

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **POLICY AND RESOURCES COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 24 October 2023 at 2.00 pm.

Present: Councillors BETH WHITESIDE, KENNY BRAES, CHRIS BEATTIE, JULIE BELL, BRIAN BOYD, SERENA COWDY, BILL DUFF, BRENDA DURNO, IAIN GALL, TOMMY STEWART, RONNIE PROCTOR MBE, GAVIN NICOL, MARTIN SHEPHERD, LOIS SPEED and CRAIG FOTHERINGHAM.

Councillor WHITESIDE, Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors David Fairweather, Ross Greig, Ian McLaren, Martin Shepherd and Derek Wann with Councillors Tommy Stewart, Ronnie Proctor MBE and Craig Fotheringham substituting.

2. DECLARATIONS OF INTEREST/STATEMENTS OF TRANSPARENCY

Councillor Duff made a statement of transparency in relation to Item 6 in that he was a Council appointed Director of Montrose Golf Links.

Councillor Boyd made a statement of transparency in relation to Item 19 as he had met with constituents in relation to the service.

Councillor Speed made a statement of transparency in relation to Item 19 as she had met with constituents in relation to the service.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 29 August 2023 was approved as a correct record and signed by the Convener.

At this stage in the meeting, Councillor Stewart indicated that he wished to move an amendment in relation to Item 17, in that the exempt Appendices should be considered in the public domain.

COUNCILLOR WHITESIDE, SECONDED BY COUNCILLOR BRAES, MOVED THAT IN TERMS OF STANDING ORDER 28(2), THE PUBLIC AND PRESS BE EXCLUDED DURING CONSIDERATION OF ITEM 17 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, 9 AND 12.

Councillor Stewart, seconded by Councillor Gall, moved as an amendment, that the public and press not be excluded during consideration of Item 17 and that the item be considered in the public domain.

On a vote being taken, the members voted:-

For the motion:-

Councillors Whiteside, Braes, Beattie, Bell, Boyd, Cowdy, Duff and Shepherd (8).

For the amendment:-

Councillors Gall, Stewart, Proctor, Nicol, Speed and Fotheringham (6).

The motion was declared carried and the public and press excluded during consideration of Item 17.

In accordance with the provisions of Standing Order 16(11)(ii), Councillors Stewart, Gall, Nicol, Fotheringham and Proctor requested that their dissent be recorded in relation to the foregoing decision. Each intimated that they would also leave the meeting during consideration of the item.

4. CAPITAL MONITORING – GENERAL FUND CAPITAL PROGRAMME – 2023/24

With reference to Article 4 of the minute of meeting of this Committee of 2 May 2023, there was submitted Report No 285/23 by the Director of Finance apprising members of the capital expenditure incurred for the period from 1 April to 31 August 2023 and measuring projected capital expenditure for the year against budgeted provision.

The Report indicated that with five months (41.67 per cent) of the financial year gone the actual spend levels presented in Tables 1 and 2 in the Report were low, at 19.7 per cent on a gross basis and 28.4 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 2024 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 2022/23 actual spend outturn was 74.7 per cent (gross) and 73.3 per cent (net). The projected net expenditure of £28.456 million (reflected in Table 2 in the Report) would be indicatively funded from the sources detailed in Table 3 in the Report.

Having heard from the Director of Finance, 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 2023/24 AND RENEWAL & REPAIR FUND POSITION 2023/24

With reference to Article 4 of the minute of meeting of this Committee of 2 May 2023, there was submitted Report No 286/23 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 31 August 2023.

Having heard from the Director of Finance, 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; and
- (ii) to note the Renewal and Repair fund position as set out in Section 4.18 of the Report.

6. APPOINTMENT OF ELECTED MEMBER TO MONTROSE GOLF LINKS BOARD

With reference to Article 8 of the minute of meeting of this Committee of 8 March 2022, there was submitted Report No 287/23 by the Director of Vibrant Communities and Sustainable Growth, seeking nomination of an elected member to be appointed to Montrose Golf Links Board.

