

MINUTE
of
EAST RENFREWSHIRE COUNCIL

Minute of Meeting held at 7.00pm in the Council Chamber, Council Headquarters, Giffnock on 25 June 2014.

Present:

Provost Alastair Carmichael	Councillor Gordon McCaskill
Councillor Danny Devlin	Councillor Stewart Miller
Councillor Jim Fletcher (Leader)	Councillor Mary Montague
Councillor Charlie Gilbert	Councillor Paul O’Kane
Councillor Barbara Grant	Councillor Tommy Reilly
Councillor Elaine Green	Councillor Ralph Robertson
Councillor Kenny Hay	Councillor Gordon Wallace
Councillor Alan Lafferty	Councillor Vincent Waters
Councillor Ian McAlpine	

Provost Carmichael in the Chair

Attending:

Lorraine McMillan, Chief Executive; Caroline Innes, Deputy Chief Executive; Julie Murray, Director of Community Health and Care Partnership; Mhairi Shaw, Director of Education; Andy Cahill, Director of Environment; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Louise Pringle, Head of Customer and Business Change Services; Ken McKinlay, Head of Education Services (Culture, Sport and Continuing Education); Iain MacLean, Head of Environment (Planning, Property and Regeneration); Sharon Beattie, HR Manager; Louisa Mahon, Communications Manager; Karen Barrie, Senior Project Officer; Eamonn Daly, Democratic Services Manager; and Paul O’Neil, Committee Services Officer.

Apologies:

Deputy Provost Betty Cunningham and Councillors Tony Buchanan and Jim Swift.

DECLARATIONS OF INTEREST

1123. There were no declarations of interest intimated.

Variation in Order of Business

In accordance with the terms of Standing Order 19, Provost Carmichael altered the order of business to facilitate the conduct of the meeting.

MINUTE OF PREVIOUS MEETING

1124. The Council considered and approved the Minute of the meeting held on 14 May 2014.

MINUTES OF MEETING OF COMMITTEES

1125. The Council considered and approved the Minutes of the meetings of the undernoted except as otherwise referred to in Items 1126 to 1128 below:-

- (a) Cabinet – 15 May 2014;
- (b) Cabinet (Police and Fire) – 29 May 2014;
- (c) Civic Hospitality Committee – 29 May 2014;
- (d) Planning Applications Committee – 4 June 2014;
- (e) Licensing Committee – 6 June 2014;
- (f) Audit and Scrutiny Committee – 12 June 2014; and
- (g) Appointments Committee – 16 June 2014.

CABINET (POLICE AND FIRE) – 29 MAY 2014 – POLICE SCOTLAND AND SCOTTISH FIRE AND RESCUE SERVICE PERFORMANCE REPORTS 2013/14.

1126. Under reference to the Minute of the meeting of the Cabinet of 29 May 2014 (Pages 1034 and 1035, Items 1081 and 1082 refer), when consideration was given to the 2013/14 performance reports of Police Scotland and the Scottish Fire and Rescue Service, Councillor Grant highlighted that the discussions that had taken place at the meeting during the question and answer sessions for each item had not been reflected in the Minute. She asked that these discussions be recorded in the Minutes of future meetings.

Having heard the Democratic Services Manager remind Members that Minutes were not a verbatim record of meetings, but that consideration could be given to Councillor Grant's request in respect of future meetings, the Council noted the position.

AUDIT AND SCRUTINY COMMITTEE – 12 JUNE 2014 – INTERNAL AUDIT ANNUAL REPORT 2013/14

1127. Under reference to the Minute of the meeting of the Audit and Scrutiny Committee of 12 June 2014 (Page 1060, Item 1110 refers), when the Audit and Scrutiny Committee agreed amongst other things that the Chief Auditor request additional information regarding the management response received on downsizing payments, for circulation to members of the committee by the Clerk on receipt, Councillor Reilly highlighted that downsizing payments were paid to tenants to mitigate rent arrears they might have. He suggested that before such payments were made consideration should be given to a tenant's total indebtedness to the Council including Council Tax arrears which might result in the payments being withheld.

The Council noted the position.

