

MINUTE
of
CABINET

Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 20 August 2015.

Present:

Councillor Jim Fletcher (Leader)	Councillor Ian McAlpine
Councillor Tony Buchanan (Deputy Leader)	Councillor Paul O’Kane
Councillor Danny Devlin	Councillor Vincent Waters
Councillor Alan Lafferty	

Councillor Fletcher, Leader, in the Chair

Attending:

Lorraine McMillan, Chief Executive; Julie Murray, Chief Officer Health and Social Care Partnership; Andy Cahill, Director of Environment; Margaret McCrossan, Head of Accountancy; Louise Pringle, Head of Customer and Business Change Services; Jim Sneddon, Head of Democratic and Partnership Services; Mark Ratter, Head of Education Services (Quality Improvement and Performance); Andy Corry, Head of Environment (Environmental Services and Roads); Phil Daws, Head of Environment (Housing and Property Services); Iain MacLean, Head of Environment (Planning, Economic Development and City Deal); Jackie Martin, Corporate Business Manager; Malcolm Wright, Events and Projects Manager; John Buchanan, Operations Manager; Stuart Free, Principal Officer (Asset Management); David Anderson, Senior Estates Surveyor; Andrew Gibson, Senior Environment Officer; and Paul O’Neil, Committee Services Officer.

Apologies:

Councillors Elaine Green and Mary Montague.

DECLARATIONS OF INTEREST

1653. Councillor O’Kane declared a non-financial interest in item 1657 (Community Health and Care Partnership (CHCP) Finance Systems and Processes) by virtue of his employment with Enable and item 1663 (Proposed Licence to occupy at McHaffie’s Field, Neilston) due to his involvement with the McHaffie’s Field Association. He left the meeting prior to the consideration of each of the items.

JOINT CONSULTATIVE COMMITTEE (FIRST TIER)

1654. The Cabinet considered and noted the Minute of the meeting of the Joint Consultative Committee (First Tier) held on 21 May 2015, which forms Appendix 1 accompanying this Minute.

ANNUAL EFFICIENCY STATEMENT 2014/15

1655. The Cabinet considered a report by the Deputy Chief Executive, submitting for approval the Annual Efficiency Statement for 2014/15 and providing an update on the development of a new change programme for East Renfrewshire Council – the Modern Ambitious Programme (MAP). A copy of the Annual Efficiency Statement for 2014/15 accompanied the report.

The report explained that councils were required to provide an Annual Efficiency Statement for submission to COSLA each year and that thereafter an aggregate statement was developed for the Scottish Government. The Council's statement reported £4.3 million of efficiencies for 2014/15.

An overview of the good progress made with the Public Service Excellence (PSE) programme since its introduction in 2009 was outlined in the report together with details of the key achievements of the programme to 2014. In addition, details of the main achievements of PSE between 2009 and its closure in 2014 were contained in Annex 2 to the report.

The report also highlighted the introduction of a new programme of change for the Council which would be called the 'Modern Ambitious Programme (MAP)'. The new change programme would build on the success of the PSE programme and develop 3 of the Council's 5 capabilities of Digital, Modernising and Data/Information, with workstreams for each of the 3, as well as seeking to widen the scope and pace of the change, redesigning services from a customer perspective and contributing efficiencies and savings for future years.

The Cabinet:-

- (a) approved the Annual Efficiency Statement 2014/15 for submission to COSLA; and
- (b) noted the progress being made to develop a new change programme for the future – the 'Modern Ambitious Programme (MAP)' and deliver efficiencies for 2015/16 and beyond.

END-YEAR PERFORMANCE REPORTS 2014/15

1656. The Cabinet considered reports by the Chief Executive, Deputy Chief Executive and Directors of Education and Environment in relation to the end-year performance 2014/15 based on performance indicators and activities in the Outcome Delivery Plan (2014/17) and Single Outcome Agreement (2014/15). Detailed performance information on each of the departments for 2014/15 was appended to the reports.

The reports summarised a high level overview of each department's performance at end-year 2014/15. The information presented showed a positive picture of services responding well to a range of challenges with departments still continuing to deliver services that impacted positively on the lives of local residents, as well as supporting the efficient operation of the Council.

