

MINUTE
of
EAST RENFREWSHIRE COUNCIL

Minute of Meeting held at 7.00pm in the Council Chamber, Council Headquarters, Giffnock, on 22 April 2015.

Present:

Provost Alastair Carmichael	Councillor Stewart Miller
Deputy Provost Betty Cunningham	Councillor Mary Montague
Councillor Tony Buchanan	Councillor Paul O’Kane
Councillor Jim Fletcher (Leader)	Councillor Tommy Reilly
Councillor Charlie Gilbert	Councillor Ralph Robertson
Councillor Barbara Grant	Councillor Jim Swift
Councillor Elaine Green	Councillor Gordon Wallace
Councillor Kenny Hay	Councillor Vincent Waters
Councillor Gordon McCaskill	

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; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Kate Rocks, Head of Children’s Services and Criminal Justice (Chief Social Work Officer); Jim Sneddon, Head of Democratic and Partnership Services; Eamonn Daly, Democratic Services Manager; and Linda Hutchison, Senior Committee Services Officer.

Apologies:

Councillors Danny Devlin, Alan Lafferty and Ian McAlpine.

SCOTTISH YOUTH PARLIAMENT

1516. Prior to the start of the meeting, Provost Carmichael welcomed Emma Ball from the Council’s Youth Team and Nicole Demster who was a member of the Scottish Youth Parliament (SYP) until the recent elections, who had won the SYP Support Worker of the Year Award and 2015 Member of the SYP of the Year Award respectively.

Councillor Montague invited Members of the Council to join her in conveying congratulations to both recipients, referring to the nature of the Awards and the inspirational achievements of the winners, confirming that both had received their Awards at a ceremony in Edinburgh on 20 March 2015.

On behalf of the Council, she presented both with flowers, following which Provost Carmichael, supported by other Members of the Council, congratulated the Award recipients.

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DECLARATIONS OF INTEREST

1517. There were no declarations of interest intimated.

MINUTE OF PREVIOUS MEETING

1518. The Council considered and approved the Minute of the meeting held on 25 March 2015.

MINUTE OF SPECIAL MEETING

1519. The Council considered and approved the Minute of the special meeting held on 25 March 2015.

MINUTES OF MEETINGS OF COMMITTEES

1520. The Council considered and approved the Minutes of the meetings of the undernoted:-

- (a) Cabinet – 26 March 2015;
- (b) Education Committee – 2 April 2015;
- (c) Licensing Committee – 2 April 2015;
- (d) Planning Applications Committee – 8 April 2015;
- (e) Local Review Body – 8 April 2015; and
- (f) Cabinet – 9 April 2015.

GENERAL FUND CAPITAL PROGRAMME

1521. Under reference to the Minute of the meeting of the Cabinet of 26 March 2015 (Page 1392, Item 1481 refers), the Council considered a report by the Chief Executive, recommending adjustments to the 2014/15 General Fund Capital Programme in light of issues that had arisen since the programme had been approved.

Councillor Swift expressed concern regarding the actual expenditure reported relative to the approved budget for 2014/15, highlighting the extent of expenditure remaining to be incurred at the end of the financial year and that residents were not benefitting from projects until late in the year. He added that the same was true of the Housing Capital Programme and referred to related issues on labour force availability and associated costs.

The Head of Accountancy clarified that the report reflected expenditure fully processed and recorded through the ledger rather than the full extent of work undertaken. She also commented on the long-term nature and planning of projects, sometimes over several years, and that there was no suggestion that tendering associated with some projects was being delayed in any way. Councillor Fletcher added that expenditure variances did occur and that projects were progressing as soon as possible.

The Council:-

- (a) approved the movements within the programme; and
- (b) noted that the shortfall of £111,000 would be managed and reported within the final accounts for the year.

HOUSING CAPITAL PROGRAMME

1522. Under reference to the Minute of the meeting of the Cabinet of 26 March 2015 (Page 1392, Item 1482 refers), the Council considered a report by the Chief Executive recommending adjustments to the 2014/15 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 £43,000 would be managed and reported within the final accounts for the year.

PROVOST ENGAGEMENTS

1523. The Council considered and noted a report by the Deputy Chief Executive, providing details of the civic engagements attended and civic duties performed by Provost Carmichael since the last meeting.

STATEMENTS BY CONVENER

1524. Provost Carmichael intimated that no statements had been received.

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

1525. Provost Carmichael intimated that no statements had been received.

DESIGNATED MEMBER TO REPRESENT THE WEST AREA ON THE SEEMIS GROUP BOARD OF MANAGEMENT – NOMINATION OF COUNCIL REPRESENTATIVE

1526. The Council considered a report by the Director of Education recommending that Councillor Green be nominated to serve as the West Area representative on the Strathclyde Educational Establishments Management Information Systems (SEEMiS) Group Board of Management.

