

MINUTE VOLUME CONTENTS

Council	19 December 2018	661
Audit & Scrutiny Committee	11 January 2019	677
Planning Applications Committee	16 January 2019	683
Licensing Committee	22 January 2019	689
Cabinet	24 January 2019	693
Audit & Scrutiny Committee	24 January 2019	695
Civic Hospitality Committee	29 January 2019	705
Education Committee	31 January 2019	707
Civic Hospitality Committee	6 February 2019	711
Planning Applications Committee	13 February 2019	713
Local Review Body	13 February 2019	719
Cabinet	14 February 2019	721
Licensing Committee	19 February 2019	723
Cabinet (Police & Fire)	21 February 2019	725
Audit & Scrutiny Committee	21 February 2019	729

MINUTE
of
EAST RENFREWSHIRE COUNCIL

Minute of Meeting held at 7.00pm in the Council Chamber, Council Headquarters, Giffnock, on 19 December 2018.

Present:

Provost Jim Fletcher	Councillor Alan Lafferty
Councillor Paul Aitken	Councillor David Macdonald
Councillor Caroline Bamforth	Councillor Jim McLean
Councillor Tony Buchanan (Leader)	Councillor Colm Merrick
Councillor Angela Convery	Councillor Stewart Miller
Councillor Danny Devlin	Councillor Paul O’Kane
Councillor Charlie Gilbert	Councillor Jim Swift
Councillor Barbara Grant	Councillor Gordon Wallace
Councillor Annette Ireland	

Provost Fletcher in the Chair

Attending:

Lorraine McMillan, Chief Executive; Caroline Innes, Deputy Chief Executive; Mhairi Shaw, Director of Education; Andy Cahill, Director of Environment; Julie Murray, Chief Officer - Health and Social Care Partnership; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Gerry Mahon, Chief Officer – Legal and Procurement; Graeme Smith, Communications Manager; John Buchanan, Operations Manager; Eamonn Daly, Democratic Services Manager; and Paul O’Neil, Committee Services Officer.

Also Attending:

Anthony McReavy, Chief Executive, East Renfrewshire Culture and Leisure Trust.

Apology:

Depute Provost Betty Cunningham.

DECLARATIONS OF INTEREST

725. Councillors Devlin, Grant, Merrick and O’Kane declared a non-financial interest in relation to Item 744 by virtue of the fact that they were members of the East Renfrewshire Culture and Leisure Trust Board.

PROVOST’S AWARD TO ASHLEY AND PAUL MCILVENNY

726. Provost Fletcher advised that the winners of this year’s Citizen of the Year Award were Ashley and Paul McIlvenny, a husband and wife who had set up the Include Me 2 Club

in 2010 to provide social opportunities and activities for adults across East Renfrewshire with additional support needs. It was noted that the volunteer-led charity had gone from strength to strength since its inception with almost 400 residents benefitting from the club.

Concluding his remarks, Provost Fletcher advised that such was their dedication they unfortunately could not attend the meeting to accept their award as it coincided with their annual community Christmas party for 120 people in Neilston. However, he further advised that he would arrange to present them with their award at a suitable time.

The Council noted the position and congratulated Mr and Mrs McIlvenny on their award.

MINUTE OF PREVIOUS MEETING

727. The Council considered and approved the Minute of the meeting held on 31 October 2018.

MINUTES OF MEETINGS OF COMMITTEES

728. The Council considered and approved the Minutes of the meetings of the undernoted, except as otherwise referred to in Items 729 and 730 below:-

- (a) Planning Applications Committee – 7 November 2018;
- (b) Local Review Body – 7 November 2018;
- (c) Licensing Committee – 13 November 2018;
- (d) Education Committee – 15 November 2018;
- (e) Appeals Committee - 16 November 2018;
- (e) Cabinet (Police and Fire) – 22 November 2018;
- (f) Audit and Scrutiny Committee – 22 November 2018;
- (g) Cabinet – 29 November 2018;
- (h) Planning Applications Committee – 5 December 2018;
- (i) Local Review Body – 5 December 2018;
- (j) Cabinet – 6 December 2018; and
- (k) Licensing Committee – 11 December 2018.

PLANNING APPLICATIONS COMMITTEE – 7 NOVEMBER 2018 – APPLICATION FOR PLANNING PERMISSION

729. Under reference to the Minute of the meeting of the Planning Applications Committee of 7 November 2018 (Page 608, Item 673(i) refers), when it was agreed to approve an application for planning permission, subject to conditions (i.e. Ref No:- 2018/0065/TP), in respect of the installation of an Anaerobic Digestion Biogas Plant with alterations to vehicular access off A77 and earthworks/excavation operations to change ground levels (amendment to Condition 10 of planning permission 2016/0070/TP that does not allow the use of waste materials) at site 300 metres north east of Greenhags, Ayr Road, Newton Mearns by the Greenhags Energy Company Limited, Councillor Miller requested that in relation to the comments he had made at the meeting which appeared in the second last paragraph on page 608, the Minute be amended by deleting the word 'would' and replacing it with the word 'were'.

The Council approved the Minute, subject to the amendment being made.

AUDIT AND SCRUTINY COMMITTEE – 22 NOVEMBER 2018 - JOINT EAST RENFREWSHIRE CULTURE AND LEISURE TRUST ACTION PLAN IN RELATION TO INDEPENDENT FINANCE AND BUSINESS CASE REVIEW OF THE TRUST

730. Under reference to the Minute of the meeting of the Audit and Scrutiny Committee of 22 November 2018 (Page 635, Item 699 refers), when the committee agreed amongst other things to note the terms of the report in relation to the Trust's Action Plan, Councillor Swift stated that at the meeting he had requested that the committee be provided with regular updates on the Trust's finances and was advised that this information would be provided. He enquired would it be possible for an update to be provided on whether the Trust had managed to close the forecast deficit in its finances.

The Council agreed:-

- (a) that Councillor Swift be provided with an update on the East Renfrewshire Leisure Trust's finances; and
- (b) to otherwise approve the terms of the Minute.

INTERIM TREASURY MANAGEMENT REPORT FOR 2018/19

731. Under reference to the Minute of the meeting of the Audit and Scrutiny Committee of 22 November 2018 (Page 632, Item 697 refers), when it had been agreed to recommend to the Council that the organisations listed in the report for investment of surplus funds be approved and for the approval of the continuing use of Money Market Funds in light of the new regulations coming into effect from early next year, the Council considered a report by the Chief Financial Officer, providing details about the Council's Treasury Management activities for the first 6 months of 2018/19.

The Council:-

- (a) noted the interim Treasury Management Report 2018/19;
- (b) approved the use of the organisations listed at Appendix II to the report for the investment of surplus funds; and
- (c) approved the continuing use of Money Market Funds in light of the new regulations coming into effect from early 2019.

GENERAL FUND CAPITAL PROGRAMME 2018/19

732. Under reference to the Minute of the meeting of the Cabinet of 6 December 2018 (Page 654, Item 717 refers), when it was agreed to recommend to the Council that the proposed adjustments to the General Fund Capital Programme 2018/19 be approved, the Council considered a report by the Chief Financial Officer, recommending adjustments to the 2018/19 General Fund Capital Programme in light of issues that had arisen since the programme had been approved.

The Council:-

- (a) approved the movements within the General Fund Capital Programme 2018/19; and
- (b) noted that the shortfall of £318,000 would be managed and reported on a regular basis.

HOUSING CAPITAL PROGRAMME 2018/19

733. Under reference to the Minute of the meeting of the Cabinet of 6 December 2018 (Page 655, Item 718 refers), when it was agreed to recommend to the Council that the proposed adjustments to the Housing Capital Programme 2018/19 be approved, the Council considered a joint report by the Chief Financial Officer and Director of Environment, recommending adjustments to the 2018/19 Housing Capital Programme in light of issues that had arisen since the programme had been approved.

The Council:-

- (a) approved the transfer of £50,000 from Purchase of Property to Aids and Adaptations;
- (b) noted and approved the movements within the Housing Capital Programme 2018/19; and
- (b) noted that the shortfall of £85,000 would be managed and reported on a regular basis.

NOTICE OF MOTION No.1

734. In accordance with Standing Order 25, the following notice of motion had been submitted by Councillor Miller, seconded by Councillor Gilbert.

“This Council acknowledges the importance of discouraging people from dropping litter, supports increasing fixed penalty notices for littering from £80 to £100 and agrees a letter be sent from this local authority to the Scottish Govt making clear this Council’s support for increasing the default on the spot fines from £80 to £100 and requests that Ministers implement this change as quickly as possible.”

The Council approved the terms of the motion and agreed that:-

- (a) a letter be sent by the Council to the Scottish Government making clear the Council’s support for increasing the default on the spot fines from £80 to £100; and
- (b) the Council requests that Ministers implement the change as quickly as possible.

Variation in Order of Business

Provost Fletcher, having heard Councillor Macdonald request that motions 3 and 4 be considered before motion 2, agreed that in accordance with the terms of Standing Order 19, the order of business be amended to facilitate the conduct of the meeting.

NOTICE OF MOTION No.3

735. In accordance with Standing Order 25, the following notice of motion had been submitted by Councillor Macdonald, seconded by Councillor Aitken.

“That East Renfrewshire Council recognises the Scottish Youth Parliament’s campaign “Right Here Right Now”, understands that this campaign seeks to raise awareness of young people’s rights across society, and supports the Youth Parliament’s cause of ensuring that young people’s rights are protected, respected and fulfilled in Scotland.

The Council further notes and endorses the main objectives of this campaign: to ensure that young people are aware of and empowered to defend their rights as outlined in the United Nations Convention of the Rights of the Child (UNCRC); to ensure that Article 12 of the UNCRC, that young people have a right to be consulted on all matters affecting them, is properly fulfilled by decision-makers at all levels; and ultimately to call on the Scottish Government to incorporate the UNCRC into domestic Scottish Law.

That the Council recognises the UNCRC as the most complete statement of children’s rights ever produced as well as the most widely-ratified international human rights treaty in history. Therefore, Council calls on the Scottish Government to incorporate the UNCRC into Scots law before the end of this parliamentary term and that Cllr. Buchanan, in the role of leader of the council, writes to Maree Todd MSP, Minister for Children and Young People calling on this incorporation to take place.”

Councillor O’Kane, seconded by Councillor Merrick, moved as an amendment that after the words “domestic Scottish Law” in paragraph 2 of the motion the following paragraph be inserted:

“Council acknowledges the excellent work already undertaken across East Renfrewshire to support children and young people to be aware of and defend their rights; celebrates the fact that currently all of our schools are engaged in the UNICEF Rights Respecting Schools Award (which recognises a school’s achievement in putting the UNCRC into practice in school and beyond); further celebrates that 9 schools have the Gold level award, 12 have Silver and 9 have Bronze and that Busby Primary, Mearns Primary, St John’s Primary and Woodfarm High have all been reaccruited at Gold level – meaning they have been standing Rights Respecting Schools at the highest level verified by UNICEF and praised for their work in involving children in decision making across the school.” and that in paragraph 3 of the motion the wording from “...treaty in history.” be deleted and the following paragraph be inserted:-

“: agrees to continue to build on the success of the Rights Respecting Award; notes that Scottish Government made a commitment in September to incorporate the principles of the UNCRC into Scots law; calls for the Scottish Government to go further to fully incorporate the UNCRC and agrees that Councillor Buchanan as Leader of the Council write to Maree Todd MSP, Minister for Children and Young People in this regard.”

The terms of the amendment having been accepted, the Council agreed to approve the terms of the motion as amended and that Councillor Buchanan as Leader of the Council write to Maree Todd MSP, Minister for Children and Young People in this regard.

NOTICE OF MOTION No.4

736. In accordance with Standing Order 25, the following notice of motion had been submitted by Councillor Macdonald, seconded by Councillor Aitken.

“That East Renfrewshire Council commences webcasting of all meetings of the Audit and Scrutiny Committee, Education Committee, Cabinet, Cabinet (Police and Fire) and Planning Committee/Local Review Body in addition to the present arrangements of webcasting of full council meetings utilising the full 30 hours per annum that it pays for within the current contract with Public-i.

That East Renfrewshire Council also broadcast the meetings of all committees previously mentioned plus meetings of the full council using live streaming on social media through it’s Facebook and Twitter social media pages from June 19th 2019 onwards and archive all of them on the council’s Youtube page for the each full term of the council.”

Councillor Ireland, seconded by Councillor Lafferty, moved as an amendment that:-

“East Renfrewshire Council will continue to webcast meetings of the full Council.”

Provost Fletcher invited Councillor Macdonald to speak to the terms of the motion.

Whilst referring to the importance of the electorate being able to see their elected representatives at Council meetings, Councillor Macdonald highlighted that a proportion of the Council’s contracted webcast hours were not being used resulting in a higher than necessary webcast cost per meeting. He proposed that to improve openness and transparency the Council should extend the use of the webcasting system to cover those other meetings set out in his motion.

Councillor Macdonald stated that he had contacted Glasgow City Council to seek information on that authority’s webcasting arrangements and reported the results of his findings to the Council. He also proposed that the Council make use of other forms of social media such as Facebook and Twitter as these were easy to access and provided the means to view meetings that were broadcast. Outlining the benefits of using this form of social media, he emphasised that that there would be no cost to the Council apart from setting up the camera. Concluding his remarks, he suggested that by making use of social media in this way it could save the Council £10,000 per annum by not having to pay for a webcast contract and that these savings could be used to organise an Armed Forces Fun Day in 2019.

In seconding the motion, Councillor Aitken referred to the criticism the Council received in the Best Value Report prepared by Audit Scotland, particularly the Council’s lack of transparency and stated that the motion as proposed was simply seeking approval for other meetings of the Council to be webcast to ensure that the Council was making proper use of the broadcast time it had available through the webcast contract. Concluding his remarks, he emphasised that at present the Council was paying for services it was not using and called upon the Council to support the terms of the motion.

Responding to Councillor Aitken’s comments about Audit Scotland’s report, Councillor Ireland highlighted that the report he referred to had now been superseded and that Audit Scotland was now satisfied with the Council’s transparency arrangements. She also referred to the recent decision by the Planning Applications Committee to put representations to applications for planning permission online as a means of improving transparency.

Turning to the terms of the motion, Councillor Ireland stated that she had carried out some research into the matter and had found that 72% of councils in Scotland did not webcast their meetings. She also highlighted that at the recent meeting of Renfrewshire Council, the Council had voted two to one against webcasting other council meetings. Concluding her remarks, she stated that the Council would require approximately 70 hours of webcast time to enable it to broadcast all the meetings proposed by Councillor Macdonald. Furthermore, it would also involve additional staffing resources to manage the webcasting of meetings.

Seconding the terms of the amendment, Councillor Lafferty explained that initially he was sympathetic to the terms of the motion. However, having spoken to the Council's Democratic Services Manager he had been made aware of the additional staffing required to webcast each meeting and in view of this, he stated that he would prefer additional staffing resources being made available for the Audit and Scrutiny Committee rather than for webcasting of meetings.

In response to a question by Councillor Grant, the Democratic Services Manager confirmed that information on the viewing figures of meetings that had been webcast in the past was available and that he would send this to her in due course.

Councillor Miller stated that in his opinion the motion should have been submitted to the Council's Budget meeting earlier in the year at which time a decision could have been taken by the Council as to whether it considered webcasting a priority. He also indicated that he had been given details of the viewing figures from the meeting of the full Council in May 2018 and it was clear from this information that very few individuals had actually viewed the meeting. Concluding his remarks, he stated that whilst he agreed that the Council should make use of the 30 hours of webcast time the other meetings proposed by Councillor Macdonald would use up the time at the expense of the time needed for meetings of the full Council.

Provost Fletcher invited Councillor Macdonald to sum up.

In summing up, Councillor Macdonald stated he did not subscribe to the argument put forward by Councillor Ireland regarding the decisions taken by other councils not to webcast their meetings as a valid reason why the Council should do the same. He stated that at present the Council was wasting money by not making full use of the available webcast time. Concluding his remarks, he proposed that the Council should engage with social media as this was the way forward and it would also avoid the Council having to pay for webcasting in the future.