The Cabinet approved the reports as summaries of the Chief Executive's Office, Corporate and Community Services, Education and Environment Departments' end-year performance for 2014/15.

Sederunt

Councillor O’Kane left the meeting prior to the consideration of the following item.

COMMUNITY HEALTH AND CARE PARTNERSHIP (CHCP) FINANCE SYSTEMS AND PROCESSES UPDATE

1657. Under reference to the Minute of 4 June 2015 (Page 1476, Item 1567 refers), when the Cabinet noted an earlier report on an update on the Community Health and Care Partnership (CHCP) Finance Systems and Processes, the Cabinet considered a joint report by the Chief Officer - Health and Social Care Partnership, and Head of Accountancy, referring to the circumstances which led to the overpayment of providers; providing an update on the actions taken to reconcile payments and the recovery of funds, and describing in more detail the actions being taken to improve finance systems in the CHCP and ensure good financial governance and internal controls.

Whilst noting that the existing processes and procedures within the CHCP finance team were manually intensive and fragmented, the report highlighted that the manually intensive processes, heavy workload on the finance team and staffing issues had contributed to unacceptable delays in reconciliations of certain scheduled payments. Since 2015, significant resources had been allocated to negotiating with providers and agreeing reconciliations.

The report highlighted that the sum of £878,335 identified from the reconciliation of scheduled payments and agreed with providers had now been recovered in full by the Council. Discussions were ongoing with certain providers in relation to a small number of outstanding queries and any further adjustment of sums agreed would be reflected in finalising the Council’s accounts for 2014/15.

Furthermore, the CHCP had previously identified the need to improve financial management and control systems and processes and had established the CareFinance project to address this issue. The CareFinance project was due to be implemented fully by 2016 and would provide the new Health and Social Care Partnership (HSCP) with a centralised system, enable visibility of financial processes, and drive governance and accountability. The new system backed up by robust processes would ensure that reconciliation problems did not occur in the future.

The Cabinet noted the terms of the report.

Sederunt

Councillor O’Kane re-entered the meeting at this stage.

CARE INSPECTORATE REPORT ON SHELTERED HOUSING WARDEN SERVICE

1658. The Cabinet considered a report by the Director of Environment, advising of the positive results of an inspection carried out by the Care Inspectorate of the Council’s Sheltered Housing Warden Service. A copy of the inspection report was appended to the report.

The report explained that the Council’s Sheltered Housing Warden Service was registered to provide support to older people who lived in sheltered housing provided by the Council and that the service was provided to over 200 people residing in 8 complexes located throughout East Renfrewshire.

The Care Inspectorate had carried out an unannounced inspection on 12 and 20 May 2015. Details of the issues considered as part of the inspection were outlined in the report. Following the inspection, a draft action plan had been prepared to ensure the service improved continuously and this was also appended to the report.

The Cabinet noted the terms of the report.

EAST RENFREWSHIRE AREA SUPPORT TEAM - PARTNERSHIP AGREEMENT BETWEEN THE COUNCIL AND CHILDREN'S HEARINGS SCOTLAND AND RELATED ISSUES

1659. Under reference to the Minute of the meeting of 11 October 2012 (Page 204, Item 210 refers), when the Cabinet agreed amongst other things to authorise the Deputy Chief Executive to finalise a Partnership Agreement with Children's Hearings Scotland to provide related support to the East Renfrewshire Area Support Team for an initial period of two years, the Cabinet considered a report by the Deputy Chief Executive, seeking approval of the renewal of the partnership agreement between the Council and Children's Hearings Scotland for the provision of support to the Area Support Team.

The report explained that the agreement was essentially a contract setting out the support to be provided by both parties although it was separate from, but linked to the establishment of the Area Support Team (which was not under review). Under the first partnership agreement the local support required had been provided by officers within Democratic Services who worked in liaison with Children's Hearings Scotland.

The report also referred to related funding issues and highlighted that, under more recent legislation, local authorities now required to provide Area Support Teams with the administrative support the National Convener of Children's Services Scotland considered appropriate to enable them to discharge their functions, including on the recruitment, reappointment and observation of Children's Panel members. The initial partnership agreement now fell to be renewed with Children's Hearings Scotland, and approval was sought to enter into a new agreement until June 2017.

