

MINUTE VOLUME

7 SEPTEMBER 2022

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MINUTE
of
EAST RENFREWSHIRE COUNCIL

Minute of meeting held at 7.00pm in the Council Chamber, Council Headquarters, Giffnock on 29 June 2022.

Present:

Councillor Andrew Anderson (*)	Councillor Chris Lunday
Councillor Caroline Bamforth (*)	Councillor David Macdonald
Councillor Tony Buchanan	Councillor Colm Merrick
Councillor Kate Campbell	Provost Mary Montague
Councillor Angela Convery	Councillor Andrew Morrison (*)
Councillor Danny Devlin	Councillor Owen O'Donnell
Councillor Paul Edlin	Councillor Katie Pragnell
Councillor Annette Ireland (*)	Councillor Gordon Wallace

(*) indicates remote attendance.

Provost Montague in the Chair

Attending:

Lorraine McMillan, Chief Executive; Louise Pringle, Director of Business Operations and Partnerships; Mark Ratter, 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); Siobhan McColgan, Head of Education Services (Equality and Equity); Gillian McCarney, Head of Environment (Chief Planning Officer); Phil Daws, Head of Environment (Housing and Property Services); Sharon Dick, Head of HR and Corporate Services; Gerry Mahon, Chief Officer – Legal and Procurement; Rachel Forbes, Communications Officer; Jamie Reid, Strategic Insight and Communities Senior Manager; Morag Brown, Strategic Services Senior Lead; Elaine Rodger, Principal Officer (Capital Projects); Eamonn Daly, Democratic Services Manager; John Burke, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Introductory Remarks

Provost Montague advised the Council of the appointment of Councillor Buchanan as COSLA spokesperson for children and young people, and congratulated him on his appointment.

Provost Montague also paid tribute to Jim Sneddon, former Head of Democratic and Partnership Services, who had recently passed away. She expressed her condolences and those of the Council to his family and friends at this sad time. Councillors Buchanan and Wallace also added their condolences to those of the Provost.

Apologies:

Councillors Betty Cunningham and Jim McLean.

DECLARATIONS OF INTEREST

44. There were no declarations of interest intimated.

MINUTE OF MEETING OF COUNCIL – 25 MAY 2022

45. The Council considered and approved the Minute of the meeting held on 25 May 2022.

MINUTES OF MEETINGS OF COMMITTEES

46. The Council considered and approved the minutes of the undernoted except as referred to in Paragraph 47 below:-

- (a) Licensing Committee – 7 June 2022
- (b) Cabinet (Police and Fire) – 9 June 2022
- (c) Planning Applications Committee – 15 June 2022
- (d) Cabinet – 16 June 2022
- (e) Education Committee – 23 June 2022
- (f) Audit and Scrutiny Committee – 23 June 2022

CABINET – 16 JUNE 2022

47. Under reference to the Minute of the meeting of the Cabinet held on 16 June 2022 (Page 41 Item 22 refers), Councillor Wallace referred to the Cabinet's opinion that there were no areas of council performance requiring further investigation at that time. He related this to discussions regarding developmental milestones that took place at the Education Committee on 23 June 2022 (Page 48 Item 28 refers) when it had been noted that the Council was behind 6 other local authorities in these milestones. The committee had been advised that there was no national measure for developmental milestones in early years and each local authority used their own suite of tools to examine them. Therefore, it was not possible to benchmark the current data on those milestones against other authorities as it was unclear the same sort of data was being compared. In view of the importance of this issue for young people in East Renfrewshire Councillor Wallace enquired if there was anything that could be done to develop a national measure to allow comparisons to be made.

In reply, in relation to the Cabinet meeting confirmed that the Cabinet had not requested any investigations to be carried out but pointed out that a number of areas that had been investigated in the past were discussed at the meeting. In addition the Director of Education added some clarity on the specific point around Developmental Milestones in Early Years. The measure referred to at the Education Committee relative to a question at the meeting from Councillor Campbell, was collected by Health Visitors and there was not a nationally agreed measure which meant comparisons with different areas was not possible.

Noting the comments made by the Chief Executive and the Director of Education Councillor Wallace requested that the Chief Executive request the Improvement Service Board to focus on the development of national developmental milestones. The Chief Executive confirmed she would take this forward.

NOTICE OF MOTION – SENIOR COUNCILLOR ALLOWANCES

48. In accordance with Standing Order 25, the following notice of motion had been submitted by Councillor O'Donnell, seconded by Councillor Anderson.

That a Senior Councillor Allowance for the Vice Chair of Planning will be created and the Senior Councillor Allowance removed from the position of Convener of Environment.

Councillor Buchanan, seconded by Councillor Bamforth, moved an amendment in the following terms:-

That a Senior Councillor Allowance for the Vice Chair of Planning will not be created and the Senior Councillor Allowance not be removed from the position of Convener of Environment.

Provost Montague invited Councillor O'Donnell to speak in terms of the motion.

Councillor O'Donnell stated that the allowance was to recognise the expected additional workload of the Vice Chair of the Planning Applications Committee, with major capital expenditure to be reviewed in the coming years. He added that the allowance would bring payment of Senior Councillor Allowances to 7 from a maximum of 9.

In seconding the motion, Councillor Anderson was invited to speak, indicating his support for the comments made by Councillor O'Donnell.

Councillor Buchanan was heard in support of his amendment. He believed that the motion highlighted a serious problem within the current administration. He remarked upon the previous coalition administration and his experience of it, with the first discussions of those coalitions being about what could be delivered for East Renfrewshire. However, it was clear that, in his opinion, this motion was only to buy needed votes. It was his view that the administration had already lost one of its number, and now were looking for Conservative votes, which he believed was a failure of the administration. It was his belief that the administration should be focused on delivery, not trying to prop themselves up with payments to other councillors.

In seconding the amendment, Councillor Bamforth criticised the actions of the Labour Party across the country in establishing unofficial coalitions and it was her opinion that the current administration were relying on a backroom deal with the Conservatives to prop themselves up.

Councillor Merrick pointed out that were the motion to be passed, every Conservative Councillor bar one would be a Senior Councillor. He said that despite the objections of the Labour Party, they were now in coalition with the Conservatives.

Councillor Ireland voiced her opposition to the motion. Having started her political life in the Labour Party, she expressed shock that the party would choose to go into coalition with the Conservatives and that their first motion of a new administration was to award money to a Conservative councillor. She felt that the actions of the administration amounted to a betrayal of Labour's principles and it was plain to see that the Conservatives would now control every decision the administration would take.