CABINET – 19 JUNE 2014 - AUDIT SCOTLAND ASSURANCE AND IMPROVEMENT PLAN UPDATE 2014/17

1128. Under reference to the Minute of the meeting of the Cabinet of 19 June 2014 (Page 1066, Item 1116 refers), when the Cabinet agreed amongst other things to note the Local Area Network's (LAN) conclusion that 'no risk based scrutiny work was required' with only Housing Services being required to provide further information to the Scottish Housing Regulator in two areas, Councillor McCaskill enquired whether a report on this matter would be submitted to a future meeting of the Cabinet prior to the information being sent to the Scottish Housing Regulator.

In reply, the Director of Environment advised that he did not propose to submit a report to the Cabinet on the matter given that the Regulator had simply requested information relating to progress updates on how the Housing Service was performing on reducing levels of rent arrears and void rent loss and reducing the use of bed and breakfast accommodation.

In response to a further request by Councillor McCaskill that the possible transfer to the Housing Service of responsibility for the collection of rent arrears be investigated, a wider review on the collection of rent arrears was already under way and Councillor Devlin indicated that the possible transfer was one of the options that could be examined

The Council noted the position.

NOTICE OF MOTION

1129. In accordance with Standing Order 25, the following notice of motion had been submitted by Councillor Wallace, seconded by Councillor McCaskill.

That this council, prior to the referendum on 18th September 2014, will advise it's residents on the anticipated impact a YES vote will have, ceteris paribus, on both the local economy and the delivery of Council services.

Thereafter, in terms of Standing Order 15, Provost Carmichael advised that having consulted with officers his view was that the notice of motion was not competent.

The Council noted the position.

PROVOST'S ENGAGEMENTS

1130. The Council considered and noted a report by the Deputy Chief Executive, providing details of the civic engagements attended by and civic duties performed by Provost Carmichael since the last meeting.

STATEMENTS BY CONVENER

1131. The Council received the following statement from Councillor McAlpine, Convener for Corporate Services:-

Annual Accounts 2013/14

Councillor McAlpine advised that the Annual Accounts for the year 2013/14 had been submitted to the external auditors in accordance with the statutory timescale and that

a report on the financial performance for the year ended 31 March 2014 would be submitted to the meeting of the Cabinet on 21 August 2014.

He highlighted a number of the key points associated with the accounts including amongst other things, that the accounts were still subject to external audit but showed a satisfactory outcome for the year and that the Council's financial affairs had been managed within its operational budget with an overall surplus of £1.435 million being recorded in the accounts.

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

1132. Provost Carmichael intimated that no statements had been received.

GENERAL FUND CAPITAL PROGRAMME

1133. Under reference to the Minute of the meeting of 13 February 2014 (Page 891, Item 935 refers), when the General Fund Capital Plan for 2014/15 to 2021/22 had been approved, the Council considered a report by the Chief Executive, recommending adjustments to the 2014/15 General Fund Capital Programme resulting from the finalisation of the previous year's programme and in light of subsequent information. Details of the revised expenditure and resources available were appended to the report.

The report highlighted the latest developments relating to the programme, including the latest income and expenditure movements and indicated that the projected shortfall of £314,000 represented 1.2% of the resources available and was within manageable limits.

The Council:-

- (a) approved the increased drawdown of £750,000 from the Capital Reserve during 2014/15;
- (b) noted and approved the movements within the programme; and
- (c) noted the shortfall of £314,000 and that this would be managed and reported on a regular basis.

HOUSING CAPITAL PROGRAMME

1134. Under reference to the Minute of the meeting of 13 February 2014 (Page 893, Item 937 refers), when the Housing Capital Programme 2014/15 to 2019/20 was approved, the Council considered a report by the Chief Executive, recommending adjustments to the 2014/15 Housing Capital Programme resulting from the finalisation of the previous year's programme and in light of subsequent information. Details of the revised expenditure and resources available were appended to the report.

The report highlighted the latest developments relating to the programme, including the latest income and expenditure movements and indicated that the projected shortfall of £149,000 representing 2.6% of the resources available and was within manageable limits.

The Council:-

- (a) noted and approved the movements within the programme;

- (b) approved the transfer of £222,000 from the Renewal of Heating Systems 2014/15 to the Rewiring 2014/15 project; and
- (c) noted the shortfall of £149,000 and that this would be managed and reported on a regular basis.

