Bell, David Cheape and Martin Shepherd, with Councillors Lynne Devine, Brian Boyd and Lloyd Melville substituting respectively.

2. DECLARATIONS OF INTEREST/STATEMENTS OF TRANSPARENCY

There were no declarations of interest or statements of transparency made.

3. MINUTES

(a) Previous Meeting

The minute of meeting of this Committee of 7 March 2023 was approved as a correct record and signed by the Convener.

(b) Central Consultative Committee

The minute of meeting of the Central Consultative Committee of 2 March 2023, a copy of which is appended hereto, was submitted and noted (**APPENDIX I**).

4. CAPITAL MONITORING – GENERAL FUND CAPITAL PROGRAMME – 2022/23

With reference to Article 5 of the minute of meeting of this Committee of 7 February 2023, there was submitted Report No 114/23 by the Director of Finance apprising members of the capital expenditure incurred for the period from 1 April 2022 to 28 February 2023 and measuring projected capital expenditure for the year against budgeted provision.

The Report indicated that with 11 months (91.67 per cent) of the financial year gone the actual spend levels presented in Tables 1 and 2 in the Report were low, at 57.7 per cent on a gross basis and 66.8 per cent on a net basis respectively. Up to 10 per cent of annual capital spend could come through as accruals at the year end. The value of work completed up to 31 March 2023 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. The Report also indicated that 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 2021/22 actual spend outturn was 74.5 per cent (gross) and 71.7 per cent (net). The projected net expenditure of £18.979 million (reflected in Table 2 in the Report) would be indicatively funded from the sources detailed in Table 3 in the Report.

Following a number of questions and having heard from the Director of Finance in response, 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 (Appendix 1 to the Report).

5. REVENUE MONITORING 2022/23 AND RENEWAL & REPAIR FUND POSITION 2022/23

With reference to Article 6 of the minute of meeting of this Committee of 7 February 2023, there was submitted Report No 115/23 by the Director of Finance providing revenue performance information for the Committee to consider.

The Report detailed the latest projected year-end position for each main Council service area, gave a brief explanation of significant variances and provided 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 28 February 2023.

Following a number of questions and having heard from the Director of Finance in response, the Committee agreed:-

- (i) to note the contents of the Report, in particular the comment on the Financial Implications section regarding the projected year end position;
- (ii) to note the Renewal and Repair fund position as set out in Section 4.18 of the Report; and
- (iii) to note the update in Section 5.1 of the Report with regard to Ukrainian Grant Funding that the Council was due to receive for the financial year 2022/23.

6. MONIFIETH LEARNING CAMPUS – PROJECT UPDATE

With reference to Article 5 of the minute of meeting of Special Angus Council of 2 March 2023, there was submitted Joint Report No 116/23 by the Director of Infrastructure and Environment, the Director of Finance and the Director of Education and Lifelong Learning providing members an update regarding the Monifieth Learning Campus project.

The Report indicated that the estimated costs of the project were greater than the costs indicated in the budget setting Report No 41/23 in March 2023, and sought approval to proceed with the project and enter into the construction contract.

At this stage in the meeting the Convener determined, in terms of Standing Order 26(2), there had been a material change of circumstances within 6 months of consideration of Report No 41/23 presented to Angus Council on 2 March as a result of the increase in costings and funding gap, and that it was appropriate for the issue to be re-considered in terms of recommendation (iii) contained within Report No 116/23.

Following a number of questions, the Committee agreed:-

- (i) to note the update provided in the Report;
- (ii) to note the financial implications detailed within Section 6 of the Report which included proposals to meet the current funding gap for the project;
- (iii) to note that such financial implications and funding gap as outlined constituted a 'material change of circumstances' within 6 months of the relative costings being agreed by Council in report number **41/23** on 2 March 2023 to the extent it was appropriate for the issue to be reconsidered;
- (iv) to note the risks and issues as outlined in Section 7;
- (v) to note the proposal from the Scottish Futures Trust of a further 11% uplift to funding, which would equate to circa £2.9m for Monifieth Learning Campus;
- (vi) to continue to the construction phase of the new build project to replace the current Monifieth High School and approve the proposed funding route to increase the budget for the project on the basis proposed in Section 6; and
- (vii) to authorise the Director of Legal and Democratic Services, following consultation with the Director of Finance and Director of Education and Lifelong Learning, to execute, deliver and perform the Project Agreement, the Collateral Agreements and any other necessary documentation in respect of the project on behalf of Angus Council, using the Procurement Hub "Major Projects Framework 2".

7. HOMES FOR UKRAINE

There was submitted Report No 117/23 by the Depute Chief Executive providing an update on the financial position for 2022/23 and the ongoing support being provided to people from Ukraine who were living in Angus.

The Report indicated that the Council had supported people through several schemes operated by the UK and Scottish Governments. Through the Homes for Ukraine scheme the Council worked in partnership with the Scottish and UK Governments and CoSLA to match displaced people with a person or family who had offered to accommodate people from Ukraine in their homes.

Due to the various visa schemes it was not possible to provide an exact figure on how many people from Ukraine were currently living in Angus however at the time of writing Angus were making payments to 58 hosts with the number of guests living in host accommodation equating to 133 people.