Councillor Macdonald commented on the position that the Leader of the Council was in given the restraints placed upon him by Labour Party leadership that he was unable to enter into formal coalitions with the Conservatives or SNP. He stated that coalition would involve

members of the Conservatives being appointed to political appointments. Given that the SNP and Conservatives would not enter into any sort of arrangement, he felt it fell to the Leader to find an arrangement to form an administration, with no credible deals on the table to establish a working administration other than the current arrangement. He stated that in his view both the Chair and Vice Chair of a committee should not receive a Senior Councillor Allowance. He indicated that the public may question why if both the Chair and Vice Chair were receiving a Senior Councillor Allowance, similar provision was not being proposed for the Vice Chairs of other committees.

Councillor Lunday stated that the motion showed how desperate Labour were to form an administration now that they had given Senior Councillor Allowances to 4 out of 5 Conservative Councillors. He believed it was the residents who would struggle with the outcomes of this decision. He expressed disappointment that Labour was giving extra money to the Conservatives in exchange for votes.

Councillor Wallace explained that there was a political stalemate and, regardless of political affiliation, the job of local politicians was to serve the residents, not to stop their political opponents. Had the stalemate been allowed to continue, the residents would have suffered as nobody would be able to run the Council. He stated that despite not being offered political leadership roles by the Labour Party, the Conservatives would not walk away from the deal as they felt it was important for a working administration to be in place. However, the Conservative group would continue to work on an issue by issue basis.

At this stage, Provost Montague invited Councillor O'Donnell to sum up.

Councillor O'Donnell said it was clear that the SNP members were unhappy with no longer being in administration. He pointed out that the SNP refused to engage following being offered all of the Chairs of quasi-judicial groups on 3 separate occasions. He made the point that all policy convener positions remained within the Labour Party and complied with the national ruling that the Labour Party not enter into formal coalitions. In response to Councillor Macdonald's point about allowances, he felt this could be looked at in future.

On the roll being called, Councillors Anderson, Campbell, Devlin, Edlin, Provost Montague, Morrison, O'Donnell, Pragnell and Wallace voted for the motion. Councillors Bamforth, Buchanan, Convery, Ireland, Lunday and Merrick voted for the amendment. Councillor Macdonald abstained.

There being 9 votes for the motion, 6 for the amendment and 1 abstention, the motion was declared carried.

STATEMENTS BY CONVENERS/REPRESENTATIVES ON JOINT BOARDS/COMMITTEES

49. The following statement was made:-

(a) Councillor Pragnell – East Renfrewshire Culture and Leisure Trust

Councillor Pragnell began by thanking her predecessor, Councillor Merrick for his efforts. She went on to discuss her attendance at the first Board meeting as a newly appointed trustee. She was delighted to join the Board and looked forward to working with Professor Jarvie and other members.

The Board had reviewed and updated all of the Trust's governance and standing orders and the Trust was continuing to perform well, making a strong recovery following the COVID-19 pandemic. This was testament to the work of staff within the Trust and the Board, with activity now at 90% of pre-COVID levels.

The Trust was working with Education and Social Work to provide places on the summer holiday programme and the programme was now fully subscribed.

On 8 June, Councillor Pragnell had attended the East Renfrewshire Culture and Leisure Sports and Physical Activity Awards held at Clarkston Hall, recognising the work of clubs, groups and individuals. She stated that the event was inspirational and it was good to see young people being rewarded for their hard work across coaching and volunteering work. She also referred to the award given to a member of Busby Lawn Tennis Club receiving a lifetime achievement award.

The Council noted the statement.

APPOINTMENTS

50. Provost Montague sought nominations for the undernoted positions:-

(i) Convener for Social Work and Health

Councillor O'Donnell, seconded by Councillor Devlin, moved that Councillor Pragnell be appointed Convener for Social Work and Health. Councillor Buchanan, seconded by Councillor Merrick, moved as an amendment that Councillor Bamforth be appointed Convener for Social Work and Health.

On the roll being called, Provost Montague and Councillors Anderson, Campbell, Devlin, Edlin, Macdonald, Morrison, O'Donnell, Pragnell and Wallace voted for the motion.

Councillors Bamforth, Buchanan, Convery, Ireland, Lunday and Merrick voted for the amendment.

There being 10 votes for Councillor Pragnell and 6 votes for Councillor Bamforth Councillor Pragnell was appointed Convener for Social Work and Health.

The Democratic Services Manager advised that as Councillor Pragnell had been appointed as Convener of Social Work and Health, there was now a vacancy on the Integration Joint Board.

(ii) Member of Integration Joint Board

Councillor Pragnell, seconded by Councillor Devlin, moved that Councillor O'Donnell be appointed as a member of the Integration Joint Board. Councillor Buchanan, seconded by Councillor Convery, moved as an amendment that Councillor Buchanan be appointed as a member of the Integration Joint Board.

On the roll being called, Provost Montague and Councillors Anderson, Campbell, Devlin, Edlin, Morrison, O'Donnell, Pragnell and Wallace voted for the motion.

Councillors Bamforth, Buchanan, Convery, Ireland, Lunday, Macdonald, and Merrick voted for the amendment.

There being 9 votes for Councillor O'Donnell and 7 votes for Councillor Buchanan, Councillor O'Donnell was appointed as a member of the Integration Joint Board.

(iii) Appeals Committee Vice Chair

Councillor O'Donnell, seconded by Councillor Pragnell, moved that Councillor Devlin be appointed Vice Chair of the Appeals Committee. Councillor Buchanan, seconded by Councillor Bamforth, moved as an amendment that Councillor Merrick be appointed as Vice Chair of the Appeals Committee.

On the roll being called, Provost Montague and Councillors Anderson, Campbell, Devlin, Edlin, Macdonald, Morrison, O'Donnell, Pragnell and Wallace voted for the motion.

Councillors Bamforth, Buchanan, Convery, Ireland, Lunday, and Merrick voted for the amendment.

There being 10 votes for Councillor Devlin and 6 votes for Councillor Merrick, Councillor Devlin was appointed as Vice Chair of the Appeals Committee.

(iv) Appeals Committee Ordinary Members

Councillor O'Donnell, seconded by Councillor Devlin, moved that Councillor Pragnell be nominated and proposed that the Conservative and SNP groups also nominate a member. Accepting this proposal, Councillors Wallace and Merrick were nominated by their respective groups.

(v) Audit and Scrutiny Committee Vice Chair

Councillor Morrison received clarification from the Democratic Services Manager that the position would be open to any member, including those who did not express an interest in the position at the meeting of the Audit and Scrutiny Committee where the position was discussed.

Councillor Merrick, seconded by Councillor Convery, moved that Councillor Buchanan be appointed Vice Chair of the Audit and Scrutiny Committee. Councillor Wallace, seconded by Councillor Edlin, moved as an amendment that Councillor Macdonald be appointed Vice Chair.

On the roll being called, Provost Montague and Councillors Bamforth, Buchanan, Convery, Ireland, Lunday, Merrick, and O'Donnell voted for the motion.