The Report indicated that due to a change in operational activity the Angus Council officer representative had intimated their resignation from the Board. The existing Management Agreement was due to expire on 31 March 2024 and therefore it was proposed that an elected member representative be appointed for this period whilst work was ongoing to determine future arrangements. This interim appointment would ensure that Angus Council continued to have two representatives on the Board.

Having heard from the Director of Vibrant Communities and Sustainable Growth the Committee agreed:-

- (i) to appoint Councillor Iain Gall to the Board of Montrose Golf Links as a Decision Maker in accordance with the policy on Appointments of Elected Members to Outside Bodies;

- (ii) to agree the ongoing representation of the current Angus Council elected member representative on the Board and to note the resignation from the Board of the officer representative; and
- (ii) to note that any appointment was on an interim basis pending the expiry of the current Management Agreement on 31 March 2024 and consideration of future arrangements.

7. ANGUS COUNCIL GRANT GOVERNANCE PROPOSALS

With reference to Article 5(ii) of the minute of meeting of Angus Council of 11 May 2023, there was submitted Report No 288/23 by the Director of Vibrant Communities and Sustainable Growth advising members on the proposed defining of “core” and “non-core” funding and proposed governance arrangements for applying for, accepting and deciding on the use of “non-core” external funding, and sought approval of the recommended option for elected members involvement in decision-making. The Report also set out what approvals were already in place, detailed the work underway to review guidance documents and made recommendations for future governance as well as clarifying the scrutiny role of elected members.

The Director of Vibrant Communities and Sustainable Growth provided an overview of the proposals following which Councillor Speed was heard in relation to increasing the membership of the new Sub-Committee.

Thereafter, the Committee agreed: -

- (i) to note that Report had been prepared following approval of the motion presented by Councillor Wann and seconded by Councillor Gavin Nicol at the meeting of Angus Council of 11 May 2023;
- (ii) to note the work underway to review existing guidance documents relating to external funding;
- (iii) to note the implementation of a new corporate Grant Register;
- (iv) to note the new officer governance arrangements for external funding and projects to be led by a Strategic Funding and Projects Officer Group;
- (v) that a delegation be added to the Council’s Scheme of Delegation, delegating authority to the relevant Director (a) to determine whether or not to submit applications for non-core external funding of less than £500,000; and (b) to determine whether or not to accept offers of non-core external funding of less than £50,000;
- (vi) to approve Option 2 as outlined in the Report as the model for decision-making by elected members i.e. the creation of a new Sub-Committee of the Policy & Resources Committee, comprising of six members and to delegate to the Clerk to seek nominations for the Sub-Committee and also to agree to sub-delegate the following powers to the Sub-Committee: - “To determine whether or not to submit applications for loans, grants, donations and subscriptions for non-core funding, in respect of services which are not linked to or associated with functions referred or delegated to any other Committee or Sub-Committee”;
- (vii) to note that regular updates on all funding secured and administered to third parties which fall within the terms of reference outlined in recommendation (vi) would be provided to this Sub-Committee once the Grant Register was in place via the regular Reports on the Change Fund; and
- (viii) to note that information on the new approach and revised guidance would be cascaded to staff.

8. UK SHARED PROSPERITY FUND UPDATE

With reference to Article 7 of the minute of meeting of this Committee of 6 June 2023, there was submitted Report No 289/23 by the Director of Vibrant Communities and Sustainable Growth providing an update on the delivery of the UK Shared Prosperity Fund (UKSPF) and Investment Plan for Angus.

The total UKSPF funding allocation for 2023-24, including carry forward from 2022-23, was £2,054,831. The total amount currently committed to projects was £1,185,867, with allocations to projects being made in accordance with the Angus Investment Plan. An uncommitted balance of £868,964 remained available for UKSPF projects for 2023-24.

At the Communities Committee meeting held on 26 September 2023, elected members approved the allocation of £143,540 towards the Angus Alive Signal Tower project. A further request to approve UKSPF match funding of £200,000 towards the Arbroath Community Centre project had been deferred to allow for further details to be provided (Report 262/23 refers).

The Committee agreed:-

- (i) to note the UKSPF update as outlined in the Report;
- (ii) to note the approved allocation of funding to the Signal Tower project by elected members at the Communities Committee of 26 September 2023 (Report 262/23 refers); and
- (iii) to note the UKSPF projects overview as detailed in Appendix 1 to the Report.