The report referred to the purpose of software provided to local education authorities by SEEMiS which was a Limited Liability Partnership owned and managed by its member councils. Having referred to the membership of the associated Board of Management which acted on behalf of the members represented by five geographically based User Groups and Council Management Teams and related issues, it was clarified that at the West Area Group Annual General Meeting in March 2015 the Council had been nominated and approved as the Designated Member to represent the West Area on the Board of Management.

The Council agreed that Councillor Green be nominated to serve as the West Area representative on the SEEMiS Group Board of Management.

FULFILLING OUR EQUALITY SPECIFIC DUTIES - PROGRESS ON EQUALITY MAINSTREAMING AND OUTCOMES 2013-2017

1527. The Council considered a report by the Deputy Chief Executive on progress made on the Council's programme to fulfil its equality duties. The report explained that in April 2013 the Council had approved a report entitled "Fulfilling our Equality Duties: Equality Mainstreaming Report and Equality Outcomes 2013-2017" through which nine new equality outcomes aimed at different groups with protected characteristics had been approved. Implementation was being monitored through the Council's Covalent performance management system.

The report summarised the position on requirements placed on the Council under the Equality Act 2010, including in terms of publishing various types of information. It was clarified that no later than 30 April 2015 and biennially thereafter the Council was expected to publish a report on the progress made to achieve the equality outcomes it had set and was also required to publish an update on progress made in making the general equality duty integral to the exercise of its functions. This included progress on the duty to gather and use employee information in line with this duty. All the duties also applied to the Council as an Education Authority and Licensing Authority. Appended to the report was a report focussing mainly on mainstreaming the equality duty and the publication of equality outcomes and related progress.

Reference was made to an associated conference organised in March when a summary report had been presented to school and community representatives for discussion and feedback on progress on fulfilling the Council's equality public duties since April 2013. The report referred to issues on which progress had been commended including on attainment levels of S4 boys and pupils from Asian-Pakistani backgrounds, following which further action suggested was itemised such as on delivering services to meet the diverse needs of the growing, older population. Prior to the event other methods had been used to gather information on work since 2013. The report summarised the related findings which included developing a strong multi-agency partnership against harassment and hate crime.

It was clarified that departments would consider all of the proposed improvement actions emerging which would be reflected appropriately in the Service Planning process. A new set of outcomes had been produced, reducing the previous set of nine to eight. It was concluded that steady progress had been made towards making East Renfrewshire a place where all were included and no one was disadvantaged or left behind, with there being a need for a continued focus on equality to maintain progress in the coming years.

Councillor Green commented on the report during which she clarified that it would not be necessary in future for such reports to provide the level of detail included in the one before the Council at this time. She also cited examples of progress made to achieve the equality outcomes, commented further on the conference that had been arranged, and itemised steps taken to embed equality consideration in Council policy and activities. She also commented on what the Council would focus on going forward which included carrying out more detailed equality impact assessments of existing and planned policies and more Council employees and Members taking up equality training opportunities.

In response to Councillor McCaskill, Councillor Reilly confirmed that it was not anticipated that grants would be made available to taxi owners to help them meet the costs associated with increasing the number of wheelchair-accessible taxis over time. The Democratic Services Manager clarified that the matter fell within the remit of the Licensing Committee which was looking at issues such as this and would continue to do so.

The Council:-

- (a) approved the main report prepared on "Progress on Fulfilling our Equality Specific Duties: Equality Mainstreaming Report and Equality Outcomes 2013-2017", including the revised set of 8 outcomes' for publication; and
- (b) otherwise, noted the report.

25 DIVERNIA WAY, BARRHEAD - COMPULSORY ACQUISITION

1528. Under reference to the Minute of the meeting of 25 June 2014 (Page 1092, Item 1138 refers), when the Council had authorised the Director of Environment and Chief Officer (Legal & Procurement) to enter into voluntary purchase negotiations with the owner of 25 Divernia Way, Barrhead and approved related proposals, the Council considered a report by the Director of Environment providing an update on the negotiations and related issues.

The report outlined the background to the proposals, clarifying that 25 Divernia Way was a long-term empty property in the Auchenback area of Barrhead which was formerly a Scottish Homes property sold under Right to Buy legislation. Reference was made to the known condition of the property, the need for this type of property in Barrhead, and options considered and proposed. Following the Council meeting in June 2014, the Council had attempted to enter into voluntary purchase negotiations with the owner which had been unsuccessful. The report sought approval to resolve formally to make the East Renfrewshire Council (25 Divernia Way, Barrhead) Compulsory Purchase Order 2015 in terms of Sections 9 and 10 of the Housing (Scotland) Act 1987, a copy of a draft of which was attached to the report.

The Council, having heard the Director of Environment, in reply to Councillor McCaskill, estimate the cost of the acquisition and repair of the property:-

- (a) resolved to make the East Renfrewshire Council (25 Divernia Way, Barrhead) Compulsory Purchase Order 2015 in terms of Sections 9 and 10 of the Housing (Scotland) Act 1987 in the form of the draft Order as appended to the report; and
- (b) noted the liability for compensation payments arising from the acquisition and authorised the Director of Environment in consultation with the Chief Officer (Legal & Procurement) to negotiate and settle any compensation claims arising.

