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MINUTE
of
AUDIT & SCRUTINY COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 20 June 2019.

Present:

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

Councillor Charlie Gilbert
Councillor Annette Ireland

Councillor Miller in the Chair

Attending:

Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Michelle Blair, Chief Auditor; Andrew Corry, Head of Operations; Barbara Clark, Chief Accountant; John Buchanan, Operations Manager; Stephen Fraser, Corporate Policy Assistant; Linda Hutchison, Clerk to the Committee; Charlie Leleux, Scrutiny and Evaluation Officer; and Jennifer Graham, Committee Services Officer.

Also Attending:

John Cornett and Morven Fraser, Audit Scotland.

Apology:

Councillor Jim Swift.

DECLARATIONS OF INTEREST

912. There were no declarations of interest intimated.

CHAIR'S REPORT

913. The Chair reported that, following on from discussions at the committee in March on the External Audit Plan and in line with suggested good practice, he had met with Elaine Barrowman and Morven Fraser of External Audit on 20 May. He clarified that this was not to discuss any particular issues but rather, as in 2018, it had provided a useful opportunity for both the external auditors and him to discuss various issues regarding external audit work and that of the committee on a less formal basis than would be the case at one of the committee's formal meetings.

The committee noted the position.

CODE OF CORPORATE GOVERNANCE

914. Under reference to the Minute of the meeting of 21 June 2018 (Page 453, Item 482 refers), when the Code of Corporate Governance updates and actions for 2018/19 had been approved, the committee considered a report by the Deputy Chief Executive on progress against improvement actions since then and seeking approval of a revised code for 2019/20.

The report reiterated the Council's responsibilities for the conduct of its business, defined what the Code of Corporate Governance was, and explained that the proposed updates took account of guidance from the Chartered Institute of Public Finance and Accountancy (CIPFA) and Society of Local Authority Chief Executives (SOLACE). The report referred to key requirements with which the Council had to comply and summarised progress on 2018/19 actions, highlighting that five of the six improvement activities listed in the 2018/19 Code had been completed. It was clarified that work on the new Anti-Fraud, Bribery and Theft Strategy had been completed in line with the CIPFA "Code of Practice on Managing the Risk of Fraud and Corruption" and that an annual report on fraud would be submitted for approval in 2020 to ensure full compliance.

The updated Code of Corporate Governance for 2019/20, setting out arrangements which fulfilled the seven governance principles outlined in national guidance, was included as an appendix to the report. Self-assessment against nationally prescribed criteria had found the Council to be fully compliant across all principles. This was with the exception of being partially compliant under the principle of behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law, specifically the sub-principle of ensuring corruption and misuse of power are dealt with effectively; and also the principle of managing risks and performance through robust internal control and strong financial management, specifically the sub-principle on ensuring effective counter-fraud and anti-corruption arrangements. Regarding these, work on the new Anti-Fraud, Bribery and Theft Strategy was underway to ensure full compliance by mid-2020.

Having itemised actions to be taken in 2019/20 to further improve compliance with the Code and commented on the Annual Governance Statement to be published in the 2018/19 Annual Report and Accounts, the report concluded that the Council was governed by sound and effective internal management controls and continued to demonstrate compliance with the requirements of the CIPFA/SOLACE framework *Delivering Good Governance in Local Government*. Progress on planned actions for 2018/19 had been posted on the Council's website, as would the 2019/20 Code, subject to it being approved by the committee.

The Corporate Policy Assistant highlighted key issues within the report during which he commented on requirements with which the Council had to comply, the extent of the compliance against nationally prescribed criteria, and the actions to be taken to further improve compliance with the Code in 2019/20. The Head of Accountancy added that the new Anti-Fraud, Bribery and Theft Strategy referred to in the report had just been considered by the Corporate Management Team which evidenced that work on this was progressing.

The committee:-

- (a) noted progress on the 2018/19 Code of Corporate Governance improvement actions; and
- (b) approved the Code of Corporate Governance updates and actions for 2019/20.

UNAUDITED ANNUAL ACCOUNTS 2018/19

915. Under reference to the Minute of the meeting of 14 March 2019 (Page 782, Item 834 refers), when the 2018/19 Annual Audit Plan and timetable for the publication of related documents had been noted, the committee considered a report by the Head of Accountancy (Chief Financial Officer) on the unaudited Annual Accounts for 2018/19 which had been submitted for audit to Audit Scotland and which were attached for consideration in line with the Local Authority Accounts (Scotland) Regulations 2014.

It was reported that the financial position of the Council remained satisfactory. As the Council had operated comfortably within budget, there had been no need to draw down £1,355k from reserves as planned. It was clarified that transfers totalling £2,734k had been made from the General Fund balance to the Non-Earmarked Reserve, Modernisation Fund, Equalisation Reserve, Feasibility Fund, Capital Reserve, and Repairs and Renewal Fund. The Council's Non-Earmarked General Fund as at 31 March 2019 had been increased by £384k to £10,517k, representing 4.3% of the annual budgeted net revenue expenditure. Although this was slightly above the Council's most prudent target of 4%, the balance would reduce significantly as the Council had budgeted to use £4,312k of this reserve during 2019/20.

Reference was made to the proposed establishment of a Feasibility Fund to permit early preparation and investigations for potential capital projects to be undertaken, and enable a faster start to be made on major new capital schemes as work to identify design and ground condition issues could be taken forward in advance of formal approval of the Capital Plan.

It was confirmed that £41,187k of capital expenditure had been invested. There had also been an operating surplus of £89k on the Housing Revenue Account which had increased the accumulated surplus balance to carry forward to £1,718k.

The Head of Accountancy commented on the volume of work involved in preparing the Accounts in advance of the due date, thanking officers in the Accountancy Section, across departments, and particularly the Chief Accountant, for their contribution to this achievement, especially as some officers were currently seconded to the Core Systems Project Team.

Whilst referring to key aspects of the report, the Chief Accountant also commented on the submission of the unaudited Accounts at this stage of the year which it was hoped was helpful. She highlighted the position on reserves, including the use of £8.5m from the Capital Reserve and the introduction of the new Feasibility Fund. Having quantified the level of funds borrowed to help fund the Capital Programme, she drew attention to a prior year adjustment to correct the valuations of the Council's housing stock which had arisen from a misunderstanding between Housing and Property and Technical Services regarding the calculation of the Social Discount Factor and resulted in these being overstated. This did not impact on Council rent or Council Tax levels and, in future, working papers were to be passed to Accountancy Services for checking to prevent a recurrence.

Finally, commenting on notes to the Group Accounts, she clarified that it was the East Renfrewshire Culture and Leisure Trust's unaudited Accounts for the year to 31 March 2019 that were available from the Chief Executive of the Trust rather than the audited Accounts as has been stated, that any other required changes would be identified during the auditing process, and that a report on the Audited Accounts would be submitted to the committee in September.

Having heard Councillor Miller and other Elected Members thank all of the officers involved in preparing the Accounts and submitting them to this meeting, making reference to the section of the Accounts on consultation and communication with the authority's workforce,

Councillor Grant referred to the challenge of gathering candid survey feedback from officers on issues. In response, the Head of Accountancy referred to the new i-Matter initiative in its first year of implementation, related timescales and the production of team action plans which would not only be useful in themselves, but would also help address concerns expressed that actions taken in response to staff views were not necessarily clear.

Whilst commenting on the value of adding funds to reserves and congratulating officers for achieving this which contributed to the Council's future financial stability, Provost Fletcher also referred to the value of expenditure on good public services and pressures that could be experienced by officers to achieve savings. He added that there could be times when there might be a need to consider further investment in services which had faced cuts if such pressures became too severe.

The committee agreed to note the content of the unaudited Annual Accounts for 2018/19 and that a report on the final Accounts and related documents would be submitted to the committee in September.

ARBORICULTURAL FRAMEWORK

916. The committee considered a report by the Director of Environment on matters arising from the Council's Arboricultural Framework Agreement between 1 March and 20 October 2017, and subsequent actions taken in response.

The report explained why framework agreements were awarded for some products or services, commenting on related benefits and best practice where multiple suppliers were used to rank suppliers and ensure transparency in which supplier was chosen for each piece of work. Having made reference to careful consideration and stringent procurement processes applied to awarding ranked frameworks and related issues, it was specified that the first ranked contractor always had to be contacted when a piece of work was to be undertaken. Only if that supplier could not meet requirements, was the second or third ranked contractor contacted.

A recognised framework to support procurement of arboricultural works by the Council had been established to ensure best value and transparency. The ranked order of three contractors as at 1 March 2017 was specified. Following publication of an internal audit report on risk management and corporate governance, in October 2017 senior management in the Environment Department had reviewed the contract to ensure protocols were being followed, through which concerns became apparent about the allocation of works orders. The Director of Environment had reported this urgently to the Chief Auditor who had referred to this briefly at the committee's meeting in January 2018.

Reference was made to investigations conducted first by internal audit, secondly in accordance with the Council's disciplinary procedures, and action taken by the Head of Operations immediately to suspend all further tree works pending them being assessed and confirmed compliant with procurement procedures. The internal audit work had identified that an estimated £50k of excess cost had been incurred by incorrectly awarding work to the second ranked contractor. The disciplinary investigation had found that 95% of work orders totalling £275k had been allocated to that contractor, with both investigations therefore confirming a lack of compliance with procedures resulting in best value not being achieved and additional costs being incurred.

Reference was also made to a request from the first ranked contractor to investigate the awarding of orders to the second ranked contractor and a related claim submitted by the company's solicitors which was ultimately settled at £102k but not covered by the Council's

insurers. The cost had been absorbed within the 2018/19 Neighbourhood Services budget and did not affect the 2019/20 Parks budget, in addition to which an estimated £50k of excess costs had been incurred due to malpractice.

It was clarified that the delay reporting this matter to the committee was linked to the ongoing disciplinary case, the financial claim against the Council and Employment Tribunal proceedings. Related information was provided on the final outcome of the disciplinary action taken against the individual responsible and the Employment Tribunal. As a result of the breach internal processes and procedures had been reviewed to mitigate any risk of recurrence, enhanced checks and protocols had been established, and all of the Internal Audit recommendations made had been accepted as reflected in the Action Plan appended to the report.

Whilst commenting on what had happened and highlighting key aspects of the report and action taken, the Operations and Operations Manager expressed dismay and apologised that the issue had arisen and regarding the associated financial impact, expressing confidence that implementation of the recommendations made which had been accepted would reduce the risk of this happening again.

Whilst speaking in support of the action taken and expressing disappointment regarding the employee's actions, Provost Fletcher commented that the report was silent on the employee's motivation and asked if the matter had been referred to the Police in case criminal activity had taken place. The Chief Auditor confirmed she had contacted the Police at an early stage on 1 November 2017 who had been involved at various stages of proceedings, but that she did not know if they were taking further action.

In response to Councillor Grant and Councillor Ireland, the Operations Manager referred to the redesign of the service and the involvement of more people in it now which helped reduced the risk of such an issue reoccurring. Councillor Grant added that as well as the financial cost to the Council, its reputation had been damaged. Councillor Ireland welcomed how seriously the matter had been taken, expressing regret that there had been a cost to the Council. Checks now done both before and after each piece of arboricultural work was undertaken were commented on.

The committee noted the report and subsequent actions taken on behalf of the Council.

EAST RENFREWSHIRE COUNCIL MANAGEMENT REPORT 2018/19

917. The committee considered a report on the publication by the Council's External Auditor of a local report entitled *East Renfrewshire Council Management Report 2018/19* which under the committee's specialisation arrangements fell within the remit of Councillors Miller and Grant for review.

The report summarised key issues identified during the interim audit work carried out. This work included testing of key controls within financial systems to gain assurance over the processes and systems used in preparing the Annual Accounts, the results of which would be considered by the External Auditor during the audit of the 2018/19 Accounts. Having outlined the External Auditor's responsibilities, the report clarified that testing during 2018/19 covered key controls in a number of areas including bank reconciliations; payroll validation and exception reporting; authorisation of journals; change of supplier bank details; and IT access controls. Controls were also tested on budget monitoring and control; feeder system reconciliations; and controls for preventing and detecting fraud in areas such as taxation receipts, welfare benefits, grants and other claims. Other issues commented on included the

outcome of the assessment of the Council's Internal Audit function, the use made by External Audit of Internal Audit work to avoid duplication of resource and effort, and observations concerning the operation of the Audit and Scrutiny Committee.

No significant control weaknesses had been identified, which would enable the External Auditor to take planned assurance for the audit of the 2018/19 Annual Accounts. However, as itemised and summarised in Exhibit 1 of the report, several areas had been identified where controls could be strengthened further. It was commented that progress had been made on actions agreed in the External Auditor's 2017/18 Management Report, but that there were a number of areas raised within that report where progress had been limited.

Whilst reviewing and summarising the key findings and related action to be taken, Mr Cornett confirmed that the report represented the outcome of the external auditor's interim audit work for the year and that no significant control weaknesses had been identified. Having highlighted that the key findings and related action plan covered some issues where progress had been limited, he acknowledged the new target dates for action to progress these in Exhibit 1 and clarified that related progress would be reviewed. He referred to the assurance placed on Internal Audit's work and commented on the importance of the committee's work being progressed in an apolitical manner, encouraging it to do so. He also encouraged the committee to monitor the implementation of the actions within the Management report.

Councillor Grant supported the comments made on the importance of the committee adopting an apolitical approach which she had raised previously. In reply to Councillor Ireland, the Head of Accountancy confirmed that action had already been taken to address the issue raised within the report on staff leavers, referring to reminders which HR now sent to departments on a 4-weekly basis to help ensure appropriate action was taken, the leavers checklist which officers were being reminded to complete, and action taken if unavoidably payroll had not been notified timeously about employees leaving the authority. Mr Cornett referred to the importance of minimising such occurrences and of managers implementing the action agreed on this.

The committee agreed to note the report.

NATIONAL EXTERNAL AUDIT REPORT – LOCAL GOVERNMENT IN SCOTLAND – CHALLENGES AND PERFORMANCE 2019

918. The committee considered a report by the Clerk on the publication by Audit Scotland of a report entitled *Local Government in Scotland – Challenges and Performance 2019* which under the committee's specialisation arrangements had been sent to Councillor Miller and Councillor Grant for review. The Head of Communities, Revenues and Change had provided comments on it and a copy of her feedback was attached to the report.

The report explained that the comments provided were high level ones on the Council's position regarding the Accounts Commission report, that report being an annual one overviews the conclusions of a range of Audit Scotland reports from the past year and providing a comprehensive review of challenges and performance issues facing local government in Scotland. Having referred to the value of the report and how it linked well to the Council's requirements under Best Value, it was highlighted that the issues raised within it were ones the Council recognised and was working to address.

Having itemised various recommendations within the report and the challenges of responding to one so wide-ranging, the report emphasised that the content and messages within it were all relevant locally and had been covered with Members in a variety of ways, including through the submission of reports to the Cabinet and the Audit and Scrutiny

Committee, a range of which were itemised in the Appendix to the report. A summary of the Council's 'Strategy on a Page' and a draft PEST analysis documenting political, economic, social and technological themes that would affect the Council in future were also provided.

It was concluded that the Council fully recognised the challenges documented in the Accounts Commission's report, was not complacent and was working to address these in various ways. It was argued that coverage of key issues throughout the year as part of day-to-day business provided strong evidence and assurance that the Council was well positioned across a wide range of issues highlighted, and suggested that the committee could consider the report and issues and themes therein as part of its annual work programme to guide areas where it would find value in a more detailed response to enable further discussion and scrutiny.

The committee, having heard the Clerk confirm that it was always an option for the committee to request that officers attend any of its meetings to discuss any external audit report published and related feedback in more depth, noted the report and comments made.

NATIONAL EXTERNAL AUDIT REPORT – HEALTH AND SOCIAL CARE INTEGRATION – UPDATE ON PROGRESS

919. The committee considered a report by the Clerk on the publication by Audit Scotland of a report entitled *Health and Social Care Integration – Update on Progress* which under the committee's specialisation arrangements had been sent to Provost Fletcher and Councillor Gilbert for review. The Chief Officer, East Renfrewshire Integration Joint Board (IJB) had provided comments on it and a copy of her feedback was attached to the report.