The Cabinet authorised the Deputy Chief Executive to renew:-

- (a) the partnership agreement between the Council and Children's Hearings Scotland for the provision of support to East Renfrewshire Area Support Team for the period until 30 June 2017; and
- (b) any future such partnership agreements, subject to the support arrangements continuing to work well.

FINANCIAL PERFORMANCE FOR THE YEAR ENDED 31 MARCH 2015

1660. The Cabinet considered a report by the Chief Executive, advising of the financial results for 2014/15, and comparing the out-turn with the final budgetary control statement for that year which had been submitted to the meeting of the Cabinet on 26 March 2015.

The report demonstrated the continuing excellent financial performance of the Council and 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 £945,000 was recorded in the accounts.

The report also highlighted that after transfers to earmarked reserves a sum of £333,000 had been added to the Council's non-earmarked General Fund reserve resulting in a balance of £8,841,000 as at 31 March 2015. This represented 4% of the annual budgeted net revenue expenditure which was in line with the Council's policy.

The report also provided details of transfers totalling £4.14 million that had been made from the General Fund balance to the Capital Reserve and Modernisation Fund and that £20.920 million had been invested in capital expenditure. Furthermore, the Housing Revenue Account recorded an operational surplus of £533,000, resulting in an accumulated surplus balance carried forward of £1.040 million.

The Cabinet:-

- (a) noted the out-turn position compared to the previous budgetary control report;
- (b) approved the transfers made from the General Fund to the Capital Reserve and Modernisation 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.

ESTIMATED REVENUE BUDGET OUT-TURN 2015/16

1661. The Cabinet considered a report by the Chief Executive, advising of the estimated projected revenue out-turn for 2015/16 and providing details of the expected variances together with summary cost information for each of the undernoted services as at 19 June 2015:-

- (i) Objective and Subjective Summaries;
- (ii) Education Department;
- (iii) Health and Social Care Partnership (HSCP);
- (iv) Environment;
- (v) Environment – Support;
- (vi) Corporate and Community – Community Resources;
- (vii) Corporate and Community – Support;
- (viii) Chief Executive's Office;
- (ix) Other Expenditure and Income and Other Housing; and
- (x) Housing Revenue Account.

It was noted that the format of the report had been amended this year to provide Elected Members with a clearer indication of the impact of variances on the forecast out-turn position. The variances shown in the report reflected the anticipated year-end position and not the position as at the current period.

Whilst noting that the year-end out-turn financial position forecast an underspend of £137,500 or 0.3% of the annual budget, the report highlighted that a number of operational variances required management action to ensure that expenditure would be in line with budget at the end of the financial year. However, it was expected that management action would lead to all overspends being recovered, that all underspends were consolidated wherever possible and that spending up to budget levels did not take place.

The Cabinet, having noted the reported probable out-turn position of the Revenue Budget 2015/16, agreed that:-

- (a) all departments currently on target to remain within budget be required to monitor and maintain this position to the year-end;
- (b) those departments currently forecasting a year-end overspend position be required to take action to bring net expenditure back within budget; and
- (c) that all service departments ensure that effective control and measurement of agreed operational efficiencies are undertaken on a continuous basis.

ELECTRIC GLEN 2016

1662. The Cabinet considered a joint report by the Director of Environment and Deputy Chief Executive, seeking approval to award the production contract for Electric Glen to a value of £170,000 to the successful tenderer, following the conclusion of the open tender process, in accordance with the provisions of clause 12.4 of the Council's Financial Regulations.

The report explained the background to the event, outlined the proposals for Electric Glen 2016, and provided a breakdown of the funding/event income and cost associated with staging the event. It was noted that two tendering exercises had been undertaken. The first of these involved the appointment of a Creative Director in May 2015 following a 'Quick Quote' tender to design the concept and narrative for the 2016 event and to support external funding applications. The second involved an open tender to appoint a production company to manage the development of the live event and this had been issued in July 2015 with a contract value of £170,000. Five tenders were currently being evaluated.

Approval was now sought to award the production contract for the event to a value of £170,000 to the successful tenderer in accordance with the provisions of clause 12.4 of the Council's Financial Regulations.