To date the Ukraine work had been co-ordinated by two seconded members of staff, in conjunction with Council services, partners and third sector partners however both co-ordinators had now returned to their substantive posts. It was now proposed to establish a dedicated resettlement team to meet the growing demands of humanitarian work, with the new team located within the Vibrant Communities directorate and fully funded through the dedicated grant funding to support such work.

Having heard members welcome the Report, the Committee agreed:-

- (i) to note the ongoing work being undertaken to support displaced people from Ukraine and who were living in Angus;
- (ii) to note the current financial position in supporting people from Ukraine and others who may move to the area under different resettlement schemes; and
- (iii) to note the intention to establish a resettlement team to provide dedicated support.

8. SCOTTISH GOVERNMENT – NO ONE LEFT BEHIND FUNDING

There was submitted Report No 118/23 by the Director of Vibrant Communities & Sustainable Growth providing an overview of the Scottish Government's - No One Left Behind approach and the conditional financial allocation for Angus for 2023/24.

The Report indicated that Angus Council, as lead accountable body, would consult and prepare an Annual Investment Plan setting out the proposal to spend the allocation, and sought approval to delegate authority to the Director of Vibrant Communities and Sustainable Growth to submit the Annual Investment Plan along with the signed Grant Offer Letter to Scottish Government by the required deadline.

Following a number of questions, the Committee agreed:-

- (i) to note the conditional financial allocation to Angus Council for No One Left Behind for 2023/24 of circa £400,000;
- (ii) to note that a No One Left Behind Annual Investment Plan for Angus was required to be prepared, in conjunction with partners and stakeholders, and submitted to Scottish Government with an indicative May deadline;
- (iii) to note the content of paragraph 5.4 of the Report which detailed some of the current themes proposed that fit with the criteria for the Annual Investment Plan;
- (iv) that, in light of delivery deadlines, to delegate authority to the Director of Vibrant Communities and Sustainable Growth, following consultation with the Convener of Policy and Resources Committee, to submit the Annual Investment Plan along with a signed Grant Offer letter to the Scottish Government by the required deadline; and
- (v) to note that a copy of the Annual Investment Plan would be shared with the Policy and Resources Committee at a future date.

9. COMMON GOOD FUNDS REVENUE BUDGET 2023/24 AND PROVISIONAL BUDGETS 2024/25 & 2025/26

With reference to Article 12 of the minute of meeting of Angus Council of 24 June 2021, there was submitted Joint Report No 119/23 by the Director of Infrastructure & Environment and the Director of Finance setting out the annual Common Good Funds budget which also included indicative budgets of income and expenditure (including asset maintenance schedules) projections for the following two years.

The forecasted 2022/23 budget included any previously unutilised budget to date and commitments approved by Committee.

Budget bids proposed for 2023/24 had been subject to consultation with the ward Members and were set out in Appendix 3 for approval to proceed. Approval was only sought for the 2023/24 Common Good Funds budgets. The exception to this was specific works which would be required in each of the next three years for which approval was sought covering all three of those years. The works included were Arbroath and Brechin, where three year gutter cleaning costs for: Webster Memorial Theatre, the former Arbroath Parish Church and the Mechanics Institute in Brechin costing £2,000, £2,000 and £1,000 per annum respectively. In addition, approval for buffing and resealing hardwood floors at Brechin City Hall at £2,000 per annum was also sought for a three year period.

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

- (i) to note the audited Common Good Funds revenue balances at 31 March 2022;
- (ii) to note the estimated Common Good Funds revenue balances at 31 March 2023, given the previously approved projects budget commitments;
- (iii) to approve the Common Good Fund's budget for 2023/24, as detailed within Appendix 1 to the Report, including the 2023/24 budget bids, as detailed in Appendix 3, and to note the provisional revenue balances as at 31 March 2024;
- (iv) to approve the 2023/24 Common Good budget bids for: Webster Memorial Theatre, Arbroath annual gutter cleaning £2,000, former Parish Church, Arbroath annual gutter cleaning £2,000, Mechanics Institute, Brechin annual gutter cleaning £1,000 and City Hall, Brechin annual flooring resealing/buffing, £2,000 all for a three year duration;
- (v) to note the Common Good Funds provisional revenue budget for 2024/25 and 2025/26 and the estimated revenue balances for financial years ending 31 March 2025 and 2026 respectively; and
- (vi) to note the current three year asset maintenance schedule for the various Common Good properties.

10. BUSINESS GATEWAY TAYSIDE CONTRACT UPDATE

With reference to Article 9 of the minute of meeting of this Committee of 8 March 2022, there was submitted Report No 120/23 by the Director of Vibrant Communities & Sustainable Growth advising members of the award of the contract by Dundee City Council to Elevator to deliver Business Gateway Tayside and Digital Boost services (the latter subject to funding from Scottish Government) from April 2023 to March 2025, with the option to extend the contract by up to three additional single years until March 2028, on behalf of Dundee City Council, Angus Council and Perth and Kinross Council.

