

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

**Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 12 March 2020.**

**Present:**

Councillor Tony Buchanan (Leader)  
Councillor Caroline Bamforth  
Councillor Danny Devlin

Councillor Alan Lafferty  
Councillor Colm Merrick  
Councillor Paul O’Kane

Councillor Buchanan, Leader, in the Chair

**Attending:**

Lorraine McMillan, Chief Executive; Andy Cahill, Director of Environment; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Louise Pringle, Head of Communities, Revenues and Change; Murray Husband, Head of Digital and Community Safety; Phil Daws, Head of Environment (Strategic Services); Mark Waugh, Principal Accountant (Capital); Robert Spencer, Principal Accountant (Revenue); Debbie Hill, Chief Procurement Officer; Stuart Free, Principal Officer (Asset Management); Morag Brown, Strategic Services Lead; and Paul O’Neil, Committee Services Officer.

**DECLARATIONS OF INTEREST**

**1233.** There were no declarations of interest intimated.

**CHARTER AGAINST MODERN SLAVERY**

**1234.** The Cabinet considered a report by the Chief Executive, seeking approval for the Council to sign the Charter against Modern Slavery.

The report explained that one of the Council’s obligations in terms of the Modern Slavery Act 2015, details of which were outlined in the report, was to approve and sign the Charter at a senior level within the business. Whilst noting that the Charter had already been signed by eight out of Scotland’s 32 councils, the report detailed the actions the Council would take to ensure modern slavery was not part of the procurement supply chain in line with the requirements of the Charter.

The report explained that by signing the Charter the Council would be committing itself to ensuring that the risks of modern slavery within procurement and the wider supply chain for goods, works and services were understood and that the Council showed leadership in promoting a human rights approach towards procurement.

The Cabinet approved the signing of the Charter against Modern Slavery.

**LOCAL GOVERNMENT BENCHMARKING FRAMEWORK - 2018/19 PERFORMANCE**

**1235.** The Cabinet considered a report by the Chief Executive, providing an update on the national Local Government Benchmarking Framework (LGBF) together with an overview of the Council's performance against the LGBF indicators from 2017/18 to 2018/19. A summary of the LGBF performance report was appended to the report.

The report explained that since 2010, the Society of Local Authority Chief Executives (SOLACE) and the Convention of Local Authorities (COSLA) worked with the Improvement Service to develop and review a set of benchmarking indicators on behalf of Scottish councils. The key criterion of the indicators was that they were comparable across all 32 councils.

Whilst noting that benchmarking data from the LGBF had been recorded and publicly reported by all Scottish councils as a statutory requirement since 2010/11, the report highlighted that over 80 measures were included in the data set split across eight key service areas including Children's Services; Adult Social Care; Corporate; Culture and Leisure; Environmental; Housing; Corporate Assets and Economic Development. It was noted that five new measures had been added since 2017/18 covering Achievement of Curriculum for Excellence (CfE).

The report highlighted that the 2018/19 data showed that the Council continued to perform strongly in key outcome areas where it was making differences to people's lives including educational attainment, high quality early years provision, energy efficient housing, protecting consumers and supporting those in need of money and benefit advice. Furthermore, the Council was improving the environment with the highest rates of recycling and helping more residents into employment. The report indicated that where the Council's costs were above the national average there were clear policy intentions explaining what the Council aimed to achieve as a result of its investment.

Whilst emphasising that the LGBF indicators set was only one means of recording and measuring the Council's performance, the report explained that to achieve a balanced picture, the outcomes the Council was reporting on over the next year through its Community Plan, incorporating Fairer East Ren, Outcome Delivery Plan and through various audits, inspections and self-assessments should be noted. Furthermore, there was a wide range of performance information scrutinised and reported by the Council which was not statutory and provided detailed information on performance at mid-year and year-end points.