The report provided details of the proposed actions in response to the External Audit report and the Ministerial Strategic Group report *Review of Progress with Integration of Health and Social Care Final Report*, details of which were appended to the report. Having commented on related issues, including how the work had been progressed and the conclusions within the Audit Scotland report, the report explained that the Scottish Government and COSLA had developed a self-evaluation tool to support IJBs and partners assess their position in relation to the review proposals and Audit Scotland recommendations. Partners had been asked to rate themselves against 22 of the 25 proposals, identify evidence to support their conclusions, and develop proposed improvement actions in respect of each proposal.

It was clarified that the draft self-evaluation had been developed by the IJB Chief Officer following discussion with the IJB Chair, Vice-Chair, Third Sector and Carer representatives and Chief Financial Officer prior to being shared at the IJB meeting on 1 May 2019. IJB members had endorsed the draft self-evaluation, subject to additional comments and agreed that it be remitted to the Chief Officer to reach a consensus view on the evaluation ratings and any improvement actions with the Chief Executives of NHSGGC and the Council prior to its submission to the Integration Review Leadership Group, the final draft having been submitted on 14 May 2019.

It was concluded that the review of progress with integration of health and social care made a number of helpful proposals about actions that could be taken at both a national and local level to tackle the challenges and ensuring the success of integration. The actions required for East Renfrewshire to address the recommendations and proposals resulting from the Audit Scotland report and the Ministerial Strategic Group report were provided as set out in Appendix to the report.

The committee, having heard the Clerk in respect of the report, noted the report.

REVIEW OF INTERNAL AUDIT CHARTER

920. Under reference to the Minute of the meeting of 18 August 2016 (Page 2009, Item 2147 refers), when the revised Internal Audit Charter had been approved, the committee considered a report by the Chief Auditor seeking approval of further revisions to it.

It was clarified that the Charter should be reviewed periodically to ensure it remained fit for purpose. Following a recent review, it had been considered appropriate to make some minor changes to the content to refer to the most current documents; current wording within financial regulations; and the responsibilities of the Corporate Management Team.

The committee agreed to approve the revised Internal Audit Charter.

PUBLIC SECTOR INTERNAL AUDIT STANDARDS INTERNAL SELF-ASSESSMENT

921. The committee considered a report by the Chief Auditor regarding progress in relation to compliance with the Public Sector Internal Audit Standards (PSIAS).

The report explained that PSIAS came into force in 2013 and included a requirement that the Head of Internal Audit would develop and maintain a quality assurance and improvement programme (QAIP) to allow assessment against the PSIAS. In addition to regular self-assessment, there was a requirement for an external assessment to be carried out at least once every 5 years by an independent assessor. It was further reported that compliance was mandatory for internal auditors in the public sector, with any areas of non-conformance requiring to be reported to the Audit and Scrutiny Committee.

The report commented further on the QAIP, options appraisal for external assessment, the self-assessment which had most recently been carried out in May 2019, and related results. The self-assessment had indicated that the internal audit team were 95% fully compliant with the relevant standards and partially compliant with a further 4% on the basis of which it had been concluded therefore that it operated in general compliance with the PSIAS. This result was also reflected in the external assessment which concluded that the internal audit service was fully compliant in 11 out of 13 sections and generally compliant in the remaining 2.

Whilst commenting further on the report, regarding options appraisal for external assessment, the Chief Auditor referred to the reciprocal arrangements set up by the Scottish Local Authority Chief Internal Auditors Group (SLACIAG) for councils which wished to participate in providing PSIAS compliant external assessments for each other and related benefits, confirming that East Renfrewshire had pursued this option for the first external assessment in 2018. It was proposed that this option be pursued again for the next 5 year cycle in the interests of Best Value and confirmed that the QAIP appended to the report included actions from both the most recent self-assessment and external assessment.

The committee:-

- (a) noted the outcome of the revised self-assessment; and
- (b) approved continued participation in the reciprocal SLACIAG independent self-assessment validation process (Option 1).

INTERNAL AUDIT PLAN 2018/19 - IMPLEMENTATION PROGRESS REPORT – JANUARY – MARCH 2019

922. The committee considered a report by the Chief Auditor regarding progress made on the implementation of the 2018/19 Internal Audit Plan from 1 January to 31 March 2019. It was confirmed that during the quarter fourteen audit reports relating to planned 2018/19 audit work had been issued, that the management response for one of the audit reports issued had yet to be received the due date for which had not yet passed and that, otherwise, all responses received had been satisfactory. Reference was also made to the quarterly performance indicators (PIs) for the section, a new request for assistance dealt with using contingency time, and a matter using contingency time brought to the committee's attention at the previous meeting which had been concluded and related findings.

The Chief Auditor explained why a report was being submitted to the committee regarding Quarter 4 which was linked to the detail now provided on audit findings in such reports, the outcome of the HSCP Self Directed Support Charges audit, and the impact of delayed feedback from departments on the section's PIs. In response to Councillor Ireland, she confirmed that an audit relating to the Leisure Trust had been delayed due to staff shortages but had been included in the 2019/20 Internal Audit Plan approved by the committee at its previous meeting.

The committee, following discussion, agreed:-

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

INTERNAL AUDIT ANNUAL REPORT 2018/19

923. The committee considered a report by the Chief Auditor regarding the annual report on the activities of internal audit during 2018/19, and providing an independent annual opinion on the adequacy and effectiveness of the Council's governance, risk management and internal controls based on work undertaken in 2018/19.

Whilst commenting on the successful implementation of the Plan, the Chief Auditor reported that all planned audits had been carried out, with the exception of one which had been deferred to 2019/20 on which she clarified the position, and that satisfactory responses had been received to all audits except one where the response date had not yet passed. Having commented on nine internal audit reports regarding which some recommendations had not been fully accepted and the related associated risks and reasons provided by management which had been accepted, she summarised the position on various potential fraud and contingency related issues. She also referred to issues that had impacted on PIs, clarified that the section operated in compliance with PSIAS, and confirmed that there was an excellent working relationship between her section and External Audit.

Regarding the annual statement on the adequacy and effectiveness of the Council's governance, risk management and internal controls, she confirmed that, based on the information available and work carried out, her opinion was that reasonable assurance could be placed upon the adequacy and effectiveness of these controls in the year to 31 March 2019. Reference was also made to internal audit performance indicators.

In response to Councillor Grant, the Chief Auditor confirmed that Police Scotland had been involved in 3 issues that had been explored using fraud contingency time which involved a

cost or loss to the Council. The Police had visited the premises involved and spoken to staff. However, she did not believe that the investigations had resulted in prosecution and considered the recovery of items unlikely.

Councillor Grant having referred to an issue referred to within the report on the use of the leavers checklist which had been commented on earlier in the meeting, the committee agreed:-

- (a) to approve the statement on the adequacy and effectiveness of the Council's governance, risk management and internal control systems and submit it to the Council; and
- (b) otherwise, to note the internal audit annual report 2018/19.

PROPOSED GUIDE TO SCRUTINY AND REVIEW

924. The committee considered a report by the Chief Executive providing enhanced guidance on scrutiny, review and evaluation arrangements, within the overall context of Best Value, in East Renfrewshire Council. The report explained that an Audit of Best Value in East Renfrewshire Council had taken place in 2017, making reference to a recommendation made that Elected Members should take a more transparent and active role in scrutiny. Progress had already been made on a range of scrutiny issues, including the delivery of a new programme of essential scrutiny skills training and the appointment of a Scrutiny and Evaluation Officer to further support the work of the committee.

To complement this, a *Guide to Scrutiny and Review* had been prepared, in the context of Best Value, a copy of which was appended to the report. This was intended primarily for members of the committee to help them identify specific issues they wished to review and progress related work, such as by providing advice on good practice, selection and rejection criteria for reviews and questioning techniques. However, it would also be available to all Elected Members and committees of the Council. The *Guide* also referred to the development of a work plan for the committee, listed some potential policy and strategy areas for scrutiny based on policy areas within and outwith the Council, provided guidance on progressing detailed reviews, and confirmed the wider audit and scrutiny role of the committee.

Arising from related discussions, the committee also considered a further report, a copy of which was tabled, on issues discussed on a preliminary and informal basis with members thus far, interest expressed in looking at income generation and commercialisation as the committee's next piece of detailed work and related issues. Proposed objectives to be pursued were outlined, as was the type of related work that could be progressed and an indicative timetable for the review.

Having summarised the main purposes of the report, the Scrutiny and Evaluation Officer emphasised that the *Guide* was a good practice manual for the selection and undertaking of reviews. Amongst other things, he highlighted that it placed a strong focus on scrutiny whilst recognising other aspects of the committee's remit also; and covered why scrutiny was important and how it should be carried out and on an apolitical basis. Whilst referring to items within the work plan, he explained that the plan was intended to be a useful working document that would be updated periodically and which specified a range of planned cyclical reports, other work such as on national External Audit reports and progress reports on scrutiny and review investigations.

Having heard Councillor Miller refer to the discussions that had taken place thus far on these issues, supported by Councillor Ireland and on behalf of the committee, he expressed appreciation for the work done on the document which was considered useful.

Referring to informal meetings with members of the committee held recently, the Scrutiny and Evaluation Officer confirmed that, during discussion on potential review areas, particular interest had been expressed in income generation and commercialisation. Having referred to the Council's financial position, spending pressures and related issues, he commented on proposed objectives for the review, explaining that related work progressed could include interviews with officers and site visits within East Renfrewshire and to other local authorities as appropriate. A proposed timetable for the review was provided and it was confirmed that liaison would take place with members of the committee as work progressed, with much detailed work taking place between formal meetings.

Looking forward, the Scrutiny and Evaluation Officer explained that work on the potential scope of other potential reviews would be undertaken between now and the next meeting.

In response to Councillor Grant who commented that quite a lot of the review on income generation and commercialisation could focus on the environment department and more generally expressed interest in being involved in related meetings, the Scrutiny and Evaluation Officer confirmed that members of the committee would be invited to be involved in these. Mr Cornett reported that he had been involved in work on this issue with some English local authorities and that he would be happy to discuss related issues including lessons learned and what worked well or had not.

Whilst expressing support for the proposed review, Provost Fletcher commented on a music event to be held in Rouken Glen Park which had not been approved by Elected Members, commenting that Members and officers might not always share the same view on what might work well and that a one size fits all local authorities approach was not necessarily appropriate. The Clerk clarified that any recommendations arising from the review that the committee wished to make would require to be submitted to the Cabinet for consideration.

The committee agreed:-

- (a) to recommend to the Council that the draft *Guide to Scrutiny and Review* be approved, making it available to all committees and Members of the Council for their use;
- (b) to approve the 2019/20 annual work plan to the extent it had been developed thus far;
- (c) to note that a further update of the work plan would be submitted to the next meeting;
- (d) that a detailed review be progressed on income generation and commercialisation in relation to which the following objectives would be pursued:-
 - (i) gathering background information on current practices within other local authorities in Scotland and England, including lessons learned;
 - (ii) reviewing benchmarking information available, to identify service charges in other local authority areas not currently in place in East Renfrewshire;

- (iii) considering ethical, risk, reputation management and legal issues associated with selling advertising space;
 - (iv) exploring potential to pursue commercialisation opportunities in East Renfrewshire including identifying any potential restrictions and barriers; and
 - (v) reviewing audit reports available on the area of review;
- (e) that the indicative timetable for the review be approved as proposed; and
- (f) that work on the potential scope of other reviews suggested be undertaken between now and the next meeting.

COMMITTEE'S SPECIALISATION ARRANGEMENTS FOR DEALING WITH INTERNAL AND EXTERNAL AUDIT REPORTS AND INSPECTION REPORTS

925. Under reference to the Minute of the meeting of 22 November 2018 (Page 631, Item 616 refers), when it had been agreed that the Clerk would circulate and seek the views of members of the committee on an analysis done on the number and type of internal and external audit reports, as well as inspection reports, each Member had dealt with since 2017 under the committee's current specialisations arrangements and any preferences they might have on their remits in future with a view to any proposed changes being formally submitted to a future meeting for consideration, the committee considered a report by the Clerk proposing changes to the committee's specialisation arrangements for dealing with such reports.

The report explained that the analysis undertaken had revealed that the workload was unbalanced. It specified the current specialisation arrangements in place, and the number of reports dealt with thus far by each Member and which it was anticipated they would deal with prior to the next local government elections if the arrangements remained unchanged.

In order to balance the workload more evenly, it was proposed that Councillors Swift and McLean would continue to lead on Corporate and Community Services issues but would also take on responsibility to lead on Education-related matters. It was also proposed that the Chair and Vice Chair would take on Councillor Ireland and Gilbert's remit for Environment Department issues.

The committee, having heard the Clerk in further explanation, agreed that the changes to the specialisation arrangements as proposed be approved and kept under review as required.

CHAIR

MINUTE
of
EAST RENFREWSHIRE COUNCIL

Minute of Meeting held at 7.00pm in the Council Chamber, Council Headquarters, Giffnock on 26 June 2019.

Present:

Provost Jim Fletcher	Councillor Alan Lafferty
Deputy Provost Betty Cunningham	Councillor Colm Merrick
Councillor Caroline Bamforth	Councillor Stewart Miller
Councillor Tony Buchanan (Leader)	Councillor Paul O’Kane
Councillor Angela Convery	Councillor Jim Swift
Councillor Danny Devlin	Councillor Gordon Wallace
Councillor Barbara Grant	

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); Gillian McCarney, Strategic Services Manager; Tracy Butler, Partnerships Team Leader; Claire Coburn, Partnership Development Officer; Eamonn Daly, Democratic Services Manager; and Paul O’Neil, Committee Services Officer.

Apologies:

Councillors Paul Aitken; Charlie Gilbert; Annette Ireland; David Macdonald; and Jim McLean.

REQUEST TO RECORD PROCEEDINGS

926. Provost Fletcher intimated that a request had been received to audio record the meeting. The request was approved.

DECLARATIONS OF INTEREST

927. Provost Fletcher and Councillors Grant, Merrick and O’Kane declared non-financial interests in relation to Item 947 by virtue of the fact they were members of the East Renfrewshire Culture and Leisure Trust Board.

Variation in Order of Business

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

MINUTE OF PREVIOUS MEETING

928. The Council considered the Minute of the meeting held on 1 May 2019. Under reference to Paragraph 868 of the Minute where Provost Fletcher and Councillor Buchanan had responded to a question about the Cabinet decision on 14 March regarding audio recording the meeting, Councillor Buchanan clarified that the person who had left the meeting of the Cabinet following the decision to prohibit audio recording of the meeting was not the person who had made the request.

Thereafter, the Council:

- (a) approved the Minute of the meeting held on 1 May 2019; and
- (b) otherwise noted the statement made by Councillor Buchanan.

MINUTES OF MEETINGS OF COMMITTEES

929. The Council considered and approved the Minutes of the meetings of the undernoted:-

- (a) Cabinet – 2 May 2019;
- (b) Appeals Committee – 7 May 2019;
- (c) Education Committee – 9 May 2019;
- (d) Licensing Committee – 14 May 2019;
- (e) Planning Applications Committee – 15 May 2019;
- (f) Local Review Body – 15 May 2019;
- (g) Cabinet – 6 June 2019;
- (h) Cabinet (Police and Fire) – 6 June 2019;
- (i) Licensing Committee – 11 June 2019;
- (j) Local Review Body – 12 June 2019; and
- (k) Education Committee – 13 June 2019.

DRAFT OUTCOME DELIVERY PLAN 2019-22

930. Under reference to the Minute of the meeting of the Cabinet of 2 May 2019 (Page 823, Item 878 refers), when it was agreed amongst other things to recommend to the Council that the draft Outcome Delivery Plan (ODP) 2019-22 be approved, the Council considered a report by the Chief Executive, providing details of the draft Outcome Delivery Plan 2019-22 which set out the Council's contribution to the delivery of its strategic outcomes for East Renfrewshire. A copy of the ODP was appended to the report.

The report explained that since consideration by the Cabinet there had been some changes to the plan following the Community Planning Partnership's Performance and Accountability Review (PAR) meeting and to further align the ODP with the Health and Social Care Partnership's Strategic Plan. Details of the changes were outlined in the report.

The Council approved the draft Outcome Delivery Plan 2019-22.

PROPOSED GUIDE TO SCRUTINY AND REVIEW

931. Under reference to the Minute of the meeting of the Audit and Scrutiny Committee of 20 June 2019 (Page 868, Item 924 refers), when it was agreed amongst other things to recommend to the Council that the draft Guide to Scrutiny and Review be approved, making it available to all committees and councillors for their use, the Council considered a report by the Chief Executive, providing enhanced guidance on scrutiny, review and evaluation arrangements within the overall context of Best Value within the Council. A copy of the guidance was appended to the report.