Councillors Campbell, Edlin, Macdonald, Morrison and Wallace voted for the amendment.

Councillors Anderson, Devlin and Pragnell abstained,

There being 8 votes for Councillor Buchanan, 5 votes for Councillor Macdonald and 3 abstentions, Councillor Buchanan was appointed as Vice Chair of the Audit and Scrutiny Committee.

(vi) Member of Audit and Scrutiny Committee

Councillor O'Donnell, seconded by Councillor Pragnell, moved that Councillor Macdonald be appointed as a member of the Audit and Scrutiny Committee. Councillor Buchanan, seconded by Councillor Merrick, moved as an amendment that Councillor Lunday be appointed.

On the roll being called, Provost Montague and Councillors Anderson, Campbell, Devlin, Edlin, Macdonald, Morrison, O'Donnell, Pragnell and Wallace voted for the motion.

Councillors Bamforth, Buchanan, Convery, Ireland, Lunday, and Merrick voted for the amendment.

There being 10 votes for Councillor Macdonald and 6 votes for Councillor Lunday, Councillor Macdonald was appointed as an ordinary member of the Audit and Scrutiny Committee.

(vii) Member of Civic Hospitality Committee

Councillor O'Donnell, seconded by Councillor Pragnell, moved that Councillor Devlin be appointed as a member of the Civic Hospitality Committee. Councillor Buchanan, seconded by Councillor Convery, moved as an amendment that Councillor Lunday be appointed.

On the roll being called, Provost Montague and Councillors Anderson, Campbell, Devlin, Edlin, Macdonald, Morrison, O'Donnell, Pragnell and Wallace voted for the motion.

Councillors Bamforth, Buchanan, Convery, Ireland, Lunday, and Merrick voted for the amendment.

There being 10 votes for Councillor Devlin and 6 votes for Councillor Lunday, Councillor Devlin was appointed as a member of the Civic Hospitality Committee.

(viii) Community Asset Transfer Review Panel (5 members)

The Democratic Services Manager reminded Elected Members those who were eligible to sit on the Community Asset Transfer Review Panel. Councillor O'Donnell also indicated that, as he had been appointed to the Audit and Scrutiny Committee, Councillor Macdonald was no longer eligible.

The Council agreed that Councillors Campbell, Bamforth, Lunday, Merrick and McLean be appointed to the Panel.

(ix) Vice Chair of Licensing Committee

Councillor Morrison, seconded by Councillor Edlin moved that Councillor Macdonald be appointed as Vice Chair of the Licensing Committee. Councillor Buchanan, seconded by Councillor Merrick, moved as an amendment that Councillor Convery be appointed.

On the roll being called, Councillors Campbell, Edlin, Macdonald, Morrison and Wallace voted for the motion.

Provost Montague and Councillors Anderson, Bamforth, Buchanan, Convery, Devlin, Ireland, Lunday, Merrick, O'Donnell, and Pragnell voted for the amendment.

There being 5 votes for Councillor Macdonald and 11 votes for Councillor Convery, Councillor Convery was appointed as Vice Chair of the Licensing Committee.

(x) Member of Licensing Committee

Councillor Morrison, seconded by Councillor O'Donnell moved that Councillor Macdonald be appointed as a member of the Licensing Committee.

There being no amendment Councillor Macdonald was appointed a member of the Licensing Committee.

(xi) Members of Teaching Staff Appeals Committee (2 posts)

The Council agreed that Councillors Merrick and Wallace be appointed to the Teaching Staff Appeals Committee.

(xii) Member of Association of Public Sector Excellence (APSE)

Councillor Pragnell, seconded by Councillor Devlin, moved that Councillor O'Donnell be appointed as the Council's representative on APSE. Councillor Merrick, seconded by Councillor Lunday, moved as an amendment that Councillor Buchanan be appointed.

On the roll being called, Provost Montague and Councillors Anderson, Campbell, Devlin, Edlin, Morrison, O'Donnell, Pragnell and Wallace voted for the motion.

Councillors Bamforth, Buchanan, Convery, Ireland, Lunday, Macdonald, and Merrick voted for the amendment.

There being 9 votes for Councillor O'Donnell and 7 votes for Councillor Buchanan, Councillor O'Donnell was appointed as the Council's representative on APSE.

(xiv) Substitute member of Glasgow City Deal Cabinet

Councillor O'Donnell, seconded by Councillor Pragnell, moved that Councillor Anderson be appointed as the substitute member of the Glasgow City Deal Cabinet. Councillor Merrick, seconded by Councillor Bamforth, moved as an amendment that Councillor Buchanan be appointed.

On the roll being called, Provost Montague and Councillors Anderson, Campbell, Devlin, Edlin, Macdonald, Morrison, O'Donnell, Pragnell and Wallace voted for the motion.

Councillors Bamforth, Buchanan, Convery, Ireland, Lunday, and Merrick voted for the amendment.

There being 10 votes for Councillor Anderson and 6 votes for Councillor Buchanan, Councillor Anderson was appointed as the substitute member of the Glasgow City Deal Cabinet.

- (xv) Representative on the Lowland Reserve Forces and Cadets Association

Councillor Morrison, seconded by Councillor Edlin moved that Councillor Wallace be appointed as the Council's representative on the Lowland Reserve Forces and Cadets Association.

There being no amendment the Council agreed that Councillor Wallace be appointed.

- (xvi) Named substitutes on the Renfrewshire Valuation Joint Board

The Council agreed as follows:-

Councillor Convery (substitute for Councillor Ireland)
 Councillor Devlin (substitute for Councillor Macdonald)
 Councillor O'Donnell (substitute for Provost Montague)
 Councillor Campbell (substitute for Councillor Morrison)

- (xvii) Representative on the Strathclyde Concessionary Travel Scheme Joint Committee

Councillor Pragnell, seconded by Councillor Devlin moved that Councillor O'Donnell be appointed as the Council's representative on the Strathclyde Concessionary Travel Scheme Joint Committee. Councillor Buchanan, seconded by Councillor Convery, moved as an amendment that Councillor Lunday be appointed.

On the roll being called, Provost Montague and Councillors Anderson, Campbell, Devlin, Edlin, Morrison, O'Donnell, Pragnell and Wallace voted for the motion.

Councillors Bamforth, Buchanan, Convery, Ireland, Lunday, Macdonald and Merrick voted for the amendment.

There being 9 votes for Councillor O'Donnell and 7 votes for Councillor Lunday, Councillor O'Donnell was appointed as the Council's representative on the Strathclyde Concessionary Travel Scheme Joint Committee.

- (xviii) Representative on Strathclyde Partnership for Transport and SPTA.

Councillor Pragnell, seconded by Councillor Devlin, moved that Councillor O'Donnell be appointed as the Council's representative on Strathclyde Partnership for Transport and SPTA. Councillor Buchanan, seconded by Councillor Bamforth, moved as an amendment that Councillor Ireland be appointed.

