

MINUTE
of
EAST RENFREWSHIRE COUNCIL

Minute of Meeting held at 7.00pm in the Council Chamber, Council Headquarters, Giffnock on 16 September 2015.

Provost Alastair Carmichael
Deputy Provost Betty Cunningham
Councillor Tony Buchanan
Councillor Danny Devlin
Councillor Jim Fletcher (Leader)
Councillor Charlie Gilbert
Councillor Barbara Grant
Councillor Elaine Green
Councillor Kenny Hay

Councillor Alan Lafferty
Councillor Ian McAlpine
Councillor Stewart Miller
Councillor Mary Montague
Councillor Paul O’Kane
Councillor Tommy Reilly
Councillor Ralph Robertson
Councillor Gordon Wallace
Councillor Vincent Waters

Provost Carmichael 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; Andrew Corry, Head of Environment (Environmental Services and Roads); Jamie Reid, Community Resources Manager; John Buchanan, Operations Manager; Eamonn Daly, Democratic Services Manager; and Paul O’Neil, Committee Services Officer.

Apologies:

Councillors Gordon McCaskill and Jim Swift.

DECLARATIONS OF INTEREST

1703. There were no declarations of interest intimated.

SERIOUS AND ORGANISED CRIME – PRESENTATION BY POLICE SCOTLAND

1704. Provost Carmichael introduced Detective Superintendent Andrew Gunn, Police Scotland who had been invited to the meeting to give a presentation on Serious and Organised Crime.

Detective Superintendent Gunn began by commenting on the structure of the Serious and Organised Crime branch within Police Scotland and provided information about the number of criminal gangs operating throughout Scotland highlighting that the gangs had links to businesses such as licensed premises, taxis etc. He also commented on the annual

performance targets of the Serious and Organised Crime branch within the Greater Glasgow Division, which included the number of arrests achieved and the amount of money confiscated through the proceeds of crime legislation.

Concluding his presentation, Detective Superintendent Gunn highlighted the excellent partnership arrangements that were in place between the police and the Council.

There followed a short question and answer session, in the course of which Detective Superintendent Gunn provided clarification on a range of operational issues, such as the use of the media to heighten the general public's awareness of activities associated with serious and organised crime, the measures in place in the Criminal Justice system to fast track criminals through the courts, and how proceeds of crime were used by the Scottish Government. He referred to 'Cash Back for Communities' which was a Scottish Government programme that used funds recovered from the proceeds of crime to pay for free activities and programmes for young people across Scotland, including diversionary activities, the aim of which was to prevent them becoming involved in criminal activities.

The Council, having heard the Provost and Councillor Montague thank Detective Superintendent Gunn, noted the terms of the presentation.

MINUTE OF PREVIOUS MEETING

1705. The Council considered and approved the Minute of the meeting held on 24 June 2015.

MINUTE OF SPECIAL MEETING

1706. The Council considered the Minute of the special meeting held on 24 June 2015.

Review of Community Council Scheme of Establishment – Stage 3 Consultation Findings and Next Steps

Under reference to the Minute of the special meeting of 24 June (Page 1508, Item 1608 refers), when it was noted amongst other things the findings of the stage 3 consultation in relation to the review of the community council scheme of establishment, Councillor Robertson stated that he had made comments at the meeting regarding the Council's proposal to rotate community council chairs at least every 2 years and had suggested that the Council should adopt a similar practice. However, he noted that his comments had not been recorded in the Minute and asked for the Minute to be amended accordingly.

At this stage, Provost Carmichael, seconded by Councillor Hay, moved that the Minute be approved.

Councillor Robertson, seconded by Councillor Miller, moved as an amendment that the Minute be approved, subject to it being amended to include the comments he had made at the meeting.

On a vote being taken, 13 members voted for the motion and 5 members voted for the amendment. The motion was accordingly declared carried and the Council approved the Minute of the special meeting held on 24 June 2015.

MINUTES OF MEETINGS OF COMMITTEES

1707. The Council considered and approved the Minutes of the meetings of the undernoted, except as otherwise referred to in Items 1708 and 1709 below:-

- (a) Cabinet – 25 June 2015;
- (b) Planning Applications Committee – 12 August 2015;
- (c) Local Review Body - 12 August 2015;
- (d) Licensing Committee – 18 August 2015;
- (e) Cabinet – 20 August 2015;
- (f) Audit and Scrutiny Committee – 20 August 2015;
- (g) Education Committee – 27 August 2015;
- (h) Planning Applications Committee – 9 September 2015; and
- (i) Local Review Body – 9 September 2015.