The report explained that the Audit of Best Value of the Council had taken place in November 2017, and that one of the recommendations arising from the audit was that Elected Members should take a more transparent and active role in scrutiny. Details of the progress that had been made on a range of scrutiny issues since the audit report was published were outlined in the report.

Furthermore, the report advised that a '*Guide to Scrutiny and Review*' had been prepared which was intended primarily for members of the Audit and Scrutiny Committee to help them identify specific issues they wished to review and progress related work and, once approved, the guide would be available to all Elected Members and committees.

The Council agreed that the draft Guide to Scrutiny and Review be approved, making it available to all Elected Members and committees for their use.

STATEMENTS BY REPRESENTATIVES ON JOINT BOARDS/COMMITTEES

932. The following statement was made:-

Councillor Bamforth - Integration Joint Board

Councillor Bamforth reported on the business considered at the most recent meeting of the Health and Social Care Partnership Integration Joint Board (IJB) which had been held earlier in the day. She advised that the IJB had been given an update on the Council's Child Poverty Action Plan, and approved the unaudited annual report and accounts together with the annual performance plan for 2018/19. There had been a discussion on the ongoing issues and pressures within the Care at Home Service and confirmation had been given that new staff appointments were commencing from the first cohort of recruitment and rolling recruitment was ongoing. It had been noted that Allied Healthcare had withdrawn from the current contract and staff were in a Transfer of Undertakings (Protection of Employment) (TUPE) process to transfer to the in-house workforce.

Furthermore, the IJB had agreed a revised policy for overnight support that would personalise alternatives to sleepovers, meeting individual outcomes in a less intrusive and more efficient way. Consideration was also given to the principles of a financial framework to support the 5-year Adult Mental Health Strategy over Greater Glasgow and Clyde for the next 5 years and the inclusion of perinatal services was one of the key service areas to be included in the strategy.

Concluding her remarks, Councillor Bamforth advised that an update had been given on the Primary Care Improvement Plan; a discussion held on innovative approaches to vaccination and establishment of treatment rooms; and information provided on the potential impact that new housing developments in East Renfrewshire would have on GP practices in the coming years.

The Council noted the statement.

CITY DEAL CABINET – APPOINTMENT OF SUBSTITUTES

933. Under reference to the Minute of the meeting of the Council of 24 May 2017 (Page 9, Item 11 refers), when it was agreed that the Leader of the Council be appointed as the Council's representative on the City Deal Cabinet with the Deputy Leader being appointed as a substitute, the Council considered a report by the Deputy Chief Executive, seeking approval for new substitute arrangements for the Leader and Deputy Leader of the Council on the City Deal Cabinet.

Whilst noting that the City Deal Cabinet had been set up as a joint committee in terms of the Local Government (Scotland) Act 1973, the report explained that due to other commitments, neither the Leader nor Deputy Leader had been able to attend the meeting of the City Deal Cabinet on 4 June 2019 and that to ensure political representation from the Council at the meeting, Councillor Merrick had attended.

However, as only the Leader and Deputy Leader had formerly been appointed to represent the Council on the City Deal Cabinet the report sought homologation of Councillor Merrick's attendance at the meeting.

The report also proposed that to avoid the need for homologation being sought in future if an Elected Member attended a meeting of the City Deal Cabinet due to the unavailability of both the Leader and Deputy Leader, it was recommended that the Council agree to appoint all remaining Elected Members as substitutes.

The Council:-

- (a) homologated the attendance of Councillor Merrick at the meeting of the City Deal Cabinet on 4 June 2019; and
- (b) agreed that to ensure the Council was represented at meetings, in the event neither the Leader or the Council or Deputy Leader of the Council were able to attend, all remaining Elected Members be appointed as substitutes.

PROVOST'S ENGAGEMENTS

934. 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 last meeting.

GENERAL FUND CAPITAL PROGRAMME 2019/20

935. The Council considered a report by the Chief Financial Officer, recommending approval of adjustments to the General Fund Capital Programme 2019/20 in light of issues that had arisen since the programme had been approved.

The report highlighted the latest developments relating to the programme, including the latest income and expenditure movements and cash flow management issues and indicated that there was no shortfall in the programme. Detailed explanations of the reasons for the major movements within the programme were outlined in the report.

The Council:-

- (a) noted and approved the movements within the programme; and

- (b) noted that income and expenditure on the programme would be managed and reported on a regular basis.

HOUSING CAPITAL PROGRAMME 2019/20

936. The Council considered a joint report by the Chief Financial Officer and the Director of Environment, recommending approval of adjustments to the 2019/20 Housing Capital Programme where necessary in light of issues that had arisen since the programme had been approved.

The report highlighted the latest developments relating to the programme, including the latest income and expenditure movements and cash flow management issues and indicated that no shortfall was projected. Detailed explanations of reasons for the major movements within the programme were outlined in the report.

The Council:-

- (a) agreed that the movements within the Housing Capital Programme 2019/20 be approved; and
- (b) noted that income and expenditure on the programme would be managed and reported on a regular basis.

EASTWOOD LEISURE CENTRE

937. Under reference to the Minute of the meeting of the Council of 31 October 2018 (Page 600, Item 666 refers), when the Council agreed amongst other things to note that the Director of Environment would undertake the master planning of Eastwood Park and this would specifically explore the feasibility of a new build leisure centre within Eastwood Park based upon the latest information on Council property options for schools and office accommodation, the Council considered a report by the Director of Environment, advising on proposals to build a new Eastwood Leisure Centre and theatre within Eastwood Park and also to highlight progress being made with regard to the wider Eastwood Park master planning exercise. A location plan showing the proposed site was appended to the report.

The report explained that since October 2018 a considerable amount of work had been carried out in relation to the project and it had been established that although there would be some challenges it was feasible and physically possible to provide a new leisure centre and theatre within Eastwood Park based broadly on the original footprint and specification with the exception of the four floodlit outdoor 3G pitches.

Whilst noting that the costs associated with the project were not yet finalised given that there were options to be considered before agreeing the final proposal, the report highlighted that the Eastwood Park option was likely to be more expensive comparatively than providing the same facility on a clear site. In addition, it had been confirmed that it would be possible to undertake the project as a tandem build which would allow continued provision of sports and theatre facilities for residents until the new leisure centre became available for use. Given that there were a range of options/combinations and costs with regard to the leisure centre and associated matters, the report indicated that these would be outlined in a further option appraisal that would be submitted to a future meeting of the Council.

Reference was also made to the consultant's recommendation in October 2018 that the preferred option for a new build facility should be Shawwood Park or failing that Broomburn

Park. However, should the Council approve the recommendations in the report then there would be no need to promote either Shawwood Park or Broomburn Park through the Local Development Plan process for the purposes of a leisure centre and theatre and both of these parks would remain designated as protected urban greenspace.

Councillor Grant welcomed the fact that should the Council approve the recommendations in the report Shawwood and Broomburn parks would remain as protected urban greenspace.

Councillor Merrick commented on the process that had been followed, and acknowledged the frustration of residents given the time it had taken to consider the preferred choice of location for the leisure centre. However, he emphasised the importance of carrying out due diligence with regard to the project.

Concluding his remarks, Councillor Merrick referred to the challenges that the Council would face in terms of the management of the site in Eastwood Park. He also expressed his disappointment that the new facilities would not include the 4 pitches as proposed in the original specification.

Councillor Swift supported the choice of building the new facility in Eastwood Park. In addition, Councillor Wallace suggested that the proposed location was down to the representations of local people particularly in relation to safeguarding the green fields in Newton Mearns. He also commented that Giffnock residents had always wanted the proposed development built in their local area.

The Council:-

- (a) approved Eastwood Park as the preferred site for a new Eastwood Leisure Centre and theatre;
- (b) agreed that the Director of Environment report back as soon as possible with options and costs with regard to the new leisure centre and theatre;
- (c) noted the progress being made with the Eastwood Park master planning exercise and that the Director of Environment would report back on the wider issues and opportunities/possibilities in due course; and
- (d) noted that as a result of Eastwood Park being identified as the preferred location Shawwood and Broomburn Parks would remain as protected urban green spaces in terms of the Local Development Plan.

PROPOSED LOCAL DEVELOPMENT PLAN 2

938. The Council considered a report by the Director of Environment, seeking approval for a proposed Local Development Plan 2 (LDP 2) and authority to publish the proposed plan for consultation.

The report explained that the Local Development Plan was the Council's key strategic land use planning document and that together with capital investment strategy/capital plans and long-term financial strategy, it directly supported the Community Plan (including fairer East Ren) and the Council's corporate plan "Vision for the Future". Furthermore, the provision of new homes and supporting infrastructure was one of the most important elements of a Local Development Plan.

The report highlighted that the approved Glasgow and Clyde Valley Strategic Development Plan (2017) now referred to as *Clydeplan*, set out the housing requirements to 2029 across all tenures it being noted that the Council was required to provide 4350 homes during the period 2012-29. Whilst noting that the current Local Development Plan (LDP1) which was adopted in 2015 ran until June 2020, the report indicated that the Council had commenced a review of LDP1 and had started the preparation of LDP2 in October 2016 with the publication of the Main Issues Report (MIR) for consultation. This document set out the Council's preferred options and possible alternatives together with identifying the consolidation, regeneration and controlled edge of settlement growth as the preferred strategy. It was noted that 13 new preferred housing sites had been identified which had a total estimated capacity of 1050 units.

The results of the public consultation on the MIR were reported to the meeting of the Council in December 2017 and it was noted that meeting educational needs had been raised as a key issue for LDP2. To address this, it had been proposed to undertake further detailed needs analysis and forecasting of future educational needs. Details of the work undertaken since October 2018 were outlined in the report.

Furthermore, it was noted that the current established position was that schools within the Eastwood area of the authority had increasingly high occupancy levels and there was insufficient capacity within the current school estate to support any new development over and above that which was included within LDP1. As previously reported, the release of any further sites within the Eastwood area would require the provision of an additional 3 schools. The research and analysis of the school estate had been a particularly valuable piece of work which had not only informed LDP2 but would influence land use planning within the Council area well into the future.

The report highlighted that there was significant current residential development opportunity already identified in LDP1 across the Council area and there was currently through the existing LDP1 an effective ongoing land supply which complied with the requirements of Scottish planning policy. Regardless of these issues, it was essential that the Council had an up to date and refreshed Local Plan that fully reflected the policy requirements of Scottish Planning Policy and *Clydeplan*.

The report indicated that the proposed LDP2 set out the refreshed strategy up to 2029 and that the infrastructure issues highlighted in this and previous Council reports would continue to be monitored and addressed when LDP3 was being progressed. In view of this, it was proposed that LDP2 should not include any of the 13 sites identified in the MIR or any other additional sites and simply seek to promote a strategy of consolidation and regeneration. This approach should allow the proposed plan to be progressed swiftly towards adoption. Details of the key proposals within LDP2 were outlined in the report.

The strategic housing analysis and monitoring that had been carried out clearly demonstrated that there was an effective and generous housing land supply available. In addition, there were significant educational issues which remained unresolved and there was insufficient school capacity to support any new development over and above what was included within LDP1.

The report also highlighted that there was a need to continue to monitor the demand for education places and to bring forward a strategy that would fully address future education infrastructure requirements in a long-term, coordinated and planned way and that this remained a key issue. The Education and Environment Departments would continue to work in close collaboration to agree a strategy that would fully address future education and residential needs in a long-term, coordinated and planned way through LDP3 which would follow the adoption of LDP2 and the strategy for which would form part of a wider vision of the Council.

The Council, having heard the Director of Environment in response to a question by Councillor Swift confirm that whilst Broomburn Park had been identified in the Main Issues Report (MIR) it would not form part of the LDP2 process:-

- (a) approved the proposed Local Development Plan 2 and supporting documents for publication and consultation; and
- (b) agreed that delegated powers be granted to the Director of Environment to approve any minor inconsequential changes to the documents referred to, in line with Council policy prior to their publication.

LOCAL DEVELOPMENT PLAN 1 - EDUCATION DEVELOPMENT CONTRIBUTIONS – UPDATE TO BASE DATA AND COST INFORMATION

939. The Council considered a report by the Director of Environment, seeking approval of an update to the evidence base which informed the education sector of the Council's adopted Local Development Plan 1 (LDP1) Supplementary Planning Guidance (SPG) on development contributions.

The report explained that the adopted SPG (June 2015) stated that the base data supporting the policy would be reviewed on an annual basis and where appropriate updated cost information would be published on the Council's website. However, following a significant review of the base data and cost information which supported the Education section of the SPG, the report indicated that it was now considered appropriate to publish updated cost information as an education addendum to the adopted SPG. This would ensure that the SPG remained robust in order to adequately support the delivery of the adopted Local Development Plan (LDP1).

Furthermore, the report highlighted that a full update of the SPG would be produced in due course to support the proposed Local Development Plan 2 and that it was anticipated that this full proposed SPG would be reported in late autumn/winter 2019.

Councillor Swift sought clarification whether all developers would be required to make development contributions for those schools lying within the catchment area of their development. In response, the Strategic Services Manager explained that it would be dependent upon the occupancy rate of the school at the time the application for planning permission was being determined. She indicated that development contributions for education provision would be only be sought from developers where the occupancy rate of a school was above 85%.

The Council:-

- (a) approved the update of the evidence base supporting the Education section of the Council's adopted LDP1 Supplementary Planning Guidance on development contributions;
- (b) approved the resulting updated education contribution requirements, for formal publication as an addendum to the adopted SPG as detailed in Appendix 1 to the report; and
- (c) agreed that delegated powers be granted to the Director of Environment to approve any minor inconsequential changes to the document, in line with Council policy, prior to its publication.

STRATEGIC END-YEAR COUNCIL PERFORMANCE REPORT 2018-19

940. The Council considered a report by the Deputy Chief Executive, presenting a summary of Council performance at end-year 2018-19 based on performance indicators in the Outcome Delivery Plan (ODP) 2018-21. The report also explained that councils were required to assess and monitor complaints handling performance against a number of high level performance indicators identified by the Scottish Public Services Ombudsman. A copy of the end-year complaints report was appended to the report.

The report detailed the performance of the Council at end-year 2018-19 highlighting that the Council was performing well across the majority of ODP indicators and that the Council continued to work towards the aim of making peoples' lives better by delivering highly valued services and achieving positive outcomes for communities in East Renfrewshire.

The Council noted the:-

- (a) summary of the Council's performance at end-year 2018-19; and
- (b) end-year complaints report appended to the report.

COMMUNITY PLAN AND LOCALITY PLANS - ANNUAL PROGRESS REPORTS

941. The Council considered a report by the Deputy Chief Executive, seeking approval of annual progress reports on the Community Plan and the Locality Plans for Auchenback and ADD2 Barrhead. Copies of the progress reports were appended to the report.

Whilst noting that the East Renfrewshire Community Plan had been approved by the Council and the Community Planning Partnership in June 2018, the report highlighted that the Community Plan was the Community Planning Partnership's 10 year plan for communities across the whole of East Renfrewshire. In addition, it contained Fairer East Ren, a layer of outcomes that were set to focus on the greatest social economic inequalities at an authority-wide level. This formed the statutory Local Outcomes Improvement Plan.

Furthermore, the Council and its partners also had a duty to prepare and deliver Locality Plans by working with members of communities that experienced poorer outcomes throughout the lifecycle compared with East Renfrewshire as a whole. It was noted that there were two Locality Plans in place for Auchenback and ADD2 Barrhead which covered the community areas of Dunterlie, East Arthurlie and Dovecothall.

Whilst noting that the Community Empowerment (Scotland) Act 2015 introduced the requirement for these plans along with an expectation that Community Planning Partnerships report progress annually to the communities that the plans covered, the report sought approval of three separate progress reports which were noted as the Community Plan Progress Report 2019; and Locality Plan Progress Reports for ADD2 Barrhead and Auchenback.

The Council approved for publication the Community Plan and Locality Plan annual progress reports.

