

**MINUTE**  
**of**  
**CABINET**

**Minute of meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 14 December 2023.**

**Present:**

Councillor Owen O'Donnell (Leader)                      Councillor Danny Devlin  
Councillor Andrew Anderson (Vice Chair)              Councillor Katie Pragnell

Councillor O'Donnell, Leader, in the Chair

**Attending:**

Steven Quinn, Chief Executive; Caitriona McAuley, Director of Environment; Louise Pringle, Director of Business Operations and Partnerships; Mark Ratter, Director of Education; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Andrew Corry, Head of Environment (Operations); Phil Daws, Head of Environment (Strategic Services); Gerry Mahon, Chief Officer – Legal and Procurement; Gillian McCarney, Head of Place; Jamie Reid, Head of Communities and Transformation; Alison Ballingall, Senior Revenues Manager; Gill Darbyshire, Chief Executive's Business Manager; Mary Docherty, Education Resources Senior Manager; Ian McLean, Accountancy Manager, East Renfrewshire Health and Social Care Partnership(\*); Paul Parsons, Principal Accountant; John Burke, Committee Services Officer; and Lesleyann Burns, Committee Services Assistant.

(\* ) denotes remote attendance.

**DECLARATIONS OF INTEREST**

**698.** Councillor Anderson noted a potential interest in item 10, however, he was advised by the Chief Officer – Legal and Procurement that the interest noted did not preclude him from participating in that particular item.

**GENERAL FUND CAPITAL PROGRAMME**

**690.** The Cabinet considered a report by the Head of Accountancy (Chief Financial Officer) monitoring expenditure against the approved General Fund Capital Programme as at 30 September 2023 and recommending adjustments where possible.

The Head of Accountancy (Chief Financial Officer) advised that the report indicated a shortfall in resource of £0.238m representing 0.5% of the resources available which was within manageable limits.

The report advised of a number of movements in the current year's Capital Programme. These related mainly to the timing of projects and reflected shortages of materials and labour as well as backlogs in tendering and site starts. Other factors affecting the programme included increased energy and fuel prices and increased inflationary costs. Full details of the movements were given in sections 9 and 10 of the report. In particular, the Head of Accountancy (Chief Financial Officer) highlighted transfers from the Improved Learning budget to St John's Primary School to allow works to take place to increase nursery spaces; and works required to allow the introduction of Gaelic Medium Education at Thornliebank Primary School by improving the ventilation.

In addition to the variations listed in the report, the Head of Accountancy (Chief Financial Officer) advised of a variation that had been received from the Culture and Leisure Trust after the report had been submitted. This related to gym improvement works at the Foundry in Barrhead. It was explained that, to allow preparations for those works to be carried out, emergency approval had been sought from Councillors O'Donnell and Anderson by the Chief Executive of the Culture and Leisure Trust. Cabinet was asked to homologate that decision.

The Cabinet recommended to Council:-

- (a) to approve the movements within the 2023/24 programme;
- (b) to approve the transfer of £0.225m from the Education, Improved Learning project to St John's Primary School, Early Learning and Childcare Places;
- (c) to approve the transfer of £0.030m from Property Maintenance, Ventilation Works to Education, Gaelic Medium PS;
- (d) to note the shortfall of £0.238m and that income and expenditure on the programme would be managed and reported on a regular basis; and
- (e) that additional variations for gym improvement works at the Foundry, Barrhead, funded from existing capital provisions and developer contributions be homologated.

## **HOUSING CAPITAL PROGRAMME**

**691.** The Cabinet considered a joint report by the Head of Accountancy (Chief Financial Officer) and Director of Environment, monitoring income and expenditure as at 30 September 2023 against the approved Housing Capital Programme 2022/23 and recommending adjustments where required.

The Head of Accountancy (Chief Financial Officer) advised that there was a shortfall in the programme of £0.097m representing 1.7% of available resources which was within manageable limits. There had been a number of movements in the programme relating mainly to timing delays due to revised procurement processes. In addition, some sheltered housing works had been delayed until new Scottish Government energy efficiency guidance had been received. Full details were provided in section 9 of the report.

The Cabinet recommended to Council:-

- (a) to approve the movements within the programme; and
- (b) to note the shortfall of £0.097m and that income and expenditure on the programme would be managed and reported on a regular basis.

## **SUMMARY OF DEPARTMENTAL CHARGING PROPOSALS 2024/25**

**692.** The Cabinet considered the undernoted reports by the appropriate Directors and Chief Officers regarding the outcome of the charging for services carried out in each of the departments and recommended proposed fees and charges for 2024/25.