On the roll being called, Provost Montague and Councillors Anderson, Campbell, Devlin, Edlin, Morrison, O'Donnell, Pragnell and Wallace voted for the motion.

Councillors Bamforth, Buchanan, Convery, Ireland, Lunday, Macdonald and Merrick voted for the amendment.

There being 9 votes for Councillor O'Donnell and 7 votes for Councillor Ireland, Councillor O'Donnell was appointed as the Council's representative on Strathclyde Partnership for Transport and SPTA.

- (xix) Substitute representative on Strathclyde Partnership for Transport and SPTA.

Councillor Edlin, seconded by Councillor Morrison, moved that Councillor McLean be appointed as the substitute representative on Strathclyde Partnership for Transport and SPTA. Councillor Buchanan, seconded by Councillor Convery, moved as an amendment that Councillor Ireland be appointed.

On the roll being called, Provost Montague and Councillors Anderson, Campbell, Devlin, Edlin, Macdonald, Morrison, O'Donnell, Pragnell and Wallace voted for the motion.

Councillors Bamforth, Buchanan, Convery, Ireland, Lunday and Merrick voted for the amendment.

There being 10 votes for Councillor McLean and 6 votes for Councillor Ireland, Councillor McLean was appointed as the Council's substitute representative on Strathclyde Partnership for Transport and SPTA.

PROVOST'S ENGAGEMENTS

51. The Council considered a report by the Director of Business Operations and Partnerships, providing details of civic engagements attended and civic duties performed by Provost Montague since the meeting on 25 May 2022.

Councillor Wallace pointed out the number of Jubilee celebrations that had taken place over the period and thanked the Provost for her attendance at those events.

The Council noted the report.

STRATEGIC END-YEAR COUNCIL PERFORMANCE REPORT 2021-22 AND DRAFT ODP 22-23

52. The Council considered a report by the Chief Executive, providing a summary of Council performance at end-year 2021-22 based on performance indicators in the Outcome Delivery Plan (ODP) 2021-24 and seeking approval for the one year Draft ODP 2022-23, which was attached as Annex 3 to the report. An end-year complaints report was also included as Annex 2 to the report.

The Chief Executive, particularly for the benefit of newly elected members, gave an overview of the documents mentioned within the report and described how they linked together.

The report first set out a summary of the ODP 2022-23, which set out the Council's contribution to the partnership outcomes in the Community Plan. The ODP would build on Vision for the Future and conveyed what the Council was doing to contribute to the delivery of agreed Community Planning outcomes.

While the ODP was usually a 3 year rolling plan, updated annually, ODP 2022-23 had been developed as a one year operational plan as a consequence of COVID-19 and to allow for a strategic planning review.

While summarising the structure of the ODP 2022-23, the report indicated that it was a light touch review, taking into account recovery planning and the impact of COVID-19 across the Council and its partners. Although there had been no significant changes, critical activities had been revised and updated accordingly. Targets, which reflected the impact of COVID-19 on many services, had been included for the majority of indicators.

Trend data was included to provide context to the indicators within ODP 2022-23. It was also pointed out that the school attainment and exclusion data referred to the relevant academic year as opposed to the financial year as with other data sets.

Community Planning Partnership performance would be considered in a separate paper on the agenda.

In terms of end-year performance, the report outlined that the Council was performing well across the majority of the ODP indicators, considering the additional services created and resources required to respond to the pandemic, and noted that the pandemic would continue to have an impact on future performance and delivery of services. The Council's focus remained on moving to a renewal phase whilst still responding to the challenges of COVID, aiming toward achieving pre-pandemic levels of service, particularly in areas where services were most impacted.

Councillor Morrison thanked the Chief Executive for the report and referred to statistics provided on the percentage of total complaints of reporting anti-social behaviour which had recurred. He was concerned by a spike in such complaints and asked what strategy the Council had for tackling this. The Director of Business Operations and Partnerships responded that it was being monitored carefully and the spike had been due to COVID restrictions being eased at that time. The figures would be reviewed regularly in partnership with the Police and Community Learning and Development teams and resources would be targeted accordingly.

Councillor Pragnell referred to the gender pay gap and asked what action the Council was taking to address this. In response the Head of HR and Corporate Services explained that the gap had decreased over the past 5 years and it had been targeted by the Council. In particular, contributing factors had been investigated such as occupational segregation. The introduction of flexible family policies in homecare, catering and cleaning had been looked at as well as a process of regrading posts. The Council would continue to monitor and benchmark progress against other local authorities, with a view to eliminating the gap.

Councillor Ireland raised concerns with the drop in library visits over the COVID-19 period and, while visit had recovered to 50% of pre-COVID levels, she asked when it was expected that numbers would return to normal. She further enquired about the Council's Accommodation Strategy review and when it was anticipated that this would be presented to the Council.

Responding to Councillor Ireland on the issue of library visits, the Director of Education explained that the latest meeting of the Leisure and Culture Trust Board had considered a Business Plan which aimed to see recovery take place by the end of 2022.

In relation to the Accommodation Strategy, the Chief Executive explained that the Council was always looking at its property to see if it could be made more efficient. A number of options were being considered and a report was expected to come forward in September. That report would not have any firm recommendations but would provide an update on progress.

Councillor Wallace asked what complaints were made in relation to the embedding of the new Council Tax system and how the Council's level of complaints compared to those of other councils.

The Director of Business Operations and Partnerships responded that the Revenues and Benefits system had been changed in 2020, which had unfortunately taken place when staff and suppliers were working from home. This led to a backlog in Council Tax and benefits cases. A range of actions had been taken to deal with the backlog and the situation was now under control.

The Strategic Services Senior Lead explained that there was a National Complaints Handlers Network, however, only 17 Councils had provided data to it at the time of the meeting. It was hoped that the national figures would be in place in September, which would allow benchmarking to take place.

Councillor Wallace having asked if the Chief Executive could take the issue with benchmarking to the Improvement Service it was noted that that this was not organised by the Improvement Service.

The Council:-

- (a) noted the summary of the Council's performance at end-year 2021-22, attached as Annex 1 to the report, and noted the ongoing impact of COVID-19 on Council services;
- (b) noted the end-year complaints report attached as Annex 2 to the report; and
- (c) approved the one year operational Draft Outcome Delivery Plan 2022-23, attached as Annex 3 to the report.

COMMUNITY PLAN ANNUAL PERFORMANCE REPORT 2021-22; FAIRER EAST REN TRANSITION PLANS 2022-23; AND LOCAL CHILD POVERTY ACTION REPORT: YEAR 4

53. The Council considered a report by the Director of Business Operations and Partnerships presenting the 2021-22 annual progress report on the Community Plan, including Fairer East Ren (Local Outcome Improvement Plan); the proposed 2022-23 transition plans for Fairer East Ren; and the fourth East Renfrewshire Local Child Poverty Action Report required under the Child Poverty Scotland Act 2017.