EAST RENFREWSHIRE CORPORATE PARENTING PLAN 2016-18 YEAR 2 PROGRESS REPORT

942. Under reference to the Minute of the meeting of the Education Committee of 9 May 2019 (Page 832, Item 887 refers), when it was agreed amongst other things to note the

terms of the plan, the Council considered a report by the Chief Social Work Officer, presenting East Renfrewshire's Corporate Parenting Plan Year 2 Progress Report for the period 2016-18.

The report provided background information about the Children and Young People (Scotland) Act 2014, which placed new corporate parenting duties on a wide range of publicly funded organisations, and referred to the work undertaken by the Community Planning Partnership and its members, along with an extensive list of other local and national organisations, in the delivery of the Corporate Parenting Plan approved by Council in 2016. Details about the number of children and young people in East Renfrewshire who were looked after was outlined in the report.

The plan's evaluation framework, together with details of its performance highlighting key improvements that had been made, together with areas of challenge and performance reporting and benchmarking were outlined in the report.

The report indicated that the corporate parenting family in East Renfrewshire had approved their plan in December 2016 and had worked together, and in partnership with children, families and carers to deliver the agreed priorities and improved outcomes as highlighted within the plan. Furthermore, the report explained that as the current plan drew to a close, East Renfrewshire's corporate parents in partnership with children would develop a new plan for the coming year that would support the improvement programme that had been set.

The Council:-

- (a) noted the progress made in delivering improved outcomes for East Renfrewshire's looked after children, young people and care leavers as well as the ongoing challenges; and
- (b) acknowledged the role locally of these public bodies which had a legal status as corporate parents as listed in Appendix 4 to the report.

EAST RENFREWSHIRE SOCIAL IMPACT PLEDGE

943. The Council considered a report by the Deputy Chief Executive, seeking approval of proposed Social Impact Pledges.

The report explained that public sector organisations across Scotland had been asked by the Scottish Government to commit to increasing their social impact on people and communities by making a social impact pledge.

Whilst noting that this should be made up of three new commitments which would happen in the next six months, the report highlighted that almost 50 organisations had made social impact pledges to date, including seven local authorities. Details of what organisations were being asked to do in relation to making a pledge public together with information on the Council's social impact pledges were outlined in the report.

The Council approved the three proposed social impact pledges as detailed in the report.

LOCAL CHILD POVERTY ACTION REPORT

944. The Council considered a joint report by the Deputy Chief Executive and the Chief Officer – Health and Social Care Partnership, presenting the first East Renfrewshire Local Child Poverty Action Report as required by the Child Poverty (Scotland) Act 2017.

The report explained that the Child Poverty (Scotland) Act 2017 set out ambitious targets for the Scottish Government to significantly reduce child poverty in Scotland by 2030 and also placed a duty on local authorities to work together with health boards to develop, produce and deliver Local Child Poverty Action Reports (LCPARs). It was noted that the reports were expected to represent a 'step change' in action to address child poverty locally, both describing the current excellent work underway in many areas and outlining plans for new and innovative efforts to tackle child poverty. The publication deadline for the first annual report was noted as 30 June 2019.

The report highlighted that the East Renfrewshire LCPAR highlighted the range of actions across the local authority, Health and Social Care Partnership and local partners. Furthermore, it also included actions at NHS Board level which were relevant to East Renfrewshire. Details of the notable key successes in the LCPAR were outlined in the report.

Whilst noting that the fairer East Ren Delivery Plan preceded the LCPAR but was not replaced by it, the report explained that the nature of the LCPAR was crosscutting across several of the strategic priority areas of the Community Plan. It was noted that the current LCPAR would be reported and monitored in line with the Fairer East Ren outcomes but as a separate plan. It was intended that in future years the monitoring and reporting would become more embedded, the options for this to be explored and agreed with partners.

The report concluded by indicating that this was the first LCPAR produced in East Renfrewshire highlighting the positive work which was being done to tackle the impact and drivers of poverty across the authority. It also invited elected Members to recognise the opportunities for further development and action to address these going forward. This would ensure the Council and HSCP, together with other local partners, were directing effort and resources smartly to reduce child poverty in East Renfrewshire.

The Council agreed to approve and publish the Local Child Poverty Action report to meet the requirements of the Child Poverty (Scotland) Act 2017.

ANNUAL STATEMENT ON ADEQUACY OF GOVERNANCE, RISK MANAGEMENT AND INTERNAL CONTROL SYSTEMS

945. Under reference to the Minute of the meeting of Audit and Scrutiny Committee of 20 June 2019 (Page 867, Item 923 refers), when it had been agreed to approve the Annual Statement on the Adequacy of Governance, Risk Management and Internal Control Systems and submit it to the Council for noting, the Council considered a report by the Audit and Scrutiny Committee regarding the statement. A copy of the statement was appended to the report.

The report highlighted that it was the opinion of the Chief Auditor that reasonable assurance could be placed upon the adequacy and effectiveness of the Council's framework of governance, risk management and internal control for the year ended 31 March 2019.

The Council noted the internal audit Annual Statement on the Adequacy and Effectiveness of the Governance, Risk Management and Internal Control Systems of the Council for the year ending 31 March 2019.

POLLING SCHEME REVIEW

946. The Council considered a report by the Deputy Chief Executive, advising of the current review of polling districts and polling places in East Renfrewshire and seeking approval for a draft polling scheme.

The report explained that the Council was required to conduct a review of polling places and polling districts by 2020 and that the review that had been conducted had taken into account future population growth, the Council's own development plans and the concerns of parents and carers about needing to arrange alternative child care on polling day.

Whilst noting that although polling scheme reviews were conducted from the point of view of what was best for the voter, and from a voter perspective the current polling places in use were considered to be the best available, the report indicated that every effort had been made to move to non-school premises where it was considered possible.

However, it was noted that where this had not been considered appropriate mitigation measures had been put in place to minimise the need for parents/carers to arrange alternative child care on polling days. As a result, this had seen the reduction in the use of school premises by three. In most cases the alternative premises that had been recommended were not as suitable as the schools they replaced but overall would still be able to operate satisfactorily as a polling place. Details of the proposed changes to the current polling scheme were outlined in the report.

The Council:-

- (a) noted the timetable for conducting the statutory review of polling district and polling places;
- (b) noted the comments that had been received in response to the preliminary consultation exercise;
- (c) noted the analysis of the suggested alternatives;
- (d) approved the minor amendments to the boundaries and the proposed amended polling places as outlined above;
- (e) noted that the new draft scheme would be used as the basis for further consultation; and
- (f) noted that a final version of the scheme would be submitted to the meeting of the Council in September for consideration.

Sederunt

Provost Fletcher and Councillors Grant, Merrick and O'Kane left the meeting at this stage.

Deputy Provost Cunningham assumed the Chair for the remainder of the meeting.

EAST RENFREWSHIRE CULTURE AND LEISURE TRUST - CONFIRMATION OF FINANCIAL SUPPORT

947. The Council considered a report by the Chief Financial Officer, seeking approval of the issue of a letter to East Renfrewshire Culture and Leisure Trust confirming the Council's ongoing financial support for the Trust. A copy of the proposed letter was appended to the report.

Whilst noting that as part of the external audit of the East Renfrewshire Culture and Leisure Trust accounts for 2018/19 the Council was required to confirm its ongoing financial support for the Trust as a going concern, the report explained that for 2018/19 ERCLT's draft accounts showed a surplus of £291,000. However, despite the satisfactory financial performance for 2018/19 a letter of comfort was still required by the Trust's external auditors as the Council had not confirmed the Trust budget for 2020/21.

Given that this issue was likely to recur in future years even if annual financial performance remained positive, the report emphasised that as in previous years, the Council would continue to monitor the Trust's financial position throughout the year. It was noted that as the letter required to be issued to ERCLT in advance of its Finance and Risk Committee meeting on 6 August 2019, the report sought approval from the Council rather than through the normal Cabinet route.

The Council approved:-

- (a) the issue of a letter to ERCLT confirming the Council's ongoing financial support for the Trust's activities; and
- (b) that the Head of Accountancy (Chief Financial Officer) issue such letters each year in future, subject to the ERCLT accounts showing a surplus for the year in question.

PROVOST

MINUTE
of
PLANNING APPLICATIONS COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 7 August 2019.

Present:

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

Councillor Ireland in the Chair

Attending:

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

Apology:

Councillor Jim McLean.

DECLARATION OF INTEREST

948. There were no declarations of interest intimated.

NOTIFICATION OF PLANNING APPEALS AND APPEAL DECISIONS

949. 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) of the outcome of an appeal against the committee's decision to refuse planning permission in respect of application 2017/0213/TP – erection of 6 flats/apartments with basement level car parking, formation of vehicular access off Maple Avenue and associated landscaping with amenity space adjacent to Mearns Medical Centre, Maple Avenue, Newton Mearns which had been dismissed by the Reporter.

APPLICATIONS FOR PLANNING PERMISSION

950. The committee considered a report by the Director of Environment, on an application for planning permission by Bellway Homes Ltd for the erection 84 dwellinghouses with associated roads, parking, SUDS and open space on land at the junction of Blackbyres Road and Grahamston Road, Barrhead, requiring consideration by the committee.

Following discussion, the committee agreed that the application be approved subject to conditions following conclusion of a legal agreement, as indicated at Appendix 1 accompanying this Minute.

TELECOMMUNICATIONS CABINET AT POLNOON STREET, EAGLESHAM

951. Under reference to the Minute of the meeting of the committee of 16 January 2019 (Page 683, Item 751 refers), when it was agreed to refuse planning permission in respect of the installation of three ground-based telecommunications cabinets at site opposite 1-1A Polnoon Street, Eaglesham (in retrospect)(Ref No:- 2018/0551/TP), the committee considered a report by the Director of Environment, providing an update on the cabinets installed at Polnoon Street and seeking the committee's further instruction with regard to the matter.

Whilst noting that the agent for the applicant had been advised of the committee's decision to refuse planning permission for the installation of three ground-based telecommunications cabinets at the site opposite 1-1A Polnoon Street, Eaglesham and that enforcement action had been authorised for the removal of the cabinets, the report indicated that at that time, the agent had been asked to consider what the applicant intended to do regarding the cabinets and/or the refusal of planning permission. It was further noted that the applicant had until 16 April 2019 to appeal the refusal of planning permission to the Scottish Ministers although no appeal had been submitted.

The report explained that discussions had taken place between officers and Openreach with a view to reaching a satisfactory solution, and that arising from these discussions three options that had been proposed by Openreach to maintain the broadband service in the Eaglesham area. Details of the implications of implementing each of the options were outlined in the report

It was noted that options 2 and 3 would involve a complicated engineering solution and that if the Council was to serve an enforcement notice in accordance with the decision the committee had taken at its meeting on 16 January 2019, this would require the complete removal of the unauthorised cabinets and would result in the loss of Eaglesham superfast broadband service.

Following discussion, during which the committee expressed its concern about the conduct of Openreach in carrying out installation works at the site without having the necessary planning permission to do so, agreed to approve Option 2 as outlined 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 to be considered by Planning Applications Committee on
7th August 2019

Reference No: 2018/0730/TP

Ward: 1

Applicant:

Bellway Homes Ltd
Bothwell House
Caird Street
Hamilton Business Park
Hamilton
Scotland
ML3 0QA

Agent:

Hypostyle Architects
49 St Vincent Crescent
Glasgow
Scotland
G3 8NG

Site: Land at the junction of Blackbyres Road and Grahamston Road, Barrhead

Description: Erection 84 dwellinghouses with associated roads, parking, SUDS and open space (major)

Decision: Approved subject to conditions following conclusion of a legal agreement

MINUTE
of
LOCAL REVIEW BODY

Minute of Meeting held at 2.30pm in the Council Chamber, Council Headquarters, Giffnock on 7 August 2019.

Present:

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

Attending:

Graham Shankland, Principal Business Intelligence Officer (Planning Adviser); Siobhan Wilson, Solicitor (Legal Adviser); and Paul O’Neil, Committee Services Officer (Clerk).

Apology:

Councillor Jim McLean.

DECLARATIONS OF INTEREST

952. There were no declarations of interest intimated.

NOTICE OF REVIEW – REVIEW 2019/05 – CHANGE OF USE OF AREA OF LANDSCAPE AMENITY AREA TO FORM EXTENDED RESIDENTIAL GARDEN GROUND AT LAND TO REAR OF 14 AND 16 THREAVE PLACE, NEWTON MEARNs (REF NO: 2018/0537/TP)

953. The Local Review Body considered a report by the Deputy Chief Executive, relative to a ‘Notice of Review’ submitted by Mrs Pauline Milligan, against the decision taken by officers to refuse planning permission in respect of the change of use of area of landscape amenity area to form extended residential garden ground to the rear of 14 and 16 Threave Place, Newton Mearns.

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 had carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

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, Councillor Ireland, seconded by Councillor Swift, moved to uphold the decision of the Appointed Officer as set out in the decision notice of 8 February 2019 and refuse planning permission.

Provost Fletcher, seconded by Councillor Cunningham, moved as an amendment that the decision of the Appointed Officer as set out in the decision notice of 8 February 2019 be overturned and that planning permission be granted.

On a vote being taken, three Members voted for the motion and three Members voted for the amendment. There being an equality of votes cast, in accordance with Standing Order 32(c) the Chair had a casting vote which she cast in favour of the motion.

The motion was accordingly carried and it was agreed to uphold the decision of the Appointed Officer as set out in the decision notice of 8 February 2019 and refuse planning permission.

NOTICE OF REVIEW – REVIEW 2019/07 – ERECTION OF ONE AND A HALF STOREY REAR EXTENSION FORMING GABLE END AT HILTON, 5 CRAIGIE DRIVE, NEWTON MEARNS (REF NO: 2019/0116/TP)

954. The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Mr D Grieve, against the decision taken by officers to refuse planning permission in respect of the erection of a one and a half storey rear extension forming gable end at Hilton, 5 Craigie Drive, Newton Mearns.

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 had carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

Having been advised that the applicant had submitted new evidence which was not before the Appointed Officer at the time that the determination of the application was made and having noted the procedure that required to be followed should the new information be taken into account, the Local Review Body decided not to give consideration to the new information in the determination of the review.

At this stage, 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 that the decision of Appointed Officer as set out in the decision notice of 18 April 2019 be overturned and that planning permission be granted.

NOTICE OF REVIEW – REVIEW 2019/09 – ERECTION OF TWO AND A HALF STOREY REAR EXTENSION WITH BALCONY TO THE REAR OF 65 AYR ROAD, NEWTON MEARNS (REF NO: 2018/0744/TP)

955. The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Mrs Aline Dervaney, against the decision taken by officers to refuse planning permission in respect of the erection of a two and a half storey rear extension with balcony to the rear of 65 Ayr Road, Newton Mearns.

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 had carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

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, Councillor Ireland, seconded by Councillor Convery, moved that the decision of the Appointed Officer as set out in the decision notice of 9 May 2019 be overturned and that planning permission be granted, subject to attaching a condition relating to the use of slates on the roof.

Councillor Cunningham, seconded by Councillor Swift, moved as an amendment that the decision of the Appointed Officer as set out in the decision notice of 9 May 2019 be overturned and that planning permission be granted without condition.

On a vote being taken, three Members voted for the motion and three Members voted for the amendment. There being an equality of votes cast, in accordance with Standing Order 32(c) the Chair had a casting vote which she cast in favour of the motion.

The motion was accordingly carried and it was agreed that the decision of Appointed Officer as set out in the decision notice of 9 May 2019 be overturned and that planning permission be granted, subject to the following condition being attached to the consent relating to the use of slates on the roof:-

CONDITION:-

1. The roof of the extension hereby approved shall be finished in natural slate to match that of the existing house.

Reason: - In the interests of visual amenity and to ensure that the proposals do not adversely affect the architectural and historic character of the building.

NOTICE OF REVIEW – REVIEW 2019/10 – ERECTION OF ONE AND A HALF STOREY REAR EXTENSION FORMING GABLE END WITH ASSOCIATED RAISING OF RIDGE HEIGHT; INSTALLATION OF DORMER WINDOWS AT SIDES; INSTALLATION OF HIPPED ROOF OVER DORMER WINDOW AT FRONT AT 145 KILPATRICK GARDENS, CLARKSTON (REF. NO: 2019/0168/TP)

956. The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Mr Kamil Olas, against the decision taken by officers to refuse planning permission in respect of the erection of a one and a half storey rear extension forming gable end with associated raising of ridge height; installation of dormer windows at sides; installation of hipped roof over dormer window at front at 145 Kilpatrick Gardens, Clarkston.

