

**MINUTE**  
**of**  
**EAST RENFREWSHIRE COUNCIL**

**Minute of Meeting held at 7.00pm in the Council Chamber, Council Headquarters, Giffnock, on 28 March 2018.**

**Present:**

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

Provost Fletcher in the Chair

**Attending:**

Lorraine McMillan, Chief Executive; Caroline Innes, Deputy Chief Executive; Mhairi Shaw, Director of Education; Andy Cahill, Director of Environment; Julie Murray, Chief Officer – Health and Social Care Partnership; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Jim Sneddon, Head of Democratic and Partnership Services; Janice Collins, Head of Education Services (Equality and Equity); Andy Corry, Head of Environment (Operations); John Buchanan, Operations Manager; Michelle Thompson, Project Officer; Eamonn Daly, Democratic Services Manager; and Linda Hutchison, Senior Committee Services Officer.

**Apology:**

Deputy Provost Betty Cunningham.

**DECLARATIONS OF INTEREST**

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

**MINUTE OF PREVIOUS MEETING**

**363.** Having heard Councillors Grant, Aitken, O’Kane and Merrick, the Council considered and approved the Minute of the meeting held on 2 March 2018 subject to amendments to:-

- (a) Item 325, paragraph 2 (Page 298), to reflect that it had been 20 years since the “floors” arrangement had commenced;
- (b) Item 325, paragraph 4 (Page 296), to clarify that the Administration was not reducing heating in schools during the academic year, but that the introduction of new technology was helping to minimise water and energy usage, schools were being used less which helped increase savings, and zoning was being explored with a view to not heating and lighting parts of them that were not in use; and
- (c) Item 327 paragraph 4 (Page 300), to reflect that Councillor Merrick had commented that the Leisure Trust was not competing against the private sector.

### **MINUTES OF MEETINGS OF COMMITTEES**

**364.** The Council considered and approved the Minutes of the meetings of the undernoted, except as otherwise referred to in Item 365 below:-

- (a) Audit and Scrutiny Committee – 8 March 2018;
- (b) Planning Applications Committee – 14 March 2018;
- (c) Local Review Body – 14 March 2018;
- (d) Cabinet – 15 March 2018; and
- (e) Licensing Committee – 20 March 2018.

### **CABINET – 15 MARCH 2018 – ROAD CONDITION INDICATOR FOR 2016/17 AND CURRENT MAINTENANCE BACKLOG FIGURE AND STEADY STATE BUDGET FIGURE**

**365.** Under reference to the Minute of meeting of the Cabinet on 15 March 2018 (Page 331, Item 353 refers), regarding a comment made at the meeting by Councillor Bamforth, Councillor Miller highlighted that the Roads Condition Indicator reflected that overall the Council’s road network was considered 22<sup>nd</sup> out of 32 authorities and not 16<sup>th</sup> as had been stated which was the position regarding B class roads. Councillor Bamforth considered the clarification justified, acknowledging that her comment had been an error.

The Council noted the information.

### **GENERAL FUND CAPITAL PROGRAMME 2017/18**

**366.** Under reference to the Minute of the meeting of the Cabinet of 15 March 2018 (Page 330, Item 350 refers), when it had been agreed to recommend to the Council that the proposed adjustments to the General Fund Capital Programme 2017/18 be approved, the Council considered a report by the Chief Financial Officer recommending adjustments to the 2017/18 General Fund Capital Programme in light of issues that had arisen since the programme had been approved.

The Council:-

- (a) approved the movements within the programme; and
- (b) noted that the shortfall of £93,000 would be managed and reported on a regular basis.

## HOUSING CAPITAL PROGRAMME 2017/18

**367.** Under reference to the Minute of the meeting of the Cabinet of 15 March 2018 (Page 330, Item 351 refers), when it was agreed to recommend to the Council that the proposed adjustments to the Housing Capital Programme 2017/18 be approved, the Council considered a joint report by the Chief Financial Officer and Director of Environment, recommending adjustments to the 2017/18 Housing Capital Programme in light of issues that had arisen since the programme had been approved.