Responding to a question from Councillor O'Donnell on the preparation of a Transport Plan and concerns regarding the lack of measures to monitor progress on accessibility for transport links in the area, the Director of Environment explained that there was commitment to prepare an action plan, prepared in parallel with a Transport Strategy for the Council area. He indicated that not only was there a requirement for both national and regional work to be carried out before those documents could be prepared, but the study of transport issues had been hugely skewed by COVID-19. It would be developed and brought back to Cabinet as soon as possible. In terms of indicators on accessibility, the work on this had been put back as a result of the pandemic and changes in people's transport behaviours. It would be looked at in terms of how quickly it could be developed.

Responding to Councillor O'Donnell's request for a timescale, the Director of Environment indicated that he would expect it to be completed within the next 12 months.

The Council:-

- (a) approved the Community Plan Annual Progress Report for 2021-22, attached as Annex 1 to the report;
- (b) approved the Fairer East Ren transition plans for 2022/2023, attached as Annex 2 to the report; and
- (c) approved the Local Child Poverty Action Report, attached as Annex 3 to the report.

SECOND ROUND OF UK LEVELLING UP FUND 2022

54. The Council considered a report by the Director of Environment on a proposed bid to the UK Government's Levelling Up Fund (Round 2).

A bid for £20 million was proposed, which had been the subject of a members' briefing held on 23 June 2022.

The report explained what sort of bids the Council was allowed to submit and how many bids could be submitted. The initial bid, if successful, would be focused on Barrhead and Thornliebank.

Councillor O'Donnell made it clear that, as the Council was in Category 2, it was not certain if the bid would be successful. However, he thanked staff for their work on developing the bid and stated that he felt it was ambitious, innovative and inspiring, with links to the industrial past of the areas targeted. The bid would provide an opportunity to transform towns which had been disproportionately affected by industrial decline.

If the bid was successful, the Council would be expected to provide a financial contribution of £2.2 million, taking the full fund to over £22 million.

Artists' impressions of the proposed works to be carried out with the funding were presented.

Councillor Macdonald asked if the whole Council fell within Category 2 or if it was just the areas outlined in the bid. In reply, the Director of Environment confirmed that the categories were applied to the whole Council area. Councillor Macdonald expressed his disappointment with this approach, as it meant that areas in need of investment were possibly adversely affected by being in a Council area with areas of relative affluence. The Director of Environment indicated that this very point had been raised with COSLA, however, the approach had been decided upon by UK civil servants.

Councillor Ireland indicated that she had not received an invitation to the members' briefing on the bid. She asked for further clarification on the £2.2 million contribution and how it would be funded. The Director of Environment explained that given the nature of the bid and timescales, only ward Councillors for the area affected by the bid were invited. In terms of the financial contribution, it would come from the Council's general services capital programme.

Councillor Wallace was then heard on the history of the areas being targeted, particularly Thornliebank, and expressed his delight that they were being considered for this funding. He pointed out that Thornliebank was the entry point to East Renfrewshire for many visitors and

it was only right that investment be made in it. He also pointed out, with reference to Councillor Ireland's question, that while the financial contribution would come from the capital programme, there would be revenue implications going forward following the completion of works. He wished the bid every success and gave it his endorsement.

Councillor Buchanan expressed his pleasure at seeing the paper coming before the Council, as an amalgamation of many projects that had been taking place over a number of years. He did express some disappointment that the funding available was significantly less than it was initially supposed to be, and lower than the EU funding that had previously been available. He also made reference to the point raised by Councillor Macdonald and stated that numerous representations had been made on this point, but had not been taken into account by Westminster civil servants. Notwithstanding those points, he wished the project every success.

Councillor Morrison asked why the bid had been pulled together at such short notice given the length of time available. The Director of Environment responded that the department dealing with the bid was relatively small and had been supported by the City Deal team in putting the bid together. The guidance was extremely complex and onerous and made preparing a £20 million bid an enormous undertaking and had taken a wide range of resources being redirected into the preparation of it, on top of other work priorities.

The Council:-

- (a) noted the key Levelling Up Fund (Round 2) guidance and criteria;
- (b) approved the proposed Levelling Up Fund bid for East Renfrewshire with a focus on Thornliebank and Barrhead;
- (c) approved the required East Renfrewshire Council financial contribution of £2.2 million should the grant application for £20 million be successful;
- (d) noted that the Cabinet would be advised of the outcome of the Round 2 process; and
- (e) noted that further detail on the proposed projects for the UK Shared Prosperity Fund (UKSPF) would be provided in due course.

NATIONAL CARE SERVICE

55. The Council considered a report by the Chief Executive on the progress of legislation regarding the setting up of a National Care Service.

The National Care Service (Scotland) Bill had been introduced at the Scottish Parliament on 20 June and published on 21 June. It set out a framework for community health, social care and social work from 2026 onwards. It was expected to take some time to identify the full implications of the bill.

The Bill provided for Scottish Ministers to become accountable for the delivery of adult social care and social work, in addition to their existing accountability for the NHS.

The report went on to provide details of what the bill contained in relation to local care boards, children and families and justice social work services, information sharing and standards, the NCS charter of rights and other reforms.

The implications for the establishment of the National Care Service on East Renfrewshire Council were also detailed in the report.

Councillor Edlin expressed his dismay at the Bill and what he described as the policy of centralisation from the Scottish Government. He felt that the Council's existing services did a fantastic job and he could not see why centralising those services would improve them.

Councillor O'Donnell said that, as a new councillor, it would be helpful for the views expressed by the former Council to be circulated to all Elected Members to get a sense for the feeling of the former Council. In response, the Chief Executive pointed out that the Council's response to the consultation was linked in the supporting documents of the report and could be accessed there. She remarked that COSLA had also made the case strongly.

While there were many aspects of the proposals that could be good and some others that perhaps needed more discussion, ultimately it was for MSPs to make the decision on the National Care Service.

Councillor Buchanan felt the response from the Council had been very strong and was unanimous. It put forward what a National Care Service could do, but emphasised that local government involvement and local delivery was important. An oversight body would be welcome but what was currently done well also needed to be looked at. It was clear that ongoing discussion was necessary.

Councillor Morrison stated that this process echoed the centralisation of Police and Fire services. He agreed with Councillor Buchanan that the process may start off with good intentions but may not end up in a good place. He asked for reassurance that all Elected Members would be fully consulted to ensure their views were taken into account as the matter progressed. In reply the Chief Executive explained it would not be possible to give such an assurance as the continuing development of the proposals was now in the hands of MSPs. It was noted that the Scottish Government had committed to a co-design process with people with lived experience and the Chief Officer Health and Social Care Partnership gave some further details on that process and indicated that more consultation with Council officers would follow as part of that process.