The Committee agreed:-

- (i) to note the award of a contract by Dundee City Council, as the lead authority for the Tayside Business Gateway, for delivery of the following services in Tayside:
 - Lot 1 – Business Gateway and UK Shared Prosperity Fund (UKSPF) services (subject to funding from UK Government and approval from each of the three partner local authorities for the UKSPF element); and
 - Lot 2 – Digital Boost services (subject to confirmation of any future funding) as outlined in para 4.2; and

- (ii) to note that the contract could be extended for up to three additional years on an annual basis in line with the terms of the tender specification.

11. EQUALITIES MAINSTREAMING REPORT 2023 AND EQUALITY OUTCOMES (2023-2025)

With reference to Article 7 of the minute of meeting of this Committee of 4 May 2021, there was submitted Report No 121/23 by the Director of HR, OD, Digital Enablement & IT and Business Support presenting an Equalities Mainstreaming Report 2023 and Equality Outcomes (2023-25) 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, have 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 was 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

There was a requirement for public bodies to publish an updated Equality Mainstreaming Report and progress made with their Equality Outcomes in 2023, and renew them every alternate two years.

Having heard from members, the Committee agreed:-

- (i) to adopt the Equalities Mainstreaming Report 2023-25 as outlined in Appendix 1 of the Report; and
- (ii) to note the Equality Outcomes (2023-25) and Progress Update of those from 2021 – 2023 as outlined in Appendix 2 of the Report.

12. SUPPLY OF LIQUID FUELS FOR HEATING PURPOSES FROM APRIL 2023 TO MARCH 2027 – PROCUREMENT AUTHORITY APPROVAL REPORT

There was submitted Report No 122/23 by the Director of Infrastructure & Environment requesting ratification of the decision taken to enter into a call-off contract for the supply of liquid fuels for heating purposes procured by Scottish Procurement on behalf of various public bodies.

The Committee noted that members were required to ratify this decision given that the value of the call-off contract was above the Chief Officer's delegated authority limit.

The Committee agreed:-

- (i) to note the expiry of the call-off contract for the supply of liquid fuels for heating purposes on 31 March 2023 and the requirement to continue to purchase from incumbent supplier(s) for a period of one month until 30 April 2023;
- (ii) to ratify the decision of the Director of Infrastructure and Environment, following consultation with the Director of Legal and Democratic Services and the Convener of the Policy and Resources Committee, to enter into a call-off contract from 1 May 2023

for the supply of liquid fuels for heating purposes procured by Scottish Procurement on behalf of various public bodies;

- (iii) to note that the Director of Infrastructure and Environment had signed off the call-off contract order form in accordance with the Framework guidance; and
- (iv) to note procurement authority as contained in the Report, including participation by the Council in the Scottish Procurement mini-competition run on behalf of Scottish public bodies through the Crown Commercial Services National Fuels Framework Agreement RM6177, in accordance with the process stated in Sections 16.6 and 16.8 of the Financial Regulations.

13. 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, 8 and 9.

14. DEVELOPMENT LAND SALE – PLOT 6 FORTIES ROAD, MONTROSE

There was submitted Report No 123/23 by the Director of Vibrant Communities & Sustainable Growth relating to the proposed sale of a vacant development land at Plot 6 Forties Road, Montrose, which comprised a cleared site of 1.36 hectares (3.35 acres) previously leased and utilised as a car park.

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

15. TAY CITIES REGIONAL DEAL – ANGUS RURAL MOBILITY HUB PROJECT ACCELERATION

With reference to Article 7 of the minute of meeting of this Committee of 1 February 2022, there was submitted Report No 124/23 by the Director of Vibrant Communities & Sustainable Growth seeking authority to proceed with the procurement of the site design, and any associated costs of the Angus Rural Mobility Hub, ahead of the Tay Cities Deal governance arrangements being concluded.

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

16. CONTRACT FOR INTERNAL AUDIT SERVICES SUPPORT

There was submitted Report No 125/23 by the Director of Strategic Policy, Transformation & Public Sector Reform seeking approval to procure IT and general audit support for the Internal Audit service for the period covering 2023/24 to 2028/29.

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

17. LOCAL BUS SERVICE PROVISION CONTRACTS PRICE INCREASES

With reference to Article 9 of the minute of meeting of the Communities Committee of 22 November 2022, there was submitted Report No 126/23 by the Director of Infrastructure & Environment seeking authority to award four local bus service contracts and to agree favourable terms for the extension of a further nine local bus service contracts.

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

18. MODULAR BUILDING, MATTOCKS PRIMARY SCHOOL – PROCUREMENT AUTHORITY APPROVAL REQUEST

There was submitted Report No 127/23 by the Director of Infrastructure & Environment seeking procurement authority to provide a modular classroom at Mattocks Primary School for a period of three years.

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

19. PROCUREMENT AUTHORITY REQUEST – EXTENSION TO ECLIPSE CASE MANAGEMENT CONTRACT

There was submitted Report No 127/23 by the Director of HR, OD, Digital Enablement &IT and Business Support seeking authority for the proposed procurement where the maximum value of the contract was above the Chief Officer's delegated authority limit.

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