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 had carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

892

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 that the decision of the Appointed Officer as set out in the decision notice of 14 May 2019 be overturned and that planning permission be granted.

CHAIR

MINUTE
of
LICENSING COMMITTEE

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

Present:

Councillor Angela Convery (Chair)
Councillor Betty Cunningham (Vice-Chair)

Councillor Charlie Gilbert
Councillor Stewart Miller

Councillor Convery in the Chair

Attending:

Jacqui McCusker, Senior Solicitor; Brian Kilpatrick, Civic Government Enforcement Officer; and Ron Leitch, Committee Services Officer.

Also Attending:

Inspector Bryan McGeoch, Sergeant Scott Brown, and Angela Barr, Police Scotland.

Apology:

Councillor Alan Lafferty.

DECLARATIONS OF INTEREST

957. 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 Standing Order 19, Councillor Convery agreed to vary the order of business as printed on the agenda in order to facilitate the conduct of the meeting.

PRIVATE HIRE CAR DRIVER'S LICENCE – REQUEST FOR SUSPENSION

958. The committee considered a report by the Chief Officer (Legal & Procurement) in relation to a request for the suspension of a Private Hire Car Driver's Licence on the grounds that the licence holder was no longer a fit and proper person to be the holder of such a licence by virtue of the circumstances outlined in the letter from the Chief Constable (Agenda Item 6 refers).

The licence holder was present.

Inspector McGeoch and Sergeant Brown, representing the Chief Constable who had made the request, were also present.

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

The licence holder was then heard in respect of the request and in response to questions from Members.

Having fully discussed the circumstances, the committee agreed not to suspend the licence in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982 pending the outcome of the forthcoming court case.

The licence holder was reminded of his obligation under the terms and conditions of the licence to immediately advise the Council if he was later found guilty of any offence in court.

PRIVATE HIRE CAR OPERATOR'S LICENCE – REQUEST FOR SUSPENSION

959. The committee considered a report by the Chief Officer (Legal & Procurement) in relation to a request for the suspension of a Private Hire Car Operator's Licence on the grounds that the licence holder was no longer a fit and proper person to be the holder of such a licence by virtue of the circumstances outlined in the letter from the Chief Constable (Agenda Item 7 refers).

The licence holder was present.

Inspector McGeoch and Sergeant Brown, representing the Chief Constable who had made the request, were also present.

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

The licence holder was then heard in respect of the request and in response to questions from Members.

Having fully discussed the circumstances, the committee agreed not to suspend the licence in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982 pending the outcome of the forthcoming court case.

The licence holder was reminded of his obligation under the terms and conditions of the licence to immediately advise the Council if he was later found guilty of any offence in court.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

960. The committee considered a report by the Chief Officer (Legal & Procurement) in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 5 refers).

The applicant was present.

Inspector McGeoch 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 agreed to a short adjournment to consider the matter.

On reconvening, 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 granted for a period of one year subject to standard terms and conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

961. The committee considered a report by the Chief Officer (Legal & 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 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 applicant advised the committee that his previous Private Hire Car Driver's Licence and Private Hire Car Operator's Licence issued by Glasgow City Council had both been revoked due to his failure to comply with the conditions attached to his Private Hire Car Driver's Licence in that he failed to complete the approved training course and obtain a pass

certificate within 6 months of the date of grant or renewal of his licence. He further failed to comply with these conditions in that he refused to carry a guide dog in his vehicle. The committee considered that this rendered him to be not a fit and proper person to be the holder of a Private Hire Car Driver's Licence.

Thereafter, the committee, having also taken account of the objection 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 failure to comply with the terms and conditions of his previous Private Hire Car Driver's Licence issued by Glasgow City Council and his manner at the meeting which the committee considered to be unacceptable.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

962. The committee considered a report by the Chief Officer (Legal & 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.

Inspector McGeoch 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 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 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 her previous conviction.

CHAIR

MINUTE
of
CABINET

Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 15 August 2019.

Present:

Councillor Tony Buchanan (Leader)
Councillor Colm Merrick

Councillor Paul O’Kane

Councillor Buchanan, Leader, in the Chair

Attending:

Lorraine McMillan, Chief Executive; Mhairi Shaw, Director of Education; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Louise Pringle, Head of Communities, Revenues and Change; Mark Ratter, Head Of Education Services (Quality Improvement and Performance); Barbara Clark, Chief Accountant; Graeme Smith, Communications Manager; Jamie Reid, Strategic Insight and Communities Senior Manager; Craig Geddes, Senior Information and Improvement Officer; Kim Gear, Corporate Policy Officer; and Paul O’Neil, Committee Services Officer.

Apologies:

Councillors Caroline Bamforth, Danny Devlin, and Alan Lafferty.

DECLARATIONS OF INTEREST

963. Councillors Merrick and O’Kane declared non-financial interests in relation to Item 968 - East Renfrewshire Culture and Leisure – End-Year Performance Report 2018/19 on the grounds that they were members of the Board of East Renfrewshire Culture and Leisure Trust.

At this stage, the Leader proposed that the report be continued to the next meeting of the Cabinet on 29 August 2019 to allow Councillors Devlin, Bamforth and Lafferty who were not members of the East Renfrewshire Culture and Leisure Trust Board the opportunity to give consideration to the report. This was agreed.

REMIT FROM EDUCATION COMMITTEE – GAELIC LANGUAGE PLAN FOR EAST RENFREWSHIRE

964. Under reference to the Minute of the meeting of the Education Committee of 13 June 2019 (Page 854, Item 909 refers) when it was agreed amongst other things to remit the plan to the Cabinet for approval, the Cabinet considered a report by the Director of Education, providing an update on progress with the Gaelic Language Plan for East Renfrewshire.

The report explained that the draft East Renfrewshire Gaelic Language Plan 2015-19 had been developed following consultation with colleagues across the Council and with support from the nominated officer from the Bord na Gaidhlig. The updated Gaelic Language Plan 2017-22, a copy of which accompanied the report, had been prepared following feedback from Bord na Gaidhlig with timescales amended accordingly.

Referring to one of the actions in the plan concerning proposals for signage that was due to be replaced that these should be in Gaelic and English demonstrating equal respect for both languages, Councillor O’Kane suggested that further discussions should take place before prior to implementing the action.

The Cabinet agreed:-

- (a) that the Director of Education submit a report to a future meeting of the Cabinet regarding proposals to replace signage in both Gaelic and English; and
- (b) noted the updated content and timescales of the Gaelic Language Plan for East Renfrewshire.

ANNUAL EFFICIENCY STATEMENT 2018/19

965. The Cabinet considered a report by the Deputy Chief Executive, providing details of the Council’s annual efficiency statement for 2018/19. A copy of the statement was appended to the report.

Whilst noting that councils were required to provide annual efficiency statements to COSLA each year and having noted that a summary statement, for local government as a whole, was then developed for the Scottish Government, and that the Council’s statement was also placed on the Council website for public access, the report highlighted the ways in which efficiencies could arise within the Council.

Details of a number of improvement and change programmes that were underway in the Council were outlined in the report. It was noted that the main focus over the preceding year had been the core systems programme which was concerned with the significant change to replace the Council’s ICT systems for finance/procurement and HR/payroll and establishing the digital programme. The annual efficiency statement appended to the report gave some further detail on how this work had delivered efficiencies and savings over 2018/19 it being noted that the Council had made cash-releasing savings of £3,374,983.00.

The Cabinet approved the annual efficiency statement 2018/19 for submission to COSLA.

FREEDOM OF INFORMATION – COUNCIL PERFORMANCE FOR THE PERIOD JANUARY 2018 TO MARCH 2019

966. The Cabinet considered a report by the Chief Executive, providing details of the annual report on the Council’s performance in dealing with Freedom of Information requests.

The report explained that Freedom of Information provided a statutory right of access to information held by Scottish public authorities and that statistical reports on how the Council had dealt with information requests had been produced on an annual basis since the Freedom of Information (Scotland) Act came into force in 2005.

The report explained that to bring the report into line with other reporting mechanisms, the reporting period was being changed from the calendar year to the financial year and therefore covered requests received in the 15 month period from 1 January 2018 to 31 March 2019.

The Council had received a total of 1,840 requests during the 15 month period whereas 1,463 requests were received for the calendar year 2018 and 1,507 for the financial year 2018/19. Details of Council, departmental and sectional performance in responding to Freedom of Information requests were outlined together with a summary of the use of exemptions, reviews and appeals.

The Cabinet noted the report.

END-YEAR PERFORMANCE REPORTS 2018/19

967. The Cabinet considered reports by the Chief Executive and Deputy Chief Executive in relation to the End-Year Performance Reports 2018/19 for their respective departments, details of which were outlined in the appendices to the reports.

The Cabinet approved the reports as summaries of the Chief Executive's Office and Corporate and Community Services Department End-Year Performance for 2018/19.

EAST RENFREWSHIRE CULTURE AND LEISURE – END-YEAR PERFORMANCE REPORT 2018/19

968. The Cabinet agreed that consideration of the report be continued to the next meeting on 29 August 2019.

FINANCIAL PERFORMANCE FOR THE YEAR ENDED 31 MARCH 2019

969. The Cabinet considered a report by the Chief Financial Officer, providing details of the financial results for 2018/19 and comparing the out-turn with the final budgetary control statement for that year which was submitted to the meeting of the Cabinet on 4 April 2019.

The report demonstrated the continuing excellent financial performance of the Council and indicated that subject to audit, the financial results contained within the accounts were satisfactory. Whilst noting that the Council's financial affairs had again been managed within its operational budget, the report highlighted that an overall surplus for the financial year of £4,089,000 had been recorded in the accounts.

The report highlighted that after transfers to earmarked reserves, the Council's non-earmarked General Fund reserve had increased by £384,000 resulting in a balance of £10,517,000 as at 31 March 2019. This represented 4.3% of the annual budgetary net revenue expenditure and was slightly above the Council's most prudent target level of 4%. However, the balance would significantly reduce over the current year as the Council had budgeted to use £4,312,000 of this reserve during 2019/20.

The report also provided details of transfers totalling £2,734,000 that had been made from the General Fund balance to the non-earmarked General Fund; Modernisation Fund; Equalisation Reserve; Feasibility Fund; Capital Reserve; and Repairs and Renewals Fund. Furthermore, the Housing Revenue Account recorded an operational surplus of £89,000 thus increasing the accumulated surplus balance to carry forward to £1,718,000.

The Cabinet:-

- (a) noted the out-turn position compared to the previous budgetary control report;
- (b) approved the transfers being made from the General Fund to the Capital Reserve, Modernisation Fund, Repairs and Renewals Fund, Equalisation Reserve and the new Feasibility Fund; and
- (c) noted that once the audit had been completed the Final Accounts would be submitted to a future meeting of the Council along with the External Auditor's report.

CHAIR

MINUTE
of
AUDIT & SCRUTINY COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 15 August 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:

Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Michelle Blair, Chief Auditor; Barbara Clark, Chief Accountant; Linda Hutchison, Clerk to the Committee; Charles Leleux, Scrutiny and Evaluation Officer; and Jennifer Graham, Committee Services Officer.

DECLARATIONS OF INTEREST

970. There were no declarations of interest intimated.

CHAIR'S REPORT

971. 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.

ANNUAL TREASURY MANAGEMENT REPORT FOR 2018/19

972. Under reference to the Minute of the meeting of 21 February 2019 (Page 729, Item 792 refers), when it had been agreed to note the Treasury Management Strategy Report for 2019/20 and recommend to the Council that the Strategy for 2019/20 and the policy on the repayment of loans fund advances be approved, the committee considered a report by the Head of Accountancy (Chief Financial Officer) providing details of the Council's treasury management activities for the year ending 31 March 2019 and seeking approval to recommend to the Council that a list of organisations for the investment of surplus funds be approved.

The report referred to a well-managed treasury function within the Council and related issues, commenting that the authority continued to adopt a prudent approach to treasury management and that stability in borrowing assisted the Council to respond to current, national economic pressures. The submission of the report to the committee, prior to its submission to the Council, was in line with the CIPFA Code of Practice on Treasury Management.

The committee, having heard the Chief Accountant highlight keys issues within the report, agreed to:-

- (a) note the Treasury Management Annual Report for 2018/19; and
- (b) **recommend to the Council** that the organisations specified in the report for investment of surplus funds be approved.

NATIONAL EXTERNAL AUDIT REPORT – HOW COUNCILS WORK – SAFEGUARDING PUBLIC MONEY: ARE YOU GETTING IT RIGHT?

973. The committee considered a report by the Clerk on the publication by Audit Scotland of a report entitled *How Councils Work – Safeguarding Public Money: Are You Getting it Right?* which under the committee's specialisation arrangements had been sent to Councillors Miller and Grant for review. The Head of Accountancy (Chief Financial Officer) had provided comments on it and a copy of her feedback was attached to the report.

The report referred to systems of internal control in place within the Council and related risks covered; adherence to accounting regulations through carrying out an annual review of internal controls; how risk issues were addressed and overseen corporately; and related reports considered regularly, such as by the Corporate Management Team (CMT) and Audit and Scrutiny Committee.

Whilst commenting on potential control weaknesses, the report referred to pressures facing councils; and the importance of having clear instructions and procedures in place supported by management checks, systems controls and segregation of duties. The implementation of the Council's new finance, HR and payroll system, associated challenges and benefits, and the importance of related monitoring were commented on, as were a few control issues raised in the External Auditor's *East Renfrewshire Council Management Report 2018/19* as discussed by the committee in June. Specific matters referred to included authorisation controls, system access issues, and inappropriate access to systems or assets.

Whilst commenting on addressing fraud and irregularities, including the recent review of the Council's Anti-Fraud, Theft and Bribery Strategy and Whistleblowing Policy in addition to which an Anti-Money Laundering Policy had been approved in 2018, the report summarised the position on cyber-security matters. It also made reference to the level of assurance placed by the Chief Auditor on the adequacy and effectiveness of the Council's framework of governance, risk management and internal control for the year ended 31 March 2019 and related matters. Other matters on which feedback was provided on officer and councillor roles included the role of the Audit and Scrutiny Committee and related training and support; partnership working; monitoring of the local Community Planning Partnership; training for Elected Members; the Council's Scheme of Delegated Functions; and the Internal Audit section's compliance with Public Sector Internal Audit Standards.

Overall it was concluded that the Council was well placed to address most of the issues raised, but that it would continue to face substantial challenges and required to keep controls under review, especially at a time of large scale change.

The Head of Accountancy highlighted keys issues within the report, clarifying that these fell into three main sections and providing related comments.

In response to questions and comments on overpayments to former employees which had also been discussed in June when the Council Management Report 2018/19 had been considered by the committee, the Head of Accountancy highlighted that this was a risk in all

local authorities. She referred to related action managers should take to contact payroll, providing examples of how overpayments could occur through error or a payroll cut-off date being missed, such as when someone left just before they were due to be paid or a temporary employee left. It was clarified that steps were taken to recover losses as soon as possible through the Debtors section, or later through legal action in a few cases if required.

In response to Councillor Grant who referred to the importance of taking action timeously, proactively and in advance to prevent overpayments, and of emphasising to employees that repayment is expected and pursued when it does happen, the Head of Accountancy explained that HR stressed the need for action to avoid such problems occurring, reiterating that issues were pursued if required. It was suggested that more detailed comments on how these issues were being addressed proactively would be useful and should be sought from the Head of HR and Corporate Services. The Chief Auditor explained that a log maintained by payroll indicated that most overpayments arose from late notification to payroll, adding that approximately 80% of overpayments made in 2018/19 were being recovered by mandate rather than there being a need to issue a debtor's account.

During discussion on the risk of inappropriate access to Council systems or assets which the committee had also discussed in June, the Head of Accountancy referred to the leavers checklist managers should complete whenever one of their team left, one aim of which was to ensure the return of entry cards and equipment. The Chief Auditor commented on evidence gathered through testing which suggested that many of the checklists were not completed adequately. It was explained that HR was striving to improve the use and completion of the checklists across the Council, following which it was proposed that more detailed information be sought from HR on how this was being pursued.