On a vote being taken, 7 members voted for the motion and 9 voted for the amendment. The amendment was accordingly declared carried and it was agreed that the Council would continue to webcast meetings of the full Council.

NOTICE OF MOTION No.2

737. In accordance with Standing Order 25, the following notice of motion had been submitted by Councillor Macdonald, seconded by Councillor Aitken.

“That East Renfrewshire Council reinstate Armed Forces Day within Rouken Glen Park for the summer of 2019 and that provisions are made within upcoming budget to accommodate the return of this much appreciated and worthwhile event.”

Councillor Buchanan, seconded by Councillor O’Kane, moved as an amendment that:-

“East Renfrewshire Council will continue to recognise Armed Forces Day, as we did this year and continue to support our service veterans 365 days a year.”

Provost Fletcher invited Councillor Macdonald to speak to the terms of the motion.

The Council agreed to a minor amendment being made to terms of the motion to the effect that the word 'fun' be inserted between the words "Forces" and "Day".

Councillor Macdonald outlined the role of the armed forces and the sacrifices that were made by the men and women who served in them. He emphasised the importance of remembering those who had died serving their country and the need to celebrate those currently serving in the armed forces. He stated that he was simply requesting that an event similar to the one organised in 2017 be arranged in 2019. He expressed the view that funding for the event could be found given that the cost of the 2017 event was only £10,200 and that staffing for the event could be sourced from volunteers. Concluding his remarks, he proposed that monies in the democratic budget could be reallocated to pay for the event and suggested that a cross party working group be established to take this matter forward.

In seconding the motion, Councillor Aitken whilst acknowledging the financial climate the Council was operating in echoed Councillor Macdonald's comments about funding the event and that he supported the motion put forward to organise an event in 2019.

Councillor Buchanan was heard in support of his amendment. He stated that the Council recognised the sacrifice made by local residents who were still members of the armed forces and this was done in a dignified and respectful manner. He summarised a number of activities that had taken place in 2018 to remember the armed forces including amongst other things a flag raising ceremony on 25 June to mark Armed Forces Day citing the importance of the event given that 2018 was the 100th anniversary of the Armistice. Other events included Remembrance Sunday where three main events were held across East Renfrewshire. He also highlighted that the Council had a Community Covenant with the armed forces to build on the good relations between the armed forces community, the Council and its partner organisations.

Concluding his remarks, Councillor Buchanan commented on the work of Council's designated Veterans Support Adviser. He referred to the costs of staging the 2017 event which included a contribution of £2,000 from the Ministry of Defence. At that time, he emphasised that the Council employed event staff although due to budget restrictions these staff were no longer employed. Furthermore, he indicated that in 2017 it had become increasingly difficult to attract personnel from the armed forces to attend the event and in view of this the Council had decided to mark Armed Forces Day in a different but entirely fitting way.

Councillor O'Kane in seconding the amendment stated that whilst the Council was committed to Armed Forces Day, it had to make choices about how it spent its budget. He stated that the Council preferred to invest in armed forces veterans in East Renfrewshire. Furthermore, consideration of a number of issues had been taken into account before the Council had been decided not to organise the event in 2018.

Councillor Grant suggested that the Council needed to focus on a full year to support armed forces by providing 24/7 help for their families in the course of which Councillor Wallace explained that as the Council's representative to the Lowland Reserve Forces and Cadets Association he was aware of the cuts that had been made over the years to the armed forces. In view of this, he suggested that the Council should invest in the work of the Veterans Support Adviser.

Councillor Swift stated that he would like to see the Council re-engage with the Ministry of Defence regarding the possibility of holding an event in the future as in his opinion, the Council should value the event and elevate the social standing of those serving in the armed forces.

At this stage, having been invited to sum up Councillor Macdonald indicated that he no further comment to make.

On a vote being taken, 5 members voted for the motion and 9 voted for the amendment. The amendment was accordingly declared carried and it was agreed that East Renfrewshire Council would continue to recognise Armed Forces Day, as it did this year and continue to support our service veterans 365 days a year.

NOTICE OF MOTION No.5

738. In accordance with Standing Order 25, the following notice of motion had been submitted by Councillor O’Kane, seconded by Councillor Merrick.

“East Renfrewshire Council is rightly proud of its efforts to tackle discrimination in all its forms; we celebrate our greatly diverse community including the largest Jewish population in Scotland; we condemn racism and antisemitism wherever it is found; as part of Council’s ongoing equalities work we resolve to join with the UK and Scottish Governments and the major political parties in the UK in signing up to the internationally recognised International Holocaust Remembrance Alliance (IHRA) guidelines on antisemitism which defines antisemitism thus:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, towards Jewish Community institutions and religious facilities.”

The guidelines highlight manifestations as including:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extreme view of religion.
- Making mendacious, dehumanising, demonizing or stereotypical allegations about Jews as such or the power of Jews as collective such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other social institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens as being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g. by claiming that the existence of the State of Israel is a racist endeavour.
- Applying double standards by requiring of it behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g. claims of Jews killing Jesus or blood libel) to characterise Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for the actions of the state of Israel.

Council resolves to:

Restate its condemnation of all forms of racism in all its manifestations and adopts the IHRA definition of antisemitism as the working model for challenging and confronting incidents of this form of racism.”

The Council approved the terms of the motion.

QUESTIONS TO CONVENERS

739. In accordance with Standing Order 24, the following questions were submitted from Councillor Swift to Councillor Buchanan, Leader of the Council.

Question 1

“Having consulted with an academic, I have been advised in considerable detail and against a range of criteria, which the consultation failed and the bottom line is that the Council’s consultation was quite blatantly biased.

Can the Leader of the Council please advise why the Council constructed a biased consultation?”

In reply, Councillor Buchanan explained that the Council had discussed many aspects of the consultation and he did not share Councillor Swift’s opinion that it was biased. Furthermore, referring to previous concerns that had been expressed about compliance with data protection requirements during the consultation, notification had been received from the Information Commissioner confirming that the Council had been compliant with all data protection obligations during the consultation exercise. Concluding his remarks, he reiterated that the consultation was not biased.

Councillor Swift then outlined five issues in relation to the consultation. These were noted as the following:-

- (i) The Council created a biased survey;
- (ii) The Council disseminated a biased survey;
- (iii) The Council had personal information from the public;
- (iv) The Council reported the consultation results in a slanted way; and
- (v) The Council used a survey with questionable methodology to highlight which sites should be prioritised.

In view of the foregoing, he asked Councillor Buchanan whether he shared his view that efforts were needed to restore faith in the Council and questioned whether Councillor Buchanan and the Chief Executive were the right people to lead the Council.

In response, Councillor Buchanan stated that he rejected Councillor Swift’s comments in the course of which he emphasised that the Council had excellent staff and the Council was held in high regard. He expressed concern about the comments that Councillor Swift had made and the points he was trying to make simply because he did not like the outcome of the consultation which neither biased nor flawed. He stated that the results of the consultation would be used when a decision required to be made in the future.

The Council noted the position.

Question 2

"I have been waiting now since my request on 31st October for a detailed methodology into the report that recommended Shawwood as 1st choice narrowly nudging Broompark into second place as the preferred site for a new Eastwood Leisure Centre. Some of the findings were at best counter intuitive and at worst appeared ridiculous to me.

Can the Leader of the Council please advise why we would spend hundreds of thousands of pounds on reports from consultants that have in my and others' opinions highly dubious findings and those same consultants will not share their methodology, so we can understand how they arrived at their questionable findings?"

In reply, Councillor Buchanan stated that consultants were used on a number of occasions for a variety of services that the Council provided. However, they did not make decisions. He stated that in relation to the methodology used by Turner and Townsend, a well-known and respected firm, Councillor Swift had been provided with information on this matter.

Councillor Swift stated that he had been given information but not an answer. He stated that there were 5 domains that were evaluated within this and within them there were sub-domains although there were no detailed criteria that explained the values attributed or attached to these sub-domains. He stated that the Council had been given a numerical answer to a subjective question and that there was no decent methodology that could be understood.

He enquired that in view of the foregoing whether Councillor Buchanan had any concerns with the report that had been prepared by Turner and Townsend.

In reply, Councillor Buchanan advised that he had no concerns with the report and that the information would be considered in the future prior to a decision being made.

The Council noted the position.

STATEMENTS BY REPRESENTATIVES ON JOINT BOARDS/COMMITTEES

740. The following statements were made:-

(a) **Councillor Bamforth - Integration Joint Board**

Councillor Bamforth reported on the business considered at the most recent meeting of the Integration Joint Board on 28 November 2018. She advised that the Health and Social Care Partnership (HSCP) was planning for winter together with some local work being carried out to reduce emergency admissions and hospital stays.

Whilst noting that staff at the HSCP had led on some changes across the Greater Glasgow and Clyde area, she advised they were open to learning from other neighbouring HSCPs. Details of the most recent performance management information for this area of work had also been provided.

Furthermore, it was noted that the resource released from changes to NHS Complex Care had afforded the IJB the opportunity to invest in Bonnyton House and an update was provided on the development of a 6-bed rehabilitation and recuperation unit there.

Concluding her remarks, she explained that the Board was also given information about the work being undertaken to develop beds at Bonnyton House to support people at end of life who wanted to return to East Renfrewshire but could not return to their own home.

(b) **Councillor Merrick – Culture and Leisure Trust**

Councillor Merrick began by recommending to the Council the latest Business Plan for the East Renfrewshire Culture and Leisure Trust which was the subject of a separate report later in the meeting. He advised that as part of the business planning this year the Board had attended a Strategy Away Day on 23 October which involved a visit to The Peak, an indoor complex at the heart of the Stirling Sports Village and to the National Swimming Academy's 50 metre pool at the University of Stirling's Sports Centre.

Commenting that The Peak was the biggest single development for sport and leisure in Stirling for over 30 years with an investment of £27.3 million and was funded by Stirling Council and **sportscotland**, he stated that the Board was interested in learning about the pioneering development that was shaped by Stirling Council's ambition and vision for sport and recreation for the community, and by modern design and environmental practice. Furthermore, the Board was also given an understanding how the National Swimming Academy's 50 metre pool could support the demand for recreational public swimming, lessons, club activity and events.

Councillor Merrick provided further details about other activities undertaken by the Board as part of the away day. He indicated that the Business Plan had been discussed at the meeting of the Board on 4 December highlighting that it was wholeheartedly endorsed by the Board.

(c) **Councillor Lafferty – Association of Public Service Excellence – Council Award**

Councillor Lafferty advised that at the Association of Public Service Excellence Performance Networks Awards 2018 held on Thursday, 6 December 2018, the Council had won an award for the most improved Council in terms of performance for Roads, Highways and Winter Maintenance.

The Council noted the statements.

PROVOST'S ENGAGEMENTS

741. The Council considered and noted a report by the Deputy Chief Executive, providing details of civic engagements attended and civic duties performed by Provost Fletcher since the date of the last meeting.

MANAGEMENT RULES – HOUSEHOLD WASTE RECYCLING CENTRES

742. The Council considered a report by the Director of Environment, requesting that by virtue of the powers conferred upon it by Part IX of the Civic Government (Scotland) Act 1982, the Council introduce Management Rules to regulate the use of, and the conduct of persons while using, any East Renfrewshire Council Household Waste Recycling Centre. The report also sought permission to advertise the proposed Management Rules and

thereby to consult with and seek the views of the public in East Renfrewshire in accordance with terms of the legislation and in the absence of objections from the public, to move directly to the introduction of the Management Rules without the need for a further report to Council. A copy of the proposed Management Rules was appended to the report

The report explained that the Management Rules were intended to provide a clear set of rules for users of household waste recycling centres to abide by, it being noted that the centres were important facilities for the Council to reduce the amount of waste that was sent to landfill by encouraging greater separation of waste. Furthermore, the proposed site rules and associated management practices applied to the household waste recycling centres should go a significant way to preventing the abuse of the sites through the deposit of commercial waste or the use of the sites by residents of other local authority areas.

The report explained that the approval of the Management Rules would allow the site to operate in a proper manner that would maximise the opportunities for residents to recycle their waste and assist the Council in maintaining its status as the top performing recycling council in Scotland.

Councillor Swift commented on the rules of admission to the household waste recycling centres and in particular the requirement for residents to produce photographic Identification to gain access. He enquired whether the Council was aware of the number of residents in possession of this type of identification and was concerned about the implications to those who did not have this form of identification.

In reply, the Director of Environment stated that the Council would prefer residents to have photographic identification to gain access to the centres but that other forms of non-photographic identification would be accepted.

Referring to the importance of the Council ensuring the wellbeing of its frontline staff, Councillor Convery suggested that in relation to Clause 6 – Provisions as to Behaviour, sub clause (j) – Offensive Language and Antisocial Behaviour should be strengthened to the effect that violence towards any member of staff will not be tolerated and will be dealt with accordingly.

In reply, the Director of Environment agreed to strengthen the Management Rules accordingly in the course of which the Operations Manager in response to a question by Councillor Macdonald explained that the Council would prefer individuals to exhibit a document confirming proof of residency. Furthermore, by exhibiting this form of documentation it would prevent the misuse of the centres by those who were commercial operators or who were not resident in the area.

The Council:-

- (a) by virtue of the powers conferred on it by the Civic Government (Scotland) Act 1982, agreed that the Council introduce Management Rules for household waste recycling centres as detailed in Appendix A to the reports, subject to the amendments made at the meeting.
- (b) agreed that the proposals to make the rules be advertised in accordance with the provisions of the said Act and, if no objections were received, that delegated powers be granted to the Director of Environment to proceed to make the said rules, subject to the minor amendments proposed being included in the finalised document; and

- (c) noted that if objections were received, a further report containing details of the objections would be submitted which would allow the Council an opportunity to consider the objections and to allow any objector the opportunity to be heard by the Council before authority was given to make the rules.

AMENDMENT TO CONTRACT STANDING ORDERS

743. The Council considered a report by the Chief Officer – Legal and Procurement, seeking approval of a revised version of the Council’s Standing Orders Relating to Contracts. A copy of the revised document was appended to the report.

The report explained that whilst the amendments would provide clarity, work had also been ongoing to provide additional guidance in relation to the reserved contract process, financial assessment model and the variation process. The incorporation of all the changes to the Council’s Standing Orders Relating to Contracts and the issue of associated guidance to staff would help to improve the efficiency of the Council’s contracting processes whilst maintaining appropriate levels of control over contract awards, ensuring compliance from procuring officers and protecting the Council from unnecessary expenditure and risk of challenge.

Referring to the terms of Clause 19 which dealt with contracts for the appointment of consultants, Councillor Swift stated that he would like the threshold within this clause reduced from £50,000 to £10,000 together with explicit reasons given regarding the appointment of consultants.

In reply, the Chief Officer – Legal and Procurement outlined the reasons why the threshold of £50,000 had been proposed highlighting it was to achieve a balance of what was considered the correct threshold when dealing with such matters.

Councillor Swift stated that the report prepared by the consultants in relation to the proposals to build a new leisure facility in the Eastwood area contained insufficient information as to why they arrived at their conclusions regarding the sites chosen. He suggested that it was subjective piece of work and in his opinion, the Council required more information on how it was dealing with consultants. Councillor Macdonald shared Councillor Swift’s comments in the course of which he emphasised that greater scrutiny was required when dealing with such matters.

In reply to the concerns expressed, Councillor Buchanan referred to the additional work that would be required by lowering the threshold to £10,000 highlighting that very few consultants carried out work for less than the threshold being proposed.

Councillor Swift, seconded by Councillor Macdonald moved that:-

- (a) in relation to Clause 19 for Contracts for Appointment of Consultants the threshold be reduced from £50,000 to £10,000; and
- (b) all awards made by the Council should be recorded in a log and contain the following fields all of which should be made available to the public:-
- (i) explicit objective of award;
 - (ii) rationale behind the award;
 - (iii) budget allocated;
 - (iv) actual spend; and
 - (v) details of the company.

Councillor Devlin, seconded by Councillor Ireland moved as an amendment that the Council's revised Standing Orders Relating to Contracts appended to the report be approved with immediate effect.