PUBLIC BODIES (JOINT WORKING)(SCOTLAND) ACT 2014

1135. The Council considered a report by the Chief Executive, providing details about the Public Bodies (Joint Working)(Scotland) Act 2014 and the Scottish Government's consultation on accompanying draft regulations. The report also highlighted some of the major implications for the Council and proposed that it be advised on these matters by an officer working group.

The report explained that the Public Bodies (Joint Working)(Scotland) Act put in place the framework for integrating health and social care in Scotland and that the Scottish Government was consulting on the detailed legislation that would underpin the Act, together with the broader statutory guidance that would further support implementation of integrated service provision.

It was noted that the Act allowed health boards and local authorities to integrate health and social care services in two ways. NHS Greater Glasgow and Clyde and East Renfrewshire Council had agreed to work towards the first option of integration where each organisation delegated the responsibility for planning and resources for adult health and social care services to an Integration Joint Board. In addition the organisations had agreed to include health and social care services for children and criminal justice services in the new arrangements.

Whilst noting that in order to facilitate a smooth transition to the new integrated arrangements, the report highlighted that the Council had agreed that the Community Health and Care Partnership (CHCP) Committee would take on the additional role of the shadow Integration Joint Board for 2014/15 operating with the current membership and under existing standing orders. Furthermore, it had also been agreed that the current CHCP Director would take on the additional role of Chief Officer designate of the shadow Health and Social Care Partnership. At the point the legislation enabled the establishment of the full Health and Social Care Partnership (HSCP) the Chief Officer designate would become the substantive Chief Officer for the new HSCP.

The Act required that details of the arrangements between the Council and NHS Greater Glasgow and Clyde for the Health and Social Care Partnership be set out in an integration scheme. Whilst noting that the integration scheme would set out the agreed model, functions and resources delegated to the Integration Joint Board, the report indicated that the scheme must also set out the necessary governance arrangements and other processes and procedures that would be put in place. Furthermore, the Health Board and the Council were required to fully involve and engage key stakeholders in the development of the draft integration scheme and take into account the views expressed during that process.

The Integration Joint Board's responsibilities were also outlined in the report. It was noted that the Scottish Government was consulting on the draft Scottish Statutory Instruments which would accompany the Public Bodies (Joint Working)(Scotland) Act 2014. It was further noted that the Government was issuing the draft regulations in two sets, details of the purpose of each set of regulations and the consultation period for each was outlined in the report. As a consequence of the changes a number of

significant potential changes to standing orders and schemes of delegation had been noted to date. These included changes to the East Renfrewshire Community Health and Care Partnership Committee and the delegation of functions and resources.

Furthermore, the report proposed that a group of senior officers be established to consider the implications of the Act and regulations for the Council and to oversee the development of transitional arrangements.

The Council:-

- (a) approved the formation of an Integration Transition Programme Board to advise Members of the implications of the Public Bodies (Joint Working) (Scotland) Act 2014 and accompanying regulations for the Council's Standing Orders and Scheme of Delegated Functions; and to oversee the development of transitional arrangements; and
- (b) that a further report be submitted to a future meeting of the Council on the Integration Scheme for Health and Social Care in East Renfrewshire.

LOCAL DEVELOPMENT PLAN SUPPLEMENTARY PLANNING GUIDANCE – DEVELOPMENT CONTRIBUTIONS 2014

1136. The Council considered a report by the Director of Environment, seeking approval to proceed to consult over proposed Local Development Plan Supplementary Planning Guidance (SPG) on Development Contributions. A copy of the revised proposed SPG was appended to the report.

The report explained that Supplementary Planning Guidance sat separately to the Local Development Plan and provided detailed guidance on Local Development Plan (LDP) policies and proposals and was an important development management tool, used to inform the determination of planning applications.

Whilst noting that development contributions were sought to offset the infrastructure, environmental and social costs of new developments, the report explained that where a proposed development could create new or exacerbate existing deficiencies in local physical or community infrastructure, the Council would seek contributions from developers to assist in making good those deficiencies.

