

MINUTE
of
AUDIT & SCRUTINY COMMITTEE

Minute of Meeting held at 2.15pm in the Council Chamber, Council Headquarters, Giffnock on 4 August 2016.

Present:

Councillor Gordon Wallace (Chair)
Councillor Barbara Grant (Vice Chair)
Councillor Charlie Gilbert
Councillor Paul O’Kane

Councillor Gordon McCaskill
Councillor Tommy Reilly
Councillor Ralph Robertson

Councillor Wallace in the Chair

Attending:

Eamonn Daly, Democratic Services Manager; and Jennifer Graham, Committee Services Officer.

Also attending:

Councillors Jim Fletcher (Leader) and Stewart Miller; Iain MacLean, Head of Environment (Planning, Economic Development and City Deal); and Stuart Free, Principal Officer, Asset Management.

DECLARATIONS OF INTEREST

2112. There were no declarations of interest intimated.

EASTWOOD NURSERY ALLOTMENTS BOUNDARY WALL

2113. Under reference to the Minute of the meeting of the Cabinet of 16 June 2016 (Page 1968, Item 2104 refers) when it was agreed to approve Option (ii) which involved the Council funding and overseeing the reinstatement of the boundary wall to a brick wall specification at a height of up to 2.4 metres or an appropriate height at an estimated cost of £60,000, subject to tender, the committee considered a report by the Deputy Chief Executive on the proposals as submitted to the Cabinet. The Cabinet decision to approve Option (ii) as outlined in the report had been called in for further scrutiny.

The report referred to the grant of a lease for the former nursery site within Eastwood Park in April 2012 to Eastwood Nursery Allotments Association (ENAA) and that, under the terms of

the lease, liability for maintenance of the site became the responsibility of ENAA. An original wall which had screened a large part of the site was deemed unsafe in 2013 and ENAA successfully secured funding from various sources, including Whitelee Windfarm Fund, towards the cost of a replacement wall. After a considerable amount of time, the initial contractor appointed to undertake the build advised that they were unable to build the wall to a 2.4 metre height within the budget available and the height of the wall was therefore reduced to 1.8m following agreement with officers from Property and Technical Services (PaTS). However, the contractor later withdrew from the project and an alternative contractor was appointed. The works were subsequently completed to a design which slightly differed from that agreed with PaTS, and local Councillors received a number of representations from members of the local community requesting that the original style of wall be reinstated to more adequately screen the site. The new wall was considered acceptable by both PaTS and Building Standards although a structural engineer subsequently appointed by the Council had advised that when the wall was subject to wind loading the movement developed in the brick piers exceeded the design capacity of the wall.

In order to alleviate concerns about the suitability and safety of the wall, the Cabinet was provided with a report offering a number of options for consideration: (i) allow the replacement wall to remain as at present; (ii) the Council to fund and oversee the reinstatement of the boundary wall to a brick wall specification at a height of up to 2.4 metres; (iii) the Council to fund and oversee the reinstatement of the boundary wall to a solid timber fence specification at height of 2.4 metres; and (iv) ask the tenant to reinstate the boundary wall to an agreed specification and height. Following discussion, and having been advised that ENAA had no financial resources available to reinstate the wall, the Cabinet approved Option (ii).

The lead signatory to the call-in, Councillor Stewart Miller, spoke against the Cabinet decision. He referred to the 7 reasons for the call-in as outlined in the call-in notice but it was noted that only two of these related to the decision made by the Cabinet. Councillor Wallace clarified that the call-in could be summarised as relating to the integrity of the organisation; liability issues; and the accuracy of costings for proposed works.

Referring to the report which had been submitted to the Cabinet for consideration, Councillor Fletcher clarified that the Cabinet had been presented with a number of options to rectify the wall and he was therefore unable to comment on funding issues. He advised that local residents had expressed concern about the wall and had requested that a like for like replacement be erected as the current wall was considered by some to be unsightly and did not provide adequate screening of the site. Although the ENAA had accepted responsibility for the wall under the terms of the lease, they advised that they had insufficient funds to replace the new wall and, as the allotment was located on Council owned land, it was decided that a report should be submitted to the Cabinet to allow a final decision to be made on how to resolve this matter. It was confirmed that members of the Cabinet had sought further information on the proposals at the meeting prior to making a final decision.

The Head of Environment (Planning, Economic Development and City Deal) was heard further regarding the quotation submitted to the Cabinet, advising that the cost of £60,000 was a rough estimate based on the schedule of rates used by officers in PaTS and that this amount could increase or decrease following the tender process. The Principal Officer, Asset Management was then heard regarding the process of appointing a contractor to carry out work on the replacement wall and referred to discussions which had taken place between officers from PaTS and the second contractor appointed. Thereafter, it was reported that the Structural Engineer appointed to assess the replacement wall had not

deemed the wall to be unsafe but had highlighted that it did not meet the design calculation for wind loading.

Further discussion took place on the number of complaints received from local residents in respect of the wall, in the course of which it was clarified that the Environment Department had five complaints on file and a number of residents had also raised this issue with Elected Members outwith the formal complaints process. ENAA had requested that the current wall remain in place as they had insufficient funds to replace the wall. Councillor Fletcher clarified that a number of local residents had intimated that the wall and fence around the allotments was unsightly and had requested that adequate screening be provided for the allotments.

In response to questions from Members, and referring to the grants which had been obtained by ENAA from various organisations to fund the project, the Head of Environment (Planning, Economic Development and City Deal) was satisfied that Whitelee Wind Farm Fund rules had been followed and that there had been no misappropriation of funds from that source. He added that it would have been open to ENAA to make a request for additional funds from the Whitelee Wind Farm Fund if they had realised that the initial funding request was going to be inadequate, but no further requests had been received.

Following discussion on ways in which the current wall could be altered to provide better screening for local residents and having heard the Head of Environment (Planning, Economic Development and City Deal) advise that discussions would take place with ENAA to consider possible screening options, the committee, following consideration of the call-in and on the basis of the outcome of their discussions:-

- (a) disagreed with the decision of the Cabinet for the Council to construct a replacement wall as set out at Option (ii) of the original Cabinet report, as the cost was too high;
- (b) agreed to approve Option (i) of the original report, that the existing wall be allowed to remain; and
- (c) agreed that a report on the committee's deliberations and recommendations be prepared and finalised by the Clerk, in liaison with the Chair, and submitted to the Cabinet.

CHAIR

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