The Cabinet:-

- (a) approved the award of the tender for the production of Electric Glen 2016 following completion of an open tender process; and
- (b) noted the update on Electric Glen 2016.

Sederunt

Councillor O'Kane left the meeting prior to the consideration of the following item.

PROPOSED LICENCE TO OCCUPY AT McHAFFIE'S FIELD, NEILSTON

1663. The Cabinet considered a report by the Director of Environment, seeking approval to agree a licence to occupy an area of land at McHaffie's Field, Neilston to the McHaffie's Field Association. A plan showing the area of ground involved was appended to the report.

The report explained the background to the area of land which was situated between The Pines housing development and houses at Sykes Terrace and Hamilton Place, Neilston. It was noted that in 2005, the Cabinet had previously agreed a lease with McHaffie's Field Association to take over the ground although due to the reasons outlined in the report it had not been possible for the Association to take over the ground until now.

The Cabinet, having noted that the proposed licence would allow the area of land to be formally occupied and maintained by McHaffie's Field Association:-

- (a) approved a licence to occupy an area of land at McHaffie's Field, Neilston with McHaffie's Field Association; and
- (b) agreed that it be delegated to the Director of Environment, in consultation with the Chief Officer – Legal and Procurement, to make the necessary arrangements.

Sederunt

Councillor O'Kane re-entered the meeting at this stage.

WELFARE REFORM HOUSING ADVICE POST

1664. Under reference to the Minute of the meeting of 4 September 2014 (Page 1137, Item 1187 refers) when it was agreed amongst other things to continue financial provision by way of a contingency sum for 2015/16 to be used for a variety of measures, the Cabinet considered a report by the Director of Environment, seeking approval to use resources from the Welfare Reform contingency provision to extend funding for a temporary staff member until September 2016 to provide housing advice in order to mitigate the impact of Welfare Reform.

The report explained that due to the likelihood of financial hardship to East Renfrewshire residents as a result of legislative changes in relation to Housing Benefit it was felt necessary to create the post in order to provide additional advice and options. Furthermore, action was required to reduce arrears and prevent homelessness.

The Cabinet approved the proposal to use resources from the Welfare Reform contingency provision to extend the funding of a temporary staff member for a further year until September 2016 to provide housing advice in order to mitigate the impact of Welfare Reform and in particular to prevent homelessness.

KERBSIDE RECYCLING SERVICE IMPROVEMENT – OPTIONS REPORT

1665. The Cabinet considered a report by the Director of Environment, detailing a number of options available to the Council to improve its kerbside recycling service and seeking approval of the recommended option (i.e. to move to 4 bin system of collection) as outlined in the report.

Whilst noting the outcome of a comprehensive kerbside recycling service options appraisal, the report highlighted that the favoured option was to move to a 4 bin system of collection. This proposal was intended to mitigate customer dissatisfaction over the method of containment for kerbside recycling (although the proposal did not eliminate the use of boxes

and sacks for those households who could not contain up to 4 bins). The report emphasised however that the new system would require substantial capital funding to be released to accommodate the introduction of wheeled bins for all materials.

The report indicated that having taken into account financial constraints, statutory requirements and the future direction of travel in terms of resource management, officers were of the view that the proposal was the best way to meet the dual objective of increasing customer satisfaction and recycling performance whilst minimising risk.

It was noted that should the Cabinet agree the recommended option, it would be subject to the Council's Capital Programme Appraisal process given that it would require a capital outlay of £1.35 million.

The Cabinet agreed to move to a 4 bin system of collection, subject to the Capital Programme Appraisal process.

Resolution to Exclude Press and Public

At this point in the meeting, on the motion of the Leader, the Cabinet unanimously resolved that in accordance with the provisions of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 6, 8 and 9 of Part I of Schedule 7A to the Act.

PROPOSED GROUND LEASE FOR A BIOGAS PLANT AT GREENHAGS BY NEWTON MEARNS

1666. The Cabinet considered a report by the Director of Environment, seeking approval to enter into a ground lease, subject to suspensive conditions, for part of the Council-owned grazing at Greenhags to enable Greenhags Energy Company Limited to develop a biogas plant. Details of the scheme together with a location plan of the proposed site were appended to the report.