The Council noted:-

- (a) the announcement of the start of the legislative process for a National Care Service;
- (b) that the National Care Service would have implications for East Renfrewshire Council; and
- (c) that further reports would be brought to the Council as more information became available.

ORGANISATIONAL CHANGES - CHIEF OFFICER

56. The Council considered a report by the Director of Business Operations and Partnerships, noting the retirement of the Director of Environment from 1 November 2022 and the recruitment process that would take place as a result. Furthermore, the report proposed a change to Head of Service remits within the Business Operations and Partnerships Department and Health and Social Care Partnership.

Councillor O'Donnell detailed the process proposed in the report, which would see Elected Members participate in a recruitment process to appoint the new Director of Environment but

delegate the appointment of Heads of Service to the Chief Executive and officers. He indicated that it was now felt that this was not appropriate and it was preferred to continue with the existing process with Elected Member involvement in the recruitment process for both Director and Head of Service level appointments. For that reason, appointment committees would be required for each role being recruited for.

With that being the case, Councillor O'Donnell asked that members of the Appointments Committee members agree to ensure that timetables were met and processes were as efficient as possible. Following the process, it was proposed to hold a review of how well the process had gone and seek possible improvements.

In terms of the composition of the Appointments Committee, Councillor O'Donnell proposed that there would be 3 representatives on the committee for the appointment of Director of Environment from the Labour Group, namely, Provost Montague as well as Councillors O'Donnell and Devlin, with one representative from each of the SNP and Conservative Groups.

The composition of the committee for the positions of Head of Communities and Transformation would be the same as described above. In terms of the Head of Children's Services and Criminal Justice, which only had a panel of 3 Elected Members, Councillor Pragnell would sit on the committee with the addition of one member from each of the Conservative and SNP Groups. It was noted that the remaining 2 positions on this committee would be taken up by 2 of the NHS Greater Glasgow and Clyde representatives on the Integration Joint Board.

Councillor Wallace was pleased that Elected Members would continue to be involved in the recruitment of Heads of Service and asked if substitute members would be permitted, it being confirmed that this would be the case. Specific substitutes for specific members would not be required, rather a pool of substitutes would be appointed.

Councillor Buchanan expressed his support for the proposed process, as described with the inclusion of substitutes.

Councillor Macdonald questioned composition of the committees and the lack of an independent councillor.

The Democratic Services Manager asked that the Conservative and SNP Groups nominate their representatives in due course to enable the Appointments Committee to be established as soon as possible.

The Council:-

- (a) noted the retirement of the Director of Environment with effect from 1 November 2022;
- (b) approved the revised Head of Service remits within the Business Operations and Partnerships Department and Health and Social Care Partnership;
- (c) noted that the Head of Service recruitment would not be delegated to officers and would remain in control of the elected members;
- (d) approved the recruitment procedure as detailed for the Director of Environment, Head of Communities and Transformation and Head of Children's Services and Criminal Justice;

- (e) authorised the Chief Executive to put in place appropriate interim management arrangements for the Environment Department if required; and
- (f) that nominations for the Appointments Committees would be submitted to the Democratic Services Manager in due course.

COVID-19 RECOVERY - UPDATE

57. The Council considered a report by the Chief Executive on the response, recovery and renewal work taking place across the Council and the Culture and Leisure Trust since the previous update in December 2021.

The Chief Executive outlined the details within the report and gave a department by department update in terms of the current situation in relation to COVID-19 work. She stated that there had been a great improvement since lockdown restrictions had eased and joined Provost Montague in thanking all staff for their hard work during a difficult period. She stressed the importance of staff taking time to relax and enjoy their holidays.

Councillor Edlin added his thanks to those of Provost Montague and the Chief Executive. He remarked on the helpfulness of staff to him as a new Councillor. He felt it would be helpful if masks continued to be compulsory in terms of face to face meetings for those attending. While he agreed that face to face meetings would be his preference, the proviso of mask wearing would help in preventing any spread of COVID. The Chief Executive replied that the Council was following all relevant Scottish Government guidance on mask wearing and the guidance was different for different Council services. Current guidance was to wear a mask when moving around the building but not necessary when seated. Schools had a different set of guidelines. She further remarked upon the gradual return of face to face meetings, while recognising there were still some challenges as there were still members of staff who had COVID, which made the option of hybrid meetings more efficient for the moment. Safety would remain the first priority when making decisions in this regard.

Councillor Buchanan added his thanks to those already given to staff. He stated that they had put themselves at risk to deliver for East Renfrewshire residents and he had lost count of the number of times he has had cause to thank them. He described the range of work that was required in order to deliver services during the pandemic and stated that it had been a fantastic piece of work and those involved could never be thanked enough for their efforts.

Provost Montague asked that the Chief Executive relay the thanks of the full Council to staff on their behalf.

Councillor Bamforth expressed her thanks to staff in the Health and Social Care Partnership for all the work they had done and were still doing in terms of COVID. While she welcomed a return to face to face meetings, she also expressed a note of caution where there were people who were clinically vulnerable and so would need to continue to meet using the online facility, stressing the need for hybrid meetings to support them. Provost Montague thanked Councillor Bamforth for her work as previous chair of the Integration Joint Board and also the Democratic Services Manager and his team for enabling the governance of the Council to continue.

CALENDAR OF MEETINGS 2023

58. The Council considered a report by the Director of Business Operations and Partnerships on the 2023 meetings calendar.

The Council:-

- (a) approved the 2023 meetings calendar; and
- (b) noted the draft dates of meetings of the Integrated Joint Board.

KIRKING OF THE COUNCIL

59. The Council considered a report by the Director of Business Operations and Partnerships on proposals for the Kirking of the Council Service.

The Council:-

- (a) agreed that the service be held in St Andrew's Parish Church on 4 September 2022; and
- (b) delegated authority to the Director of Business Operations and Partnerships to make the appropriate arrangements.

PROVOST

MINUTE
of
PLANNING APPLICATIONS COMMITTEE

Minute of meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 10 August 2022.

Present:

Councillor Betty Cunningham (Chair)
Councillor Paul Edlin
Councillor Chris Lunday (*)

Provost Mary Montague
Councillor Andrew Morrison

(*) indicates remote attendance

Councillor Cunningham in the Chair

Attending:

Julie Nicol, Planning and Building Standards Manager; Alan Pepler, Principal Planner (Development Management); Siobhan Wilson, Solicitor; Eamonn Daly, Democratic Services Manager; Sharon McIntyre, Committee Services Officer and Liona Allison, Assistant Committee Services Officer.

Apologies:

Councillors Annette Ireland and Jim McLean (Vice-Chair).