On a vote being taken, 8 members voted for the motion and 7 voted for the amendment. The motion was accordingly declared carried and it was agreed that:-

- (a) in relation to Clause 19 for Contracts for Appointment of Consultants the threshold be reduced from £50,000 to £10,000; and
- (b) all awards made by the Council should be recorded in a log and contain the following fields all of which should be made available to the public:-
 - (i) explicit objective of award;
 - (ii) rationale behind the award;
 - (iii) budget allocated;
 - (iv) actual spend; and
 - (v) details of the company.

EAST RENFREWSHIRE CULTURE AND LEISURE TRUST - BUSINESS PLAN 2019/20

744. The Council considered a report by the Director of Education, seeking approval of the East Renfrewshire Culture and Leisure Trust (ERCL) 2019/20 Business Plan, subject to the budget being confirmed at the budget meeting of the Council on 28 February 2019. A copy of the plan was appended to the report.

The report provided background details about the establishment of the Trust as an independent charity and indicated that the business planning process was outlined in the Services Agreement between the Trust and the Council that vested the Trust with the assets to deliver culture and leisure services on behalf of the Council. Details of what the business plan identified together with its strategic aims were outlined in the report.

Whilst noting that the fourth East Renfrewshire Culture and Leisure Trust Business Plan gave clear strategic direction that was in accordance with the Council's strategies, the report advised that it was supported by detailed operational plans which delivered the Council's objectives under the Community Plan, Fairer East Ren Plan and Outcome Delivery Plan. Furthermore, it would guide the work of the Trust and its staff to deliver high quality services to the residents and communities of East Renfrewshire.

Councillor Swift enquired what market the Leisure Trust was operating in given that there were various types of leisure facilities offered to consumers in the market place in the course of which he sought clarification how often the leisure trust was open to the public. By way of an example he highlighted that the swimming times offered by the Trust were somewhat limited compared to those offered by the David Lloyd facility which offered its members access to the swimming pool from 6am to 10pm on a daily basis. He also enquired what percentage of the leisure facilities market was the Trust excluding itself from.

The Council, having heard the Chief Executive, East Renfrewshire Culture and Leisure in response, approved the East Renfrewshire Culture and Leisure 2019/20 Plan, subject to the budget being confirmed at the budget meeting on the Council on 28 February 2019.

HEAD OF SERVICE REDESIGNATIONS WITHIN CORPORATE AND COMMUNITY SERVICES DEPARTMENT

745. The Council considered a report by the Deputy Chief Executive, seeking approval for the deletion of a Head of Service post from the establishment and the proposed re-designation of other Head of Service remits within the Corporate and Community Services Department following the retirement of the Head of Democratic and Partnership Services. Copies of the current and proposed management structures and responsibilities for the Corporate and Community Services Department were appended to the report.

The report explained that following the retirement of the Head of Democratic and Partnership Services interim arrangements were put in place to allow a review of management arrangements within the department to take place. Details of the reasons why the post of Head of Democratic and Partnership Services should not be replaced at chief officer level together with information on the re-designation of the remaining Head of Service posts within the department were outlined in the report.

The Council:-

- (a) approved the deletion of the Head of Democratic and Partnership Services post from the establishment and the proposed re-designated remits of existing Heads of Service within the Corporate and Community Services Department as detailed in Appendix 1b to the report; and
- (b) agreed that delegated powers be granted to the Deputy Chief Executive to make the necessary arrangements including any further adjustments that might be required as the department's change programme progressed.

EAST RENFREWSHIRE LOCAL LICENSING FORUM – APPOINTMENT OF FORUM MEMBER

746. The Council considered a report by the Deputy Chief Executive, seeking approval of the appointment of a new member on the East Renfrewshire Local Licensing Forum.

The report explained that notwithstanding the fact that the Council had made appointments to the licensing forum at its meetings on 12 September and 26 October, there still existed a vacancy for a further local resident to serve on the forum.

Whilst noting that an application for forum membership had now been received from Mr Ian McMahon, the report advised that the applicant was a resident of Barrhead; a former licensee in the Renfrewshire area; a former Chair of the Local Licence Trade Association; a Director of the Scottish Licence Trade Association; and the Chair of the inaugural Renfrewshire Licensing Forum.

The Council approved the appointment of Mr Ian McMahon to the East Renfrewshire Local Licensing Forum.

MINUTE
of
AUDIT & SCRUTINY COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 11 January 2019.

Present:

Councillor Stewart Miller (Chair)	Councillor Annette Ireland
Councillor Barbara Grant (Vice Chair)	Councillor Jim McLean
Provost Jim Fletcher	Councillor Jim Swift
Councillor Charlie Gilbert	

Councillor Miller in the Chair

Attending:

Andy Cahill, Director of Environment; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Kofi Tordzro, Corporate Equality Manager; John Wilson, Senior Estates Surveyor; Linda Hutchison, Clerk to the Committee; and Ron Leitch, Committee Services Officer.

Also attending:

Councillors Tony Buchanan (Leader); and Gordon Wallace.

REQUEST TO RECORD PROCEEDINGS

747. Council Miller intimated that a request had been received to audio record the meeting. The request was approved.

DECLARATIONS OF INTEREST

748. There were no declarations of interest intimated.

WOODFARM EDUCATIONAL TRUST

749. Under reference to the Minute of the meeting of the Cabinet of 6 December 2018 (Page 655, Item 719 refers) when it had been agreed to bring forward the date when ownership of the Woodfarm Educational Centre (“the Centre”) reverted to Woodfarm Educational Trust (WET) in exchange for a payment of £20,000 and a standard security to secure the future use of the premises as a multicultural centre and also an uplift in value which would become payable to the Council should there be a future change of use; and delegated powers had been granted to the Director of Environment, in consultation with the

Chief Officer – Legal and Procurement, to make the necessary arrangements, the committee considered a report by the Deputy Chief Executive on the proposals as submitted to the Cabinet. The Cabinet decision to approve the proposals as outlined in the report had been called in for further scrutiny on the grounds that the proposal did not represent Best Value. The alternative proposal specified in the call-in notice was that the existing arrangements be retained. A copy of the report considered by the Cabinet was appended to the report.

The report explained that on 29 October 2009 the Cabinet had agreed to lease the Centre to WET for a period of 20 years on the basis that there would be an option to extend the lease from 20 to 125 years. Subsequently, in 2012 the Cabinet had agreed to extend the lease to 125 years on the basis that it would automatically revert to WET's ownership at the end of the lease in return for which WET had made a payment of £170,000 to the Council. It had been highlighted to the Cabinet that the existence of a lease, as opposed to the Trust having outright ownership of the Centre, was however impacting on WET's ability to raise funds for an extension to the property for which planning permission had been obtained. In view of this the District Valuer had been requested to carry out a valuation report and had considered that the Council's remaining landlord's interest at present, if sold to the tenant with a standard security containing similar multicultural centre use restrictions as applied within the current lease, was £20,000. The Cabinet had approved the proposal to bring forward the date when ownership of the Centre would transfer from the Council to WET, subject to payment of this sum and to securing the Centre's future use as a multicultural centre.

The lead signatory to the call in, Councillor Wallace, spoke against the Cabinet decision, but commented first on inroads made by WET locally and how they got on well with their neighbours. Regarding the call in, he referred to some residents' concerns raised with him in his Ward and the associated importance of communication, transparency and ensuring Best Value was secured.

Whilst providing further background information, Councillor Wallace commented on various Best Value issues, such as the statutory duty that fell to local authorities to secure this; and as referred to Community Empowerment (Scotland) Act 2015 (CES Act) guidance notes pertaining to the disposal of or letting property which highlighted that the impacts of different options, both financial and non-financial, should be balanced. He also commented on some findings on decision-making and community engagement referred to in the East Renfrewshire Council – Best Value Assurance Report (BVAR) published by Audit Scotland in 2017, and recommendations within that report on Elected Members have a more transparent and active role in scrutiny. Councillor Wallace also referred to enhancing engagement with communities and partners, such as associated with implementation of the CES Act.

Against the background of the District Valuer's report of 2018 which, based on no restrictions on use, considered the full potential residential development value of the site under discussion to be £450,000, Councillor Wallace queried if securing payments totalling £190k from WET represented Best Value even taking account of the wider community benefits arising from the operation of the Centre. He emphasised that the facility was currently operating well, adding that any complaints made had been minor, such as about car parking. Councillor Wallace acknowledged that under the current lease ownership of the property would ultimately transfer to WET, adding that some people had not felt the need to be concerned about the potential future use of the building given the lease was not due to end for many years.

Councillor Wallace quoted aspects of the District Valuer's 2018 report pertaining to the transfer of ownership of the property, following which he itemised characteristics of Best Value arrangements referred to in guidance associated with the Local Government Act 2003 he considered might be pertinent to the call in. For example, he referred to sound

governance at a strategic, financial and operational level; and sound management of resources. Having commented further on the CES Act, he highlighted aspects of guidance in Audit Scotland's Best Value Toolkit pertaining to asset management and reiterated the importance of transparency and ensuring that the decision made by the Cabinet about the Centre was not erroneous. In conclusion, he stated he was representing not only residents but also WET which was a good neighbour and did not wish to encounter any unpleasantness.

Councillor Buchanan expressed surprise regarding the call in, referring to discussions on associated reports about the property over a number of years none of which had been questioned to the best of his recollection. He commented that the £450,000 valuation was based on no restrictions on use, that the property served the community and that he supported the Cabinet's decision. Councillor Buchanan highlighted, amongst other things, that WET had grown over time, used the Centre for community benefit and had been a good neighbour, adding that since the initial lease was signed WET had invested considerable funds in the fabric of the property and that accepting the Cabinet proposal would allow it to move on. Having reiterated that WET would have ultimately owned the property in any case and referred the small annual rental income payed to the Council at present, he expressed concern that other aspects were being brought into discussions in the absence of concerns having been expressed previously. He considered the Council to be achieving Best Value, and to have acted consistently with the CES Act, even before it had come into force.

Councillor Grant raised a potential concern regarding the possible future sale of the site by WET to a third party, asking about the protection of the authority's interests in such circumstance in terms of an uplift, including in the event of the site being sold for a nominal amount. Councillor Buchanan, supported by the Director of Environment and the Senior Estates Surveyor, clarified the extent to which protection was provided by the standard security on the future use of the Centre, any change of use or a financial uplift; and referred to Best Value and best consideration issues that would be explored in future as necessary. Councillor Buchanan confirmed he had sought such assurances himself and that it had been ensured that WET fully understood the terms of the standard security.

Having commented that it was unclear why a further £20,000 payment was being requested from WET given improvements the Trust had made to the property already themselves, Provost Fletcher referred to some controversy regarding the original proposal regarding the Hall around 2008 in view of the group involved which he had hoped was for the past, also expressing disappointment that the Cabinet decision had been called in. He considered the action taken by the Council thus far on the property, including regarding the grassum at one stage, to be correct. He expressed the opinion that the action taken had been exemplary, including from a community empowerment perspective, and referred to the protections arranged in the authority's interests through the standard security.

Provost Fletcher also referred to the scale of funds WET had raised and invested in the building thus far to improve it and the further intended investment in it by the Trust, reiterating views expressed by Councillor Buchanan about the Centre being, busy, well-run and meeting growing community needs. He stated that he had not thought that a future Administration would wish to end WET's use of the property, but that he could understand why the Trust was seeking further assurances. Provost Fletcher added that it could be arguable that the Trust was right to be concerned referring to the call in and the political composition of those supporting it, and suggesting that if another type of client group had been involved the same issues might not have arisen.

Councillor Miller expressed disappointment that Provost Fletcher had sought to introduce both religious and political matters into the discussion, emphasising that the call in concerned Best Value only. Councillor Swift also took firm exception to the comments made by Provost Fletcher.

Having heard Councillor Swift query the validity of the argument made by WET that leasing rather than owning the property was impacting on its ability to raise funds for an extension, which Councillor McLean also queried given the extensive length of time remaining on the current lease, Councillor Swift also raised and questioned the disparity between the valuation of the approximately 1.26 acre site by the District Valuer at £450,000 and comments made by a former Environment Department Head of Service to the effect that land for housing development in the Eastwood side of the authority attracted £1m. per acre. He acknowledged that the authority would secure an uplift under the standard security if the site was sold, but only a proportion of this.

In response, the Senior Estates Surveyor referred to land value fluctuations over time, clarifying that each land valuation was done on its own merits taking account of issues such as topography and road frontage. He confirmed that the grassum had related to the extension of the lease, whereas the current proposal allowed WET to control the property, that additional benefit having been valued at £20,000. He commented on a range of related issues, including the current annual rental paid by WET to the authority. Having commented that WET were exemplary tenants and referred to the benefits brought by them to East Renfrewshire and the local community, Councillor Swift referred to benefits to the authority of the current lease.

Councillor Buchanan referred to land values in East Renfrewshire as amongst the highest in Scotland and to the District Valuer taking this into account, following which he commented that the raising of funds was a matter for WET itself to deal with. He added that if the Trust could raise funds under better terms if it had ownership of the property, pursuing that seemed reasonable. Thereafter he reiterated that the standard security addressed concerns regarding the future use of the Centre and financial benefits to the Council arising from any future sale of the site expressing the view again that Best Value had been secured.

Councillor Ireland questioned the rationale for the call in, commenting that clarification on most of the issues raised during discussion had already been provided in the report. Councillor Swift clarified that his primary concern centred on the Council retaining control of the green site concerned and that this could be beneficial to the area also.

The Director of Environment also referred to the protections afforded by the standard security and, whilst commenting further, explained that he had simply responded to a request made by WET to advance the purchase of the property. In response to that he had considered it appropriate to involve the District Valuer to seek a professional valuation given subjectivity that could surround land valuations. He confirmed he had accepted at face value the argument made by WET about their problem raising funds which he thought was linked to Sharia law. Related issues discussed were the extent of the funds WET had already spent on improvements to the Centre and those they intended to spend on an extension and car parking.

Having heard Provost Fletcher reiterate why WET could be concerned regarding the call in, Councillor Wallace emphasised that the basis of the issues he had raised had been concerns raised with him. He expressed disappointment regarding Provost Fletcher's comments and what was being insinuated, arguing in favour of both open discussion and asking questions in the light of comments made about decision making and such issues in the 2017 BVAR. Having added that scrutiny was the responsibility of all Elected Members, not just those serving on the Audit and Scrutiny Committee, he highlighted that he had made

clear the benefits of WET to the local community earlier in the meeting. Councillor Ireland considered this comment rather unfair, expressing the opinion that criticisms in the BVAR had been addressed.

Councillor Miller concurred that the existence of a 125 year lease should not curtail the ability of WET to obtain finance, citing as a comparator the Council's ability to raise funds for developments in Rouken Glen Park in respect of which a long lease was in place. Having commented on the potential for sites to be sold in excess of their valuation, he added that on one hand the Council was struggling to identify sites for extending nursery provision and on the other appearing to sell assets at less than their full market value. During related discussion the Director of Environment commented on funds being sought by WET from banks but also the local Muslim community.

The Corporate Equality Manager summarised the Council's responsibilities under equalities legislation; referred to community engagement, including the importance of being seen to do this; and whilst referring to Best Value commented on partnership working between the Council and WET, welcoming account being taken of financial and non-financial Best Value considerations regarding the issue under discussion. Whilst commenting on risk related matters, he referred to his role representing both the Council and the Trust's interests, how WET was not necessarily engaging with a particular party but rather the Council as a whole, and more generally confusion and unwitting problems that could be created if it appeared that the Council was bringing a party back to the table when a decision made was based on independent advice. He referred to the value of WET, and the need for care to be taken regarding communications.

Speaking more generally, Councillor Grant argued that the current Cabinet model did not necessarily encourage in-depth discussion when reports were considered by the Cabinet or the full airing of views to the extent they had been at this meeting. She indicated that although the Cabinet had not necessarily looked at the issue in the same depth at its meeting compared to the Audit and Scrutiny Committee, she now felt value for money was being achieved and was happy to support the Cabinet decision. Provost Fletcher considered it regrettable that the matter had been called in, supporting the Cabinet decision also.