The reports referred to the range of services reviewed within each department, the outcome of the reviews, proposed changes and associated resource implications:-

- (i) Business Operations and Partnerships Department;
- (ii) Education Department;
- (iii) Environment Department;
- (iv) Health and Social Care Partnership; and
- (v) Licensing.

In discussing the item, the Chair urged officers to consider their 3 or 4 biggest charging areas in their services and look at a more in depth review of recovery rates within the next 3 to 5 years.

Thereafter, the Cabinet:

- (a) approved all new charges being proposed and all changes to the current charging structure as calculated by each department; and
- (b) asked all departments to consider what the 3 or 4 key charging areas in their service were and to look at a more in depth review of recovery rates within the next 3 to 5 years to either recover those costs, or to provide a reason why those costs would not be recovered.

## **REVIEW OF COUNCIL'S APPROACH TO RISK APPETITE – REPUTATIONAL RISK**

**693.** Under reference to the minute of the meeting of the Audit and Scrutiny Committee of 26 September 2023 (Page 645, Item 600 refers), the Cabinet considered a report by the Chief Executive on the current level of risk appetite as contained in the Risk Management Strategy 2023-2025 approved by Cabinet in February 2023 (Item 334, Page 400 refers) and reflecting discussion on 26 September by the Audit and Scrutiny Committee around the level of risk appetite assigned to “reputational risk” and if this should be revised.

The Cabinet welcomed the recommendations of the Audit and Scrutiny Committee that, given challenging financial circumstances, the need to meet climate change obligations and other additional statutory operational requirements, it was inevitable that difficult decisions would have to be made and that this was likely to continue. Given this, a risk level of 1 for reputational risk no longer reflected the level of risk likely to be required in order for the Council to deliver its outcomes.

The Audit and Scrutiny Committee had recommended that the risk appetite for reputational risk be increased from 1 to 2.

The Cabinet agreed:

- (a) that the risk appetite for “reputational risk” outlined in the report reflected the current approach to risk for East Renfrewshire Council; and
- (b) that the level of risk appetite should be changed from “one” to “two” as recommended by the Audit and Scrutiny Committee, to reflect the current approach to risk for East Renfrewshire Council.

## **DISCRETIONARY HOUSING PAYMENT POLICY**

**694.** The Cabinet considered a report by the Director of Business Operations and Partnerships on Discretionary Housing Payments and an updated Discretionary Housing Payment Policy, to be administered by Revenue Services.

The Senior Revenues Manager explained that a Discretionary Housing Payment (DHP) was an award of additional financial assistance provided to a claimant where a Local Authority considers that further help with housing costs (including rent payments, deposits, advance rental, rent prior to moving in, or removal costs) was required. Claimants of DHP had to be in receipt of Housing Benefit or the Housing element of Universal Credit.

The existing policy for award of DHPs was out of date and last revised on 2013. The updated Policy would provide an appropriate framework and level of guidance when considering a DHP application, taking into consideration the latest information and developments from Scottish Government. It was noted that there was currently no common framework for DHP policies in Scotland and it was for each Council to set its policy.

The key areas of the policy were detailed in the report, with the payments to be reported using the Revenues and Benefits system. The Senior Revenues Manager assured Cabinet that the information provided by the system was under review with the system supplier to allow further data analysis and insight.

The Cabinet approved the revised Discretionary

## **WELFARE CONTINGENCY BUDGET**

**695.** The Cabinet considered a report by the Director of Business Operations and Partnerships on the use of resources from the Welfare Reform contingency budget to support local residents through the Money Advice and Rights Team’s (MART) Financial Wellbeing Project; Revenues and Benefits resiliency and to support partners in the local Citizen Advice Bureau, as well as requesting approval for transfer of a proportion of the Welfare Contingency provision for Scottish Welfare Fund processing.

Since September 2018, all new applicants had been moved to Universal Credit, with the transfer of people on existing benefits or tax credits delayed and planned for completion by the end of 2024/25. The Senior Revenues Manager explained that cases in Scotland would have some differences to the wider UK system, for example, people had the option to be paid twice monthly and have their housing element paid directly to their landlords.

The caseload of MART, the Citizen Advice Bureau and Revenues and Benefits Team suggested that ongoing welfare reform and the roll out of Universal Credit continued to impact residents across East Renfrewshire, particularly the most deprived communities. In prior years, £200,000 of welfare contingency budget had been made available per annum to fund proposals from Revenues and Benefits, MART and the Citizen Advice Bureau.