In response to questions on the new core systems being introduced, the Head of Accountancy clarified that the old and new HR/Payroll systems would operate in tandem for a few months to ensure a smooth transition between the two systems. Regarding the creditors/debtors ledger system, she explained that this could not be dealt with in the same way, clarifying that data required to be migrated to the new system by the end of August, but confirming that historic data would be retained for audit purposes. She emphasised that the new system would be tested during the changeover period and, subject to the data transferring satisfactorily, it was anticipated that the new system would be live from the start of September. She added that the system would be closely monitored during the transition period and that, if a potentially serious implementation problem arose, the authority could revert back to using the current system until the issue was resolved. The Head of Accountancy clarified the level of support available to support the introduction of the new system and referred to the use made of the type of system that was being put in place within the public sector and large organisations.

During further discussion, it was confirmed that there was good support and cooperation from other agencies and organisations in support of the National Fraud Initiative.

The committee, having heard the Head of Accountancy in further clarification, agreed:-

- (a) to seek further clarification from the Head of HR and Corporate Services on actions being taken both to minimise overpayments being made to employees, such as when they leave the authority, and also to reinforce the need to and importance of using the leavers checklist; and
- (b) otherwise, to note the report and comments made.

INTERNAL AUDIT PLAN 2019/20 - IMPLEMENTATION PROGRESS REPORT – APRIL TO JUNE 2019

974. The committee considered a report by the Chief Auditor regarding progress made on the implementation of the 2019/20 Internal Audit Plan from 1 April to 30 June 2019. It was confirmed that during the quarter three audit reports relating to planned 2019/20 audit work had been issued, that the management response for one of the audit reports issued had yet to be received the due date for which had not yet passed, and that a management response to a 2018/19 report had now been received. Related details were provided. Reference was also made to the quarterly performance indicators (PIs) for the section and four new requests for assistance dealt with using contingency time.

Having commented on the staffing position within the section, the report proposed that a planned audit on the operation of the Culture and Leisure Trust be deleted from the Audit Plan, senior management having proposed instead that a Best Value type review be carried out by the Scrutiny and Evaluation Officer, the findings of which would be reported to the committee in due course.

Whilst commenting on the report, the Chief Auditor clarified that the provision of feedback on the City Deal audit related to the implementation of the 2018/19 Internal Audit Plan. In response to questions, she reported that she was not aware of any enhanced payments being paid to employees who were working on City Deal projects now. Further reference was made to the proposed way forward on the Culture and Leisure Trust and the proposed Best Value type review to be progressed by the Scrutiny and Evaluation Officer.

The committee, following discussion, agreed:-

- (a) not to seek any of the reports issued in the quarter at this stage;
- (b) to approve the deletion of the audit of the operation of the Culture and Leisure Trust from the 2019/20 Audit Plan on the basis proposed, in respect of which the Scrutiny and Evaluation Officer would progress a Best Value type review on the Trust, the findings of which would be reported to the committee in due course; and
- (c) otherwise, to note the report and related comments made.

POTENTIAL AREAS FOR SCRUTINY AND REVIEW INVESTIGATIONS

975. Under reference to the Minute of the meeting of 20 June 2019 (Page 868, Item 924 refers), when it had been agreed that a detailed review be progressed on income generation and commercialisation; and that work on the potential scope of other reviews suggested be undertaken between then and now, the committee considered a report by the Chief Executive providing an update on discussions on the other potential areas for scrutiny and review.

The report reminded the committee that it had been agreed to progress the work on the scope of other potential reviews using the selection and rejection criteria within the Council's new Guide to Scrutiny and Review, the intention being to have other areas for review agreed and prioritised by the committee, and the next detailed review ready to commence once the current review on income generation and commercialisation was approaching completion. Having clarified that this initial scoping work had been concluded, the report referred to a summary of the outcome of discussions on these areas between departments and the Scrutiny and Evaluation Officer, a copy of which was appended to the report. The summary

itemised and proposed how the committee could move forward on various issues. In relation to this, reference was made to a priority rating system developed recently as a further aid to Elected Members for those review areas meeting the selection criteria with a view to assisting them schedule and prioritise work.

It was concluded that the proposals provided the opportunity for the committee to schedule when they would wish to undertake scrutiny and review investigations, using suggested priority ratings, while keeping other areas under observation. It was also highlighted that it would be valuable to consider further potential areas for scrutiny and review periodically, and that updates on the reviews it was agreed to progress would be provided and reported through the annual work plan which would be refreshed at different stages throughout each year, the intention being to submit an update on the 2019/20 work plan to the next meeting.

The Scrutiny and Evaluation Officer provided further clarification on the selection criteria used during the scoping exercise and also on the issues in respect of which it was being proposed that various presentations or visits be arranged during the forthcoming months to allow Members to ask questions directly of service providers. Amongst other things, regarding a proposed presentation to the committee on the school admission policy and Education Appeals system, it was proposed that this be provided to the committee at its meeting on 21 November 2019.

The Scrutiny and Evaluation Officer encouraged members of the committee to propose further areas where a review was required immediately after the completion of the current detailed work being done on income generation and commercialisation. He clarified that he would seek feedback from them on this issue through further correspondence.

Having heard Members express general concerns about the current Education Appeals system, more specifically, concerns were expressed about the possible transfer of responsibility for these from local authorities to the Scottish Tribunals System from April 2021 on which the Scottish Government had prepared draft Regulations. Concerns were expressed about the potential for a third party to determine the outcome of these Appeals without giving sufficient and due regard to local circumstances and consequences. The importance of knowledge of and considering local issues was commented on further, such as the importance the local authority placed on managing the release of new housing taking account for example of school provision, and the importance of not granting placing requests when a range of new houses were due to be occupied shortly, such as at Maidenhill, in relation to which school places would be required for those moving into the local area. It was argued that reform of the Education Appeals system would be helpful, but not the removal of control of these from local authorities. Reference was made to the potential for the authority to respond to any consultation issued on the proposed way forward, in respect of which it was suggested that the Director of Education be advised of the concerns expressed at the meeting so these could be considered when formulating responses.

On a further school placing request related issue, Councillor Swift commented that the current criteria for approving such requests was now impacting on some local parents who were no longer necessarily able to secure places for all of their children at the one school following changes to catchment areas which it was argued disadvantaged some people. Having heard him refer to the current priority criteria, it was proposed that the Director of Education also be advised of the concern raised.

The committee, having considered the list of potential areas for a scrutiny and evaluation review as identified by the committee at their meeting on 20 June using the selection and rejection criteria agreed as part of the new Guide to Scrutiny and Review, and having discussed related issues, agreed:-

- (a) that the status of all the proposed areas for a scrutiny and evaluation review and the implementation of the related proposals over time, as documented in Appendix 1 to the report, be approved and implemented;
- (b) linked to the way forward agreed on both fly-tipping and graffiti removal, that visits be organised for members of the committee in the latter part of 2019/20 to allow them to gather information on the latest procedures and equipment being used by the Environment Department to tackle these issues;
- (c) linked to the way forward agreed on the Education Appeals system, that:-
 - (i) appropriate officers make a presentation to the committee, for information, on 21 November 2019 about the schools admission policy and Education Appeals system;
 - (ii) that the Director of Education be advised of the committee's concerns on the potential implications of the proposal under consideration by the Scottish Government to transfer administration of the appeals system from local authority control to the Scottish Tribunals System to allow her to consider the views expressed when formulating responses to any related consultation; and
 - (iii) that the Director of Education also be advised of the concerns expressed at the meeting on the current criteria for approving school placing requests, specifically the impact the current approach has on some East Renfrewshire resident families in terms of siblings not necessarily being able to access the same school when catchment areas are altered;
- (d) linked to the way forward agreed on the issue of the Council website/communications with the public, and prior to considering further when a review may be appropriate in due course, that in the interim a demonstration of the new website be organised in due course for Elected Members to provide an opportunity for questions to be asked about it and its capabilities;
- (e) regarding Brexit and the related financial implications, that in the first instance following the appointment of the Council's Brexit Coordinator, arrangements be made for the postholder to meet with the committee to allow Members to take evidence/gather information on Brexit issues;
- (f) that the Scrutiny and Evaluation Officer liaise further with members of the committee with a view to other potential priority 1 issues for immediate review being identified to allow the committee to determine in due course the next piece of detailed work to be undertaken; and
- (g) to note that it was intended to submit an update on the committee's work plan to the next meeting.

INVESTIGATION ON INCOME GENERATION AND COMMERCIALISATION – UPDATE ON PROGRESS

976. Under reference to the Minute of the meeting of 20 June 2019 (Page 868, Item 924 refers), when it had been agreed that a detailed review be progressed on income generation and commercialisation and to approve 5 related objectives, the committee considered a report by the Chief Executive providing an update on progress with the investigation.

Having itemised the related objectives set and reminded the committee that it was intended that a final report on the work with recommendations would be submitted to the committee in November, the report summarised progress thus far. Reference was made to a meeting between the Chair, Vice Chair and Scrutiny and Evaluation Officer and representatives from Audit Scotland to discuss commercialisation opportunities being considered by local authorities in England. Having commented on relevant information being gathered from other local authorities, to consider what had worked well and what had not, and also a range of national organisations including the Society of Local Authority Chief Executives and Senior Managers (SOLACE) and the Association of Public Services Excellence (APSE), the next steps for gathering information and taking evidence were outlined.

It was concluded that the review area had the potential to generate new income streams, which may assist the Council in several areas: financial planning now and for the future; demonstrating financial responsibility to the East Renfrewshire community; delivering Best Value; and sustaining or improving service levels for local citizens and customers. It was also considered to have the potential to develop stronger links with businesses and organisations; develop collaborative links with other councils; and to promote self-awareness of where the Council was positioned in terms of benchmarking information.

Whilst commenting further, the Scrutiny and Evaluation Officer reported on a number of forthcoming meetings arranged between officers throughout the authority and members of the committee to discuss issues relating to the review, the value of which was commented on, as was the need for an appropriate level of discussion. He requested that Members confirm to him their availability to attend the meetings arranged, following which it was clarified that it was not expected that every member of the committee would attend all of the meetings.

During discussion Councillor Swift expressed the view that it was not for local authorities to become involved in areas where they lacked sufficient expertise, citing the example of the experiences of some English local authorities who had become involved unsuccessfully in the purchase of shopping centres for example.

The committee, following discussion and having heard the Scrutiny and Evaluation Officer, noted:-

- (a) that further work on the investigation would be progressed; and
- (b) otherwise, the progress made thus far.

CHAIR

MINUTE
of
EDUCATION COMMITTEE

Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 22 August 2019.

Present:

Councillor Paul O’Kane (Chair)	Councillor Jim McLean
Councillor Colm Merrick (Vice Chair)	Dr Frank Angell
Councillor Tony Buchanan (Leader)	Ms Dorothy Graham
Councillor Charlie Gilbert	Ms Mary McIntyre
Councillor Alan Lafferty	Mr Des Morris

Councillor O’Kane in the Chair

Attending:

Mhairi Shaw, Director of Education; Janice Collins, Head of Education Services (Equality and Equity); Fiona Morrison, Head of Education Services (Provision and Resources); Mark Ratter, Head of Education Services (Quality Improvement and Performance); Tracy Morton, Education Senior Manager; and Ron Leitch, Committee Services Officer.

Apology:

Councillor Caroline Bamforth.

DECLARATIONS OF INTEREST

977. There were no declarations of interest intimated.

SQA EXAMINATION DIET 2019

978. Councillor O’Kane invited Dr Mark Ratter, Head of Education Services (Quality Improvement and Performance), to give a brief overview of attainment in East Renfrewshire schools in the Scottish Qualifications Authority (SQA) examinations 2019.

Dr Ratter advised the committee that the 2019 results were outstanding across all the key measures. He explained that the achievements of young people in East Renfrewshire had rightly attracted much publicity and that the Education Department was delighted with the results across its secondary schools, with young people managing to outperform the previous best ever S5 and S6 results.

Before commenting further, Dr Ratter acknowledged that the high standards achieved were as a result of the learning that took place throughout the broad general education and senior phase in conjunction with the hard work of pupils together with support from staff and parents.

He went on to explain that 2015 had been the first year that East Renfrewshire S4 pupils were presented for the new National Qualifications, with 2016 the first year pupils were presented for the new Highers and Advanced Highers. There continued to be changes to courses in the senior phase and 2017/18 and 2018/19 had seen significant changes to the way in which National 5 and then Higher courses were assessed. It was important to highlight the extensive efforts secondary school staff had made in developing high quality courses for S4, S5 and S6 pupils that had resulted in the first class results that pupils had achieved.

Thereafter he highlighted a number of particular achievements. These included, amongst others, continuing strong performance of young people in S4 with 78% of the year group achieving 5 or more qualifications at level 5 or better, up from 75% the previous year; 268 pupils (20% of the year group) achieving 8 or more grade A passes at National 5; and as a result of schools' focus on equity and excellence, there had been a 14% increase in the proportion of S4 pupils registered for free school meals achieving 5 or more awards at National 5 to 54%. Eastwood, St Ninian's and Woodfarm High Schools had all achieved outstanding best ever S4 results. The proportion of S4 pupils in Barrhead High School who achieved 5 or more awards at National 5 had increased by nearly 9% to 60%, the second highest result ever. St Luke's High School had its best ever performance for the proportion of S4 pupils achieving 5 or more awards at National 4.

The Higher results for S5 pupils were very strong across all measures with 81% of the original roll achieving 1 or more Highers, similar to last year, and 65% attaining 3 or more Highers. The proportion of the S4 roll that had achieved 5 or more Highers was 44%, the second highest result to date. Eastwood High School had its best results for 3 or more Highers and Barrhead and Williamwood High Schools had their best ever S5 results for 5 or more Highers. Mearns Castle High School had maintained very high attainment across key S5 measures. A total of 165 young people across the authority had achieved 5 or more Highers at grade A.

At Advanced Higher in S6, the performance across the authority had been very strong with 40% of the original S4 cohort achieving 1 or more Advanced Higher awards, similar to 2018. Eastwood High School had its best ever results for the proportion of S6 pupils achieving 1 or more Advanced Highers, increasing by more than 6%.

Dr Ratter concluded by saying that the improvements at S4, S5 and S6 in the 2019 SQA results provided further clear evidence that the department had raised the bar for all pupils and was delivering on its vision of *Everyone Attaining, Everyone Achieving through Excellent Experiences*.

Councillor Buchanan congratulated the Director and her team on another set of impressive results. He referred to the challenge of maintaining such high levels and how the results achieved suggested that the department was delivering on its aim of improving consistency of learning across the authority.

Having heard Councillor O'Kane welcome the very positive results and remind members that the results were not an end in themselves but a means to opening up future opportunities for the young people of East Renfrewshire, the committee noted the information provided and that a more detailed presentation would be made to a future meeting.

HEALTH, SAFETY AND SECURITY – REVIEW OF 2018/19 AND PRIORITIES FOR 2019/20

979. Under reference to the Minute of the meeting of 23 August 2018 (Page 499, Item 550 refers), when it had been agreed that a further report would be provided at the end of session 2018/19, the committee considered a report by the Director of Education reviewing progress in achieving the key objectives in health, safety and security in 2018/19. The report also looked forward to the forthcoming year noting that the department remained committed to health, safety and security issues and setting further goals for 2019/20. A copy of the Education Department Annual Health, Safety and Security Report accompanied the report.

The Education Senior Manager reported that the department remained committed to maintaining and improving its standards in health, safety and security and this was evidenced by the work undertaken in 2018/19 and the planned activity for 2019/20 details of which were contained in the report. Priority areas for 2019/20 included, amongst others, the completion of fire warden and manual handling training for 20% of schools; reviews and updates of GLOW documents, Standard Circular 33 (Safety in Outdoor Education – A Code of Practice), Standard Circular 48 (School Excursions and Educational Visits), and the Code of Practice in Science; development of a chemical safety management protocol for secondary schools; and development of a strategy to implement Occupational Road Risk (ORR) policy across key areas.

Commenting further on the report, the Education Senior Manager highlighted the significant increase in the number of incidents of violence to staff from 262 to 592. She clarified that as in the past, the incidents tended to involve a small number of predominantly younger children with identified additional support needs (ASN) who found the school environment challenging. She went on to explain that a working group consisting of staff in various job roles had been set up to look at the numbers in detail with a view to identifying good practice and areas for improvement.

Mr Morris, commenting on the increase in incidents of violence to staff, highlighted the importance of considering non-teaching staff in schools as well as teachers and commended the proposal to take future reports to the 1st Tier JCC which would allow all trades unions with members within the department the opportunity to discuss the position. He also expressed the need to continue to encourage the use of the Accident and Incident Reporting System (AIRS) to report all such incidents in order that the full extent of the problem and the impact of future initiatives to resolve it could be fully monitored.