The new document provided guidance on contributions that might be required towards: Education, Roads and Transportation; Community Facilities, Parks and Open Space; and the Green Network and Access. Whilst noting the main changes to the guidance included, updates of construction costs, base data and relevant contribution calculations to reflect current circumstances, the report explained that a specific and detailed review of education contributions had also been carried out to allow the Council to adopt a fairer and more equitable approach seeking contributions based on the cumulative impact of all the emerging housing sites within the Council's Local Development Plan.

The report proposed that subject to Council approval, the new proposed SPG would be the subject of a 6 week public consultation exercise taking place in the summer of 2014, where it was noted that the house building industry would be one of the consultees before the guidance was adopted. The responses to the consultation would then be assessed and a summary of the responses, as well as the finalised proposed SPG, would be reported back to a future

meeting of Council for approval later in 2014. The new proposed SPG, when adopted, would supersede the existing SPG on Development Contributions which had been approved in March 2012.

In reply to a question by Councillor Miller on whether the timescale for the consultation exercise could be extended to 12 weeks given that it was to take place over the summer, the Head of Environment (Planning, Property and Regeneration) stated that the proposed 6 week consultation period was the usual consultation period for SPGs and any extension could adversely impact LDP policies.

Councillor McCaskill sought clarification about how confident the Council was in obtaining development contributions for education from developers proposing to build in the catchment areas of those schools identified in the report. In reply, the Head of Environment (Planning, Property and Regeneration) advised that the Education Department had been consulted on this matter and in respect of those schools where it was indicated that it was 'likely' that development contributions would be sought, the Council was confident that these would be obtained.

The Council approved the updated proposed Local Development Plan Supplementary Planning Guidance (SPG) on Development Contributions for publication and consultation.

LEISURE TRUST FEASIBILITY

1137. The Council considered a report by the Director of Education, advising of the results of a feasibility study on the transfer of some services to an arms' length organisation. A copy of the executive summary of the consultants' report was appended to the report.

The report explained that the findings of the feasibility study were outlined in the executive summary and that Ernst and Young, the consultants engaged by the Council to carry out the study, had concluded that there was a case for the transfer of some services to an arms' length organisation. The findings stated that the most advantageous arrangement would be a combined culture and leisure trust, with a group of services being transferred to that body. Furthermore, the study suggested that there were substantial financial benefits attached to a transfer to a culture and leisure trust as well as the potential for other non-financial benefits.

The services proposed to be transferred were noted as sports centres; Eastwood Park Theatre; libraries; community halls including Carmichael Hall; sports development; active schools; and arts development. The report highlighted that this option delivered the highest level of financial savings and was also assessed as having the highest level of non-financial benefits. The proposal was also seen as being large enough to provide economies of scale and as having the best chance of providing a viable, secure organisation. Details of the anticipated savings were outlined in the report and were estimated as being between £400,000 and £470,000 per annum.

Councillor Miller highlighted that the Council had given consideration to a similar proposal in 2006/07 and noted that at that time the assumed savings were significantly lower than those detailed in the current report. He sought clarification why the savings forecast in the current report were now considerably higher than those previously reported. In reply, the Head of Education Services (Culture, Sport and Continuing Education) explained why the anticipated savings had increased and stated that the figures in the report were robust.

In reply to a question by Councillor Robertson about what protection staff transferring to the proposed Trust would have in terms of their salaries and conditions of service, the Chief

Executive advised that those members of staff transferring to the proposed Trust would be protected under TUPE regulations. The Director of Education in reply to a further question by Councillor Robertson explained how the assumed savings would be achieved.

Councillor Reilly sought clarification why there was such a significant variance between the anticipated savings that could be achieved over a 10 year period where he noted that it ranged from £7.1 to £17.8 million. In reply, the Head of Accountancy (Chief Financial Officer) explained that the lower figure was based on no efficiency savings being achieved coupled with lower National Non-Domestic Rates (NNDR) savings whereas the higher figure was based on cumulative efficiency savings of 2% being achieved combined with the higher level of NNDR over a 10 year period.

Councillor McAlpine having referred to a meeting earlier in the day with UNISON representatives at which concerns about staff terms and conditions had been expressed, and to a petition of over 1,000 names against the plans, Councillor Fletcher was heard in support of the proposal, in the course of which he acknowledged the concern that staff might have transferring to the proposed Trust. He emphasised that the proposal was not a means of closing Council facilities and that the majority of Scottish councils had transferred services to a Trust and more were considering doing so. Concluding his remarks, he indicated that the Council would work in partnership with the trade unions in taking forward the proposal. He also stated that in his opinion, existing users of those services proposed for transfer would not notice any change once the Trust was established.