9. TAY CITIES REGION DEAL – UPDATE ON MONTROSE 5G PROJECT AND CASI HQ

With reference to Article 7 of the minute of meeting of this Committee of 1 February 2022, there was submitted Report No 290/23 by the Director of Vibrant Communities and Sustainable Growth providing information on the progress of the Tay Cities Deal (TCD) projects within Angus, specifically Montrose 5G and the Centre for Agricultural Sustainable Innovation (CASI) HQ.

The Report indicated that a number of issues had delayed the progression of the 5G project. The Council had engaged with representatives from Scotland's 5G Centre to seek technical advice to assist with the review of the project scope and significant issues which would impact the delivery of the project had been raised. Due to the lack of evidence of demand, the internal Angus Council Tay Cities Board agreed the removal of the project, as no economic benefits could be demonstrated at this time.

The original concept of the Centre for Agricultural Sustainable Innovation (CASI) envisioned a hub and spoke model, with CASI HQ at the heart of the project. However, the resource required to deliver that element of the project in this way, combined with changes in the industry since the concept was first developed, had resulted in Angus Council and partners to agreeing to remove this element of the project. Angus Council had received approval from both Scottish and UK governments and TCD Management Group to change the scope of the project, removing the physical HQ element. A change request through the Tay Cities Deal governance structure had been submitted for the removal of the CASI HQ building which was approved by TCD Management Group on 31 August 2023. As the building was appropriated it would now need to go through the process to declare it surplus to Angus Council's requirements before it could be re-marketed for disposal. Subject to disposal of the building it is proposed that any funding generated should be reallocated to the TCD Capital funding to assist with the delivery of the projects within the Angus Fund.

The Committee agreed: -

- (i) to note the recommendation not to proceed with the Montrose 5G project as detailed in paragraph 4.6 of the Report;
- (ii) to note the removal of 48 John Street, Forfar (also known as the Mart) Headquarters building as part of the Centre for Agricultural Sustainable Innovation project; and
- (iii) to note that 48 John Street, Forfar would be declared surplus and re-marketed for sale in line with normal council practices and the capital funds from the sale of the building as detailed in paragraph 6.4 of the Report.

10. TAY CITIES REGION DEAL – MERCURY DRONE PORTS – PROJECT UPDATE

With reference to Article 16 of the minute of meeting of Angus Council of 18 March 2021, there was submitted Report No 291/23 by the Director of Vibrant Communities and

Sustainable Growth advising members that the Business Justification Case for Mercury Drone Ports, an Angus Fund project, had been approved by the Tay Cities Region Joint Committee.

The Report informed members of the purpose and outputs of the request for information exercise and the intention to lease land at Broomfield Industrial Estate, Montrose to deliver Phase 1 of the project. Furthermore, the report provided details of the signing of the grant agreement for the project and sought delegated authority for the procurement of a commercial services consultant to provide robust commercial advice to Angus Council before entering legal contracts with private sector businesses for the Tay Cities Region Deal - Angus Fund projects.

Following questions, the Committee agreed: -

- (i) to note the approval of the Mercury Drone Ports Business Justification Case by the Tay Cities Region Joint Committee at its meeting on 24 March 2023;
- (ii) to note the purpose and outputs from the request for information from drone operators to determine the appetite for entering a concession contract;
- (iii) to note the intention to lease land at Broomfield Industrial Estate, Montrose to deliver Phase 1 of the project;
- (iv) to note that the grant offer of £1m from Dundee City Council (Tay Cities Deal Programme Management Office) had been accepted and the associated grant documentation signed;
- (v) to delegate authority to the Director of Vibrant Communities and Sustainable Growth, following consultation with the Procurement Manager and Director of Legal, Governance and Change to procure a commercial services consultant as detailed section 5.6 of the Report; and
- (vi) to note the revised financial profile for the Mercury Drone Port project from the approved full business case, as agreed with the Tay Cities Deal Project Management Office and Management Group as detailed in Section 7 of the Report.