Responding to an enquiry from Councillor Lafferty who asked if there was evidence of families with ASN children moving into East Renfrewshire specifically to access the excellent facilities for their care which existed in the area, the Head of Education Services (Equality and Equity) reported that there had been evidence of this over the summer period and that this was being carefully monitored. This increase in pupils with ASN moving into and now resident within the Council area was noted. She also reminded the committee that this increase in numbers also had an impact on resources within the Health and Social Care Partnership (HSCP) and, as a result, a high level of partnership working between the two services was essential.

Thereafter, having heard Councillor Buchanan welcome the drive towards better recording of all such incidents, and commend the close partnership working with the HSCP and the recommendation to bring future reports to the 1st Tier JCC, the committee agreed to:-

- (a) note the progress made in 2018/19 in achieving the Education Department's agreed health, safety and security objectives;

- (b) approve the health, safety and security objectives recommended for 2019/20; and
- (c) instruct the Director of Education to provide a further report at the end of session 2019/20 and, in line with the Council's reporting arrangements on Health and Safety, submit this for the consideration of the 1st Tier JCC.

EDUCATION DEPARTMENT YEAR END REPORT 2017/18

980. The committee considered a report by the Director of Education informing members of the year end performance of the Education Department based on performance indicators in the Outcome Delivery Plan (ODP) 2018 - 21. A copy of the Education Department Year End Report 2018/19 accompanied the report.

The Head of Education Services (Quality Improvement and Performance) explained that the detailed results contained in Appendix 1 to the report were set out under the ODP outcomes.. Performance indicators for school attainment, attendance and exclusions broadly reflected the academic year 2017/18 and updates in relation to the 2018/19 performance would be provided to a future meeting of the committee.

He went on to explain that the information presented in the report showed a very positive picture overall with key strengths highlighted. These included, amongst others, very good performance in terms of attainment, exclusions and leaver destinations; very high satisfaction levels with East Renfrewshire schools as expressed in the Citizen's Panel and parental questionnaires; and improvements to the school estate with the new-build Maidenhill Primary School and Nursery Class and the ongoing developments in preparation for the expansion of early learning and childcare to 1140 hours. A number of areas for further improvement were noted including, amongst others, further improvement to the attainment of disadvantaged children and young people; continuing to empower Head Teachers through effective implementation of the Leadership Strategy; and continuing to progress a wide range of digital solutions, including new Core Systems, to modernise how the department worked and to help mitigate against the impact of future financial savings.

Having heard Councillor Merrick welcome the report and highlight the challenges facing the Council as an already high-performing authority, the committee approved the report as a summary of the Education Department's year end performance for 2018/19.

NATIONAL IMPROVEMENT FRAMEWORK

981. The committee considered a report by the Director of Education providing an update on the department's progress in implementing priorities associated with the National Improvement Framework (NIF) for Scottish Education. A copy of the evidence report submitted to Education Scotland accompanied the report.

The Head of Education Services (Quality Improvement and Performance) explained that the report referred to the introduction of the NIF which was intended to drive both excellence and equity in Scottish education, to the planning and reporting duties that underpinned the NIF, and how it mirrored the Council's aspirations as set out in various plans and strategies including the departmental strategy of *Advancing Excellence and Equity in Education in East Renfrewshire*.

In addition, the report explained that the annual Standards and Quality Report produced by the department provided evidence of how the bar had been raised for all learners, whilst at

the same time the inequalities of outcome experienced by the more disadvantaged children and young people in the area had been reduced. This was in addition to setting out progress that had been made towards the NIF's 4 national priorities, details of which were outlined.

Thereafter, having provided brief details of the department's annual evaluation process, the report outlined the sources from which the information contained in the evidence report had been drawn as well as highlighting that the evidence report contained a high level summary of the progress being made locally in delivering the 4 NIF priorities, with a number of examples being listed. These included improvements in the proportion of children and young people in the most deprived 20% achieving the expected levels of literacy and numeracy at the key stages (P1, P4, P7 and S3) over the previous three years; very strong and improving SQA results in S4, S5 and S6; in 2017/18, with the attainment level (based on Curriculum for Excellence performance) of pupils living in Scottish Index of Multiple Deprivation (SIMD) deciles 1 and 2 and those pupils registered for free school meals, being the highest-to-date across all four curricular areas; and from 2016/17 to 2017/18 the attainment of disadvantaged pupils increased at a higher rate than the overall cohort demonstrating that East Renfrewshire schools were closing the poverty-related attainment gap.

The report also listed a number of examples of local drivers for improvement including the Leadership Strategy; the Parental Engagement Strategy; the extensive focus by establishments to ensure a shared understanding of standards and effective moderation of teachers' professional judgements; the development of Literacy, Numeracy and Mathematics strategies and associated professional learning to improve further the quality of the learning, teaching and assessment in these key areas; and the rigorous processes in place to track, monitor and report on progress, including analysing, benchmarking and sharing best practice across the West Partnership in Scotland, amongst others. The report noted that the implementation of priorities would be monitored on an ongoing basis and reported to the committee annually through yearly presentations on attainment and Standards and Quality Reports.

The Head of Education Services (Quality Improvement and Performance) concluded by explaining that, overall, the Education Department had made strong progress in implementing the priorities associated with the NIF but always remained focussed on seeking further improvement.

Following brief discussion, in the course of which a number of members commended the Director and her team on another very positive report, the committee agreed to note the report.

DRAFT ACCESSIBILITY STRATEGY

982. The committee considered a report by the Director of Education seeking approval for the draft Accessibility Strategy. A copy of the draft strategy was appended to the report.

The Head of Education Services (Equality and Equity) explained that the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 (The Act), required responsible bodies to prepare and implement long term accessibility strategies to improve over time access to education for pupils and prospective pupils with disabilities.

The Act required local authorities to prepare a strategy document setting out how they would meet the accessibility planning duties in respect of improving the physical environment of schools to enable better access to education and associated services; improving access to participation in the curriculum for all children and young people who had a disability or

additional support need; and improving communication with children and young people who had a disability or additional support need in relation to the provision of information in appropriate alternative formats, taking account of any support needs preferences expressed by them or their parents.

The strategy required to be considered alongside a range of other legislation relating to school education and disability, including The Standards in Scotland's Schools Act 2000; The Education (Additional Support for Learning)(Scotland) Act 2004 (amended 2009) (the ASL Act); The Equality Act 2010; and The Children and Young People Act 2014.

The strategy also required to complement and be consistent with a range of existing departmental guidance including the department's vision statement of *Everyone Attaining, Everyone Achieving, through Excellent Experiences*; Getting it Right for Every Child, East Renfrewshire 2017; Standard Circular 12: Inclusion; and Standard Circular 48: School Excursions and Educational Visits.

In response to a comment from Dr Angell regarding the numbers of children and young people with additional support needs moving from mainstream schools to specialist provision, the Head of Education Services (Equality and Equity) confirmed that Scotland operated under different legislation from other parts of the UK and that there was a strong presumption in Scotland in favour of mainstreaming. Within East Renfrewshire the department was guided by its educational psychologists when considering whether or not a young person should be moved from mainstream schooling to a specialist unit or provider. She also advised that there were cases where a young person had been moved to a specialist unit but returned to mainstream schooling once their additional need had been addressed.

Having heard Councillor O'Kane express the view that the presumption in favour of mainstreaming had been strengthened in Scotland in contrast to the more lenient admissions policies adopted in other parts of the UK, the committee agreed to:-

- (a) approve the draft Accessibility Strategy; and
- (b) instruct the Director of Education to implement the associated Action Plan.

CHAIR

MINUTE
of
APPEALS COMMITTEE

Minute of Meeting held at 10.00am in the Committee Room, Council Headquarters, Giffnock on 27 August 2019.

Present:

Councillor Barbara Grant
Councillor Annette Ireland

Councillor Stewart Miller

Councillor Grant in the Chair

Attending:

Ruth Baillie, HR Business Partner; Siobhan Wilson, Solicitor; and Paul O'Neil, Committee Services Officer.

Apologies:

Councillors Angela Convery and Betty Cunningham (Chair).

APPOINTMENT OF CHAIR

In the absence of the Chair and Vice Chair, the committee agreed that Councillor Grant chair the meeting.

DECLARATIONS OF INTEREST

983. 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 following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 7A to the Act.

DISMISSAL APPEAL – ENVIRONMENT DEPARTMENT – 4/2019

984. The appellant appeared, accompanied by his union representative, Mr Kirkland, Unison, in connection with his appeal.

916

Mr Phil Daws, Head of Environment (Strategic Services) and Mrs Claire Shaw, Senior HR Officer, appeared on behalf of management.

Both parties made their submissions to the committee and were heard in answer to questions on their submissions, during which Ms Suzanne Conlin, Senior Housing Manager, entered the meeting as a witness for management and was heard in response to questions from both parties and Elected Members.

Following consideration, both parties were recalled and advised by the Chair that the committee had agreed that the grounds of the appeal had not been substantiated and that the appeal was not upheld.

CHAIR

MINUTE
of
CABINET

Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 29 August 2019.

Present:

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

Councillor Alan Lafferty
Councillor Colm Merrick
Councillor Paul O’Kane

Councillor Buchanan, Leader, in the Chair

Attending:

Lorraine McMillan, Chief Executive; Andy Cahill, Director of Environment; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Mark Ratter, Head Of Education Services (Quality Improvement and Performance); Andy Corry, Head of Environment (Operations); Stuart Free, Principal Officer (Asset Management); Mark Waugh, Principal Accountant (Capital); and Paul O’Neil, Committee Services Officer.

DECLARATIONS OF INTEREST

985. Councillor Buchanan (Leader) declared a non-financial interest in relation to Item 992 – Business Loans Scotland: Amendment to Articles of Association by virtue of the fact he was the Chair and Director of Business Loans Scotland. Councillor Merrick declared a non-financial interest in relation to Item 986 - East Renfrewshire Culture and Leisure – End-Year Performance Report 2018/19 on the grounds that he was a member of the Board of the East Renfrewshire Culture and Leisure Trust.

Sederunt

Councillor Merrick left the meeting at this stage.

EAST RENFREWSHIRE CULTURE AND LEISURE – END-YEAR PERFORMANCE REPORT 2018/19

986. The Cabinet considered a report by the Director of Education in relation to the East Renfrewshire Culture and Leisure - End-Year Performance Report 2018/19, details of which were outlined in the appendix to the report.

The Cabinet approved the report as a summary of the East Renfrewshire Culture and Leisure – End-Year Performance Report 2018/19.

Sederunt

Councillors Merrick and O’Kane entered the meeting at this stage.

GENERAL FUND CAPITAL PROGRAMME 2019/20

987. The Cabinet considered a report by the Chief Financial Officer, monitoring expenditure as at 30 June 2019 against the approved the General Fund Capital Programme 2019/20 and recommending adjustments where necessary in light of issues that had arisen since the programme had been approved.

Whilst noting the latest developments relating to the programme, including the latest income and expenditure movements and cash flow management issues, the report indicated that the projected shortfall of £425,000 which represented 0.9% of the resources available was within manageable limits.

The report anticipated the reduction during the year in capital receipts of £3.1 million due to the timing of a final settlement of a sale. This had been offset by expenditure movements within the programme which had resulted in a net decrease in borrowing required of £486,000.

The Cabinet agreed to:-

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

HOUSING CAPITAL PROGRAMME 2019/20

988. The Cabinet considered a joint report by the Chief Financial Officer and Director of Environment, monitoring expenditure as at 30 June 2019 against the approved Housing Capital Programme 2019/20 and recommending adjustments where necessary in light of the issues that had arisen since the programme had been approved.

Whilst noting the latest developments relating to the programme, including the latest income and expenditure movements and cash flow management issues, the report indicated that at this time there was no projected shortfall forecast.

The Cabinet agreed to:-

- (a) **recommend to the Council** that the movements within the Housing Capital Programme 2019/20 be approved; and
- (b) note that income and expenditure on the programme would be managed and reported on a regular basis.

ESTIMATED REVENUE BUDGET OUT-TURN 2019/20

989. The Cabinet considered a report by the Chief Financial Officer, detailing the projected revenue budget out-turn for 2019/20 and providing details of the expected year-end variances for each department, together with summary cost information for each of the undernoted services as at 30 June 2019:-

- (i) Objective and Subjective Summaries;
- (ii) Education Department;
- (iii) Contribution to Integration Joint Board;
- (iv) Environment Department;
- (v) Environment Department – Support;
- (vi) Chief Executive's Office;
- (vii) Chief Executive's Office – Support;
- (viii) Corporate and Community – Community Resources;
- (ix) Corporate and Community – 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 for accounting purposes the budget agreed at the meeting of the Council on 28 February 2019 had been adjusted to reflect additional funding and the replacement of loan charges with a depreciation charge for each department, the report highlighted that on the basis of the information available as at 30 June 2019, the estimated year-end position showed a net favourable variance on net expenditure of £1,343,000 or 0.6% of the annual budget.

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

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

- (a) to approve the service virements and operational adjustments as set out in the notes in the report; and
- (b) that all departments continued to closely monitor their probable out-turn position.

PROPOSED LICENCE TO OCCUPY OFFICE ACCOMMODATION - 14 LOWNDES STREET, BARRHEAD

990. The Cabinet considered a report by the Director of Environment, seeking approval of the terms and conditions for a proposed licence to occupy office accommodation at 14 Lowndes Street, Barrhead, for East Renfrewshire Foodbank.

The report explained that East Renfrewshire Foodbank currently ran its operation from the former St Andrew's Parish Church although as a result of the proposed redevelopment of the property, the Foodbank was seeking an alternative location from which to operate. Following a request from the Foodbank to the Council potential space had been identified within the

offices at 14 Lowndes Street, Barrhead using the ground floor of the property. It was proposed to grant a licence to the Foodbank to occupy the ground floor of the aforementioned premises for 3 years on a rent free basis with the Council continuing to cover the cost of the maintenance of the property.

The Cabinet:-

- (a) approved the Environment Department's proposal to grant a licence to occupy the ground floor of 14 Lowndes Street, Barrhead, to East Renfrewshire Foodbank; and
- (b) agreed that delegated powers be granted to the Director of Environment, in consultation with the Chief Officer – Legal and Procurement, to finalise negotiations and conclude the licence to occupy.

ROADS RESURFACING WORKS PROGRAMME 2019/20

991. The Cabinet considered a report by the Director of Environment, advising on the major additional Roads Works Programme in relation to carriageway and footway resurfacing for 2019/20, together with details of the Roads Condition Indicator (RCI). A copy of the programme was appended to the report.

The report explained that each year the Roads and Transportation Service provided information on the RCI figures for the previous year and proposed a list of carriageways and footpaths that required resurfacing. The RCI figures were based on annual surveys undertaken on A, B and C Class Roads and for the four year average for Unclassified Roads.

Whilst noting that the Council was now ranked in first place nationally for the condition of A Class roads which strategically and economically were the most important carriers of road traffic in the area, the report highlighted that the Council had also performed better than the Scottish average for B and C Class roads. However, the data for Unclassified Roads which made up around 80% of East Renfrewshire's network indicated that 44.2% of this network should be considered for maintenance treatment.

The report explained that at the Council's Budget meeting on 28 February 2019, £15 million of Capital investment that had been approved for roads infrastructure over the next 5 years starting from and including 2019/20 (i.e. £3 million per year). Given that the Council's A and B Class road network was in a relatively good condition it was noted that the majority of the additional £3 million allocation had been directed towards C Class and unclassified roads.

Details of how the programme would be delivered together with some of the challenges that would be faced were outlined in the report. It was noted that at this time it was anticipated that around £2.8 million of the proposed additional investment of £3 million would be spent in 2019/20 and that any slippage would be carried forward into 2020/21.

The Cabinet approved the roads resurfacing works programme as detailed in the report.

Sederunt

Councillor Buchanan left the meeting at this stage.

CHAIR

At this stage, Councillor O’Kane, Deputy Leader, assumed the Chair.

BUSINESS LOANS SCOTLAND: AMENDMENT TO ARTICLES OF ASSOCIATION

992. The Cabinet considered a report by the Director of Environment, seeking approval for a change to the Articles of Association of Business Loans Scotland of which the Council was a member.