The Council:-

- (a) approved the movements within the programme; and
- (b) noted that the shortfall of £36,000 would be managed and reported on a regular basis.

## NOTICE OF MOTION

**368.** In accordance with Standing Order 25, the following Notice of Motion had been submitted by Councillor Macdonald seconded by Councillor Aitken.

*That East Renfrewshire Council reverse the October 2017 change to collection procedure for 4 Bin refuse and recycling within Netherlee and that the Director of Environment instruct the Cleansing and Recycling department to implement the change back to the previous arrangements that were in place prior to October 2017.*

Councillor Lafferty, seconded by Councillor Devlin, moved an amendment in the following terms:-

That the full wording of the Motion be deleted and the following be inserted instead:-

*This Council believes that in any of its operational activities the safety of residents and workers is paramount.*

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

Councillor Macdonald referred to changes made to some bin collections in Netherlee, advance notification of this by email to residents, and a lack of related public consultation with or a meeting for residents regarding which it had been acknowledged that lessons should be learned. Having clarified that bin lorries no longer entered service lanes to collect bins, he referred to a meeting he had requested with cleansing officers around the same time following which a presentation for Members had been arranged.

He explained that during the presentation to Ward 4 Councillors, senior officers had referred to health and safety issues regarding bin collections in service lanes, specifically potential injuries to operatives, obstacles such as overhanging branches and road surface issues. Whilst commenting on his own visits to the lanes, he expressed the view that their road surfaces were better than many surrounding roads, it being acknowledged by both him and local residents that there could be occasional potholes and overhanging branches which residents were willing to have rectified to allow the previous arrangements to continue. He added that residents had never been contacted about such a solution.

Councillor Macdonald explained that legislative change had been referred to at the presentation, but that evidence of it had not subsequently been provided by the cleansing service despite having been requested. He stated that, supporting his own conclusions from research, the Chief Solicitor had subsequently confirmed that a legislative change had not occurred and had concluded that the service changes were based on the Council's own assessment of its responsibilities.

Councillor Macdonald reported that the cleansing service had not provided evidence of injury to operatives or the public in the service lanes when requested. He explained why he considered the lanes to be designed for safe bin collection separate from regular street traffic, referring to various issues including the rare use of the lanes by pedestrians; and the separation of refuse vehicles from parked cars on local streets some of which were narrow due to parked vehicles on both sides. He also referred to refuse vehicles blocking streets, including a main arterial route, during bin collection sometimes at busy times causing congestion and increasing the potential for road accidents.

Having referred to two options residents had; to either take their bins to the end of the service lane for emptying or place them outside their front door permanently, he highlighted issues, some of which were unique, about the terraced design of properties affected by the change and how far some residents had to move their bins.

Councillor Macdonald also highlighted the possibility of Netherlee being considered for Conservation Area status before the next Local Development Plan was timetabled for adoption. He acknowledged that Netherlee being an Article 4 Direction area had little bearing on bin placement, but outlined related concerns he held regarding the current bin arrangements and Conservation Area status. Regarding this he also quoted from an email he had received from Councillor Ireland on Conservation Areas being protected from inappropriate development, expressing hope that she would share his and residents' view that the current bin arrangements were not sensitive to the character and appearance of the area being preserved and enhanced.

Whilst referring to the authority's refuse collection responsibilities, Councillor Macdonald stated residents, including those who had retired, were in effect being forced to partially collect their own refuse and recycling and, in his view, move it an unreasonable distance in the unlit services lanes, including during winter, referring to suitably equipped lorries that could be used instead.

Whilst commenting on what had happened since the new arrangements had been implemented, amongst other things, Councillor Macdonald referred to bins being blown over, ending up on roadways, falling against cars, being stolen, and being burned on site or elsewhere. He cited an incident in summer 2017 when bins had been moved from a visible street level position to a pavement and burned, also destroying cars and resulting in financial loss to their owners. Adding that the Scottish Fire and Rescue Service had been called out numerous times to similar incidents, he stated that he thought they would consider the collection of bins in a visible area a risk and to be inviting trouble. He reported that Netherlee residents were worried also about accumulated bins being targeting for fire-raising and properties being damaged.