THE EAST RENFREWSHIRE COUNCIL (A726 GLASGOW SOUTHERN ORBITAL) (DESIGNATION OF PROTECTED ROADS) DESIGNATION 2015

1529. The Council considered a report by the Director of Environment seeking approval and authorisation to make the East Renfrewshire Council (A726 Glasgow Southern Orbital) (Designation of Protected Roads) Designation 2015 in exercise of powers conferred on the Council by Sections 1 and 7 of the Roads (Scotland) Act 1984, Sections 120 and 121 of the New Roads and Street Works Act 1991 and all other enabling powers.

The report referred to legal rights statutory undertakers (utility companies) had to install, inspect, maintain, repair or replace apparatus in or under roads normally without the need for the Council's consent, clarifying that when a road was designated as protected, statutory undertakers required Council consent before placing their apparatus in it and referring to

conditions the Council could attach to the consent. Reference was made to the nature of the contract in place for the Glasgow Southern Orbital (GSO) constructed in partnership with the Scottish Executive and South Lanarkshire Council in respect of which the Council was lead authority. The report commented on related liaison between the Council and the concessionaire, Connect Balfour Beatty, which was responsible for the operation and maintenance of the road for the next 21 years, reporting that both parties agreed that the designation of the road was required to protect it as it served a specific strategic traffic function. The position on related consultation was summarised.

The Council agreed to:-

- (a) approve and authorise the making of the East Renfrewshire Council (A726 Glasgow Southern Orbital) (Designation of Protected Roads) Designation 2015; and
- (b) delegate authority to the Director of Environment regarding the implementation of the designation in accordance with the associated statutory procedures.

THE EAST RENFREWSHIRE COUNCIL (ELECTRIC VEHICLE CHARGING BAY)(ON-STREET AND OFF-STREET CAR PARKS) ORDER

1530. The Council considered a report by the Director of Environment seeking approval of proposals to make The East Renfrewshire Council (Electric Vehicle Charging Bay)(On-street and Off-street Car Parks) Order 2015.

The report referred to the Scottish Government's vision that by 2050 road transport would be almost completely decarbonised, explaining that it encouraged local authorities to participate in projects to provide a network of plug-in charging points for electric vehicles for which grant assistance was available and in respect of which a supplier framework agreement was provided to support the procurement process. Having specified the location of charging points installed in East Renfrewshire, to ensure they were for the exclusive use of actively charging electric vehicles, the report proposed they be included within a Traffic Regulation Order to enable the Council's Community Wardens to enforce any contravention of the Regulations and issue Penalty Charge Notices. The position on related consultation and associated financial issues and implications was summarised, including the position on and use that would be made of some grant secured. It was clarified that other costs would be met from within existing resources.

The Council agreed to:-

- (a) approve and authorise the making of The East Renfrewshire Council (Electric Vehicle Charging Bay) (On-Street & Off-Street Car Parks) Order 2015; and
- (b) delegate authority to the Director of Environment regarding the implementation of the Order in accordance with the associated statutory procedures.

TENDER EXEMPTION - NURSERY FACILITIES

1531. The Council considered a report by the Director of Environment seeking agreement for a tender exemption to allow the Council to appoint Portakabin to relocate existing modular buildings and refurbish these to create family centres within Busby/Clarkston and Neilston for the start of the 2015/16 academic year.

The report explained that the Council had identified a need for additional pre-five provision in 2015/16 with additional places being taken forward thereafter. In addition to the family centre proposed for Auchenback, in 2015/16 new pre-five places were planned for Busby/Clarkston at Newford Grove and as an extension to the Madras Family Centre, Neilston. It was clarified why the Newford Grove facility would not be ready for the start of the 2015/16 academic year requiring an interim temporary arrangement to be found in addition to which further nursery provision was needed in Neilston for the start of the new academic year.

The report summarised the options considered, which included examining if capacity existed elsewhere within the school estate and purchasing new modular units, concluding that the best option was that 2 surplus modular buildings manufactured by Portakabin currently located within Our Lady of the Mission (OLM) Primary School grounds be re-modelled and used to meet the needs specified. Having commented on related warranty issues, including the basis on which the warranties provided by Portakabin would remain in place to cover structural issues with the units, it was explained that Portakabin had confirmed that, subject to receiving an early instruction, they could undertake the re-modelling work and relocate the units to Madras/Williamwood within the timescale required.

Given the circumstances and following consultation with the Chief Procurement Officer, it was proposed that in terms of Contract Standing Orders (6iv) the contract for the remodelling and relocation of the modular units be awarded directly to Portakabin on the basis that this was justified by special circumstances.

The Council agreed to approve a tender exemption to allow the direct appointment of Portakabin to relocate existing modular buildings and refurbish these to create family centre facilities within Busby/Clarkston and Neilston for the start of the 2015/16 academic year.

PROVOST