11. CHANGE PROGRAMME UPDATE

With reference to Article 8 of the minute of meeting of this Committee of 6 December 2022, there was submitted Report No 292/23 by the Director of Legal, Governance & Change providing a progress update in relation to the Council's Change Programme, relating to the 3-year planning period (2023/24 to 2025/26).

The Report indicated that during the reporting period good progress had generally been made on a number of the projects however there had also been some adjustments and slippage to a number of savings which had resulted in an updated target position of £12.164m for 2023/24, an in-year decrease of £1.163m, while the overall 3-year total decreased to £24.788m, a reduction of £1.586m.

This amended position was mainly due to a full assessment of each project being undertaken to measure the deliverability of the full savings target. Details of these variances were explained in section 5.2 of the Report.

The Committee agreed to note the progress update in relation to the Council's current Change Programme (2023/24 to 2025/26), along with the summary included in Appendix 1 to the Report.

12. COMMON GOOD REGISTER - ARBROATH

With reference to Article 7 of the minute of meeting of this Committee of 8 June 2021, there was submitted Report No 293/23 by the Director of Legal, Governance & Change providing an update on the adoption of a publicly available Register of Common Good property assets for the former Royal Burgh of Arbroath following upon the publication of a draft Register of the Arbroath Properties as required by Section 102 of the Community Empowerment (Scotland) Act 2015 as amplified by Statutory Guidance subsequently issued by the Scottish Government in July 2018.

The Report also provided an update on the progress made in relation to preparation of lists of Common Good properties held by the other Angus burghs of Brechin, Forfar, Kirriemuir and Montrose.

The Committee agreed: -

- (i) to note the representations received by the Council following upon the published statutory consultation on the List of Land and Buildings of Common Good Register for Arbroath, and the Council's responses, all as detailed in Appendix 1 to the Report;
- (ii) to note that the representations do not require any addition to or deletion from the published draft Register as detailed in paragraph 5 of the Report;
- (iii) to note that the representation on behalf of the Arbroath and Montrose Scouts supports the retention of Keptie Park and Pond as part of the Common Good as an asset for the whole community and would be published along with the Register for Arbroath as required by the legislation, notwithstanding that it did not relate to any proposed addition to or deletion from the Register List of Properties;
- (iv) to note that the response regarding Arbroath Library related to a property which was not Common Good and would not therefore be included in the final Register;
- (v) to note the list of Buildings in Appendix 3 excluded from the Common Good on legal grounds and transferred/to be transferred to Angus Council General Fund;
- (vi) to note the recommendation in Report No 190/21 approved by the Policy and Resources Committee of 8 June 2021 that the Council would undertake a public consultation before any future proposals to sell or lease Arbroath Library;
- (vii) to agree to adopt the List of Land and Buildings detailed in Appendix 2 to the Report as the assets of the Common Good of the former Royal Burgh of Arbroath and to publish it in accordance with the legislation and the Statutory Guidance; and
- (viii) to note progress with the compilation of, and consultation on, a publicly accessible register of Common Good property assets for the remaining Angus burghs of Brechin, Forfar, Kirriemuir and Montrose.

13. REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000 – ANNUAL REPORT

With reference to Article 8 of the minute of meeting of this Committee of 25 October 2022, there was submitted Report No 294/23 by the Director of Legal, Governance & Change advising members that the Policy and Guidelines on the Use of Covert Surveillance and Covert Human Intelligence Sources and Surveillance Through Social Media Policy had been reviewed and that minor amendments were required to the said Policy and Guidelines as detailed in paragraph 3.2 of the Report.

The Policy had been revised and updated to take into account legislative changes, best practice, Scottish Government Codes of Practice and Guidance from the Office of the Surveillance Commissioners.

The Committee agreed:-

- (i) to approve the amendments to the Policy and Guidelines on the Use of Covert Surveillance and Covert Human Intelligence Sources as detailed in Appendix 1 to the Report;
- (ii) to note that no amendments were required to the Surveillance Through Social Media Policy as detailed in Appendix 2 to the Report; and
- (iii) to note the Policies referred to at (i) and (ii) above would be presented to this Committee annually for approval as required by the Investigatory Powers Commissioner's Office.