The Scottish Welfare Fund (SWF) processed community care and crisis grants for residents in challenging financial situations. Demand for those grants continued to increase, resulting in a gap in administration funding for the SWF. 2 permanent and 2 temporary members of staff were funded with the existing resource, and a further staff member had been appointed using temporary Local Authority COVID Economic Recovery (LACER) funding. To facilitate permanent resource for an increasing area of work, it was proposed that £70,000 of Welfare Contingency budget be transferred to the Revenues and Benefits team.

In addition, proposals were made for the transfer of funding to support MART, Citizen Advice Bureau and Revenues and Benefits resiliency during a trying time for East Renfrewshire residents.

Cabinet expressed their support for any proposals which would help East Renfrewshire residents during a difficult time.

Thereafter, the Cabinet agreed

- (a) to approve the permanent transfer from the Welfare Contingency Budget of £70,000 to the Revenues and Benefits Team for Scottish Welfare Fund processing from 1 April 2024;
- (b) approved the Money Advice and Rights Team (MART)'s bid for £79,000 of Welfare Contingency Budget to continue the Financial Wellbeing Project to build community capacity and resilience in the area of financial inclusion, by providing a presence in Schools for a further 2 years;
- (c) approved the East Renfrewshire Citizen Advice Bureau bid for £80,000 to continue to fund one full-time member of staff to undertake all aspects of benefit support work for a further 2 years;
- (d) approved that increased resiliency within the Revenues and Benefits Team would continue through an external contract up to a limit of £50,000 over 2 years, where processing can be called off and paid for as required; and
- (e) noted that all bids for Welfare Contingency Budget were being requested in principle and were subject to budgetary provision being confirmed when the Council set the 2024/25 and 2025/26 budgets early in 2024 and 2025.

## **COUNCIL TAX DISCOUNTS – EMPTY AND SECOND HOMES**

**696.** The Cabinet considered a report by the Director of Business Operations and Partnerships on Council Tax discounts relating to empty and second homes in light of the Scottish Government consultation and implications for East Renfrewshire.

East Renfrewshire Council had a statutory duty under the Local Government Finance Act 1992 to bill and collect Council Tax. Discounts and exemptions were applied which reduced the Council Tax bill where applicable, with some examples of those being given in the report.

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In the summer of 2023, the Scottish Government had carried out 2 consultations on proposed changes to Council Tax charges and on second and empty homes and non-domestic rates, with results published on 24 October 2023.

It was noted that discounts for long-term empty and second homes could be removed and, in fact, a number of East Renfrewshire's neighbouring councils had removed such discounts, with some actually charging a premium of up to 100% on such properties after a period of time had elapsed. It was further proposed that an Empty Homes Officer be recruited, funded by the removal of those discounts, to work with Revenue Services and Housing Services to maximise Council Tax recovery and provide a support to owners of empty properties, with the aim of bringing them back into use.

In discussion, members expressed the view that these proposals could help bring more properties into use and help tackle the ongoing issues of homelessness affecting all local authorities in Scotland.

The Cabinet agreed:

- (a) to note the consultation on changes to Council Tax proposed by Scottish Government and the expected impact for East Renfrewshire Council;
- (b) the proposal to remove the 10% discount for long-term empty and second homes;
- (c) the proposal to add a premium of up to 100% for long-term empty properties and second homes from 1 April 2024; and
- (d) agreed the proposal that an Empty Homes Officer be recruited.

## **COMMUNITY LEARNING AND DEVELOPMENT PROGRESS UPDATE**

**697.** The Cabinet considered a report by the Director of Business Operations and Partnerships on the positive impact of Year One and Two of the 2021-2024 Community Learning and Development (CLD) Plan; seeking approval for developing Year Three of the Plan; setting out the timeline for development of the 2024-2027 Plan; and advising of Education Scotland's recent progress visit.

The Community Learning and Development (Scotland) Regulations (2013) required the production and publication of a 3 yearly plan of how youth work, adult learning and community capacity building/developmental services would be delivered by core CLD services and the wider CLD Partnership.

The development of the 2021-2024 Plan had been complicated by the COVID-19 pandemic, however, a number of areas of progress had been made and these were detailed in Annex 1 of the report.

A draft action plan for Year Three of the Plan was included as Annex 2 to the report, which set out the initial targets for the year.

Details were also provided on a three day "progress visit" by Education Scotland which took place in October 2023, with findings published in November 2023. With Youth work in partnership with Barrhead High School and the Linking Communities approach used to oversee the Participatory Budgeting process highlighted as areas of highly effective practice.