CABINET – 25 JUNE 2015 – AREA FORUM MINUTES

1708. Under reference to the Minute of the meeting of the Cabinet of 25 June 2015 (Page 1524, Item 1634 refers), when the Cabinet agreed to note the Minutes of the area forums and approve the recommendations therein, Councillor Miller noted that the Minute of the Neilston, Uplawmoor, Newton Mearns North and Barrhead Area Forum held on 28 May 2015 referred to discussions that had taken place regarding the future of the area forums. He sought clarification whether the operation of the area forums was going to change in the future in light of the fact that only 5 new community councils had been established.

In reply, the Head of Democratic and Partnership Services stated that a review of the operation of area forums had been carried out in the past and that the main focus for the Council had been the creation of new community councils under the new Scheme of Establishment. Concluding his remarks, he stated that it was proposed to submit a report to a future meeting of the Cabinet regarding the future operation of the area forums.

The Council noted the position.

CABINET – 20 AUGUST 2015 – PROPOSED GROUND LEASE FOR A BIOGAS PLANT AT GREENHAGS BY NEWTON MEARNNS

1709. Under reference to the Minute of the meeting of the Cabinet of 20 August 2015 (Page 1560, Item 1666 refers), when the Cabinet agreed to approve a ground lease for a biogas plant at Greenhags by Newton Mearns, Councillor Grant sought clarification about the future use of the site in the event that the proposed Biogas Plant proved unsuccessful.

In reply, the Director of Environment explained that should this occur the developer would have broken the terms of the lease and as a result would not be able to use the site for any other purpose.

The Council noted the position.

PROVOST'S ENGAGEMENTS

1710. The Council considered and noted a report by the Deputy Chief Executive, providing details of civic engagements attended by and civic duties performed by Provost Carmichael since the last meeting.

STATEMENTS BY CONVENER

1711. Provost Carmichael intimated that the Leader of the Council and the Convener for Education and Equalities wished to make statements to the Council on the Syrian Refugee Crisis and the evacuation of a number of schools in Barrhead earlier in the day.

Syrian Refugee Crisis

The Leader of the Council referred to the Syrian Refugee Crisis and advised that the Council proposed to settle approximately 50 families in communities throughout East Renfrewshire. However, he emphasised that this would take place over a prolonged period and would be dependent upon how quickly the UK and Scottish Governments reacted to the crisis. He indicated that the Scottish Government had arranged a meeting on 18 September to discuss the crisis and it had made funding of £1 million available to local authorities to deal with the crisis. Concluding his remarks, he stated that the Director of Environment would be co-ordinating matters on behalf of the Council.

Councillor Robertson suggested that when the refugee families were being settled in East Renfrewshire consideration should be given by the Council to settling a minimum of two refugee families in the same local community given the potential difficulties families would possibly experience in settling in a new environment.

Councillor Wallace on behalf of the Conservative Group stated that he fully supported the Council's proposal in the course of which Councillor Buchanan emphasised the importance of providing assistance to the refugees as quickly as possible to ensure that families were properly integrated into communities in East Renfrewshire.

The Council noted the position.

Evacuation of Pupils and Staff from Three Schools in Barrhead on 16 September 2015

Councillor Green updated the Council on the evacuation of pupils and staff from Barrhead and St Luke's High Schools and St Mark's Primary School earlier in the day as a precautionary measure following an unauthenticated threat by telephone. She assured the Council that the children, young people and staff were safely evacuated and no one was injured. She also intimated that following the initial incident at one school there were further threats to other schools and the situation evolved with proportionate response to those incidents. All pupils and staff were able to return to their respective schools at around 1.00 pm. It was noted that a further threat had been made to St Ninian's High School but the school was not evacuated given the understanding and advice from the response services to the incidents.

Concluding her remarks, Councillor Green expressed her thanks to all the emergency services for their immediate response, to staff in the schools involved for their support and to the children and young people whose behaviour and patience was a credit to all.

The Council noted the position.

STATEMENTS BY REPRESENTATIVES ON JOINT BOARDS/COMMITTEES AND COMMUNITY JUSTICE AUTHORITY

1712. Provost Carmichael intimated that no statements had been received.

SCHEME OF DELEGATED FUNCTIONS

1713. The Council considered a report by the Deputy Chief Executive, seeking approval of an amended Scheme of Delegated Functions that had been prepared in light of the establishment of the Health and Social Care Partnership (HSCP), the Culture and Leisure Trust and various changes to departmental structures resulting in the transfer of delegated responsibilities and changes in designations. Approval was also sought of a number of additional delegated powers as outlined in the amended Scheme. A copy of the amended Scheme of Delegated Functions was appended to the report.