The Cabinet, having heard the Head of Communities, Revenues and Change refer to a correction to the figure recorded in respect of Teacher Absence, noted:

- (a) that the figure reported in respect of Teacher Absence should have been recorded as 6.1 days and not 5.7 days as detailed in the report; and
- (b) the Council's performance against the Local Government Benchmarking Framework indicators and the action taken by departments to address any performance issues.

## **ESTIMATED REVENUE BUDGET OUT-TURN 2019/20**

**1236.** The Cabinet considered a report by the Chief Financial Officer, detailing the projected revenue budget out-turn for 2019/20 and providing details of the expected year-end variances together with summary cost information for each of the undernoted services as at 31 December 2019:-

- (i) Objective and Subjective Summaries;
- (ii) Education Department;
- (iii) Contribution to Integration Joint Board;
- (iv) Environment Department;
- (v) Environment Department – Support;
- (vi) Chief Executive's Office;
- (vii) Chief Executive's Office – Support;
- (viii) Corporate and Community Services Department – Community Resources;
- (ix) Corporate and Community Services Department – Support;
- (x) Other Expenditure and Income;
- (xi) Joint Boards;
- (xii) Contingency – Welfare;
- (xiii) Health and Social Care Partnership; and
- (xiv) Housing Revenue Account.

Whilst noting that as at 31 December 2019, the estimated year-end position showed a net favourable variance on net expenditure of £1,511,000 based on current information, the report indicated that for General Fund services the projected underspend was £1,618,000 and that the Council Tax collection position was in line with budget at this time.

Approval was sought for a number service virements and operational budget adjustments, details of which were outlined in the report.

The report concluded by highlighting that a number of operational variances required management action to ensure that expenditure would be in line with budget at the end of the financial year. At this time, it was expected that management action would lead to all overspends being recovered, that all underspends were consolidated wherever possible and that spending up to budget levels did not take place.

The Cabinet, having noted the probable out-turn position, agreed that:-

- (a) the service virements and operational adjustments as set out in the report be approved;
- (b) management action be taken to remedy any forecast overspends; and
- (c) all departments continue to closely monitor their probable out-turn position and consolidate and maximise underspends wherever possible.

## **GENERAL FUND CAPITAL PROGRAMME 2019/20**

**1237.** The Cabinet considered a report by the Chief Financial Officer, monitoring expenditure as at 31 December 2019 against the approved General Fund Capital Programme 2019/20 and recommending adjustments where necessary in light of issues that had arisen since the programme had been approved.

The report highlighted the latest developments relating to the programme, including the latest income and expenditure movements and cash flow management issues and indicated that the projected shortfall of £425,000 which represented 0.97% of the resources available was within manageable limits. Detailed explanations of the reasons for the major movements within the programme were outlined in the report.

The Cabinet agreed to:-

- (a) **recommend to the Council** that the movements within the General Fund Capital Programme 2019/20 be approved; and
- (b) note that the shortfall of £425,000 and that income and expenditure on the programme would be managed and reported within the final accounts for the year.

### **HOUSING CAPITAL PROGRAMME 2019/20**

**1238.** The Cabinet considered a joint report by the Chief Financial Officer and Director of Environment, monitoring expenditure as at 31 December 2019 against the approved Housing Capital Programme 2019/20 and recommending adjustments where necessary in light of issues that had arisen since the programme had been approved.

The report highlighted the latest developments relating to the programme, including the latest income and expenditure movements and cash flow management issues and indicated that the projected shortfall of £88,000 which represented 0.9% of the resources available was within manageable limits. Details of the costs associated with phases 1 and 2 of the Council house building programme were also outlined in the report. It was noted that a further report would be submitted to a future meeting of the Cabinet with regard to this matter.

The Cabinet agreed to:-

- (a) **recommend to the Council** that the movements within the Housing Capital Programme 2019/20 be approved;
- (b) note that the shortfall of £88,000 and that income and expenditure on the programme would be managed and reported within the final accounts for the year; and
- (c) note that a further report would be submitted to a future meeting of the Cabinet with regard to the increased costs associated with phases 1 and 2 of the Council housebuilding programme.