East Renfrewshire CLD had received the most positive statement rating from Education Scotland, finding that, “the local authority and their CLD partners are making sufficient progress with their CLD plan and have the capacity to continue to improve. As a result, HM Inspectors will take no further action in relation to this progress visit. During the inspection, we identified aspects of highly effective practice which we would like to explore further.”

Full details were provided in Annex 3 of the report.

During discussion among members, it was asked that the Head of Communities and Transformation provide further information on “Multiply” funded courses and their effectiveness to Cabinet members.

The Cabinet agreed:

- (a) to note the positive impact on communities from Years One and Two of the Community Learning and Development Plan 2021-2024, which had a flexible, tactical focus on pandemic response and recovery work, as detailed in Annex 1 of the report;
- (b) Year Three of the Plan, as detailed in Annex 2 of the report;
- (c) to note the requirement to publish an updated CLD Plan for 2024-2027 by September 2024;
- (d) to note the positive findings from Education Scotland’s progress visit in October 2023, detailed in Annex 3 of the report; and
- (e) that the Head of Communities and Transformation provide further information on “Multiply” funded courses and their effectiveness to Cabinet members.

## **STRATEGIC MID-YEAR PERFORMANCE REPORT 2023-24**

**698.** The Cabinet considered a report by the Director of Business Operations and Partnerships, providing a summary of Council performance at mid-year 2023-24 based on performance indicators in the Outcome Delivery Plan (ODP) 2023-24. A mid-year complaints report was also included. Details of the performance results, together with information on mid-year complaints appeared as appendices to the report.

The report outlined that 31 indicators in the plan had updated data reported at mid-year, with 20 showing as “On Target”, 3 as “Target to be Achieved” and 2 as “Off Target”. A further 5 were indicators set for monitoring purposes and had no target set against them.

The report went on to highlight areas of progress made at mid-year under each outcome, with full details being provided in Annex 1 to the report. There was also a statutory duty to report on complaints and a mid-year summary was attached as Annex 2 to the report.

The Chief Executive, Director of Education and Director of Business Operations and Partnerships were heard in response to members’ questions on Secondary School exclusion rates, staff leave and staff absence levels.

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The Cabinet:

- (a) scrutinised and commented on the summary of the Council's performance at mid-year 2023-24, as detailed in Annex 1 to the report; and
- (b) scrutinised and noted the mid-year complaints report attached as Annex 2 of the report.

### **REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000 – COVERT SURVEILLANCE ACTIVITY 2022-23**

**699.** The Cabinet considered a report by the Chief Officer – Legal and Procurement on surveillance activity undertaken and authorised by the Council during 2022/23 and the results of the inspection of the Council's surveillance practices undertaken by the Investigatory Powers Commissioner's Officer during the period.

The Regulation of Investigatory Powers (Scotland) Act 2000 came into effect on 2 October 2000 and required each authority to appoint a Senior Responsible Officer with responsibility for overseeing appropriate practice under the Act. The Chief Officer – Legal and Procurement held this role within East Renfrewshire Council.

The Chief Officer – Legal and Procurement reported that during the period 1 April 2022 to 31 March 2023, 4 separate targets had been subject of surveillance under one overarching authorisation. This related to online investigations granted as being necessary for the prevention and detection of crime, relating to the sale of counterfeit goods and copyright/trademark infringement. Surveillance had been undertaken by officers of Trading Standards Scotland acting as part of national initiatives.

It was further reported that one application for surveillance had been refused, relating to monitoring of online for a containing complaints regarding rogue traders, as this was judged to be disproportionate.

No use had been made of Covert Human Intelligence Sources during the period.

The Chief Officer – Legal and Procurement also provided details of an inspection carried out in November 2022 by the Investigatory Powers Commissioner's Office of surveillance practice during the period 2019 to 2022. The inspection had concluded that the Council's practice was generally of a high standard and commended the quality of training and authorisations. The full inspection report was attached as Appendix 1 to the report.

The Cabinet:

- (a) noted the use of directed surveillance and Covert Human Intelligence Sources during the period 2022/23; and
- (b) noted the results of the inspection carried out in November 2022 by the Investigatory Powers Commissioner's Office.



**MINUTE OF JOINT CONSULTATIVE COMMITTEE (FIRST TIER) HELD ON 14 SEPTEMBER 2023**

**700.** The minute of the Joint Consultative Committee (First Tier) held on 14 September 2023 was submitted for noting.

The Cabinet noted the minute.

CHAIR