Councillor Miller welcomed that Councillor Wallace had brought the matter to the committee's attention and thanked officers for the clarification and additional information provided. Councillor Wallace referred to the importance of having courage to have open discussion, expressing the view that what had happened at this meeting was a step forward.

The committee, having considered the report and taken account of the additional information and comments provided, agreed to accept the Cabinet decisions:-

- (a) to bring forward the date when ownership of the Woodfarm Educational Centre reverted to Woodfarm Educational Trust in exchange for the payment of £20,000 and a standard security to secure the future use of the premises as a multicultural centre and to secure an uplift in value which would become payable to the Council should there be a future change of use; and
- (b) that delegated powers be granted to the Director of Environment, in consultation with the Chief Officer – Legal and Procurement to make the necessary arrangements.

CHAIR

MINUTE
of
PLANNING APPLICATIONS COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 16 January 2019.

Present:

Councillor Annette Ireland (Chair)
Councillor Betty Cunningham (Vice Chair)
Councillor Angela Convery
Provost Jim Fletcher

Councillor Jim McLean
Councillor Stewart Miller
Councillor Jim Swift

Councillor Ireland in the Chair

Attending:

Sean McDaid, Principal Planner; and Derek Scott, Planner, Development Management; Colin Hutton, Senior Communications Officer; Eamonn Daly, Democratic Services Manager and Liona Allison, Assistant Committee Services Officer.

DECLARATIONS OF INTEREST

750. There were no declarations of interest intimated.

APPLICATIONS FOR PLANNING PERMISSION

751. The committee considered reports by the Director of Environment, on applications for planning permission requiring consideration by the committee.

The committee agreed that the applications be determined as indicated at Appendix 1 accompanying this Minute, particular reference being made to the following:-

- (i) 2018/0551/TP – Installation of three ground based telecommunications cabinets at site opposite 1-1A Polnoon Street, Eaglesham (in retrospect)

The Principal Planner summarised the assessment of the proposed development and indicated that officers were recommending that the application be approved, subject to the conditions detailed in the report.

Having referred to the decision taken by the committee on 14 February 2018 to refuse permission for 2 cabinets on the same site on the grounds that the proposal was contrary to policies D1 and D11, Councillor McLean informed the committee that he had been in discussions with both Morrisons Utility Services and BT Openreach regarding the location of the cabinets. During those discussions it had been suggested and agreed that the cabinets could

be moved further up the street nearer the bus stop. However he had subsequently been advised that it would not be possible to change the proposed location. He expressed disappointment that the applicant appeared to be disregarding the previous decision the committee had made in respect of cabinets on the site.

Councillor Cunningham supported by other Members expressed concern that this was not the first retrospective application submitted by this company and suggested that they be advised that this was not acceptable practice.

Provost Fletcher having supported the concerns raised by Councillor Cunningham, Councillor Swift sought clarification from the Principal Planner as to what action could be taken to have the cabinets removed as there was no planning permission in place. In reply, the Principal Planner indicated that as the application was of a retrospective nature, the committee could authorise enforcement action to have the cabinets removed if the application was refused. He further clarified in response to Councillor Convery that were the committee to refuse the application and agree to take enforcement action, that action could not specify where the cabinets should be located once removed.

Councillor Ireland stated that although the cabinets were not far from the original site they were in her view more intrusive and so therefore she shared the concerns that had been expressed by the other Members and stated that in her opinion, the proposed development was contrary to Policies D1 and D11 of the adopted East Renfrewshire Local Development Plan and that the application should be refused.

Following further discussion in the course of which the possibility of taking enforcement action in the event the application was refused was again raised, the committee agreed:-

- (a) that the application be refused on the grounds that the development was contrary to Policies D1 and D11 of the adopted East Renfrewshire Local Development Plan as the position and appearance of the cabinets had an adverse visual impact on the Conservation Area with a resultant loss of character and amenity to the surrounding area; and
 - (b) that enforcement action be taken to remove the cabinets.
- (ii) 2018/0619/TP – Erection of nursery school with link corridor to primary school and erection of plant room, bin store and cycle/pram shelter; and extension to car parking area at Eaglesham Primary School, 25 Strathaven Road, Eaglesham

The Principal Planner summarised the assessment of the proposed development and indicated that officers were recommending that the application be approved, subject to the conditions detailed in the report.

Councillor McLean highlighted that there were ongoing issues with the parking at Eaglesham Primary School and raised concerns that the new nursery proposal could potentially cause further disruption. He highlighted that Police Scotland were also investigating the ongoing traffic issues at the school.

In reply, the Principal Planner informed the committee that the number of parking spaces would increase from the current 43 spaces to 91 spaces including 5 disabled spaces.

Councillor Ireland having welcomed the proposed new pedestrian crossing, Councillor Swift praised the Education Department for taking account of concerns raised by the Parent/Teacher Council.

Provost Fletcher having been heard on the need generally for additional nursery provision in the East Renfrewshire area, and Councillor Swift remind the committee that they had to assess any proposals before them in terms of the development plan, the committee agreed that the application be approved, subject to the conditions detailed in the report.

(iii) 2018/0620/TP – Erection of nursery school, plant room and cycle/pram shelter; and extension to car parking area at Busby Primary School, 23 Church Road, Busby

The Principal Planner summarised the assessment of the proposed development and indicated that officers were recommending that the application be approved, subject to the conditions detailed in the report.

Councillor Miller was heard at length on the proposals in the course of which he highlighted that the plan contained within the report did not accurately reflect the land use position as it did not show the multi-use games area (MUGA) that had been installed, the play equipment at the front of the school or the access ramp leading to the extension. He suggested that when these areas were excluded from the total area of open space available the remaining amount of open space per pupil would be below the 9.3sqm as set out in the School Premises Regulations 1967 (as amended).

Having further raised concerns that sportscotland had not been consulted, Councillor Miller referred to the comments in the report about drainage at the site suggesting that this had only become an issue in recent years due to the lack of adequate drainage being maintained. He also challenged the claim that the field was not available for public use giving recent examples of public access. In addition, referring to the reasons given for locating the nursery next to the school he suggested that many of the children attending the nursery would go on to other primary schools in the area and so the location next to the school was not critical. He also challenged the view that the proposal would not have any impact on landscape or nature conservation.

Having acknowledged the need for additional nursery places in the area, Councillor Miller suggested that the Council should be working in collaboration with private providers removing the need for additional facilities such as the one being proposed.

In reply, the Principal Planner highlighted the criteria set out in The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013 and explained that in view of these there was no requirement to consult sportscotland on the proposals.

Provost Fletcher sought clarification of whether approving the proposals if approved would be in breach of any of the Council's planning policies in response to which, making specific reference to whether or not the proposal was contrary to policies on urban greenspace, the Principal Planner explained that the loss of greenspace was conditional on certain criteria being met in Policy D5; that officers had assessed the proposals against these criteria and were satisfied on balance that the proposal complied with the policy. The assessment of the proposal also indicated that the proposal also complied with the other relevant policies.

Councillor McLean having indicated that the need to provide additional provision needed to be balanced against the wishes of local communities, Councillor Swift highlighted that educational outcomes were not only about examination success rates and that access to outdoor space was also important. He noted that the proposed site had been used as a football pitch as recently as 2017, and suggested that the proposal was at least contrary to policy D1 of the local plan.

Both Councillor Miller and Councillor Swift highlighted that there were three other potential sites that could be considered, however, Councillor Ireland reminded them that the committee could only consider the application that was before them.

At this stage, Councillor Ireland, seconded by Councillor Cunningham, moved that the application be approved, subject to the conditions detailed in the report.

Councillor Miller, seconded by Councillor McLean, moved as an amendment that the application be refused on the grounds that it was contrary to Policies D1, D2 and D5 of the local plan.

On a vote being taken, 4 Members voted for the motion and 3 voted for the amendment. The motion was accordingly declared carried and it was agreed that the application be approved, subject to the conditions detailed in the report.

CHAIR

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997**

Index of applications under the above acts decided by the Planning Applications Committee on
16th January 2019.

Reference No: 2018/0551/TP

Ward: 5

Applicant:

Morrison Utility Services
Alexander Bain House
James Watt Street
Glasgow
Scotland
G2 8LA

Agent:

CATSURVEYS LTD
The Stable
Codham Hall Lane
Brentwood
Essex
CM13 3JT

Site: Opposite 1-1A Polnoon Street, Eaglesham, East Renfrewshire

Description: Installation of three ground based telecommunications cabinets (in retrospect)

Decision: Refused

Reference No: 2018/0619/TP

Ward: 5

Applicant:

Director of Education
East Renfrewshire Council
211 Main Street
Barrhead
UK
G78 1SY

Agent:

JM Architects
50 Bell St
Glasgow
United Kingdom
G1 1LQ

Site: Eaglesham Primary School, 25 Strathaven Road, Eaglesham, East Renfrewshire, G76 0LF

Description: Erection of nursery school with link corridor to primary school and erection of plant room, bin store and cycle/pram shelter; extension to car parking area

Decision: Approved subject to conditions

Reference No: 2018/0620/TP

Ward: 4

Applicant:

Director of Education
East Renfrewshire Council
211 Main Street
Barrhead
United Kingdom
G78 1SY

Agent:

JM Architects
50 Bell Street
Glasgow
Scotland
G1 1LQ

Site: Busby Primary School, 23 Church Road, Busby, East Renfrewshire, G76 8EB

Description: Erection of nursery school, plant room and cycle/pram shelter; extension to car parking area

Decision: Approved subject to conditions

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 22 January 2019.

Present:

Councillor Angela Convery (Chair) Councillor Stewart Miller
Councillor Alan Lafferty

Councillor Convery in the Chair

Attending:

Jacqui McCusker, Senior Solicitor; Brian Kilpatrick, Enforcement Officer; and Jennifer Graham, Committee Services Officer.

Also Attending:

Inspector Brian McGeoch, Inspector Shaun Ramsay and Sergeant Scott Brown, Police Scotland.

Apologies:

Councillors Betty Cunningham (Vice-Chair) and Charlie Gilbert.

DECLARATIONS OF INTEREST

752. There were no declarations of interest intimated.

Resolution to Exclude Press and Public

At this point in the meeting, on the motion of the Chair, the committee unanimously resolved that in accordance with the provisions of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the press and public be excluded from the meeting for the undernoted items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 6 and 14 of Part 1 of Schedule 7A to the Act.

Variation in Order of Business

In accordance with the terms of Standing Order 19, Councillor Convery altered the order of business to facilitate the conduct of the meeting.

PRIVATE HIRE CAR OPERATOR'S LICENCE – APPLICATION FOR RENEWAL

753. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Private Hire Car Operator's Licence (Agenda Item 5 refers).

The applicant was present together with his Solicitor Mr McCormack.

Inspector McGeoch, Inspector Ramsay and Sergeant Brown representing the Chief Constable who had made an objection in respect of the application were also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable and its relevance to the type of licence being applied for.

Sergeant Brown was heard in respect of the objection submitted by the Chief Constable and in response to questions from Members.

The applicant and his Solicitor were then heard in respect of the application and in response to questions from Members.

The committee, having taken account of the applicant's previous conviction, its seriousness and relevance to the licence being applied for, and also having taken account of the objection by the Chief Constable, agreed that the application be granted for a period of one year subject to standard conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

754. The committee considered a report by the Chief Officer - Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 4 refers).

The applicant was present.

Inspector McGeoch, Inspector Ramsay and Sergeant Brown representing the Chief Constable who had made an objection in respect of the application were also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable and its relevance to the type of licence being applied for.

Sergeant Brown was heard in respect of the objection submitted by the Chief Constable and in response to questions from Members.

The applicant was then heard in respect of the application and in response to questions from Members.

The committee, having taken account of the objection by the Chief Constable, agreed that the application be granted for a period of one year subject to standard conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

755. The committee considered a report by the Chief Officer - Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 3 refers).

The applicant, having been invited to the meeting, was not present.

Inspector McGeoch, Inspector Ramsay and Sergeant Brown representing the Chief Constable who had made a representation in respect of the application were present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable and its relevance to the type of licence being applied for.

The committee agreed:-

- (a) to deal with the application in the applicant's absence; and
- (b) having taken account of the applicant's previous conviction, its seriousness and relevance to the licence being applied for, and also having taken account of the representation by the Chief Constable, that the application be granted for a period of one year subject to standard conditions.

CHAIR

MINUTE
of
CABINET

Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 24 January 2019.

Present:

Councillor Tony Buchanan (Leader)	Councillor Alan Lafferty
Councillor Caroline Bamforth	Councillor Colm Merrick
Councillor Danny Devlin	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); Phil Daws, Head of Environment (Strategic Services); Robert Spencer, Principal Accountant (Revenue); John Wilson, Senior Estates Surveyor; and Paul O’Neil, Committee Services Officer.

DECLARATIONS OF INTEREST

756. There were no declarations of interest intimated.

ESTIMATED BUDGET OUT-TURN 2018/19

757. The Cabinet considered a report by the Chief Financial Officer, detailing the projected Revenue Budget Out-turn for 2018/19 and providing details of the expected year-end variances for each department, together with summary cost information for each of the undernoted services as at 9 November 2018:-

- (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 9 November 2018, the estimated year-end position showed a net favourable variance on net expenditure of £705,000 based on current information, the report indicated that for General Fund services the projected underspend was £705,000. However, the Council Tax collection position was slightly lower than budgeted with a reduction in income of £250,000 now anticipated, bringing the total forecast underspend on General Fund services to £455,000. It was noted that the projected revenue out-turn variance reflected the increased pressures arising from the latest pay award offers to both local government employees and teaching staff. The report also contained details of a number of service virements and operational adjustments for which approval was sought.

The report concluded by indicating that the Council's projected revenue out-turn position was reported as an operational underspend of £455,000 or 0.2% of the annual budget. However, 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.

Furthermore, in view of the tighter than anticipated 2019-20 provisional grant settlement and the impact on the recent increases in pay offers, all departments were expected to consolidate and maximise underspends wherever possible in the current year in order to help address future budget provision.

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

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

Resolution to Exclude Press and Public

At this point in the meeting, on the motion of the Leader, the Cabinet unanimously resolved that in accordance with the provisions of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 6 and 9 of Part I of Schedule 7A to the Act.

DISPOSAL OF THE FORMER CALDERWOOD LODGE PRIMARY SCHOOL, NEWLANDS, GLASGOW

758. The Cabinet considered a report by the Director of Environment, providing an update on the marketing of the former Calderwood Lodge Primary School, Newlands, and seeking approval to progress the disposal with the highest conditional offer.

The Cabinet agreed that delegated authority be granted to the Director of Environment, in consultation with the Chief Officer – Legal and Procurement, to progress and complete the disposal of the former Calderwood Lodge Primary School site at 28 Calderwood Road, Newlands, to the company referred to in the report for the sum stated for a residential development.

MINUTE
of
AUDIT & SCRUTINY COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 24 January 2019.

Present:

Councillor Stewart Miller (Chair)
Councillor Barbara Grant (Vice Chair)
Provost Jim Fletcher

Councillor Annette Ireland
Councillor Jim Swift

Councillor Miller in the Chair

Attending:

Andy Cahill, Director of Environment; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Michelle Blair, Chief Auditor; Linda Hutchison, Clerk to the Committee; and Ron Leitch, Committee Services Officer.

Also attending:

Elaine Barrowman and David Sim, Audit Scotland.

Apologies:

Councillors Charlie Gilbert and Jim McLean.

REQUEST TO RECORD PROCEEDINGS

759. Council Miller intimated that a request had been received to audio record the meeting. The request was approved.

DECLARATIONS OF INTEREST

760. There were no declarations of interest intimated.

CHAIR'S REPORT

761. The following matter was discussed during the Chair's report:-

Meetings of Committee

Councillor Miller highlighted that, in the interests of the committee working constructively, the introduction of party politics into its meetings was both unwanted

and unacceptable. Whilst referring to access Elected Members had been given to sessions and resources to help them develop their scrutiny skills and carry out this important role effectively, he highlighted that these had focussed on scrutiny as a positive, purposeful and potentially innovative process; and had encouraged Members to adopt constructive, open-challenge and non-adversarial approaches to their scrutiny work in a way that overcame organisational and political boundaries. He emphasised that scrutiny was principally about driving improvement, requesting that politics be left behind in terms of progressing the committee's work.