The report explained that Business Loans Scotland was formed in March 2017 and was set up to manage loan funds providing funding to new and growing small and medium sized businesses across Scotland. 27 Scottish local authorities were full members of the company with 5 local authorities being associate members.

Whilst noting that as part of Phase 1 of the development of the company, full members made a match funding contribution to the initial finances of the company that was then expected to be matched with a corresponding amount of European Regional Development Fund (ERDF) grant, the report explained that unfortunately Business Loans Scotland did not meet its target to retain any of the ERDF grant and the amount received in relation to ERDF grant during the Phase 1 period had to be returned to the Scottish Government in December 2018.

Furthermore, as part of Phase 2, Business Loans Scotland was awarded the contract to deliver a new Debt Fund from January 2019. However, it was noted that a significant difference existed between the two phases, and that Phase 2 was fully funded by the Scottish Growth Scheme and the European Regional Development Fund and therefore did not require any match funding contribution from the member authorities.

The report highlighted that as the match funding previously contributed by the member authorities under Phase 1 was not required to be used for Phase 2, the Council now had surplus funds (held by Business Loans Scotland) which at 1 April 2019 amounted to £89,435. However, the release of these funds was dependent upon changes to the Articles of Association.

To resolve this issue, the Business Loans Scotland Board of Directors had agreed to make a special resolution to its members to amend the Articles of Association to allow member authorities to withdraw their surplus funds currently held by the company. It was noted that once the Council received the surplus funds it would then be available to use for economic development activities.

The Cabinet agreed:-

- (a) to approve the draft resolution as proposed in paragraph 17 of the report;
- (b) that delegated powers be granted to the Director of Environment in consultation with the Chief Officer – Legal and Procurement to make all necessary arrangements to accept the resolution and have the surplus funds returned; and
- (c) to note that all surplus funds returned to the Council would be used solely for the purposes of economic development activity.

CHAIR

MINUTE
of
APPEALS COMMITTEE

Minute of Meeting held at 10.00am in the Committee Room, Council Headquarters, Giffnock on 2 September 2019.

Present:

Councillor Angela Convery (Chair)
Councillor Barbara Grant

Councillor Annette Ireland
Councillor Stewart Miller

Councillor Convery in the Chair

Attending:

Lisa Gregson, HR Business Partner; Katherine Robb, Senior Solicitor; and Paul O'Neil, Committee Services Officer.

Apology:

Councillor Betty Cunningham (Vice Chair).

DECLARATIONS OF INTEREST

993. 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 following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 7A to the Act.

DISMISSAL APPEAL – CORPORATE AND COMMUNITY SERVICES DEPARTMENT – 3/2019

994. The appellant appeared, accompanied by his union representative, Mr Larkin, Unison, in connection with his appeal.

Mrs Louise Pringle, Head of Communities, Revenues and Change and Mrs Jo Loudon, HR Business Partner, appeared on behalf of management.

Prior to the consideration of the appeal, the Chair indicated that one of management's documents which formed part of its investigation report had been submitted after the deadline for receipt of submissions and therefore had not been included in the agenda papers.

Notwithstanding the fact that the appellant offered no objections to the committee giving consideration to the document, the committee decided that the document should not be taken into account in the determination of the appeal.

At this stage, both parties made their submissions to the committee and were heard in answer to questions on their submissions, during which Mr Jamie Reid, Strategic Insight and Communities Senior Manager entered the meeting as a witness for management and was heard in response to questions from both parties and Elected Members.

Following consideration, both parties were recalled and advised by the Chair that the committee had agreed that the grounds of the appeal had not been substantiated and that the appeal was not upheld.

CHAIR

MINUTE
of
PLANNING APPLICATIONS COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 4 September 2019.

Present:

Councillor Annette Ireland (Chair)
Councillor Angela Convery
Provost Jim Fletcher

Councillor Stewart Miller
Councillor Jim Swift

Councillor Ireland in the Chair

Attending:

Sean McDaid, Principal Planner, and Zara Foster, Graduate Planner, Development Management; Graham Shankland, Principal Strategy Officer (Regulatory and Strategy); and Paul O'Neil, Committee Services Officer.

Apologies:

Councillors Betty Cunningham (Vice Chair), and Jim McLean.

DECLARATIONS OF INTEREST

995. There were no declarations of interest intimated.

NOTIFICATION OF PLANNING APPEALS AND APPEAL DECISIONS

996. The committee considered a report by the Director of Environment, advising of the intimation by the Directorate for Planning and Environmental Appeals (DPEA) of the outcome of two appeals against the committee's decision to refuse planning permission.

The report explained that the appointed Reporter had dismissed one appeal relating to the formation of a driveway incorporating reduction in ground levels and reduction in height of boundary wall with formation of lowered and raised kerbs at footpath at 29 East Kilbride Road, Busby (i.e. Application Ref No:- 2019/0098/TP) and that the other appeal had been upheld by the Reporter in respect of the change of use of a public house to a funeral parlour at the former Toby Carvery, Glasgow Road, Hurlet, Barrhead, subject to two conditions (i.e. Application Ref No:- 2019/0085/TP).

The committee noted the terms of the report.

APPLICATION FOR PLANNING PERMISSION

997. The committee considered a report by the Director of Environment, on an application for planning permission in principle for the erection of a dwellinghouse following demolition of the garage on the garage site adjacent to 10 Ravenstone Drive, Giffnock, requiring consideration by the committee.

Following discussion, the committee agreed that the application be refused.

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 determined by the Planning Applications
Committee on
4th September 2019

Reference No: 2018/0763/TP

Ward: 3

Applicant:

Mr Douglas Cardiff
6 Tweedsmuir Crescent
Bearsden
Glasgow
Scotland
G61 3LE

Agent:

Kenneth Findlay
90 Thane Road
Knightswood
Glasgow
Scotland
G133BN

Site: Garage site adjacent to 10 Ravenstone Drive, Giffnock, East Renfrewshire, G46 6AL

Description: Erection of dwellinghouse following demolition of garage (planning permission in principle)

Decision: Refused

MINUTE
of
LOCAL REVIEW BODY

Minute of Meeting held at 2.30pm in the Council Chamber, Council Headquarters, Giffnock on 4 September 2019.

Present:

Councillor Annette Ireland (Chair)
Councillor Angela Convery

Provost Jim Fletcher
Councillor Jim Swift

Councillor Ireland in the Chair

Attending:

Graham Shankland, Principal Strategy Officer (Regulatory and Strategy) (Planning Adviser); Gerry Mahon, Chief Officer - Legal and Procurement (Legal Adviser); and Paul O'Neil, Committee Services Officer (Clerk).

Apologies:

Councillors Betty Cunningham (Vice Chair), Jim McLean, and Stewart Miller.

DECLARATIONS OF INTEREST

998. There were no declarations of interest intimated.

NOTICE OF REVIEW – REVIEW 2019/11 – ERECTION OF RAISED DECKING AT REAR (IN RETROSPECT) AT 14 DUNGLASS PLACE, NEWTON MEARNS (REF NO: 2019/0043/TP)

999. The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Ms K Lawson, against the decision taken by officers to refuse planning permission in respect of raised decking at rear (in retrospect) at 14 Dunglass Place, Newton Mearns.

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 had carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

The Local Review Body was advised that the applicant had submitted new evidence which was not before the Appointed Officer at the time the determination of the application was made.

At this stage, a copy of an e-mail of 24 July that the applicant had sent to the Local Review Body but had not been received was tabled. This document provided an explanation as to why the new information had not been submitted to the Appointed Officer at the time the determination of the application was made. Details of the procedure that required to be followed should the new information be taken into account were explained to the Local Review Body.

At this stage, the Local Review Body decided not to give consideration to the new information in the determination of the review.

The Local Review Body, having considered the information previously circulated, agreed that it had sufficient information to determine the review without further procedure, this being subject to the inclusion of an e-mail of 13 August that the applicant had sent to the Local Review Body but had not been received, a copy of which was tabled. This document outlined the applicant's response to the further representations she had received from an interested party in respect of her review case.

Following discussion, Councillor Ireland, seconded by Councillor Convery, moved to uphold the decision of the Appointed Officer as set out in the decision notice of 10 April 2019 and refuse planning permission.

Councillor Swift, seconded by Provost Fletcher, moved as an amendment to overturn the decision of the Appointed Officer as detailed in the decision notice of 10 April 2019 and grant planning permission.

On a vote being taken, 2 Members voted for the motion and 2 Members voted for the amendment. There being an equality of votes cast, in accordance with Standing Order 32(c) the Chair had a casting vote which she cast in favour of the motion.

The motion was accordingly declared carried and it was agreed to uphold the decision of the Appointed Officer as set out in the decision notice of 10 April 2019 and refuse planning permission.

NOTICE OF REVIEW – REVIEW 2019/12 – ERECTION OF SINGLE STOREY REAR EXTENSION WITH RAISED PLATFORM; INSTALLATION OF DORMER WINDOWS AT FRONT AND REAR AT 5 EDZELL DRIVE, NEWTON MEARNS (REF NO: 2019/0172/TP)

1000. The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Ms J Raeside against the decision taken by officers to refuse planning permission in respect of the erection of a single storey rear extension with raised platform; installation of dormer windows at front and rear at 5 Edzell Drive, Newton Mearns.

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 had carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

Having been advised that the applicant had submitted new evidence which was not before the Appointed Officer at the time the determination of the application was made and having noted the procedure that required to be followed should the new information be taken into

account, the Local Review Body decided not to give consideration to the new information in the determination of the review.

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 that the decision of the Appointed Officer as set out in the decision notice of 17 May 2019 be overturned and that planning permission be granted.

CHAIR

MINUTE
of
CIVIC HOSPITALITY COMMITTEE

Minute of Meeting held at 3.30pm in the Council Chamber, Council Headquarters, Giffnock, on 4 September 2019.

Present:

Provost Jim Fletcher (Chair)
Councillor Barbara Grant

Councillor Annette Ireland
Councillor Stewart Miller

Provost Fletcher, in the Chair

Attending:

Eamonn Daly, Democratic Services Manager and Margaret Pettigrew, Members Services Officer.

Apology:

Deputy Provost Betty Cunningham.

DECLARATIONS OF INTEREST

1001. There were no declarations of interest intimated.

CIVIC HOSPITALITY COSTS AND USE OF COUNCIL ACCOMMODATION

1002. The committee considered a report by the Deputy Chief Executive advising of costs for various recurring events, the current estimated level of funding available for new events, and the extent to which in terms of delegated powers permission had been given to outside bodies to use Council accommodation for meetings and functions, the responsibility for which fell outwith the letting arrangements managed by other departments.

Having heard Councillor Grant on the possible future reinstatement of the Eastwood Rotary Club fundraising golf competition and on the Rotary Young Leaders Award camp attended by a number of local young people, the committee noted the report.

REQUESTS FOR CIVIC HOSPITALITY

1003. The committee considered a report by the Deputy Chief Executive seeking consideration of 4 requests that the Council provide civic receptions as undernoted:-

Include Me 2 Club; and East Renfrewshire Additional Support Needs Parents Action Group	To recognise the award of the Queen's Award for Voluntary Service (QAVS) to both organisations
United Reform Church Barrhead	To recognise the 175 th anniversary of the church
Mearns Bowling Club	To recognise the centenary of the club
Giffnock Bowling Club	To recognise the 125 th anniversary of the club

The committee approved all 4 requests for a civic reception.

CHAIR

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 10 September 2019.

Present:

Councillor Angela Convery (Chair)
Councillor Betty Cunningham (Vice-Chair)

Councillor Charlie Gilbert
Councillor Stewart Miller

Councillor Convery in the Chair

Attending:

Jacqui McCusker, Senior Solicitor; Brian Kilpatrick, Civic Government Enforcement Officer; and Ron Leitch, Committee Services Officer.

Also Attending:

Sergeants Scott Brown and Lisa Millar, Police Scotland.

Apology:

Councillor Alan Lafferty.

DECLARATIONS OF INTEREST

1004. 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 Standing Order 19, Councillor Convery agreed to vary the order of business as printed on the agenda in order to facilitate the conduct of the meeting.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1005. 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 accompanied by his solicitor Mr O'Donnell.

Sergeants Brown and Millar 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's solicitor 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 objection by the Chief Constable, agreed that the application be granted for a period of 12 months subject to standard terms and conditions.

TAXI DRIVER'S LICENCE – REQUEST FOR SUSPENSION

1006. The committee considered a report by the Chief Officer (Legal & Procurement) in relation to a request for the suspension of a Taxi Driver's Licence on the grounds that the licence holder was no longer a fit and proper person to be the holder of such a licence by virtue of the circumstances outlined in the letter from the Chief Constable (Agenda Item 9 refers).

The licence holder was present.

Sergeants Brown and Millar, representing the Chief Constable who had made the request, were also present.

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

The licence holder was then heard in respect of the request and in response to questions from Members.

Having fully discussed the circumstances, the committee agreed not to suspend the licence in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982 pending the outcome of the forthcoming court case.

The licence holder was reminded of his obligation under the terms and conditions of the licence to immediately advise the Council if he was later found guilty of any offence in court.

PRIVATE HIRE CAR OPERATOR'S LICENCE – APPLICATION FOR RENEWAL

1007. The committee considered a report by the Chief Officer (Legal & Procurement) in relation to an application for the renewal of a Private Hire Car Operator's Licence (Agenda Item 11 refers).

The licence holder was present.

Sergeants Brown and Millar, representing the Chief Constable who had made an objection in respect of the application, were also present.

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

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

Having fully discussed the circumstances, and also having taken account of the objection by the Chief Constable, the committee agreed to renew the licence for a period of 36 months subject to standard terms and conditions.

The licence holder was reminded of his obligation under the terms and conditions of the licence to immediately advise the Council if he was later found guilty of any offence in court.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1008. 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 8 refers).

The applicant was present accompanied by his solicitor Mr Mitchell.

Sergeants Brown and Millar, 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's solicitor was then heard in respect of the application and in response to questions from Members.

The committee agreed to a short adjournment to consider the matter.

On reconvening, the committee, having taken account of the applicant's previous convictions, their 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 convictions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1009. 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 7 refers).

The applicant was present.

Sergeants Brown and Millar 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 fully discussed the matter, and also having taken account of the representation by the Chief Constable, agreed that consideration of the application be deferred for a period of 6 months or until the conclusion of possible pending court action, whichever is the sooner.

PRIVATE HIRE CAR DRIVER'S LICENCE – REQUEST FOR SUSPENSION

1010. The committee considered a report by the Chief Officer (Legal & Procurement) in relation to a request for the suspension of a Private Hire Car Driver's Licence on the grounds that the licence holder was no longer a fit and proper person to be the holder of such a licence by virtue of the circumstances outlined in the report prepared by the Civic Government Enforcement Officer following receipt of a complaint against the licence holder by a member of the public (Agenda Item 10 refers).

The licence holder was present accompanied by his solicitor Mr Mitchell.

The Civic Government Enforcement Officer, who had made the request, was also present.

The applicant advised that he had not received the report prepared by the Civic Government Enforcement Officer and was not clear why he was required to attend the meeting, notwithstanding the fact that he had been interviewed by the Civic Government Enforcement Officer in relation to the complaint.

Thereafter, the committee agreed to defer consideration of the request to the next meeting in order to allow time for the licence holder's solicitor to be provided with a copy of the report and to prepare a case on behalf of his client.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1011. 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, having been invited to attend, was not present.

Sergeants Brown and Millar, representing the Chief Constable who had made an objection in respect of the application, were present.

The committee agreed to defer consideration of the application to the next meeting to allow the applicant to make a personal appearance. In the event that the applicant again failed to appear the committee would proceed to determine the application in his absence.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1012. 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 5 refers).

The applicant, having been invited to attend, was not present.

Sergeants Brown and Millar, representing the Chief Constable who had made an objection in respect of the application were present.

The committee agreed to defer consideration of the application to the next meeting to allow the applicant to make a personal appearance. In the event that the applicant again failed to appear the committee would proceed to determine the application in his absence.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1013. 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 6 refers).

The applicant, having been invited, was not present.

Sergeants Brown and Millar, representing the Chief Constable who had made a representation in respect of the application, were present.

The committee agreed to defer consideration of the application to the next meeting to allow the applicant to make a personal appearance. In the event that the applicant again failed to appear the committee would proceed to determine the application in his absence.

CHAIR