In conclusion, he stated that the affected residents had been let down by the authority, were victims of a poorly researched and implemented decision by the cleansing service which had caused disruption and hardship, and were angry about the decision, an unsatisfactory service and not being listened to. Having sought support for the Motion to uphold residents' rights, he commented on overturning the decision that had been made, referring to the role of Members and their powers and responsibility to over-ride incorrect decisions

In seconding the Motion, Councillor Aitken referred to a recent public meeting in Netherlee about the arrangements at which Councillor Miller had referred to legal opinions he had sought, based on which he no longer supported a change to the current arrangements. Criticising Councillor Miller for his change of view, Councillor Aitken added that the legislation Councillor Miller had referred to remained unclear, and expressed disappointment about it not been shared with some others. He highlighted that officers, not Members, had decided to implement the current arrangements under delegated powers.

Having commented on a lack of reports of injuries or incidents under the former arrangements and that the incident involving a bin lorry in Glasgow several years ago had not involved a service lane, Councillor Aitken referred to the lorries available to use and what affected residents were now required to do, adding that the new arrangements suited the Council rather than residents. He asked Members to support the Motion.

Councillor Lafferty was heard in support of his amendment during which he stated that he considered a personal attack on another Member regrettable. Whilst commenting on the wish to ensure that residents were satisfied with the services they received, he added that difficult decisions were required at times.

Whilst referring to clearance and visibility in the lanes, Councillor Lafferty outlined logistical issues and dangers faced when driving and reversing bin lorries in them, adding that the lanes were not designed to accommodate such vehicles. He confirmed that the authority's arrangements had been reviewed following a fatal accident in Giffnock and a related risk assessment several years ago, and referred to the implementation of new arrangements in lanes elsewhere in the area at that time which the public had generally accepted. He also commented on fatalities elsewhere in the UK and on the importance of taking steps to ensure the safety of both residents and Council staff, adding that he had thought all Members present at the officers' presentation had accepted the explanations provided, having not indicated otherwise at the time. Councillor Lafferty said that supporting the Motion would mean overturning a management decision taken on the grounds of health and safety and related guidelines, would be grossly irresponsible, and would expose the authority to potential prosecution when most Members seemed to hold the view that safety was of paramount importance.

Councillor Devlin was heard in support of the amendment, following which Councillor Ireland requested that she circulate some additional information in support of comments she wished to make.

In accordance with Standing Order 15, having heard Councillor Swift, the Provost adjourned the meeting for a short period to allow the information which had been tabled to be reviewed.

On reconvening, Councillor Ireland welcomed the residents in the public gallery. She clarified that she lived in a street affected by the new collection arrangements and that based on her own research she did not support the motion on health and safety grounds, which she considered to be of paramount importance. Having emphasised that she had listened to views expressed by residents, she referred to photographs amongst the documents tabled which Members had seen at the presentation. She added that an argument for change had been made at that meeting, but ultimately all Members attending had appeared satisfied with what officers had said and seemed happy to feed this back to residents.

Having reiterated that the lack of consultation and speed of the decision made had been acknowledged and was to be taken on board in future, Councillor Ireland highlighted that assistance with bin collection could be requested if required, encouraging residents to contact her if they needed such support. She expressed the view that it would only be a

matter of time before an injury occurred if the arrangements were changed back and referred to the challenges faced by bin lorry operatives, adding that the lorries had no choice but to reverse at times. She also made reference to statistics she considered disturbing and illuminating and related information on accidents in such circumstances she had sourced, adding that comments suggested accidents could be stopped by eliminating reversing.

In conclusion, Councillor Ireland emphasised that she would not be supporting, but rather doing a gross disservice to, residents if she turned her back on health and safety, related guidelines, the trade unions, management and others.