Councillor Grant confirmed she had been the person who had raised this matter, highlighted that the committee served the Council as a whole, and commented that although its membership had always been cross-party it had not been used as a political platform in the past. She reported that the committee had been regarded highly in the past and as an exemplar at one stage by Audit Scotland, expressing hope that this would be the case in future.

The committee noted the comments made.

LOCAL EXTERNAL AUDIT REPORT ON HOUSING BENEFIT PERFORMANCE AUDIT RISK ASSESSMENT AND NATIONAL EXTERNAL AUDIT REPORT ON HOUSING BENEFIT PERFORMANCE AUDIT ANNUAL UPDATE 2017/18

762. The committee considered a report by the Clerk providing information on the local External Audit report on the *Housing Benefit Performance Audit Risk Assessment* and the national External Audit report on the *Housing Benefit Performance Audit Annual Update 2017/18*. Under the committee's specialisation arrangements the reports had been sent to Councillors McLean and Swift for review. The Head of Communities, Revenues & Change had provided high level comments on the reports and a copy of these comments and a related Action Plan were included as appendices to the report, together with a copy of the local External Audit report.

Regarding the national Housing Benefit (HB) Performance Audit Annual Update 2017/18, it was explained that arising from an audit of 5 councils, which did not include East Renfrewshire, 24 risks to continuous improvement had been identified. Reference was made to the complexity of this area of work, and related developments which had to be planned for and resourced whilst maintaining current service provision. The Audit Scotland report had made reference to the ongoing implications of the national roll-out of Universal Credit (UC); development of the Scottish Social Security Agency; and introduction of new tools to improve processing performance and debt recovery which the Council was making good use of. It was highlighted that local focus in recent years had been on planning for the shift from HB to UC which had resulted in restructuring and consolidating benefits services; delivering savings predicated on a forecasted declining HB caseload; and development of staff based within the small team concerned to build future resilience. More broadly across the Council, the focus had been on planning for the wide-ranging impact of the full UC service rollout, the latest tranche of which had taken place in September 2018 and which had been the subject of updates to the Cabinet in June and December 2018.

Regarding the local Audit of Housing Benefit Risk Assessment Report, the report provided a summary of the Council's current position and key issues it faced with a view to assuring the committee about the ongoing drive to understand and improve performance against a complex background of nationally driven changes to the benefits system and budget and resource constraints.

Reference was made to the action plan prepared to respond to issues identified, and the significant structural changes made within Revenues Services. It had been acknowledged by Audit Scotland that the Council remained proactive and committed, such as in its efforts to improve service delivery and performance and to recover overpayments. It had been acknowledged within the authority that performance had been mixed. Having commented on a range of associated matters, including issues to be addressed which were itemised and related developments and initiatives, the report emphasised the commitment which existed to continuous improvement and high degrees of accuracy moving forward.

Whilst commenting on the local report, related audit work and the main areas to be addressed, Ms Barrowman clarified that 5 new risks had been identified through the 2017/18 risk assessment, whilst 3 remained outstanding from the previous one. She added that, to ensure further continuous improvement, the Council needed to address these risks which included addressing reasons why the cumulative speed of processing performance for new claims fell below the Scottish average; ensuring processing resource was sufficient and the recorded time taken to process change events was reported accurately; addressing why accuracy performance had declined; and improving debt recovery. Having referred to related issues and the action plan, she confirmed that Audit Scotland would continue to monitor the Council's performance against the Department for Work and Pensions (DWP) indicators and other performance measures.

Councillor Swift expressed extreme disappointment regarding the findings, including on the performance on the speed of processing new claims, and the inaccuracy identified regarding the recorded time taken to process change events. He contended that these were serious matters and, in the case of the latter, referred to the possibility of fraudulent reporting. Having suggested that a further report was needed, Councillor Swift also referred to high levels of overpayments and low recovery of these which were amongst other concerns he held.

In response to Councillor Ireland who expressed her unease at the reference made by Councillor Swift to possible fraud and instead supported placing a focus on what was being done to address the shortcomings highlighted, Mr Sim provided further clarification referring to the inaccuracies identified relating to changes of circumstances, casework examined, data recording errors, audit sampling issues and training provided for officers to address errors made. He added that improvements in performance were now being seen. Councillor Miller referred members of the committee to the part of the action plan relating to these issues, following which Ms Barrowman commented that some issues had started to be addressed at the same time as issues were being audited, although the current position now remained to be confirmed.

In support of Councillor Swift, Councillor Grant suggested that it would be useful to seek an update from the Head of Communities, Revenues & Change at the next meeting on the current position regarding implementation of the action plan and training for example in terms of improving performance.

In response to a query from Councillor Miller regarding whether or not Audit Scotland intended to undertake any follow-up work, Mr Sim explained that this would depend on performance, the general tendency being not to do so if it was improving.

In response to Provost Fletcher who referred to efforts he was making not to raise political issues at meetings of the committee but related challenges he faced, such as when allegations of fraud were being made by another Elected Member, more generally Councillor Miller expressed the view that many of the issues raised during the discussion had concerned facts.

Provost Fletcher expressed the view that the unsatisfactory performance was due, in part, to problems relating to the roll-out of UC which had impacted on officers' workload at the same time as the authority was facing financial cutbacks and associated workforce reductions. Having commented that the authority performed well on a lot of issues but acknowledged that HB-related performance had not been a particular strength, he encouraged Elected Members to remember that Council officers were doing a difficult job under circumstances that were not of their own making.

In response to Councillor Ireland who asked if a further update on performance would be provided later in the year, it was clarified that the Head of Communities, Revenues & Change could be asked to attend the next meeting and possibly subsequent meetings if considered necessary.

Councillor Swift referred again to the very poor accuracy rates reported, highlighting that overpayments were greater than underpayments and that, rather than being political, he wanted everything possible done to avoid such problems occurring. He added that he was not blaming anyone, but rather highlighting that tasks were not being performed well. Mr Sim commented on accuracy both post and pre-payment and processes already reviewed by the Council, adding that a lot of the related audit findings had been attributable to a few people not performing as well as they could, and also new employees.

Councillor Ireland, seconded by Councillor Fletcher, moved that an update on progress be sought after the implementation of the Action Plan had been completed.

Having expressed frustration that a formal Motion had been proposed given the nature of the committee, Councillor Grant, seconded by Councillor Swift, moved as an amendment that the Head of Communities, Revenues & Change be asked to attend the next meeting to enable issues raised in relation to the External Audit reports to be raised with her. Councillor Grant added that this would allow a decision to be made then if a further report was needed thereafter in due course.

On a vote being taken, 2 Members voted for the motion and 3 Members voted for the amendment. The amendment was accordingly declared carried and it was agreed:-

- (a) that the Head of Communities, Revenues & Change be asked to attend the next meeting of the committee to enable issues raised in relation to the External Audit reports to be raised with her; and
- (b) otherwise, to note the report and associated comments made.

ACCOMMODATION RELATED CONSULTANCY

763. Under reference to the Minute of the meeting of 22 November 2018 (Page 633, Item 698 refers), when it had been agreed that the Director of Environment be asked to attend a future meeting to enable issues in relation to consultancy reports commissioned and prepared on accommodation issues to be raised with him, specifically in relation to the Leisure Centre but also any other issues regarding such reports raised by members of the committee, Councillor Miller welcomed the Director of Environment to the meeting and invited him to respond to specific issues raised by Members. It was clarified that questions on issues Members had indicated they intended to explore had been issued to him in advance to enable him to prepare.

Prior to questions being posed to him, the Director of Environment made some preliminary comments, referring to the extent to which information on the issue, particularly the Leisure

Centre, was already available such as through Minutes of recent Council meetings and related reports and questions raised. He highlighted that the outcome of the recent public consultation exercise on future leisure provision within the Eastwood area had been debated extensively at the Council meeting in September 2018 when it had been noted that a comprehensive report on the Feasibility and Full Business Case for a leisure and recreational facility and associated issues, to include the possibility of a new-build facility in Eastwood Park, would be submitted to the Council in due course.

Whilst commenting further the Director of Environment also referred to discussions at the subsequent Council meeting on 31 October 2018 on an accommodation strategy to be developed for approval during 2019/20 and a report on future work plans for the development of a leisure centre to serve the Eastwood area. He clarified that it had been noted then that he would undertake the master planning of Eastwood Park, including specifically exploring the feasibility of a new-build leisure centre within the Park based upon the latest information on Council property options for schools and office accommodation; and that he would submit a further report to the Council with an options appraisal for the future provision of leisure facilities in the Eastwood area once this work had been completed.

The Director of Environment also referred to two related questions posed to the Leader of the Council at the meeting of the Council in December 2018, both of which had been responded to. He stated that, with these caveats, he was happy to reply to any questions Members wished to raise, but that he might need to come back to them later regarding some issues depending on what was raised.

Referring to the public consultation on the future provision of leisure facilities in the Eastwood area, Councillor Swift outlined why he considered the extent of the description of Option 4 and the particular way in which it had been presented, compared to other options, to be substantially biased, this point having not been accepted by the Leader of the Council. Amongst other things, he reported that an expert he had spoken to had voiced concerns about the approach adopted. He also expressed the view that a booklet made available to those consulted had been presented in such a way as to persuade respondents to favour Option 4 but had not made it clear that this was the intention. Councillor Swift asked the Director of Environment if he agreed that if a particular outcome was preferred by officers within a consultation, the promotion of that option should be made clear, adding that he did not mind a biased approach provided it was stated that an option was a preferred one.

The Director of Environment stated that none of the options suggested had been preferred including by officers, stressing that his role was to advise the Council and implement decisions it took. Referring to the booklet, he acknowledged that the way the 4 options had been presented varied. He clarified that it had been decided that the best way to present Options 1 and 2 had been to use existing photographs; that as Option 3 concerned refurbishment, using photographs of the nearest example of The Foundry had been considered appropriate; and that because Option 4 offered the largest facility, there were more opportunities attached to that option compared to the others. Whilst commenting further, the Director of Environment explained that the main issue regarding a new-build facility was identifying a suitable site which had been highlighted in the document, acknowledging the existence of opportunity costs issues associated with that option such as linked to travel and using green space.

The Director of Environment also referred to confusion that he felt existed, clarifying that the exercise was not meant to have been about sites, in respect of which he referred to the terms of a report submitted to the Cabinet dated December 2017 on the condition of Eastwood Park Leisure Centre, Eastwood Theatre and Carmichael Hall and which outlined options for further consideration with regard to future leisure provision and the Eastwood

Park campus more generally. He clarified that, in response to a request from Elected Members, reference to sites had been included, but that he had held concerns that this approach would turn the exercise into one about that issue. He also referred to planning related issues that needed to be considered about site options. The Director of Environment stated that he was unable to comment on the views of the expert whom Councillor Swift had referred to as he neither knew the person nor had seen the comments made by them.

Councillor Grant emphasised that her concern was not about the past but for the future, referring to changing parameters such as the fact that a further extension to St Ninian's High School was no longer being considered in favour of a new school being built. She expressed hope that Eastwood Park would be given serious consideration as the location for the Centre, commenting that local people needed a facility in the Park and that the Park was an obvious site now.

The Director of Environment confirmed that part of his remit was to answer questions, but also referred to his role to guide Elected Members in appropriate directions. He acknowledged that parameters about projects could change such as the position on St Ninian's High School in this case, and explained that he had been concerned that an extension to the School, had it been needed in the Park, could have been compromised by a new facility of the type under discussion. He confirmed that he was looking at what could be done in the Park but also potential obstacles, such as if the existing Centre could remain open during the construction of such a new-build facility. Reference was made to related Freedom of Information requests to be responded to and how this resulted in deflecting some resources from the task under discussion.

In response to Councillor Miller, the Director of Environment clarified that the Member/Officer Working Group linked to the Local Development Plan would be convened as soon as possible, referring to related background research underway such as on school pupil projections. He said that the Group would be convened when sufficient information had been gathered and that it was likely that a few meetings would be convened prior to a report being submitted to the Council.

Having referred to the allegation of bias, Provost Fletcher asked about the selection of the consultant used by the Council, commenting that he understood the organisation to have expertise which it deployed in many countries. The Director of Environment referred to the tender issued for the work, related bids for the contract and the need to ensure that the organisation appointed had the required skill base. Whilst commenting on the careful selection of Turner and Townsend, the Director of Environment referred to their experience including on an international basis, clarified that they had been used for work carried out in 2014, and that it had made sense to use them again. Provost Fletcher welcomed the explanation provided and reassurance given, even if some had not liked the outcome of their work. Whilst expressing a personal and political preference for any new facility being in the Park, he highlighted the need to be open minded to the possibility of a better option being suggested. He argued in favour of a solution that was good not only for the Council but also the local community.

Having stressed that he had considered the consultation to be biased, rather than the consultants used, Councillor Swift expressed concern regarding the lack of a scoring mechanism proscribed for sub-domains which would have enabled the analysis provided to be explained, understood and checked rather than a subjective approach having been adopted in his view. Having stated that he would welcome the site of any new facility to be within Eastwood Park, he sought an update on progress on the preparation of the masterplan for the Park, including the current position, which organisations had approached the authority to assist with it, and when the Plan would be ready.

In response, the Director of Environment explained that the exercise required a considerable input in terms of resource, clarified that he was leading this work himself rather than another member of his senior management team, and referred to on-going discussions that were well underway between him and a particular provider through Hub West with a view to a contract being awarded. He acknowledged that Elected Members were seeking the submission of a report to the Council on the outcome of the work as soon as possible, estimating when it might be possible to do so later in the year subject to sufficient progress being made. Referring to local interest in the issue, Provost Fletcher commented that it would be preferable if a report could be submitted as soon as possible, whilst acknowledging the complexity of the matter.

The committee, having heard Councillor Miller thank the Director of Environment for attending, noted the position and clarification provided.

EAST RENFREWSHIRE CULTURE AND LEISURE TRUST AND COUNCIL ACTION PLAN

764. Under reference to the Minute of the meeting of 22 November 2018 (Page 635, Item 699 refers), when it had been agreed that a further update on the joint action plan prepared by the East Renfrewshire Culture and Leisure Trust (ERCLT) to be considered by the Joint ERCLT Board in December 2018 and the outcome of discussions on the plan and related changes made to it at that meeting be submitted to this meeting, the committee considered a report by the Director of Education providing the update requested. A copy of the updated action plan, approved by the Board, was attached as an appendix to the report. The report clarified that regular updates on the implementation of the plan were to be presented to the Board biannually, with the next update scheduled to be submitted to it in June 2019.

The committee agreed to note the report.

CONSULTANCY EXPENDITURE 2013/14 AND 2014/15

765. Under reference to the Minute of the meeting of 22 November 2018 (Page 632, Item 696(ii) refers), when the committee had agreed to progress some work on the extent of departmental expenditure on external consultants and feasibility studies and possibly legal advice, the reasons for such expenditure and which consultants had been used; and that, in the first instance, the Clerk submit a report on the committee's previous work on consultancy costs relating to 2013/14 and 2014/15 which had been completed during the previous Administration to allow further discussion to take place on how to proceed, the committee considered a report by the Clerk on the expenditure incurred covering those two financial years and related issues.

The report reiterated concerns expressed by the Chair at the meeting of the committee held in November 2018, and also at the meeting of the Council held on 31 October 2018 prior to that, regarding the extent to which external consultants were being used by the authority, which the committee had agreed would be useful to investigate further. Whilst commenting on the background to the committee's previous work, the report explained that one aim of that work had been to seek clarification on whether or not the Council was making greater use of consultants than compared to the period of time between April 2009 and March 2013 covered by a national External Audit report on *Scotland's Public Sector Workforce*. The report made reference to how the committee's previous work had been progressed in two stages, the types of information gathered and collated, and how issues relating to legal services costs had been dealt with and discussed further. The conclusions drawn were summarised.