DECLARATIONS OF INTEREST

60. No declarations of interest were intimated.

APPLICATION FOR PLANNING PERMISSION

61. The committee considered a report by the Director of Environment on application 2022/0175/TP, seeking a retrospective change of use and subdivision of class 4 (business) unit to class 2 (letting agency) and separate class 6 use (food larder for distribution of food to the local community), at 11 Muirend Road, Netherlee.

The Principal Planner (Development Management) advised that the application required to be determined by the committee as more than 10 objections had been received, with 18 received in total. The objections were with regard to road safety from parking on the double yellow lines to the rear on Windlaw Park Gardens and restricting vehicular and pedestrian access. The Roads Service had no objection to the changes of use and sub-division provided local parking restrictions and roads rules were adhered to.

Having summarised the application, the Principal Planner (Development Management) advised that the changes of use and sub-division complied with Policies D1 and D2 of the adopted East Renfrewshire Local Development Plan 2. He noted that the community benefit of the service provided by the food larder to vulnerable families and individuals within East Renfrewshire was a material consideration.

Provost Montague raised the issue of parking associated with the use of the food larder during the designated hours outlined in the report.

In response the Principal Planner (Development Management) advised that as this was a retrospective planning application, parking had not shown to be an issue to date during the hours of operation of the food larder and that the hours of operation were enforceable by condition.

In reply, Councillor Cunningham noted that the public would not be collecting from the food larder directly therefore this would reduce potential traffic at the site.

The Principal Planner (Development Management) confirmed that all food parcels were distributed from the larder and service users did not call at the premises. He also advised that failing to comply with local parking restrictions would be a matter for Police Scotland or Community Wardens to address and in this instance, given the relatively limited frequency of traffic movements, was not considered to be of such significance to merit a recommended refusal of the application.

Councillor Morrison enquired as to why the application was retrospective in nature. The Planning and Building Standards Manager advised that the Planning Service had been made aware of this service operating and that this required planning permission as a result of the change of use.

Having heard from the Principal Planner (Development Management) and the Planning and Building Standards Manager, the committee agreed to approve planning permission subject to the conditions outlined in the report.

CHAIR

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997**

Index of applications under the above acts considered by Planning Applications Committee on
10.08.2022

Reference No: 2022/0175/TP

Ward: 4

Applicant:

Mr Mark Shanta
11 Muirend Road
GLASGOW
United Kingdom
G44 3QR

Agent:

Site: 11 Muirend Road Netherlee East Renfrewshire G44 3QR

Description: Retrospective change of use and subdivision of class 4 (business) unit to class 2 (letting agency) and separate class 6 use (food larder for distribution of food to the local community).

Decision: Approved Subject to Conditions

MINUTE
of
LOCAL REVIEW BODY

Minute of meeting held at 2.30pm in the Council Chamber, Council Headquarters, Giffnock on 10 August 2022.

Present:

Councillor Betty Cunningham (Chair
Councillor Paul Edlin

Provost Mary Montague
Councillor Andrew Morrison

Councillor Cunningham in the Chair

Attending:

Andrew Bennie, Planning Adviser; Siobhan Wilson, Solicitor (Legal Adviser); Eamonn Daly, Democratic Services Manager; Sharon McIntyre, Committee Services Officer (Clerk) and Liona Allison, Assistant Committee Services Officer.

Apologies:

Councillors Annette Ireland, Jim McLean (Vice Chair) and Chris Lunday.

DECLARATIONS OF INTEREST

62. There were no declarations of interest intimated.

The Chair advised that site visits had been held prior to the meeting.

NOTICE OF REVIEW – REVIEW 2022/04 – SUBDIVISION OF EXISTING PLOT AND ERECTION OF TWO STOREY DWELLINGHOUSE. PINE LODGE, 35 GREENLAW ROAD, NEWTON MEARN, EAST RENFREWSHIRE, G77 6SL. (REF NO:- 2021/0220/TP).

63. The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Mr Malcolm Cameron against the decision taken by officers to refuse planning permission in respect of subdivision of an existing plot and erection of two storey dwellinghouse at Pine Lodge, 35 Greenlaw Road, Newton Mearns.

The decision had been made in accordance with the Council's Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended.

The Local Review Body, having considered the information previously circulated, agreed that it had sufficient information to determine the review without further procedure.

The Planning Adviser outlined the planning application and reasons for refusal as outlined by the Appointed Officer in the decision notice. The Planning Adviser further outlined that should Elected Members be minded to grant planning permission, two suggested additional conditions would be that:-

- 1: *Development shall not commence until samples of the external finishing materials to be used on the proposed development have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.*

Reason: To allow the planning authority to consider these matters in detail.

- 2: *Development shall not commence until full details and location of any walls and fences to be erected on the site have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.*

Reason: To ensure that the development is acceptable in appearance.

Having heard from the Planning Adviser and following discussion, the Local Review Body agreed to uphold the Appointed Officer's decision to refuse planning permission as set out in the decision notice of 13 December 2021.

NOTICE OF REVIEW – REVIEW 2022/05 – DEMOLITION OF EXISTING DWELLING AND ERECTION OF NEW DETACHED DWELLING AND GARAGE. 1 EARN ROAD, NEWTON MEARNS, GLASGOW, G77 6LT. (REF NO:- 2021/0753/TP)

64. The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Mr and Mrs J Currie against the decision taken by officers to refuse planning permission in respect of the demolition of an existing dwelling and erection of a new detached dwelling and garage at 1 Earn Road, Newton Mearns.

The decision had been made in accordance with the Council's Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended.

The Local Review Body, having considered the information previously circulated, agreed that it had sufficient information to determine the review without further procedure.

The Planning Adviser outlined the planning application and reasons for refusal as outlined by the Appointed Officer in the decision notice. The Planning Adviser further outlined that should Elected Members be minded to grant planning permission a suggested additional condition would be that:-

- 1: *Development shall not commence until samples of the external finishing materials to be used on the proposed development have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.*

Reason: To ensure that the appearance of the proposed development is acceptable.

- 2: *Development shall not commence until details of all walls and fences to be erected on the site have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.*

Reason: To ensure that the development is acceptable in appearance.

- 3: *If works on the development do not commence within 1 year of the date of this permission an updated bat survey must be submitted to and approved in writing by the planning authority and no works shall start on site until this approval is given.*

Reason: In order to ensure that the proposed development does not have any adverse impact upon a protected species (bats).

Having heard from the Planning Adviser and following discussion, the Local Review Body agreed that the Appointed Officer's decision as set out in the decision notice of 25 April 2022 be overturned and planning permission approved subject to the standard delegated conditions and the following additional conditions:-

- 1: *Development shall not commence until samples of the external finishing materials to be used on the proposed development have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.*

Reason: To ensure that the appearance of the proposed development is acceptable.