Councillor Miller referred to his attendance at the meeting with officers, confirmed that he had queried the legislation quoted, and referred to the strengthening of health and safety and the need to react to the incident in Giffnock in 2006. He further confirmed that he had not supported the changes made at one stage, but now did having found out more, adding that he did not doubt the advice provided. Councillor Miller referred to action now being taken by an increasing number of other authorities that reflected the current local arrangements. He stated that to revert to the former arrangements was not an option and that in the absence of a credible alternative proposal he would be supporting the amendment, referring to the apparent wish by some Members to make political capital from the issue.

Councillor Swift confirmed that he had seen the legal advice provided to Councillor Miller. Having expressed sympathy with some of Councillor Macdonald's comments, he reiterated that help with bins could be provided in some circumstances and highlighted that the authority's vehicles were unsuitable for the lanes and that there were no practical alternatives. He said that whilst sympathetic to the aims of the Motion, he did not consider it possible or responsible to support it.

Having recalled the Giffnock incident, Councillor Wallace explained that residents had been unhappy at first when similar arrangements to those in Netherlee had been introduced some years ago in his Ward following his election to the Council, but that assistance was provided to some residents and that the arrangements were working. He intimated that he could not support any action that would put anyone at risk. The Provost supported this view and explained that he would not wish a repeat of the incident in Giffnock.

Whilst commenting, Councillor Merrick referred to the paramount importance of health and safety and the assistance available regarding bins.

Echoing those comments, Councillor Buchanan thanked Councillor Ireland for the information she had brought to the Council's attention which in his view, along with legislation and guidance supported the decision taken by officers. Adding that the issue was not a political one he said voting for something that could cause injury was the last thing he wanted to do. Referring to Councillor Macdonald's comment about it being unsafe for residents to move bins due to lighting, he said that it would not be safe for vehicles either, expressing the opinion that the decision was taken on valid grounds.

At this stage, Provost Fletcher invited Councillor Macdonald to sum up.

Councillor Macdonald said that residents' general views had been shared following which he referred to Members failing those who voted for them. Having cited reasons why he sought election, he referred to the role of Members, stating he accepted he served not only the interests of those who elected him but also more generally the authority, the latter part of his role not being his primary reason for seeking election. During further comments, including on representing the electorate, he appealed for support for the Motion, summarised what he thought Members should do and why, and referred to related issues he considered pertinent.

Councillor Macdonald thanked Netherlee residents and Councillor Aitken for their support and encouragement regarding the Motion, adding that residents' voices deserved to be heard and considered.

In accordance with Standing Order 32(b) Councillors Macdonald and Aitken requested a roll call vote. In the absence of further support, the proposal fell.

Thereafter, on a vote being taken, 2 Members voted for the Motion and 15 voted for the amendment. The amendment was accordingly declared carried and it was agreed that:-

“This Council believes that in any of its operational activities the safety of residents and workers is paramount”.

## **STATEMENTS BY CONVENER/REPRESENTATIVES ON JOINT BOARDS/ COMMITTEES**

**369.** The following statements were made:-

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

Councillor Bamforth reported that a further meeting of the Health and Social Care Partnership (HSCP) Integration Joint Board had not taken place since the last Council meeting, but that she had attended a strategic commissioning planning workshop to help understand the demands and challenges facing the HSCP in the coming years. Having referred to the issues covered, she confirmed that the session had been well attended by various stakeholders

(b) **Young Persons Services Team – Councillor Merrick**

Having referred to the Council's Young Persons Services Team's Gold COSLA Award earlier in 2018 for its work reducing teenage pregnancies in Auchenback, Councillor Merrick referred to two other Awards it had achieved.

He clarified first that the team's leader, Heather Layton, had received a Lifetime Achievement Award for her services to young people at the National Youth Work Awards in Glasgow in March 2018, commenting that since joining the Council in 1997 she had become a key figure in the life of young people. Having explained that the Award recognised her as a motivational, supportive and enthusiastic officer who constantly led improvement to further enhance high quality services, he referred to the extent of achievement by young people supported by her and the team.