Whilst providing further clarification, the Clerk commented further on the background to the work, the specific issues in which interest had been taken, and the conclusions drawn and relayed to the Chief Executive for her review and interest together with a note of the observations made by the committee on the value of such analysis by departments on an ongoing basis to ensure Best Value was secured. She reminded Members that in December 2018 the Council had agreed to reduce the threshold for allowing the Director of a procuring department to appoint consultants under Clause 19 of the Council's Contract Standing Orders from £50k to £10k, and to approve related logging arrangements. Thereafter the Clerk sought clarification from the committee on how it wished to proceed.

Councillor Grant commented on the challenges of defining consultancy, the use of appropriate account codes for such expenditure, and concerns she had expressed before about experienced staff with expertise leaving the Council, such as through early retirement, which she did not necessarily always consider the most appropriate action. Thereafter, whilst referring to various issues on the use of consultants including the value of assessing such expenditure if it was considered extensive, Provost Fletcher highlighted that, given its size, the Council did not always have sufficient officers in post with the appropriate skills to undertake some projects depending on their complexity, citing the example of work on City Deal projects and referring to the inevitability of requiring consultants in certain circumstances. He suggested that if there were concerns regarding expenditure on consultants, as a minimum the relevant director and convener should discuss this.

During further discussion, Councillor Swift supported reviewing the log referred to previously at the end of the next financial year, adding that it would be interesting to review what fell below the £10k threshold also and the nature of such expenditure.

The committee, having heard Councillor Miller and Councillor Ireland thank the Clerk for the comprehensive report she had prepared, agreed:-

- (a) in the first instance, at the end of the 2019/20 financial year to review the content of the log the Council had recently agreed to establish in relation to the appointment of consultants and related issues; and
- (b) otherwise, to note the report and related comments made.

INTERNAL AUDIT PLAN 2018/19 - IMPLEMENTATION PROGRESS REPORT – OCTOBER – DECEMBER 2018

766. The committee considered a report by the Chief Auditor regarding progress made on the implementation of the 2018/19 Internal Audit Plan from 1 October to 31 December 2018. It was confirmed that during the quarter fifteen audit reports relating to planned 2018/19 audit work had been issued, that all responses received had been satisfactory, and that management responses for two audit reports remained to be received the due date for which had not yet passed. Reference was also made to the quarterly performance indicators (PIs) for the section, and three requests for assistance or queries dealt with using contingency time.

The Chief Auditor commented on the Creditor Payments audit report, through which it had been confirmed that good progress had been made by the Creditors Team which had fully implemented thirty-seven out of forty-one recommendations made in a previous report and was progressing implementation of the remaining four. She referred to debtors' accounts totalling approximately £33k raised to recover erroneous or duplicate payments which remained outstanding. The Chief Auditor also commented on one low risk recommendation contained in an Education follow-up report which had not been accepted by management and which related to a small number of pupils aged between 8 and 12 only.

Whilst commenting on the use made of contingency time, the Chief Auditor confirmed that one request was made by the Environment Department regarding verification of figures submitted within a Climate Change Report prior to its submission to the Scottish Government; and that a further issue which was ongoing related to a contract tendering matter. The third matter concerned a small sum of missing cash and an Apple TV box.

The Chief Auditor confirmed that one of the quarterly PIs had not been met due to delays in receiving feedback on reports from some departments, adding that she might need to review the PI in view of that. In response to Councillor Swift, she clarified that work on the Housing Benefit/Universal Credit audit was ongoing. She also clarified that she hoped, in the near future, to recruit a temporary member of staff to cover a post due to a member of her team having recently been seconded for two years.

The committee, having heard Councillor Miller thank the Chief Auditor for the comprehensive report she had prepared, agreed:-

- (a) not to seek any of the reports issued in the quarter at this stage over and above the follow-up reports already made available to them; and
- (b) otherwise, to note the report and related comments made.

CHAIR

MINUTE
of
CIVIC HOSPITALITY COMMITTEE

Minute of Meeting held at 2.00pm in the Committee Room, Council Headquarters, Giffnock, on 29 January 2019.

Present:

Provost Jim Fletcher (Chair)
Councillor Barbara Grant

Councillor Annette Ireland

Provost Fletcher in the Chair

Attending:

Linda Hutchison, Senior Committee Services Officer; Margaret Pettigrew, Members Services Officer; and Liona Allison, Assistant Committee Services Officer.

Apology:

Deputy Provost Betty Cunningham (Vice Chair); and Councillor Stewart Miller.

DECLARATIONS OF INTEREST

767. Councillor Grant declared a non-financial interest in one of the requests for civic hospitality referred to in item 768 by virtue of her membership of Eastwood Rotary Club.

REQUESTS FOR CIVIC HOSPITALITY – VARIOUS

768. The committee considered a report by the Deputy Chief Executive seeking consideration of a request for the Council to host a civic reception to mark the 40th Anniversary of the opening of Age Concern Eastwood's first day centre and lunch club in Giffnock; and also to consider supporting Eastwood Rotary Club's Charity Quiz Night, the organisation of which is to raise funds for various charity projects for young people.

The committee, following discussion, agreed that the request to host a civic reception to mark the 40th Anniversary of the opening of Age Concern Eastwood's first day centre and lunch club in Giffnock be approved.

Quorum

In view of Councillor Grant having declared an interest in the remaining request from Eastwood Rotary Club and there being only 2 Members remaining at the meeting to consider the matter, in accordance with Standing Order 9, the meeting was declared inquorate and no further business was transacted.

CHAIR

MINUTE
of
EDUCATION COMMITTEE

Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 31 January 2019.

Present:

Councillor Paul O’Kane (Chair)	Councillor Alan Lafferty
Councillor Colm Merrick (Vice Chair)	Dr Frank Angell
Councillor Caroline Bamforth	Ms Dorothy Graham
Councillor Charlie Gilbert	Mr Des Morris

Councillor O’Kane in the Chair

Attending:

Mhairi Shaw, Director of Education; Janice Collins, Head of Education Services (Equality and Equity); Mark Ratter, Head of Education Services (Quality Improvement and Performance); Tracy Morton, Education Senior Manager; and Jennifer Graham, Committee Services Officer.

Apologies:

Councillors Tony Buchanan (Leader) and Danny Devlin.

DECLARATIONS OF INTEREST

769. There were no declarations of interest intimated.

STANDARDS AND QUALITY REPORT 2017/18

770. The committee considered a report by the Director of Education advising of the proposed content of the Education Department’s draft 2017/18 Standards and Quality Report, a copy of which accompanied the report.

Having set out the legislative obligations on local authorities to produce and publish annually a Local Improvement Plan which detailed how schools and services would continuously improve, and based on this prepare a Standards and Quality Report detailing how improvements in provision had been sought and achieved, the report outlined the progress made by the Education Department and its schools and services in taking forward the improvement agenda set out in the Local Improvement Plan 2017-2020.

The report explained that the department had undertaken a self-evaluation exercise which had informed the draft report and helped outline the steps to be included in the Local

Improvement Plan 2019-2022 which was the subject of a separate report to the committee (Item 771 below refers). The draft Standards and Quality Report highlighted the very good and excellent standards and practice achieved by the department, its schools, and services, including details of some of the activities which had been undertaken during the 2017/18 school session and their impact on stakeholders. Following feedback, the format of the report had been designed to provide a concise, visual and high level summary of progress made with the Local Improvement Plan.

It was proposed to issue the report electronically to all parents with children attending East Renfrewshire schools or Early Learning and Childcare centres and it would be available to view online or download from the Council's website. A limited number of published copies would be available in all libraries, education, sports and cultural centres, and Council buildings.

In the course of discussion, it was highlighted that pupils from East Renfrewshire had been involved in an educational programme run by the Space School Education Trust and it was highlighted that maintaining strong links with agencies such as NASA would be beneficial for East Renfrewshire pupils both now and in the future.

Having heard a number of Members commend the Education Department on an excellent report, the committee:-

- (a) approved the 2017/18 Standards and Quality Report; and
- (b) authorised the Director of Education to take the necessary steps to produce and issue copies of the report for stakeholders.

LOCAL IMPROVEMENT PLAN 2019-2022

771. The committee considered a report by the Director of Education seeking approval for the Education Department's Local Improvement Plan 2019-2022.

The report explained that the plan was designed to give an indication of the department's key areas for improvement over the next three years and was updated annually to take account of changing priorities. Areas of improvement were outlined and priorities would be developed through self-evaluation and information gathered through external evaluations and the implementation of the plan.

Having heard the Head of Education Services (Quality Improvement and Performance) advise that the finalised plan would be submitted to the Scottish Government in due course, the committee agreed to approve the Local Improvement Plan 2019-2022.

STANDARD CIRCULAR 8(a) – BULLYING AND ANTI-BULLYING

772. The committee considered a report by the Director of Education seeking approval for the revised policy Standard Circular 8(a) on Bullying and Anti-Bullying. A copy of the Circular was appended to the report.

The report explained that the Scottish Government had published "Respect for All" a refreshed national approach to anti-bullying in November 2017 which aimed to ensure that all sectors were contributing to a holistic approach to anti-bullying. The Education Department had revised their Bullying and Anti-Bullying Policy in light of the updated advice and to take account of current legislation and guidance.

The report referred to the revision of current policies in light of national guidelines, highlighting changes to the terminology used and including sections on how to address or pre-empt bullying behaviour, amongst other things. It was further reported that a package of staff training would be offered following implementation of the revised circular, in collaboration with RespectMe the national anti-bullying organisation.

In response to questions, the Director of Education advised that there were policies in place to allow teaching staff to deal with incidences of bullying which took place outwith school premises, particularly if they affected school life, and schools worked in partnership with parents to offer advice and support.

The committee agreed:-

- (a) to approve the revised policy on Bullying and Anti-Bullying; and
- (b) that the Director of Education should instruct Head Teachers to review their establishment policies in light of this within 3 months of the revised policy being approved.

ALLOCATION OF 1140 HOURS OF EARLY LEARNING AND CHILDCARE

773. Under reference to the Minute of the meeting of 10 May 2018 (Page 388, Item 419 refers), when it was agreed to approve the department's plan to phase the introduction of 1140 hours of early learning and childcare, the committee considered a report by the Director of Education seeking approval of the priority criteria to be used when allocating the roll out of 1140 hours of early learning and childcare places.

The report referred to the process for allocating places to children during their ante pre-school and pre-school years and explained that, in order to ensure that parents of children entering their ante pre-school year in 2019/20 did not need to reapply for their child's pre-school year, there was a need to ensure that the criteria for the allocation of places for the delivery of 1140 hours in 2020/21 was in place by April 2019.

It was proposed that from August 2020, nursery classes would offer core provision, extended day provision and blended provision, with family centres offering stretched provision and blended provision, depending on available resources, and a banding system would be used to allocate places for a child's 1140 hours place for August 2020.

The committee agreed to approve the priority criteria for allocation of 1140 hours of early learning and childcare.

CHAIR

MINUTE
of
CIVIC HOSPITALITY COMMITTEE

Minute of Meeting held at 12 noon in the Council Chamber, Council Headquarters, Giffnock, on 6 February 2019.

Present:

Provost Jim Fletcher (Chair)
Councillor Annette Ireland

Councillor Stewart Miller

Provost Fletcher, in the Chair

Attending:

Linda Hutchison, Senior Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Apology:

Deputy Provost Betty Cunningham (Vice Chair).

DECLARATIONS OF INTEREST

774. There were no declarations of interest intimated.

REQUESTS FOR CIVIC HOSPITALITY - EASTWOOD ROTARY CLUB CHARITY QUIZ

775. Under reference to the Minute of the meeting of 29 January 2019 (Page 705, Item 768 refers), when it had not been possible to consider supporting Eastwood Rotary Club's Charity Quiz Night in view of Councillor Grant having declared an interest in that item and the meeting having become inquorate, the committee considered a report by the Deputy Chief Executive seeking consideration of a request for the Council to support the event, the organisation of which was to raise funds for various charity projects for young people.

The committee, following discussion, agreed that the request to purchase tickets for the Eastwood Rotary Club's Charity Quiz Night be approved.

CHAIR

MINUTE
of
PLANNING APPLICATIONS COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 13 February 2019.

Present:

Councillor Annette Ireland (Chair)
Councillor Betty Cunningham (Vice Chair)
Councillor Angela Convery

Provost Jim Fletcher
Councillor Jim McLean
Councillor Stewart Miller

Councillor Ireland in the Chair

Attending:

Sean McDaid, Principal Planner and Derek Scott, Planner, Development Management; and Paul O'Neil, Committee Services Officer.

Apology:

Councillor Jim Swift.

DECLARATIONS OF INTEREST

776. Councillor Miller stated that as the applicant of application reference number 2018/0252/TP had lodged a complaint about him to the Standards Commission concerning his participation in the applicant's previous application (i.e. Ref No:- 2018/0252/TP) which was considered and refused at the meeting of the committee on 5 December 2018. In view of this, he advised that he would not be taking part in the consideration of the current application.

NOTIFICATION OF PLANNING APPEALS AND APPEAL DECISIONS

777. The committee considered and noted a report by the Director of Environment, advising of the intimation by the Directorate for Planning and Environmental Appeals (DPEA) about the outcome of two appeal decisions both of which were dismissed by the Reporter.

APPLICATIONS FOR PLANNING PERMISSION

778. The committee considered reports by the Director of Environment, on applications for planning permission requiring consideration by the committee.

The committee agreed that the applications be determined as indicated at Appendix 1 accompanying this Minute, particular reference being made to the following:-

- (i) 2018/0643/TP – Erection of 5 detached houses, with associated roads, parking and landscaping following demolition of existing house at 18 Fruin Avenue, Newton Mearns by Mr William Paton

The Principal Planner summarised the assessment of the proposed development and advised that officers were recommending that the application be approved, subject to the:

- (a) conditions detailed in the report and subject to the terms of condition 7 being altered as reported to the committee by the Principal Planner; and
- (b) conclusion of a legal agreement relating to:-
- (i) the payment of a commuted sum to secure the affordable housing provision; and
- (ii) the payment of a development contribution relating to education (pre-five, primary and secondary); community facilities (community halls and libraries and sports); parks and open space; and green network and access.

Location and site plans of the proposed development were exhibited to the committee in the course of which reference was made to the number of trees proposed to be removed as outlined in the report.

Referring to the representations received, and in particular the representation concerning the site being contaminated land, Councillor Cunningham sought further information about this matter.

In response, the Principal Planner stated that the Council's Environmental Health Service had been consulted on the application and had offered no objections, subject to conditions. It was noted that the concerns expressed by Councillor Cunningham would be addressed by the terms of condition 4.

At this stage, the committee agreed that consideration of the application be continued to allow a site visit to take place.

Sederent

Councillor Miller left the meeting at this stage.

- (ii) 2018/0762/TP – Erection of agricultural worker's dwellinghouse at site 180 metres north of Foretrees Farm House, Fereneze Road, Neilston by Mr Gordon Pollock

The Principal Planner summarised the assessment of the proposed development in the course of which he explained that the application under

consideration was the same as the one which was considered and refused by the committee at the meeting on 5 December 2018. Having assessed the proposal, he advised that officers were recommending that the application be approved, subject to the conditions detailed in the report.

Councillor Cunningham stated that she was surprised that the applicant had submitted the current application for consideration as in her opinion she would have thought the applicant would have appealed the decision to refuse his previous application to the Scottish Government Reporter's Unit.

In response, the Principal Planner whilst agreeing with Councillor Cunningham's comments stated that notwithstanding the fact that the applicant had not exercised his right of appeal, the Council was duty bound to accept the application and assess the proposal in accordance with the Council's Local Plan policies.

Whilst expressing concern about the fact that Councillor Miller was not taking part in the consideration of the application due to the applicant having a lodged a complaint about him, Councillor McLean questioned the accuracy of 'Report of Handling' insofar as it indicated that Foretrees Farmhouse was occupied by a full-time employee yet he had evidence that the property was being advertised on the AirBNB website for letting accommodation.

Councillor Cunningham, seconded by Councillor McLean moved that consideration of the application be continued to until such time as the investigation into the complaint made against Councillor Miller had been completed; and to allow a site visit to take place.