Whilst noting the legislative background of the Scheme of Delegated Functions, the report explained that since the Council's Scheme was last approved in its entirety, a number of changes had taken place in the Council including the establishment of the Health and Social Care Partnership (HSCP) and the Culture and Leisure Trust, changes in legislation, changes in officer designation, operational management responsibility, sometimes within departments, and in some cases, with responsibility for services transferring between departments. It was noted that as and when those changes occurred, reports had been submitted to the appropriate bodies and changes in the delegated powers agreed.

The report also highlighted that in addition to those delegated powers that had already been approved, a number of additional delegated powers were now sought. Details of these additional delegated powers were outlined in the report.

The Council:-

- (a) noted the alterations that had been made to the Scheme of Delegated Functions to reflect the establishment of the new bodies and changes to departmental structures as outlined in the report; and
- (b) agreed that delegated powers be granted in respect of those new matters outlined in the Scheme.

SCHEME OF ADMINISTRATION

1714. The Council considered a report by the Deputy Chief Executive, seeking approval of amendments to the Council's Scheme of Administration. A copy of the amended Scheme of Administration was appended to the report.

Whilst noting that the Scheme of Administration specified the business to be transacted at committees, the arrangements for committee meetings, and the functions delegated to committees, the report explained that the Scheme needed to be reviewed in light of a number of changes that had taken place, particularly in relation to the establishment of the Health and Social Care Partnership (HSCP) and the creation of the Culture and Leisure Trust. As part of this review, the opportunity had been taken to review other elements of the scheme to streamline business processes. Details of the additional amendments to the Scheme of Administration were outlined in the report.

In reply to a question by Councillor Wallace as to how the Council would scrutinise the operational activities of the Culture and Leisure Trust and the Health and Social Care Partnership, the Director of Education provided clarification on the proposed scrutiny arrangements of the Culture and Leisure Trust. She highlighted that a range of reports would be submitted to future meetings of the Council providing detailed performance information of the Trust. Furthermore, by virtue of her position as Director of Education she was member

of the Culture and Leisure Trust Board, together with the Head of Accountancy. Concluding her remarks, she also referred to the services agreement which had been approved at the meeting of the Council on 24 June 2015.

Whilst acknowledging the comments made by the Director of Education, Councillor Wallace enquired how the Audit and Scrutiny Committee would be involved in carrying out scrutiny work of both the Culture and Leisure Trust and the Health and Social Care Partnership.

In reply, the Democratic Services Manager advised that he had discussed this matter with the Chief Officer – Legal and Procurement. He advised that as regards the HSCP, a report on proposed scrutiny arrangements of that body would be considered at the next meeting of the Health and Social Care Partnership Integration Joint Board. He also emphasised that the Council had delegated the functions of the Health and Social Care Partnership to the Health and Social Care Partnership Integration Joint Board.

Councillor Grant expressed concern about the future scrutiny arrangements of the HSCP given the problems that had come to light in the Community Health and Care Partnership over recent months. In reply to these concerns, the Democratic Services Manager advised that 4 Members of the Council were Members of the Health and Social Care Partnership Integration Joint Board and that the Board would be responsible for ensuring that proper scrutiny took place.

The Council noted the position.

ANNUAL STATEMENT ON THE ADEQUACY OF INTERNAL CONTROLS

1715. The Council considered a report from the Audit and Scrutiny Committee, providing a statement on the Adequacy and Effectiveness of the Internal Controls operating within the Council during 2014/15.

Councillor Wallace stated that whilst the Internal Audit function contributed towards effective controls within the Council it was not a substitute for management given that management were responsible for ensuring that internal controls were in place and operating effectively. He highlighted that whilst the Chief Auditor was of the opinion based on the information available and work carried out, that reasonable assurance could be placed upon the adequacy and effectiveness of the Council's internal control system in the year to 31 March 2015, there were two exceptions. These were noted as payments to providers made by the Community Health and Care Partnership (CHCP) in respect of learning disability and collection of income for community alarms within the CHCP. He suggested that it was quite clear that financial management controls were inadequate when problems of this nature arose.