Councillor Merrick also explained that against stiff competition UK-wide, the team had also won an award in the Improving Public Health category at the Local Government Chronicle Awards in London in March in recognition of its significant success in reducing teenage pregnancies. He clarified that the team was regarded as the clear winner for its commitment to service improvement and willingness to share knowledge and expertise for others to follow.

On behalf of himself and other Members, he congratulated the team, adding that these accolades were well deserved and testimony to the hard work, enthusiasm and commitment of those involved.

The Council noted the position.

## **TEACHING STAFF APPEALS COMMITTEE - APPOINTMENT OF REPLACEMENT MEMBER**

**370.** The Council considered a report by the Deputy Chief Executive, proposing that Councillor McLean be appointed to serve on the Teaching Staff Appeals Committee following the resignation of Councillor Aitken from the Education Committee and Councillor McLean's subsequent appointment to it. It was clarified that membership of the Education Committee was a requirement for membership of the Teaching Staff Appeals Committee.

The Council agreed that Councillor McLean be appointed to the Teaching Staff Appeals Committee as a replacement for Councillor Aitken.

## **PROVOST'S ENGAGEMENTS**

**371.** 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 previous meeting.

## **EARLY YEARS STRATEGY UPDATE**

**372.** The Council considered a joint report by the Chief Officer - Health & Social Care Partnership and Director of Education providing an update on progress made in implementing the Early Years Strategy action plan and identifying next steps.

The report explained that in 2016 the Council had approved the Early Years Prevention and Community Engagement Action Plan developed by the Children's Improvement Collaborative Key Change Group (formerly the Early Years Planning Group) to take control and drive improvements that supported the delivery of SOA Outcome 1 "All children in East Renfrewshire experience a stable and secure start to their lives and are supported to succeed".

Regarding the achievement of various intermediate outcomes, the report commented in detail on progress and issues relating to targeted interventions to increase confidence of parents in need of support; accessible and effective support for families to reduce the impact of financial pressures on their children; engagement with communities and related increased involvement for parents; and an increase in activities which supported prevention and early intervention, improved outcomes and reduced inequalities. Having also commented on progress on improving mental health and wellbeing and high quality early learning and childcare for children and related issues, reference was made to the provision of services in the family centre/community hub in Auchenback, now known as the Sir Harry Burns Centre, officially opened in March 2018.

It was explained that the Children's Improvement Collaborative Key Change Group was continuing to lead on the implementation of the Early Years Prevention and Community Engagement Action Plan. Almost all partners were reported to attend its meetings regularly and give updates on critical activities being undertaken within departments or by cross-sector improvement teams.

A range of next steps were itemised, including the launch of the Mellow Ability Parenting Programme for parents of children with additional support needs; the introduction of groups for parents of children aged 0 to 8 and 8 to 16; work with a range of partners to help people claim benefits they were entitled to; and the provision of support to families to minimise the



impact of Welfare Reform and the roll out of Universal Credit. Other steps to be taken were working with Health Scotland to ensure staff are trained in Play@Home to help parents improve the quality of the home learning environment; and the full utilisation of facilities in the Sir Harry Burns Centre.

It was concluded that significant progress had been made on implementing the strategy and that a vision for early years, which was shared by staff working in all departments and the HSCP, had been developed. Reference was made to the firm platform that existed for continuing to grow and develop this work, and it was commented that community engagement and development work would be further enhanced by the new Centre. It was also concluded that investment in prevention had been protected over the next few years when budgets were reducing and that it was recognised that the full benefit from this investment would not be witnessed for some years.

Complementing the report, the Chief Officer – Health and Social Care Partnership and Head of Education Services made a comprehensive presentation on the strategy during which reference was made to the background to the initiative and elements of the early years collaborative in terms of community, customer focused working, data and continuous improvement.

Having heard the Chief Officer – Health and Social Care Partnership refer to the development of the Strategy, related funding and issues relating to governance, planning and the mainstreaming of services amongst other issues, she clarified that a focus had been placed on key programmes that made a difference. It was commented that progress had been very promising and that there had been a wish to mainstream issues to protect the collective investment on a range of work.