Councillor Ireland moved as an amendment that the committee consider the application at the meeting. In the absence of a seconder her amendment fell.

At this stage, having heard Councillor Convery comment that of the 24 representations received 22 of them were from individuals who used the riding stables at West Capellie Farm, the committee agreed that consideration of the application be continued:-

- (a) until such time as the investigation into the complaint made against Councillor Miller has been completed; and
- (b) to allow a site visit to take place.

CHAIR

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997**

Index of applications under the above acts decided by the Planning Applications Committee on
13th February 2019

Reference No: 2017/0213/TP

Ward: 5

Applicant:

Turnberry Investments Ltd
226 West George Street
Glasgow
G2 2PQ

Agent:

Mosaic Architecture and Design
226 West George Street
Glasgow
G2 2PQ

Site: Site adjacent to Mearns Medical Centre, Maple Avenue, Newton Mearns, East Renfrewshire

Description: Erection of 6 flats/apartments with undercroft car parking, formation of vehicular access off Maple Avenue and associated landscaping with amenity space

Decision: Refused

Reference No: 2018/0643/TP

Ward: 2

Applicant:

Mr William Paton
84 Lister Street
Glasgow
United Kingdom
G4 0BY

Agent:

Ark Architecture & Design
14 Royal Terrace
Glasgow
United Kingdom
G3 7NY

Site: 18 Fruin Avenue, Newton Mearns, East Renfrewshire, G77 6HA

Description: Erection of 5 detached houses, with associated roads, parking and landscaping following demolition of existing house.

Decision: Continued

718

Reference No: 2018/0762/TP

Ward: 1

Applicant:

Mr Gordon Pollock
Mossneuk Farm
Gleniffer Braes
By Neilston
Scotland
G78 3AL

Agent:

Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
Scotland
EH12 5EH

Site: Site 180 metres north of Foretrees Farm House, Fereneze Road, Neilston, East Renfrewshire

Description: Erection of agricultural worker's dwellinghouse

Decision: Continued

MINUTE
of
LOCAL REVIEW BODY

Minute of Meeting held at 2.30pm in the Council Chamber, Council Headquarters, Giffnock on 13 February 2019.

Present:

Councillor Annette Ireland (Chair)
Councillor Betty Cunningham (Vice Chair)
Councillor Angela Convery

Councillor Jim McLean
Councillor Stewart Miller

Councillor Ireland in the Chair

Attending:

Julie Nicol, Principal Strategy Officer (Planning Adviser); Siobhan Wilson, Solicitor (Legal Adviser); and Paul O'Neil, Committee Services Officer (Clerk).

Apologies:

Provost Jim Fletcher and Councillor Jim Swift.

DECLARATIONS OF INTEREST

779. There were no declarations of interest intimated.

NOTICE OF REVIEW – REVIEW 2019/01 – FORMATION OF DRIVEWAY INCORPORATING REDUCTION IN GROUND LEVELS AND REDUCTION IN HEIGHT OF BOUNDARY WALL AT 29 EAST KILBRIDE ROAD, BUSBY (REF NO: 2018/0691/TP)

780. The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Mr Paolo Di Mambro against the decision taken by officers to refuse planning permission in respect of the formation of driveway incorporating reduction in ground levels and reduction in height of boundary wall at 29 East Kilbride Road, Busby.

The decision had been made in accordance with the Council's Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended.

In accordance with the decision taken at the meeting on 10 August 2016, the Local Review Body carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

720

The Local Review Body, having considered the information previously circulated, agreed that it had sufficient information to determine the review without further procedure.

Following discussion, it was agreed to continue consideration of the review case to allow the Planning Adviser to seek clarification from the Roads Service that in the event that the Local Review Body was to overturn the decision of the Appointed Officer as set out in the Decision Notice of 9 January 2019 and grant planning permission, whether it would be appropriate to attach a condition to the consent to the effect that egress from the application site would be restricted to a left hand turn only onto East Kilbride Road, Busby.

CHAIR

MINUTE
of
CABINET

Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 14 February 2019.

Present:

Councillor Tony Buchanan (Leader)	Councillor Alan Lafferty
Councillor Caroline Bamforth	Councillor Colm Merrick
Councillor Danny Devlin	Councillor Paul O’Kane

Councillor Buchanan, Leader, in the Chair

Attending:

Lorraine McMillan, Chief Executive; Caroline Innes, Deputy Chief Executive; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Louise Pringle, Head of Communities, Revenues and Change; Brian Dunigan, Money Advice and Rights Team Manager; and Paul O’Neil, Committee Services Officer.

REQUEST TO RECORD PROCEEDINGS

781. The Leader intimated that a request had been received for permission to audio record the meeting. Having given consideration to the request the Cabinet decided that permission be denied.

DECLARATIONS OF INTEREST

782. There were no declarations of interest intimated.

SCOTTISH WELFARE FUND UPDATE

783. The Cabinet considered a report by the Deputy Chief Executive, seeking approval to use resources from the Welfare Reform contingency provision in order to meet a shortfall in Scottish Welfare Fund (SWF) resources for 2018/19, driven by higher than usual levels of customer demand.

The report explained that the SWF comprised of Community Care Grants and Crisis Grants and explained that SWF was part of the Scottish Government’s effort to mitigate some of the impact of welfare reform on the country’s most vulnerable residents.

Whilst noting details about the Council’s monthly spend on each type of grant, the report highlighted the two primary reasons for the increased demand to the SWF, indicated that between April and December 2018, 242 Community Care grants and 366 Crisis Grants were awarded by the Council and stated that SWF spend to the end of 2018 was £240,000.

722

However, the report indicated that based on projections of increased demand to year-end, the expected shortfall for 2018/19 was currently forecast as £41,921. Approval was therefore being sought to draw down up to £50,000 additional funding from welfare contingency resources in 2018/19 in discussion with the Head of Accountancy.

The Cabinet approved allocations up to £50,000 being drawn down from Welfare Reform contingency resources for 2018/19, to cover a projected shortfall in Scottish Welfare Fund funding.

CHAIR

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 19 February 2019.

Present:

Councillor Angela Convery (Chair)	Councillor Alan Lafferty
Councillor Charlie Gilbert	Councillor Stewart Miller

Councillor Convery in the Chair

Attending:

Jacqui McCusker, Senior Solicitor; and Jennifer Graham, Committee Services Officer.

Also Attending:

Chief Inspector John McQuilter; and Sergeant Scott Brown, Police Scotland.

Apology:

Councillor Betty Cunningham (Vice-Chair).

DECLARATIONS OF INTEREST

784. There were no declarations of interest intimated.

Resolution to Exclude Press and Public

At this point in the meeting, on the motion of the Chair, the committee unanimously resolved that in accordance with the provisions of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the press and public be excluded from the meeting for the undernoted items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 6 and 14 of Part 1 of Schedule 7A to the Act.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

785. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 3 refers).

The applicant was present.

Chief Inspector McQuilter and Sergeant Brown representing the Chief Constable who had made a representation in respect of the application were also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the representation by the Chief Constable and its relevance to the type of licence being applied for.

Sergeant Brown was heard in respect of the representation submitted by the Chief Constable and in response to questions from Members.

The applicant was then heard in respect of the application and in response to questions from Members.

The committee, having taken account of the applicant's previous conviction, its seriousness and relevance to the licence being applied for, and also having taken account of the representation by the Chief Constable, agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of such a licence by virtue of his previous conviction.

CHAIR

MINUTE
of
CABINET
(POLICE AND FIRE)

Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock, on 21 February 2019.

Present:

Councillor Colin Merrick (Chair)
Councillor Caroline Bamforth
Councillor Tony Buchanan

Councillor Barbara Grant
Councillor Alan Lafferty
Councillor Stewart Miller

Councillor Merrick, in the Chair

Attending:

Lorraine McMillan, Chief Executive; Caroline Innes, Deputy Chief Executive; Murray Husband, Head of Digital and Community Safety; Claire Reid, Community Safety Manager; and Paul O'Neil, Committee Services Officer.

Also Attending:

Superintendent Craig Smith and Chief Inspector John McQuilter, Police Scotland, Group Manager Colin Martin; and Station Manager David Fothergill, Scottish Fire and Rescue Service.

Apology:

Councillor Paul O'Kane (Vice Chair).

DECLARATIONS OF INTEREST

786. There were no declarations of interest intimated.

POLICE SCOTLAND – PERFORMANCE REPORT FOR THE THIRD QUARTER OF FINANCIAL YEAR 2018/19

787. The Cabinet considered a report by the Divisional Commander, Police Scotland providing details of the performance of the police in East Renfrewshire over the third quarter of the financial year 2018/19. A statistical report giving a breakdown of various categories of crimes and offences committed during the reported period together with comparative statistics for the corresponding period in 2017/18 and against the 5-year average was appended to the report.

Superintendent Smith began by referring to the positive results detailed the report which was a reflection of the good partnership working arrangements that existed in East Renfrewshire. He advised that the report had been amended to reflect more closely the number of victims affected by crimes in the course of which he emphasised that East Renfrewshire had the lowest recorded crime rates in mainland Scotland and remained a safe place to live and work. At this stage, he invited, Chief Inspector McQuilter to provide further details about the information contained in the report.

Chief Inspector McQuilter reported on the performance of the police against the 5 priorities that were contained in the East Renfrewshire Policing Plan 2017-20, details of which were outlined in the report. He highlighted that the number of victims of domestic housebreaking continued to reduce when compared against the 2017/18 figures and the 5-year average. Similarly, there had been a 20% reduction in anti-social behaviour and disorder compared to the figures reported in 2017/18.

Commenting on the figures for violent crime, Chief Inspector McQuilter reported that there were 89 fewer victims of this type of crime compared to 2017/18 and 29 fewer than the 5 year average. However, whilst there had been a slight increase in serious assaults only 4 had been recorded in the reported period. Whilst noting that the number of robberies recorded was down on the figure reported in 2017/18, he advised that every robbery committed in 2018/19 year had been detected together with one from 2017. Furthermore, the number of all domestic crimes had also reduced when compared to the figures reported in 2017/18. It was noted that officers were being given enhanced training in domestic abuse incidents as a means of providing them with more guidance when dealing with victims of this type of behaviour.

Having commented that drug dealing and misuse at a local level resulted from organised crime groups supplying those drugs to smaller dealers within local communities, Chief Inspector McQuilter explained that there had been continued pro-activity in the third quarter of 2018 with seizures of a variety of controlled drugs with several arrests being made. The pro-activity had resulted in a 40% increase in the number of people being detected for the supply of controlled drugs compared to the same period the previous year. Whilst noting the measures being taken to tackle child abuse and child sexual exploitation, he stated that there had been an increase in the reporting of sexual crimes which was partly due to the continued trend of victims having the confidence to come forward and report ongoing and historical incidents. It was further noted that the police had a dedicated team of officers within the division who continued to investigate these incidents which were invariably complex and often protracted in nature.

Concluding his remarks, Chief Inspector McQuilter stated that in terms of road safety and road crime, officers were making ad-hoc visits to schools to address the problem of indiscriminate parking by parents in and around schools. However, he indicated that the police were receiving fewer calls about this problem although officers would continue to be deployed. In response to concerns expressed about speeding in local areas, he reported that the Safety Camera Partnership had carried out a number of checks in East Renfrewshire with one check resulting in 12 drivers being reported for speeding in a single day.

There followed a short question and answer session in the course of which Superintendent Smith and Chief Inspector McQuilter responded to a number of questions and provided clarification on a range of operational issues within East Renfrewshire. In particular, clarification was provided in relation to how the police dealt with complaints about children being threatened online where the victim and their family did not want to pursue matters

further. The importance of reporting suspicious activity to the police by the general public was also emphasised.

The Cabinet noted the terms of the report.

SCOTTISH FIRE AND RESCUE SERVICE – PERFORMANCE REPORT FOR THIRD QUARTER OF 2018/19

788. The Cabinet considered a report by the Local Senior Officer, Scottish Fire and Rescue Service (SFRS), providing details of the performance of the SFRS in East Renfrewshire during the third quarter of 2018/19. An analysis of the incidents in each of the Council's five wards during the reported period was appended to the report.

Group Manager Martin reported on the good performance of the service over the reported period which was down to the hard work of staff within the service and the good partnership arrangements in East Renfrewshire. He referred to the restructuring of the local command team advising that it had been further strengthened by the appointment of Stephen Smith, a Community Firefighter who would act as a local officer. He also recorded his thanks to the partner agencies that had participated in the recent emergency training exercise. At this stage, he invited Station Manager Fothergill to comment further on the terms of the performance report.

Station Manager Fothergill provided a summary of the six areas for demand reduction and current activity that had been undertaken by SFRS over the reported period which were broken down into the five electoral wards. The priority areas were noted as Accidental Dwelling Fires; Accidental Dwelling Fire Casualties; Unintentional Injury and Harm; Deliberate Fire Setting; Non-Domestic Fire Safety; and Unwanted Fire Alarm Signals. Details of the total number of incidents for each of the priority areas and a comparison against both the previous year's performance and a 3 year average were also outlined in the report. He referred to the activity summary detailed within the report which provided a snapshot of the activity over the reported period compared to the same period the previous year. In particular, he highlighted the economic cost of Unwanted Fire Alarm Signals which was noted as £141,840.

Whilst noting that accidental dwelling fires showed a significant decrease in terms of 'year on year' average and a slight increase in the '3 year average', Station Manager Fothergill reported that the majority of accidental dwelling fires attended by SFRS was through the Telecare linked alarm system provided in partnership with the SFRS. It was noted that the main source of ignition of fires was cooking appliances. He also reported that 454 Home Fire Safety Visits had been carried out of which 130 were deemed to be high risk. Details of the accidental dwelling fire casualties were outlined in the report it being noted that there were only 2 incidents during the reported period and the injuries sustained were slight.

Station Manager Fothergill reported that there had been an increase in both 'year on year' and 3 year' averages for Non-Fire Casualties, which were predominately led by Road Traffic Collisions (RTC). However, the RTC casualties were mostly minor and only one casualty had to attend hospital with serious head and spinal injuries. He also reported that despite the bonfire season taking place during the reported period there had been a reduction deliberate fire setting in both the 'year on year' and '3 year average' figures. Furthermore, whilst there had been a reduction in the number of deliberate fires recorded over the reported period in the Barhhead, Liboside and Uplawmoor ward, there had been an increase in other wards. This issue had been discussed at the meetings of the Greater Results in Partnership (GRIP) and talks had been given to school pupils.

728

Concluding his remarks, Station Manager Fothergill reported that in terms of Non-Domestic Fire Safety there was a positive downward trend in the performance statistics. Similarly, there had been a decrease in Unwanted Fire Alarm Signals (UFAS) compared to the corresponding period in 2017/18 with a spread across all wards. It was noted that UFAS accounted for 29% of all operational activity and therefore a reduction in this area was a priority.

There followed a short question and answer session in the course of which Group Manager Martin and Station Manager Fothergill provided clarification on a range of operational issues within East Renfrewshire.

The Cabinet noted the position.

CHAIR

MINUTE
of
AUDIT & SCRUTINY COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 21 February 2019.

Present:

Councillor Stewart Miller (Chair)
Councillor Barbara Grant (Vice Chair)
Provost Jim Fletcher

Councillor Charlie Gilbert
Councillor Jim Swift

Councillor Miller in the Chair

Attending:

Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Louise Pringle, Head of Communities, Revenues and Change; Barbara Clark, Chief Accountant; Alison Ballingall, Senior Revenues Manager; Michelle Blair, Chief Auditor; Linda Hutchison, Clerk to the Committee; and Ron Leitch, Committee Services Officer.

Apology:

Councillor Annette Ireland.

REQUEST TO RECORD PROCEEDINGS

789. Council Miller intimated that a request had been received to audio record the meeting. The request was approved.

DECLARATIONS OF INTEREST

790. There were no declarations of interest intimated.

CHAIR'S REPORT

791. The Chair reported, and it was noted, that there were no issues which he wished to bring to the committee's attention at this time.