Concluding his remarks, Councillor Wallace stated that the Audit and Scrutiny Committee was still awaiting the External Auditor's report on the problems experienced within the Community Health and Care Partnership.

The Council agreed to note the report.

COMMUNITY LEARNING AND DEVELOPMENT STRATEGY 2015-18

1716. The Council considered a report by the Deputy Chief Executive, seeking approval for the East Renfrewshire Community Learning and Development (CLD) Strategy 2015-18 which was part of the new statutory requirements for Community Learning and Development introduced in 2013. A copy of the full strategy was appended to the report.

The report explained that the requirements of the Community Learning and Development (Scotland) Regulations 2013 placed a legal obligation on local authorities to work with partners to assess the need for CLD within their authority area through consultation, and thereafter develop and publish a plan for 2015-18 by 1 September 2015.

The report highlighted that the guidance required CLD providers amongst other things to identify target individuals and groups in each of the key life stages (i.e. early years, young people, adults and older people); consider the needs of these target individuals and groups for CLD; assess the degree to which these needs were already being met; and identify barriers to the adequate and efficient provision of CLD.

Whilst noting that the draft strategy document had now been published and this fulfilled the requirement to publish by 1 September 2015, the report highlighted that there was no requirement to submit the strategy to the Scottish Government or Education Scotland. However, the strategy would be a material consideration in any future Community Learning and Development inspection. The report also emphasised that the strategy should remain a live document throughout its life span and be updated to reflect evolving local needs and that partners continued to develop and strengthen their joint working arrangements.

Councillor Gilbert referred to the consultation findings which highlighted that young people had concerns about the lack of practical work skills and access to relevant work experience opportunities and sought clarification what action the Council would be taking to address these concerns.

In reply, the Director of Education made reference to the report that had been submitted to the meeting of the Education Committee on 27 August 2015 entitled 'Developing the Young Workforce Implementation Plan. She stated that the terms of this plan would address the issue raised by Councillor Gilbert.

The Council:-

- (a) approved the Community Learning and Development Strategy 2015-18; and
- (b) agreed that delegated powers be granted to the Chief Executive to further refine and strengthen the strategy over its lifetime without further recourse to the Council.

POST OF HEAD OF ICT AND DIGITAL ENABLEMENT

1717. The Council considered a report by the Deputy Chief Executive, seeking homologation of the action taken in relation to commencing the recruitment process for the appointment of a new Head of ICT and Digital Enablement.

The report advised that the Head of Information and Communications Technology (ICT) had intimated his intention to resign in June 2015; sought approval of the recruitment procedure as outlined in the report and to agree the use of an external adviser on the Appointments Committee; and to agree the names of 5 elected Members to serve on the Appointments Committee.

The Council:-

- (a) noted the resignation of the Head of ICT;
- (b) homologated the action taken in commencing the recruitment process;

- (c) approved the recruitment procedure as outlined in the report and agreed to use an external adviser on the Appointments Committee; and
- (d) agreed that the names of the 5 elected Members to serve on the Appointments Committee be submitted to the Deputy Chief Executive.

Resolution to Exclude Press and Public

At this point in the meeting, on the motion of the Provost, the Council unanimously resolved that in accordance with the provisions of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 8 and 9 of Part 1 of Schedule 7A to the Act.

SELECTION OF PREFERRED BIDDER FOR THE CLYDE VALLEY RESIDENTIAL WASTE PROJECT

1718. The Council considered a report by the Director of Environment, providing an update in relation to the Clyde Valley Residential Waste Project and seeking approval of the appointment by the Council of the contractor detailed in the report as the preferred bidder following a competitive dialogue procurement process carried out under the terms of the Inter Authority Agreement (the IAA) which had been signed by all partner councils in December 2012/January 2013.

The report explained that under the terms of the IAA, whilst the review of the final Evaluation Report and selection of Preferred Bidder was delegated to the Clyde Valley Steering Group, the agreement relating to the selection of Preferred Bidder was a matter reserved to the authorities in the steering group.

The Council:-

- (a) noted the progress in the procurement process to date;
- (b) approved the selection of the contractor as outlined in the report as the Preferred Bidder and agreed that the Council appoint the contractor as Preferred Bidder;
- (c) noted that the appointment of the Preferred Bidder was strictly subject to the agreement by all partner councils; and
- (d) noted that a further report would be submitted to a future meeting of the Council, seeking agreement for the execution of the Project Agreement and the Post Contract Authority Agreement.

PROVOST