Whist referring to key achievements, the Head of Education Services provided further information, including statistical information, on a range of issues and initiatives including Family First, Let's Play, a related survey on places to play relating to Auchenback, the reduction in teenage pregnancies in that area supported by the Young Persons Team, and breast feeding. Other issues commented on included the extent to which children were achieving developmental milestones.

Having heard the Chief Officer – Health and Social Care Partnership refer to the synergy across various strands of the strategy, it was concluded that progress was being made, but that more work needed done to make more progress on which updates would be provided.

Having heard Councillor Ireland commend the level of detail on the Strategy provided and welcome the extent to which survey respondents valued outdoor play which she supported also, Councillor Lafferty agreed, commended the report and work being progressed and referred to the new Harry Burns Centre. Having heard him refer to a group of young, enthusiastic single fathers he had met at one stage, the Head of Education Services confirmed that there was support from amongst young, single fathers to engage with various initiatives being pursued. Councillor Swift also commented in similar terms on the positive nature of the report, concurring with comments on the value of outdoor play.

Councillor Convery congratulated those involved in the work to reduce the rate of teenage pregnancies in Auchenback and for receiving the Awards referred to earlier in the meeting, citing related statistics and adding that this was something to be proud of and to continue.

Having referred to the joint and closely related work of the HSCP and Education Department, adding to comments made on savings, Councillor Wallace anticipated that these would increase in 20 or 30 years arising from the work being done now which he fully supported.

Councillor Devlin referred a recent report that had commented on the extent of children living in poverty and deprivation in some parts of Barrhead and contrasted this with other information he had seen, adding that he thought there to be some mixed messages about this. The Chief Officer – Health and Social Care Partnership and Head of Education Services commented on related issues, including work being done on income maximisation and that the strategy was about reducing the impact of poverty some of which it was hoped would move people out of it. Reference was also made to giving children equal opportunities.

Supporting previous comments, Councillor O’Kane referred to the key importance of the strong, partnership working on the strategy and its focus and investment in the future and the long-term, expressing confidence in future development work. He supported the implementation of the Let’s Play initiative in all Family Centres and more generally looked forward with confidence to future ongoing and important related work in a range of areas, including in the context of implementing the new early learning and childcare legislation. Overall he regarded the work being done as in progress and requiring the Council’s ongoing support.

The Chief Executive referred to community planning related work to be progressed and the related Locality Outcome Improvement Plan, a key aspect of which was looking at child poverty, clarifying that further information on this important work would be brought forward in various reports on this issue. She added that it was known that there were child poverty issues in the Council’s area that needed to be addressed and the Early Years Strategy was a key element of future work on this.

Councillor Buchanan thanked officers for the presentation and all those involved in this work, referring to the long term and significant impact of having an adverse childhood. He referred to the importance of preventative work, expressing confidence that long-term benefits would result from this work. He highlighted the impact of work Sir Harry Burns had done with the Council at an early stage, referred to the Centre named in him honour, and commented that outcomes were already starting to be seen based on Early Years Strategy related work. He expressed confidence that further strives forward would continue to be made in future.

The Council, having also heard Provost Fletcher thank those involved in this work and the presentation:-

- (a) noted the progress made to date;
- (b) agreed to approve the next steps as identified within the report; and
- (c) noted that the Change Fund had been mainstreamed to protect the collective investment in prevention giving the savings to core budgets that had been made in recent years.

## **SCHEME OF MEMBERS’ REMUNERATION AND EXPENSES**

**373.** The Council considered a report by the Deputy Chief Executive on the Scheme of Members’ Remuneration and Expenses for 2018/19. A copy of the Scheme was appended to the report.