The Cabinet authorised the Director of Environment in consultation with the Chief Officer – Legal and Procurement, to finalise terms (including any changes to provisional terms), to enter into missives and conclude a ground lease, subject to suspensive conditions being met, with Greenhags Energy Company Limited, or a permitted assignee, to enable the development of a biogas plant on 2.0 hectares (4.94 acres) of Council-owned land at Greenhags by Newton Mearns.

PROPOSED SALE OF LAND AT BRENFIELD ROAD, NETHERLEE

1667. The Cabinet considered and approved a report by the Director of Environment in relation to the sale of Council-owned amenity ground to the side of the former lodge house situated at the main entrance to Cathcart Cemetery. A copy of a location plan was appended to the report.

PROPOSED SALE OF FORMER LOCK-UP SITE AT FENWICK DRIVE, BARRHEAD

1668. The Cabinet considered a report by the Director of Environment, seeking approval for the proposed sale of Council-owned ground at Fenwick Drive, Barrhead. An aerial photograph of the site was appended to the report.

The Cabinet:-

- (a) approved the proposed sale of the former lock-up site at Fenwick Drive, Barrhead to the company detailed in the report; and
- (b) authorised the Director of Environment, in consultation with the Chief Officer - Legal and Procurement, to make the necessary arrangements.

PROPOSED SALE OF LAND AT HAWTHORN GARDENS, BUSBY

1669. The Cabinet considered and approved a report by the Director of Environment in relation to the sale of Council-owned amenity ground to the side of the house at 1 Hawthorn Gardens, Busby. A location plan showing the area of ground to be sold was appended to the report.

PROPOSED SALE OF LAND AT HILLSIDE COURT, THORNLIEBANK

1670. The Cabinet considered and approved a report by the Director of Environment in relation to the sale of Council-owned amenity ground to the rear of the house at 15 Hillside Court, Thornliebank. A plan showing the area of ground to be sold was appended to the report.

PROPOSED SALE OF LAND TO THE REAR OF 20 GLEN STREET, BARRHEAD

1671. The Cabinet considered and approved a report by the Director of Environment in relation to the sale of an area of Council-owned ground situated to the rear of the vehicle repair business at 20 Glen Street, Barrhead. A copy of a location plan showing the area of ground to be sold was appended to the report.

PROPOSED SALE OF LAND TO THE SIDE OF 70 CARLIBAR ROAD, BARRHEAD

1672. The Cabinet considered and approved a report by the Director of Environment in relation to the sale of the strip of Council-owned land situated to the side of the Fereneze Inn at 70 Carlibar Road, Barrhead. A copy of a location plan showing the area of ground to be sold was appended to the report.

CHAIR

MINUTE

of

JOINT CONSULTATIVE COMMITTEE (FIRST TIER)

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 21 May 2015.

Present:

Councillor Jim Fletcher
Councillor Ian McAlpine

Councillor Gordon McCaskill
Councillor Ralph Robertson

Union Representatives:

Mr Steven Larkin (UNISON)
Mr Gordon Lees (UNISON)
Mr Joe Lynch (UNISON)

Mr Alan Munro (EIS)
Ms Fiona Shannon (EIS)

Councillor Fletcher in the Chair

Attending:

Mhairi Shaw, Director of Education; Ken McKinlay, Head of Education Services (Culture, Sport and Continuing Education); Barbara Clark, Chief Accountant; Sharon Beattie, Human Resources Manager; Hugh Friel, Senior HR Officer; Steve Murray, Principal Health and Safety Adviser; and Linda Hutchison, Senior Committee Services Officer.

Apology:

Mr Alan Cameron (UNITE).