### **TRADING UNDER BEST VALUE**

**1239.** The Cabinet considered a report by the Chief Financial Officer, requesting that consideration be given to the classification of Council activities in terms of trading operations as defined by the Local Government in Scotland Act 2003 and as modified in June 2013 by the Local Authority (Scotland) Accounts Advisory Committee (LASAAC). Details of the review of services that had been undertaken; a summary of trading operations and the criteria used to determine if they were "significant" were appended to the report.

The report explained that in terms of the Local Government in Scotland Act 2003, the Council was required to consider its trading operations on an annual basis and determine those which should be regarded as “significant”. Having noted the criteria that required to be met for a trading operation to be considered as “significant” and a further test of significance that required to be taken into account, the report explained that having taken these conditions into account, the result of the review for 2019/20 was that the Council had no Significant Trading Operations.

The Cabinet noted that in terms of the Local Government in Scotland Act 2003 that there were no trading services operated by the Council that should be classified as “significant”.

### **INCREASED CHARGES FOR FACTORING SERVICE**

**1240.** Under reference to the Minute of the meeting of the Cabinet of 19 February 2015 (Page 1343, Item 1427 refers), when it was agreed that an annual fee of £90.00 plus VAT be introduced for factored owners and a call out fee for non-factored owners who requested a service of £30.00 plus VAT be approved, the Cabinet considered a report by the Director of Environment, seeking approval for an increase in the annual factor fee charged for factored customers in return for factoring services.

The report explained that the current annual factor fee of £90.00 generated an income of approximately £70,000 excluding VAT each year. However, gross staffing costs for the factoring service were approximately £83,000 in 2019/20 and consequently a contribution of £13,000 from the General Fund had been required to cover the staffing costs of the service. Whilst noting that for 2020/21 the staffing costs for the service were budgeted at £85,500, the report proposed that by increasing the fee to £99.00 plus VAT, income of around £78,000 would be generated leaving a contribution of £7,500 being required from the General Fund to maintain the service.

The report concluded by indicating that by increasing the factor fee to £99.00 plus VAT per annum over the next three years, this would generate extra income to ensure the Council could continue to provide an efficient and customer focussed service and meet the Code of Conduct as set out in the Property Factors (Scotland) Act 2011. There were no plans to increase the call out fee for non-factored customers.

The Cabinet approved an increase in the factor fee for the factoring service to £99.00 plus VAT per annum from April 2020.

### **LAND TO THE FRONT AND REAR OF NEILSTON SHOPS**

**1241.** Under reference to the Minute of the meeting of the Cabinet of 15 August 2013 (Page 624, Item 667 refers) when it was agreed to dispose of the Council’s entire lease interest in the land including the land on which the Neilston shops were situated, the car park to the rear and the open space to the front of the shops, the Cabinet considered a report by the Director of Environment, seeking approval for: (a) the acquisition of a portion of the privately owned car park at the rear of the shops in the centre of Neilston in order to provide a 14 space public car park; and (b) the frontage of the shops in order to provide a public space for community events and to support future town centre regeneration master planning through improving the overall quality of civic space in the centre of Neilston village. A plan showing the areas of ground involved was appended to the report.

The report explained that following the previous decision of the Cabinet, the sale of the land had been negotiated in January 2016 and subsequently agreed whereby the shopkeepers would buy the land on which their shops were located, the car park to the rear and the open space to the front of the shops at a cost of £50,000. At that time, it was hoped that the process would resolve the issue of maintenance and upkeep of the area although it had failed to do so.

Whilst noting that the car park to the rear of the shops and the civic square area to the front had not been well maintained, the report indicated that currently the shopkeepers were of the view that they were required to maintain a car park that was used as a public car park for the whole village and a frontage that was similarly used by the wider public. Furthermore, the frontage was commonly used by local groups as a community resource for displays and weekend activities including markets.