The Scheme provided details of the basic salary paid to all councillors and the increased salaries payable to the Leader and Civic Head (Provost), these amounts being prescribed in legislation. The Scheme also detailed positions in the Council identified as being “Senior Councillor” positions for the purposes of the Regulations, and the levels of salary to be paid

to each postholder. Furthermore, the Scheme provided details of those other categories in respect of which Members were entitled to claim expenses, such as the performance of approved duties, travelling expenses, and subsistence allowances.

Having made reference to the current Mobile Device Policy approved by the Cabinet in January, it was explained that the section within the Scheme on Telephone Expenses (Mobile Expenses) had been amended to reflect the changes introduced by that new Policy, but that approval of this was not being sought as delegated authority had been granted to the Deputy Chief to make them. However, the section on Telephone Expenses (Telephone and Broadband Connections) had also been amended to reflect more accurately current operating arrangements and approval of those changes was being sought.

In reply to Councillor Macdonald who, supported by Councillor Aitken, expressed the view that not taking a salary increase, which was probably their intention, would be progressive and sensitive to residents who were being asked to tighten their belts, Councillor Fletcher highlighted that it was an option for individual Members not to accept an increase, that rates specified were from a national scheme, and that there was an argument for accepting allowances commensurate with posts.

Having heard Councillor Miller report that Members of the Conservative Group were not intending to accept the increase, the Democratic Services Manager asked each Member who intended to pursue this to advise him in writing to enable Payroll to be advised. Councillor Buchanan, supported by Councillor O'Kane, thought most Members would do likewise adding that the Council did not have a remit to set the rates, but stated that the choice was for individuals. He did not support the use of any saving realised on audio visual equipment for the Chamber as Councillor Macdonald had commented on. Councillor Wallace said it was unfortunate that a similar stance was not taken when Members had accepted increases for 2017/18.

In reply to Councillor Ireland, the Democratic Services Manager confirmed that a report on the use of the Council car was to be submitted to the next meeting of the Civic Hospitality Committee.

The Council agreed to approve the Scheme of Members' Remuneration and Expenses for 2018/19.

### **THE EAST RENFREWSHIRE COUNCIL (NEWTON MEARN'S AREA – PHASE 1) (ON-STREET)(WAITING AND LOADING) ORDER 2018**

**374.** The Council considered a report by the Director of Environment proposing that the Council approve the making and confirmation of "The East Renfrewshire Council (Newton Mearns Area – Phase 1)(On-Street) (Waiting and Loading) Order 2018".

The report explained that the Council had introduced Decriminalised Parking Enforcement (DPE) in April 2013 and become the Parking Authority for East Renfrewshire. As a precursor to formal consultation and making the new Order, a review had been undertaken on current restrictions to assess demands on the transport network taking into consideration various issues on the basis of which initial proposals had been developed. Following informal consultation, in response to representations received, amendments had been made to the initial proposals.

Having explained why restrictions in the Kirkhill area had been withdrawn and how it was intended to proceed and report on these at a later date, the report made reference to the extent to which, and in compliance with appropriate Regulations, formal consultation had

been undertaken on the remaining proposals between December 2017 and February 2018. Key proposals in the Draft Order were summarised in Appendix 1 to the report, the full proposals being contained within the Draft Order, copies of which had been made available in the Members' Library and Council Website together with the existing Order. Having itemised the main points of note, the report referred to representations received. A summary of those received, the response and proposed action on each was detailed in Appendix 2 to the report. None of the objections required the Council to hold a Hearing by an Independent Reporter.

The report also referred to related financial implications of implementing the Order to be met from the Parking Account. It was concluded that the new 2018 Order, introducing new on-street waiting and loading restrictions in the Newton Mearns area, would balance the demands on the transport network taking into consideration changes to road usage, volumes of vehicular and pedestrian traffic and associated road safety issues.

Councillor Wallace, supported by Councillor Merrick, commented that the proposed changes at The Loaning would impact on his Ward, adding that taken in tandem with other parking measures in force in Davieland Road there would be a further displacement of cars wishing to park. Having referred to related issues, he said further clarification and a presentation from the Roads Service and SPT on the long-term plan for transport for the area, including on how the further use of public transport could be encouraged without making a negative impact, would be useful. Councillor Merrick stated that it was his understanding that there would be consultation on the impact of the changes in the summer.