TREASURY MANAGEMENT STRATEGY REPORT FOR 2019/20

792. Under reference to the Minute of the meeting of 22 November 2018 (Page 632, Item 697 refers) when, having considered a report on treasury management activities for the first

six months of 2018/19, it had been agreed to recommend to the Council approval of organisations for the investment of surplus funds and the continuing use of Money Market Funds in light of new Regulations coming into effect from early 2019, the committee considered a report by the Head of Accountancy (Chief Financial Officer) explaining that, in line with the revised Chartered Institute of Public Finance and Accountancy (CIPFA) Treasury Management Code of Practice 2011, the Audit and Scrutiny Committee were responsible for ensuring effective scrutiny of the Council's treasury management strategy and policies.

In accordance with that requirement, a copy of the Treasury Management Strategy Report for 2019/20 was attached for consideration in advance of its submission to the Council. The Strategy Report included a proposal to amend treasury management practices in accordance with Annex F accompanying the report which listed organisations approved for the investment of surplus funds in respect of which information was provided on related issues such as credit ratings and limits. It was also proposed that a policy on the repayment of loans fund advances, as specified in Section 3.4 of the report, be approved.

Whilst commenting on the overall purpose and content of the report, the Chief Accountant referred to economic background information within it, explained that the same operational approach as before was being followed, and clarified that the report set out the parameters within which the treasury function operated, making reference to mid-year and annual reports to be submitted to the committee. Whilst itemising key sections of the Strategy, she clarified that the Council could only borrow to fund capital expenditure, and that the Prudential Indicators had been established to ensure funding of capital expenditure was affordable and sustainable.

Having drawn attention to Section 3.4 of the report on the Council's policy for the statutory repayment of debt which required to be approved before the start of the next financial year, the Chief Accountant highlighted that Council policy was to repay advances using an annuity method in keeping with previous years. However, she explained that the Scottish Government was currently reviewing legislation with a view to allowing greater flexibility when calculating loan fund repayments, confirming that this would be considered in the coming year and that any planned changes to the repayments schedule would be reported.

The Chief Accountant also referred to the use of reserves to fund capital expenditure which was considered prudent, advantage taken of historically low interest rates available at present, the gradual rise in interest rates anticipated over the next 3 years, and a list provided of the limits for treasury activity which was consistent with previous years. Having clarified that it remained the case that the primary objectives of the investment strategy were security and liquidity, she referred to information provided on the types of investment the Council could use and their associated risk; the importance of investing with bodies with good credit ratings, and related monitoring arrangements.

The Chief Accountant confirmed that she would be happy to arrange further treasury management training for Elected Members if that would be considered useful, requests for which could be made through the Clerk.

The committee, having heard Councillor Swift express the view that the Council's appetite for debt continued to increase at the same time as revenue funding pressures increased and resources were less available, agreed:-

- (a) **to recommend to the Council** that the Treasury Management Strategy for 2019/20 be approved, including the amended list of organisations for investment of surplus funds in accordance with Annex F to the report;

- (b) **to recommend to the Council** that the policy on the repayment of loans fund advances as specified in Section 3.4 of the report be approved;
- (c) to note that requests from Elected Members for further training on treasury management issues could be made and submitted to the Chief Accountant through the Clerk; and
- (d) otherwise, to note the report and related comments made.

LOCAL EXTERNAL AUDIT REPORT ON HOUSING BENEFIT PERFORMANCE AUDIT RISK ASSESSMENT AND NATIONAL EXTERNAL AUDIT REPORT ON HOUSING BENEFIT PERFORMANCE AUDIT ANNUAL UPDATE 2017/18

793. Under reference to the Minute of the meeting of 24 January 2019 (Page 696, Item 762 refers), when it had been agreed that the Head of Communities, Revenues and Change should attend the next meeting of the committee to enable issues raised in relation to the local External Audit report on the *Housing Benefit Performance Audit Risk Assessment* and the national External Audit report on the *Housing Benefit Performance Audit Annual Update 2017/18* to be raised with her, the committee considered a report by the Clerk providing information on the reports. Under the committee's specialisation arrangements the reports had been sent to Councillors McLean and Swift for review. The Head of Communities, Revenues and Change had provided high level comments on the reports and a copy of these comments and a related Action Plan were included as appendices to the report, together with a copy of the local External Audit report.

Regarding the national Housing Benefit (HB) Performance Audit Annual Update 2017/18, it was explained that arising from an audit of 5 councils, which did not include East Renfrewshire, 24 risks to continuous improvement had been identified. Reference was made to the complexity of this area of work, and related developments which had to be planned for and resourced whilst maintaining current service provision. The Audit Scotland report had made reference to the ongoing implications of the national roll-out of Universal Credit (UC); development of the Scottish Social Security Agency (SSSA); and introduction of new tools to improve processing performance and debt recovery which the Council was making good use of. It was highlighted that local focus in recent years had been on planning for the shift from HB to UC which had resulted in restructuring and consolidating benefits services; delivering savings predicated on a forecasted declining HB caseload; and development of staff based within the small team concerned to build future resilience. More broadly across the Council, the focus had been on planning for the wide-ranging impact of the full UC service rollout, the latest tranche of which had taken place in September 2018 and which had been the subject of updates to the Cabinet in June and December 2018.

Regarding the local Audit of Housing Benefit Risk Assessment Report, the report provided a summary of the Council's current position and key issues it faced with a view to assuring the committee about the ongoing drive to understand and improve performance against a complex background of nationally driven changes to the benefits system and budget and resource constraints.

Reference was made to the Action Plan prepared to respond to issues identified, and significant structural changes made within Revenues Services. It had been acknowledged by Audit Scotland that the Council remained proactive and committed, such as in its efforts to improve service delivery and performance and to recover overpayments. It had been acknowledged within the authority that performance had been mixed. Having commented

on a range of associated matters, including issues to be addressed which were itemised and related developments and initiatives, the report emphasised the commitment which existed to continuous improvement and high degrees of accuracy moving forward.

Prior to questions being posed which Members had indicated they intended to explore and which had been issued to the Head of Communities, Revenues and Change in advance to enable her to prepare, she made some preliminary comments. She highlighted that benefits work was a complex and frequently changing area, referring to national delays in implementing UC which had meant that HB caseloads had required to be maintained by the authority far longer than predicted. She added that annual reductions in the funding provided to the Council by the Department for Work and Pensions (DWP) to run the HB service coupled with wider pressures on local authority budgets had made it necessary to look closely at staffing in recent years. This was to consolidate the authority's benefits services and multiskill staff to build resilience whilst contributing to cost savings at the same time.

The Head of Communities, Revenues and Change clarified that East Renfrewshire had an annual HB caseload of about 3600, the 5th smallest in Scotland; that the small team concerned covered HB, Council Tax Reduction (CTR), the Scottish Welfare Fund (SWF) and Discretionary Housing Payments (DHPs); and that there were 4 main processors dealing with HB and CTR and some more senior staff to deal with more complex cases. She highlighted that in that small team sickness absence and performance issues could make a significant impact on overall performance, referring to 3 long-term sick absences which had been resolved. She also explained that it had been necessary to find alternative ways to deliver planned savings to enable 2 benefit processors to continue dealing with the ongoing HB caseload, the Audit Scotland report having noted the effective use of temporary staff when required. Reference was also made to initiatives progressed to better understand and improve benefits processing, this proactive approach having been acknowledged by Audit Scotland.

The Head of Communities, Revenues and Change acknowledged that there were areas where performance needed to improve, particularly around processing times for new claims, performance on changes of circumstances having tended to be better. She explained how a focus on eliminating errors and improving accuracy had impacted on the accuracy indicator. Having clarified that HB had to be administered in accordance with DWP rules, she referred to an Internal Audit report on HB, which was a draft, she had just seen which concluded that claims were being processed in accordance with policy and reflected that previous recommendations had been implemented.

The Head of Communities, Revenues and Change then commented on long-standing performance management issues that had been successfully addressed, resulting in accuracy increasing to 87.3% by the end of December 2018 compared to 82% the previous year. Having specified the weekly frequency of random audits of work of each staff member and that 100% of the work of new staff was also checked, regarding compliance she referred to the approach being adopted within the benefits team to provide assurance on key financial processes, commenting on the greater emphasis to be placed on using data to measure and drive improvement.

She highlighted that overpayments arising from local authority errors were at their lowest level since she took over responsibility for the service, and that over the same period HB overpayment recovery rates had risen from 51% to 82% which was the highest ever level, welcoming both as they affected DWP subsidy. She added that the benefits team worked closely with the Money Advice and Rights Team and Citizens Advice Bureau; and that immediate action was taken if there was any suggestion that local residents were being

unduly affected by processes, encouraging Elected Members to alert her or the Senior Revenues Manager to any issues of this type they became aware of. It was reported that there were no known evictions as a result of any delays in processing HB.

Prior to concluding her remarks during which she reiterated the position on various issues, she introduced the Senior Revenues Manager who was a Chartered Accountant and had joined the Council in summer 2018 following the retirement of other key staff. She confirmed they were working closely together to deliver the Action Plan referred to in the report and were both also committed to continuous improvement.

Responding to Councillor Grant who sought confirmation regarding the reduction in DWP funding, the Head of Communities, Revenues and Change, supported by the Head of Accountancy, explained that recurring core funds paid by the DWP to the Council to administer HB had been reducing annually in anticipation of HB claimant numbers falling and UC increasing. They explained that other new, smaller and often non-predictable funding streams sometimes become available from the DWP but that they were less easy to plan for, such as because they were not necessarily known of long in advance and could cease.

Having welcomed the improvements reported, Provost Fletcher expressed frustration at the lack of sufficient funds allocated centrally to the Council to cope with the service which was not peculiar to East Renfrewshire, commented on the unenviable tasks officers were having to cope with, and welcomed that the new UK Government Minister with responsibility for the benefits service had made some acknowledgement of related problems.

Whilst responding to issues raised by him, the Head of Communities, Revenues and Change reiterated that UC should have been implemented by 2017 on which basis staffing had been profiled originally rather than 2022 as predicted now, referred to 3 year budgeting which had required the size of the team to be considered, and commented on the wish to protect jobs and retrain staff who would continue to deal with other benefits workload in future. On a related issue, she also referred to various Scottish Government policies designed to mitigate the effects of welfare reform such as Discretionary Housing Payments and Scottish Welfare Fund grants, commenting that these also had to be administered by local authorities for which some funds had been received.

The Head of Communities, Revenues and Change also referred to the complexity of the benefits environment, and the establishment and role of the SSSA and related issues, commenting that some experienced staff could be lost to that new Agency. Having clarified that she was not seeking additional funds for the service at this point, she reported on the use of benchmarking to help inform processes locally, the use of data to drive improvements, and the aim of identifying end-to-end process efficiencies. She added that a focus was to be placed on new claims and related processes.

In response to Councillor Swift, she confirmed that DWP funding for the service had reduced over time from £337k in 2013/14 to £190k in 2017/18 and £175k for 2018/19. Having confirmed that benefits processing was partly automated, she reported that the Council was tendering for a new Council Tax and Benefits IT System which would deliver further automation and performance improvements. Councillor Swift expressed the view that, theoretically, there was quite a bit of financial resource per claimant.

Councillor Swift suggested that superficial similarities appeared to exist between the current situation in the benefits team and the problems encountered by the creditors' team in the recent past, such as regarding the use of temporary staff and absence, asking what lessons could be learned and applied from that. The Head of Communities, Revenues and Change clarified why she did not draw such parallels between the positions in both services. Having

explained that within the creditors' team, twice daily meetings were convened to discuss various issues such as the volume of invoices received and to allocate tasks accordingly, she confirmed that there was a wish to implement such an approach in the benefits team. Whilst referring to the way forward, she referred to lessons that could be learned from the improved production line approach and better use of data to understand and drive improvement.

Regarding performance which he described as mixed and having welcomed the improvements that had been made, Councillor Swift commented that he held serious concerns regarding the accuracy of payments. More specifically, he referred to the identification and recovery of overpayments of HB and the financial hardship this could cause to recipients in the short and longer term. He also raised concerns and sought assurances regarding the time taken to process changes of events and the accuracy of related performance reporting which had been commented on in audit reports.

The Head of Communities, Revenues and Change referred to the commitment that existed to improving accuracy, and sampling that was being implemented to support officers and manage related issues better. She confirmed that overpayments as a result of local authority error, at a level of 0.16% which was good, were at their lowest level since she had assumed responsibility for the service, and that recovery rates on overpayments were at their highest as reported earlier in the meeting. She also referred to the use to be made of data to sustain this and learn further.

Whilst confirming why there had been a dip in the performance indicator, the Head of Communities, Revenues and Change commented on why some related sampling for this she had done had been negatively biased due to a focus having been placed on sampling the work of those who were making more errors. She also referred to extra resources being deployed to sample and check the work of the team, and priority being given to ensuring performance information was accurate which would be checked by internal and external audit. The Chief Auditor confirmed that samples used by internal audit were random ones.

Also in response to Councillor Swift, the Head of Communities, Revenues and Change emphasised the wish to avoid overpayments and improve recovery of those made, referring to related work that would be progressed on this. She also commented on work to be progressed on new claims to deliver improvements, good use made of national datasets made available to the local authority to help check if HB was paid at the correct rate, and that she would consider the use of intervention work in future.

The committee, having heard Councillor Miller thank the Head of Communities, Revenues and Change for her input and clarification on a number of issues, agreed to note the report and the related comments made.

NATIONAL EXTERNAL AUDIT REPORT ON WITHDRAWAL FROM THE EUROPEAN UNION

794. The committee considered a report by the Clerk on the publication by Audit Scotland of a report entitled *Withdrawal from the European Union - Key Audit Issues for the Public Sector* which under the committee's specialisation arrangements had been sent to Councillors Miller and Grant for review. The Chief Executive had been asked to provide comments and a copy of her feedback was attached to the report.

The report explained that the United Kingdom (UK) would leave the European Union (EU) on 29 March 2019 and that in the event of a "no deal" Brexit there would not be a transition

period until the end of 2020. Audit Scotland had advised that the withdrawal coincided with the significant expansion of the Scottish Parliament's powers, rising demand for public services and continuing pressure on public sector budgets; and presented its view of key issues that withdrawal presented to public bodies as at October 2018 which in turn raised key questions that councils should be considering in the run-up to 29 March 2019. It also set out its plans to reflect withdrawal from the EU in Audit Scotland audit work. The key questions for public bodies were grouped around three themes of people, finance, and rules and regulations. The report provided information on the Council's response to each of these.

It was explained that withdrawal from the EU was likely to result in changes to the rights of non-UK EU nationals who live, work and study and access services across East Renfrewshire. The report demonstrated how the Council planned to communicate on these issues, provide support and respond to the implications that may affect local work forces when the UK leaves the EU. Regarding Finance, Audit Scotland had commented that little clarity existed about what would happen to funding streams dedicated to specific activities or geographic areas in the longer term, and referred to related financial risks to local authorities. Having specified the level and type of EU funding secured by the Council at present and commented on related issues, the report explained what was being done by the Council and the Corporate Management Team in terms of long-term financial planning and to factor in any potential implications of Brexit.

Regarding EU rules and regulations which affected all public bodies, it was explained that the most significant were trade and custom rules, with reference made to potential implications if the UK Government and the EU did not agree trade arrangements before the end of March. Reference was also made to EU regulations and legislation directly relevant to the Council on trading standards and environmental health and related issues.

It was clarified that the Council and its Partners were continuing to plan for the possibility of the UK Government and EU failing to reach an agreement on arrangements for the UK's exit from the EU, and that the East Renfrewshire Crisis Management and Resilience Team would lead on critical areas of work and consider all possible scenarios to mitigate risks to the Council and its services. It was reported that the Chief Executive and Chair of that Team had attended the West of Scotland Resilience Workshop in early February 2019 and would continue to monitor the situation in line with UK and Scottish Government guidance.

The committee agreed to note:-

- (a) the key issues raised in the Audit Scotland report;
- (b) the Council's responses to the key questions for public bodies raised in the report based around Audit Scotland's themes of people; finance; and rules and regulations;
- (c) Audit Scotland's audit plans over the short and long term; and
- (d) the Council's preparedness for Brexit.