MINUTE OF PREVIOUS MEETING

1. The committee considered and approved as a correct record the Minute of the meeting held on 22 January 2015.

TRANSFER TO EAST RENFREWSHIRE CULTURE AND LEISURE TRUST

2. Mr Lynch commented on progress regarding the establishment of the Culture and Leisure Trust, including the work of the associated project team and related consultation with the Trade Unions which had been welcomed. On behalf of the Trade Unions, he referred to a specific concern they held on the long-term potential for employees within the Trust to be employed on different terms and conditions from Council employees. Mr Lynch clarified that the Unions were seeking the inclusion within appropriate transfer documentation of reference to Section 52 of the Local Government (Scotland) Act 1983 to provide long-term protection to staff transferring to the Trust as well as new employees engaged by it, and that they did not favour Trust staff being governed by different employment arrangements and

human resources (HR) policies than Council employees for doing the same job. He added that the project team had acknowledged and expressed some sympathy regarding the issues raised but not agreed to include the suggested provisions in the documentation. Consequently the Trade Unions now considered it appropriate to raise their concerns directly with elected Members through this committee.

Whilst acknowledging the issues and concerns raised, Councillor Fletcher clarified that the legal advice sought by and provided to the Council, including by its external legal advisers, was that pursuing inclusion of Section 52 provisions as suggested could put at risk the charitable status of the Trust and also therefore the Council securing the related benefits sought in the first place. He emphasised that every effort was being made to establish the Trust based on best practice elsewhere, referred to the composition of the Trust Board the membership of which included a UNISON representative, and commented that he was not aware of any move by elected Members serving on the Board to pursue or support a reduction in the terms and conditions of those employed by the Trust. He added that his understanding was that the Trust employees would have access to Strathclyde Pension Fund arrangements as Council employees did, expressing hope that all of the efforts being made regarding the establishment of the Trust would alleviate the Trade Union's concerns.

Mr Lynch stated that he was reassured by Councillor Fletcher's comments which he said also reflected those of the project team, following which he reiterated a previous request made for a copy of the legal advice provided to the Council by its legal advisers and clarification on what the advisers had been asked to provide advice on to allow him to discuss this further with his colleagues. Whilst giving an undertaking to provide anything further that it was appropriate to provide, Councillor Fletcher, supported by the HR Manager, explained why detailed legal feedback would not be provided, referring to the private nature of the legal advice provided to the Council. However he confirmed that feedback already provided to the Trade Unions from the Council did reflect the views of its legal advisers on Section 52 of the Local Government (Scotland) Act 1983. In response to Councillor McCaskill who asked if further scope existed to reflect the spirit of Section 52 within appropriate Trust documentation, Councillor Fletcher reiterated the Trust's responsibilities for its employees and that, if the Trust did not operate as planned, its charitable status could be compromised. He added that he would not wish salaries to be cut and referred to the wish for the Trust to deliver service improvements.

Having heard Mr Lynch refer to his experience of the establishment of Trusts by some other local authorities, in response to Councillor Robertson, he explained that the concerns he had raised took account of legal advice the Trade Unions had commissioned and received. He undertook to report back to his organisation on the comments made by Councillor Fletcher and related clarification provided. In reply to Mr Munro who asked if it was possible to approach the Office of the Scottish Charity Regulator (OSCR) for their view on the specific issues raised by the Trade Unions, Mr Lynch said this remained a possibility. He added that the aim was not to impede the establishment of the Trust but rather protect employees' interests. Councillor Fletcher stated he did not know what scope existed to approach OSCR, but that he would not object to that.

In response to Mr Lees who sought further clarification if the legal advice sought by both parties was based on the same questions, the HR Manager confirmed that this was the case with both parties having sought clarification if Section 52 provisions could be included within documentation pertaining to the establishment of the Trust. Councillor McAlpine expressed his support for comments made by Councillor Fletcher and reiterated the benefits of the Trust's charitable status in the face of austerity. He concurred with Councillor Fletcher that aims of establishing the Trust included seeking savings and innovation and that the two tier system commented on by Mr Lynch was not what was envisaged.

The committee noted:-

- (a) that Mr Lynch would provide feedback to his Trade Union colleagues on the views expressed at the meeting pertaining to the transfer of employees to the Trust, including the comments made on the related legal advice provided to the Council; and
- (b) otherwise, the position and views expressed by both parties.

COUNCIL HEALTH AND SAFETY COMMITTEE

3. There was submitted and noted the Minute of the Council's Health and Safety Committee held on 28 January 2015.

DATE OF NEXT MEETING

4. The committee noted that the next meeting would take place on 24 September 2015.