14. COMMON GOOD FUND – PROJECT APPLICATIONS

There was submitted Report No 295/23 by the Director of Infrastructure and Environment advising members on two funding applications that had been received and sought Committee approval to fund both the projects.

The applications were from the Forfar Action Network to procure replacement Christmas Lights and from the Montrose Burns Club for a contribution towards the funding of a new Burns memorial in the town.

The Committee agreed:-

- (i) to approve the additional 2023/24 project from Forfar Common Good Fund as detailed in **Appendix 1**; and
- (ii) to approve the additional 2023/24 project from Montrose Common Good Fund as detailed in **Appendix 2**.

Councillors Fotheringham, Gall, Nicol, Proctor and Stewart left the meeting during consideration of the following item.

15. OPTION APPRAISAL – INCH PAVILION AND BOWLING GREEN, CROFT ROAD, MONTROSE

With reference to Article 10 of the minute of meeting of this Committee of 31 August 2021, there was submitted Report No 296/23 by the Director of Infrastructure & Environment seeking approval to dispose of the Inch Pavilion and Bowling Green at Croft Road, Montrose which was held by Montrose Common Good.

The Report indicated that the Inch Pavilion and Bowling Green had been declared surplus and accordingly, officers had progressed options for disposal, as detailed in the Report. The property was subsequently marketed for sale and several offers were received, as detailed in Appendix 2 to the Report. Following receipt of offers, it was considered appropriate to obtain further information from all bidders, including information on proposed consideration and proposed use (and restrictions on proposed use) for the purpose of assisting Officers with the assessment of bids to inform the selection of a preferred bidder/option and for elected members to select the bid that constituted best value. The completed options appraisal was contained within Appendix 3 to the Report.

Following questions and comments, and having heard from the Director of Infrastructure and Environment, the Committee agreed:-

- (i) to note the best value considerations and the outcome of the options appraisal on the offers received for the purchase of the Inch Pavilion and Bowling Green, Croft Road, Montrose as detailed in the Options Appraisal contained within Appendix 3 to the Report (exempt);
- (ii) to approve, in principle, to the sale of the Inch Pavilion and Bowling Green, Croft Road, Montrose, in accordance with the preferred Option 2 as detailed in the Options Appraisal contained within Appendix 3 to the Report (exempt), subject to the completion of formal consultation and legal process as detailed in the Report;
- (iii) to authorise the Director of Infrastructure and Environment to, subject to the consent of the Court being obtained, proceed with and conclude the disposal where responses to the formal consultation are positive or have been resolved;
- (iv) that bidders be notified of the outcome of the Options Appraisal process; and
- (v) that the following information in relation to preferred Option 2, namely name of purchaser, price and their proposed use for the site detailed in Appendix 3 (exempt) would become public as part of the formal consultation process.

Councillors Fotheringham, Gall, Nicol, Proctor and Stewart re-joined the meeting.

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 8, 9 and 10.

17. OPTION APPRAISAL – INCH PAVILION AND BOWLING GREEN, CROFT ROAD, MONTROSE – APPENDICES 2 AND 3

With reference to Article 15 above, the Committee agreed to note the contents of the Appendices to Report No 296/23.

18. EXTENSION OF HOUSING AIDS AND ADAPTATIONS CONTRACTS

There was submitted Report No 297/23 by the Director of Infrastructure & Environment seeking authority for a one-year extension to the current three separate Housing Aids and Adaptations Contracts where the anticipated value of the contract extension was above the Chief Officer's delegated authority limit.

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

19. PROCUREMENT AUTHORITY REPORT – PROVISION OF A SENSORY SERVICE

There was submitted Report No 298/23 by the Chief Integration Officer outlining the procurement strategy relating to the contract for a Sensory Service in Angus in line with Angus Health and Social Care Partnership's Strategic Commissioning Plan and seeking authority for its implementation.

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

20. PROCUREMENT UPDATE

There was submitted Report No 299/23 by the Director of Infrastructure & Environment seeking approval to undertake a collaborative procurement on behalf of Angus, Dundee City, and Perth & Kinross Councils to secure the continuation of Traffic Signal Maintenance services across Tayside.

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