The report highlighted that having taken into consideration the concerns expressed by the shopkeepers and the measures they could take to restrict access to the car park which would be to the detriment of the wider village, it was concluded that the best resolution would be to avoid at all costs restricted access to the car park and that it would be detrimental if the shopkeepers tried to restrict use of the area to the front of the shops.

Furthermore, the Directors of Education and Environment were currently progressing the agreed school campus and library element in Neilston and that a master plan for regeneration proposals was currently being developed and would be the subject of community consultation. In view of the foregoing issues, the report proposed that there would be considerable advantages in the Council taking into ownership both the car park to the rear of the shops and the area to the front of the shops. However, the ownership of the shops and the land upon which they were situated would remain with the shop owners.

By approving the proposal, the Council would then have direct control over key strategic areas in the village centre and this would clearly facilitate the wider regeneration/master planning of the village in the future including the provision of high quality civic space and public parking in Neilston village centre. More importantly, the area could form a strategic access point into the St Thomas' primary school site when it was vacated.

The report indicated that should the Cabinet approve the proposal, it was proposed to upgrade the car park to the rear of the shops as a matter of urgency given its condition and that consideration would be given to making improvements to the area in front of the shops. Details of the upgrading works and associated costs were outlined in the report. However, it was noted that the upgrading works would also include the loading bay for the shops which would remain in the shopkeeper's ownership. In view of this, the shopkeepers would pay 25% of the costs of upgrade to cover the loading bay. The cost to the Council would therefore be around £30,000 it being noted that the new car park and frontage would be managed and maintained by the Environment Department.

The Cabinet:-

- (a) approved the transfer of ownership of the land to the front of the Neilston shops to the Council as detailed in the report at nil acquisition cost;
- (b) approved the transfer of ownership of the private car park (excluding the loading bay for the shops) to the rear of the Neilston shops to the Council at nil acquisition cost; and
- (c) agreed that delegated powers be granted to the Director of Environment, in consultation with the Chief Officer – Legal and Procurement to finalise negotiations and conclude the acquisition.

## NEILSTON LEARNING AND LEISURE CAMPUS AND WIDER REGENERATION

**1242.** Under reference to the Minute of the meeting of the Education Committee of 4 October 2018 (Page 572, Item 632 refers) when it was agreed to approve the education statutory consultation report on Learning in Neilston, the Cabinet considered a report by the Director of Environment, seeking approval for proposals in relation to learning in Neilston and providing details of the possibilities and opportunities for the wider regeneration of the Neilston area.

The report highlighted that an indicative provision of £30.4m had been made within the Council's General Fund Capital Programme to support the Neilston Learning and Leisure Campus and wider regeneration. The financial provision was a marker to take forward a Learning and Leisure campus approach in Neilston renewing both Neilston and St Thomas' Primary Schools and Madras Family Centre on a joint site in the locale of Neilston Primary School and Madras Family Centre.

Whilst noting that in September 2019, the Council had been advised that it would receive revenue funding for the project as part of the first phase of a £1billion Scottish Government investment programme, the report indicated that discussions were currently being held with Scottish Futures Trust with regard to the actual level of support.

Given that statutory education approval had been given to the new build replacement of Neilston and St Thomas' Primary Schools and Madras Family Centre as a campus in the locale of Neilston and Madras, the report highlighted that the inclusion of a new library and swimming pool was also initially planned as part of this campus. However, subsequent developments had emerged which made the new location of the swimming pool at the current St Thomas' Primary School site a better solution as part of the wider regeneration of the village it being noted that the library would remain part of the learning campus.

The report proposed that the Learning and Leisure campus would take a two stage two site approach whereby the first phase would include the building of a learning campus (in the immediate vicinity of the current Neilston Primary School) comprising the two schools, family centre and library. The second phase would include a new swimming pool as the foundation of a potential community hub on the current site of the St Thomas' Primary School.