Councillor Gilbert commented that Newton Mearns residents were unhappy with car parking problems there such as near the railway station. He said staff were doing their best to assist with parking at the station, but that the situation had been badly handled, suggesting it would be useful if charges could be curbed pending the situation being reviewed and properly addressed.

Councillor Swift, supported by Councillor Lafferty, welcomed that local views expressed during the consultation on the Order had been taken on board, concurring with a further comment made by Councillor Gilbert about overspill parking at The Avenue being problematic. He welcomed the action to be taken around schools.

Councillor Buchanan commended the work undertaken which had targeted key problem areas. He highlighted that the situation at Patterton Station was slightly different to the issues referred to in the report, acknowledging that a related meeting such as with Network Rail might be required.

In reply to Councillor Grant, it was confirmed that traffic violations experienced by residents such as cars blocking driveways or potential breaches of the peace associated with this should be referred to the Police.

Councillor Macdonald stated that he thought support for a Private Members Bill to curb vehicles parking wheels on pavements was gaining support and could be introduced during the current Scottish Parliamentary term. He wondered if any action relating to parking should be suspended pending any related implications of any new legislation and the full extent of implications for off street parking becoming clear.

In response to Councillor Macdonald and Provost Fletcher, the Director of Environment confirmed he was aware of the Private Members Bill and that he would expect details to become clearer through COSLA in due course if progressed. He confirmed the role of the Police in dealing with parking related issues. Councillor Buchanan referred to the importance of taking the action that could be taken at this stage through the implementation of the Order to address issues that had emerged.

The Council agreed to approve the making and confirmation of “The East Renfrewshire Council (Newton Mearns Area – Phase 1) (On-Street) (Waiting and Loading) Order 2018” and to grant delegated powers to the Director of Environment to implement the Order in accordance with the associated statutory procedures.

### **Resolution to Exclude Press and Public**

At this point in the meeting, Provost Fletcher, seconded by Councillor Miller, proposed that the Council, in accordance with the provisions of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, agree to exclude the press and public from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 6 and 9 of Part 1 of Schedule 7A to the Act.

Councillor Aitken, seconded by Councillor Macdonald, proposed as an amendment that the press and public should be included in the meeting in the interests of transparency and because he did not consider there to be any data protection related argument for excluding them.

There being 15 votes for the Motion and 2 votes for the amendment, the Motion was declared carried and it was agreed:-

That in accordance with the provisions of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 6 and 9 of Part 1 of Schedule 7A to the Act.

### **Sederunt**

Councillors Macdonald and Aitken left the meeting at this point.

## **DISPOSAL OF A 3.5 ACRE DEVELOPMENT SITE AT DRUMBY CRESCENT, CLARKSTON**

**375.** Under reference to the Minute of the meeting of the Cabinet of 15 March 2018 (Page 334, Item 359 refers) when it had been agreed that delegated powers be granted to the Director of Environment in consultation with the Chief Officer – Legal and Procurement, to progress and complete the disposal of 3.5 acres of land at Drumby Crescent, Clarkston to the successful bidder for a residential development for the sum detailed in the report, the Council considered a report by the Director of Environment on the proposals as submitted to the Cabinet. The Cabinet decision had been called-in for further scrutiny.

The lead signatory to the call-in, Councillor Miller, summarised the reasons for the call-in. Thereafter in response to comments and questions from him and other Members, clarification was provided and detailed discussion took place on the matter. The Director of Environment provided detailed clarification on a range of matters.

The Council, having considered the arguments made both in support of and against the Cabinet proposals:-

- (a) noted the report, related comments and the clarification provided;

- (b) accepted and endorsed the Cabinet decision to grant delegated powers to the Director of Environment in consultation with the Chief Officer – Legal and Procurement, to progress and complete the disposal of 3.5 acres of land at Drumby Crescent, Clarkston to the successful bidder for a residential development for the sum detailed in the report.

PROVOST