Councillor Wallace sought assurances that should leisure services be transferred to the proposed Trust, the much needed investment to Eastwood Leisure Centre which he had highlighted at the Council's Budget meeting on 13 February 2014 would still take place. In reply, the Director of Education advised that the assets (i.e. buildings) would still remain in the ownership of the Council and that investment in the properties would take place in the future.

Councillor Reilly sought clarification when the Council would move to second stage of the proposal. In reply, the Director of Education advised that it was proposed to submit a report to a future meeting of the Cabinet by the end of 2014 on the outcome of the second stage of the process with the intention that the proposed Trust would be operational by 1 April 2015.

The Council, having considered the findings of the feasibility study on the transfer of services to a culture and leisure trust, agreed that the project should now proceed to the second stage, including the development of a detailed business plan for the transfer of the identified group of services.

25 DIVERNIA WAY, BARRHEAD - COMPULSORY ACQUISITION AND DISPOSAL

1138. The Council considered a report by the Director of Environment, seeking approval to enter into voluntary purchase negotiations with the owner of an empty home at 25 Divernia Way, Barrhead and that in the event the negotiations did not result in a voluntary acquisition, to authorise the acquisition of the property through a Compulsory Purchase Order (CPO).

The report explained that 25 Divernia Way was a long-term empty property in the Auchenback area of Barrhead that had been sold under the Right to Buy legislation. It was noted that the property was in need of repair to bring it up to an acceptable standard and that attempts to encourage the owner to manage the condition and general appearance of the property had failed.

The Council authorised the Director of Environment and the Chief Officer (Legal and Procurement):-

- (a) to enter into voluntary purchase negotiations with the owner of 25 Divernia Way; Barrhead;
- (b) that in the event that these negotiations were unsuccessful, to seek to acquire the property through a Compulsory Purchase Order (CPO);
- (c) to place the property on the Housing Revenue Account (HRA) to bring an empty home back into use for appropriate housing needs; and
- (d) to settle any compensation claims and incidental costs arising from the acquisition or compulsory acquisition.

PROPOSED GROUND LEASE AT AURS ROAD, BARRHEAD

1139. The Council considered a report by the Director of Environment, seeking approval to lease an area of ground at Aurs Road, Barrhead to East Renfrewshire Cricket Club for use as a cricket pitch. A copy of a plan showing the area of ground proposed to be leased was appended to the report.

The Council, having noted that the proposed ground lease would enable an established East Renfrewshire based cricket club to develop and grow in Barrhead giving local people the opportunity to play cricket, approved:-

- (a) the proposed lease of an area of land at Aurs Road, Barrhead to East Renfrewshire Cricket Club for use as a cricket pitch; and
- (b) that the Director of Environment be authorised to conclude appropriate lease terms.

EAST RENFREWSHIRE LOCAL LICENSING FORUM – APPOINTMENT OF FORUM MEMBER

1140. The Council considered a report by the Deputy Chief Executive, seeking approval for the appointment of a new local resident representative to the East Renfrewshire Local Licensing Forum.

The Council approved the appointment of Mr Bruce Tulloch to the East Renfrewshire Local Licensing Forum, with the appointment lasting until the local government elections in 2017.

Resolution to Exclude the 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 items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1, 6, 9, 10 and 11 of Part 1 of Schedule 7A to the Act.

1094

SALE OF RHUALLAN HOUSE

1141. The Council considered a report by the Director of Environment, seeking approval to sell Rhuallan House.

The Council agreed to the sale of Rhuallan House on the terms and conditions as outlined in the report and authorised the Director of Environment, in consultation with the Chief Officer (Legal and Procurement) to make the necessary arrangements.

CHANGES TO CHIEF OFFICER SALARY SCALES

1142. The Council considered a report by the HR Manager, advising of an anomaly that had arisen in respect of Chief Officer salary scales and proposing steps to address this matter.

The Council approved the recommendations detailed in the report.

PROVOST