Furthermore, it was expected that the detail of the design consultation process would be announced shortly and that it was anticipated that the new schools and family centre would be opened for the August 2022 school session. The second phase would be implemented following the demolition of St Thomas' Primary School with design proposals worked up and agreed well beforehand.

The Cabinet:-

- (a) agreed to proceed to design stage for the learning campus, subject to final agreement on funding from Scottish Futures Trust;
- (b) noted the timescales involved as detailed in the report; and
- (c) noted that further work would be done to develop proposals for the leisure campus taking into consideration the opportunity to regenerate Neilston.

**PROPOSED SALE OF LEASED GROUND AT SPIERSBRIDGE WAY, THORNLIEBANK**

**1243.** The Cabinet considered a report by the Director of Environment, seeking approval for the proposed sale of two areas of Council-owned ground leased to Spiersbridge Property Developments Limited (SPDL). A plan showing the two areas of ground was appended to the report.

The report explained that the first area of ground leased by the Council to SPDL extended to some 1.6 hectares or thereby for 125 years from 1 March 2004 until 28 February 2129. Whilst noting that SPDL had developed the Spiersbridge Business Park at Spiersbridge Way, Thornliebank on this plot at a rental of £30,500 per annum as indicated at Plot 1 on the plan appended to the report, the report explained that the Spiersbridge Council property rented by the Council from SPDL and occupied by the Environment Department was located on this plot.

The second area of ground was leased to accommodate further possible development of the business park, and that this area of ground extended to 1.53 hectares or thereby with the lease running for 124 years from 23 May 2005 until 28 February 2129 at a rental of £11,000 per annum. This area of ground was shown as Plot 2 on the plan appended to the report.

The report explained that in terms of the ground leases the tenant (SPDL) had the option to purchase the ground after the 8th anniversary of the date of entry and on each anniversary date thereafter and that this option to purchase was an inalienable right which could not be denied. Whilst noting that in 2019, SPDL had formally notified the Council, as ground lease landlord, of its intention to exercise its option to purchase, the report highlighted that this required the landlord's interest in the two ground leases being valued, subject to the terms set out within the leases and a value being agreed.

The report explained that SPDL had appointed an agent to negotiate on its behalf the purchase the ground whilst the Council had appointed the District Valuer to value its landlord's interest and pursue negotiations in close liaison with the Council. It was noted that following complex negotiations and successive increased offers from SPDL an amount of £665,000 for the sale had been provisionally agreed with the company, subject to Council approval.

The Cabinet:-

- (a) approved the proposed sale of two leased areas of Council owned ground to its tenant Spiersbridge Property Developments Limited (SPDL) for the sum of £665,000; and
- (b) agreed that delegated powers be granted to the Director of Environment, in consultation with the Chief Officer – Legal and Procurement to finalise negotiations and conclude the sale.

**WRITE-OFF OF IRRECOVERABLE FORMER TENANT RENTS**

**1244.** Under reference to the Minute of the meeting of the Cabinet of 26 January 2017 (Page 2197, Item 2361 refers), when the new rent arrears policy had been approved, the Cabinet considered a report by the Director of Environment, seeking approval to write-off former tenant rental debt which could not be recovered through the debt collection process.



The Cabinet:-

- (a) approved the write-off sum up to the value of £69,025.58 of former tenant irrecoverable rents whilst acknowledging these could be pursued and recovered in future should additional information and opportunities arise;
- (b) noted that £47,812.16 of this amount was written off against the Housing Revenue Account (HRA) and the remaining £21,213.42 was written off against the Non-Housing Revenue Account (Non- HRA) as this was accrued by homeless households placed in temporary accommodation; and
- (c) noted that the write-off of these historic unrecoverable debts would have no impact on the Council's accounts as provision had been made for the debt, in full, in previous years.

CHAIR