- 2: *Development shall not commence until details of all walls and fences to be erected on the site have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.*

Reason: To ensure that the development is acceptable in appearance.

- 3: *If works on the development do not commence within 1 year of the date of this permission an updated bat survey must be submitted to and approved in writing by the planning authority and no works shall start on site until this approval is given.*

Reason: In order to ensure that the proposed development does not have any adverse impact upon a protected species (bats).

CHAIR

MINUTE
of
AUDIT & SCRUTINY COMMITTEE

Minute of meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 11 August 2022.

Present:

Councillor Andrew Morrison (Chair)
Councillor Tony Buchanan (Vice Chair)
Councillor Paul Edlin

Councillor David Macdonald*
Provost Mary Montague*
Councillor Gordon Wallace

Councillor Morrison in the Chair

(*) indicates remote attendance

Attending:

Barbara Clark, Chief Accountant; Michelle Blair, Chief Auditor; Linda Hutchison, Clerk to the Committee; Jennifer Graham, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Also Attending:

Louisa Yule, Audit Scotland.*

Apology:

Councillor Annette Ireland.

DECLARATIONS OF INTEREST

65. There were no declarations of interest intimated.

CHAIR'S REPORT

66. The following matters were raised during the Chair's report:-

Welcome

- (i) Councillor Morrison welcomed Councillor Macdonald to his first meeting of the committee following his recent appointment, also referring to the appointment of Councillor Buchanan as Vice Chair of the committee, confirming that he looked forward to working closely with him in that capacity.

Scrutiny Related Induction Training

- (ii) Under reference to the Minute of the meeting of 23 June 2022 (Page 58, Item 35(ii) refers) when, amongst other things, it was noted that an induction session for all Elected Members on the *Roles of Internal and External Audit* would be held, Councillor Morrison confirmed that the session was taking place at the conclusion of the meeting. On a related issue, he highlighted that the next element of the scrutiny training programme organised for all Elected Members was the *Effective Scrutiny Skills* session which they could attend on either 8 or 9 September. He encouraged everyone to attend and confirm which session they would be going to as soon as possible if they had not already done so.

The committee noted:-

- (a) the appointments of Councillor David Macdonald as an ordinary member and Councillor Tony Buchanan as Vice Chair of the committee;
- (b) that an induction session for all Elected Members on the *Roles of Internal and External Audit* would be held at the conclusion of the meeting;
- (c) that all Elected Members had also been invited to attend one of two sessions on *Effective Scrutiny Skills* on either 8 or 9 September, attendance at which was encouraged; and
- (d) otherwise, the report.

CLARIFICATION RECEIVED ON QUERIES RAISED AT PREVIOUS MEETING

67. Under reference to the Minute of the meeting of 23 June 2022 (Pages 58 and 62, Items 36 and 38 respectively refer), when it had been agreed that the Clerk would seek clarification on a number of matters, in the interests of transparency the committee considered a report by the Clerk summarising the clarification received and circulated on queries raised at the previous meeting on when the Climate Community Partnership would be convened; the funding of various active travel measures; and who met the costs of specialist advice for Major planning applications.

The committee noted the position.

ANNUAL TREASURY MANAGEMENT REPORT 2021/22

68. Under reference to the Minute of the meeting of 17 February 2022 (Page 1791, Item 1893 refers), when it had been agreed to recommend to the Council that the Treasury Management Strategy for 2022/23 and the policy on the repayment of loans fund advances be approved, the committee considered a report by the Head of Accountancy (Chief Financial Officer) providing details of the Council's treasury management activities for the year ending 31 March 2022, and seeking approval to recommend to the Council that a list of organisations for the investment of surplus funds be approved.

The report referred to a well-managed treasury function within the Council and related issues, commenting that the authority continued to adopt a prudent approach to treasury management, and that stability in borrowing assisted the Council to respond to current,

national economic pressures. The submission of the report to the committee, prior to its submission to the Council, was in line with the CIPFA Code of Practice on Treasury Management.

The Chief Accountant highlighted key issues within the report, including comments on why the borrowing undertaken during the year varied from the estimates made. She explained that due to restrictions caused by the pandemic and the war in Ukraine, a significant amount of capital expenditure had been delayed to future years, as a consequence of which only £5m of borrowing had been required in 2021/22 as opposed to the £30m anticipated.

She highlighted that the Council had operated satisfactorily against all indicators which measured risk, prudence and debt; commented on various specific indicators; and confirmed that capital investment plans and treasury management decisions were affordable, prudent and sustainable.

In response to questions, the Chief Accountant undertook to provide further clarification to the Clerk, for circulation to Members, on why the risk indicator percentages were set at their current levels. Regarding whether or not it was policy to only borrow fixed interest rate loans, she confirmed that the Treasury Management Strategy approved in March set out the Council's policies on this issue, confirming that the underlying policy was to only use such loans. She clarified that there was only one set of loans that had been taken at a variable rate, that the remainder were Public Works Loan Board loans, and that interest rates would continue to be monitored.

The committee agreed:-

- (a) that the Chief Accountant would provide clarification to the Clerk for circulation to Members on why the risk indicator percentages were set at their current levels;
- (b) to note the Treasury Management Annual Report for 2021/22 and associated comments; and
- (c) to **recommend to the Council** that the organisations specified in the report for investment of surplus funds be approved.

INTERNAL AUDIT ANNUAL REPORT 2021/22

69. Under reference to the Minute of the meeting of 23 September 2021 (Page 1652, Item 1767 refers), when the Internal Audit Annual Report 2020/21 had been noted, the committee considered a report by the Chief Auditor regarding the annual report on the activities of internal audit during 2021/22, and providing an independent annual opinion on the adequacy and effectiveness of the Council's governance, risk management and internal controls based on work undertaken in 2021/22.

Whilst commenting on the report and implementation of the 2021/22 Plan, the Chief Auditor stressed that 2021/22 had been a very challenging year for Internal Audit, with some audits in the plan not having been completed due to continuing COVID-19 restrictions generally and also long-term staff absences within the team. She added that priority had been given to completing those audits which gave most assurance that internal controls continued to operate satisfactorily, confirming that sufficient audits had been completed to enable an audit opinion to be provided. She reported that 18 reports had been issued relating to the 2021/22 Plan, satisfactory responses having been received for all except 2 where the due date for responses had not yet passed. She quantified the initial and final number of audit days available to implement the Plan.

The Chief Auditor commented on two recommendations within one report which had not been fully accepted by management and related reasons provided which had been accepted. Having summarised the position on various potential fraud and contingency matters and related issues, she also referred to and cited examples of issues that had impacted on Performance Indicators for the section, and clarified the extent to which the section operated almost fully in compliance with Public Sector Internal Auditor Standards, confirming that little scope existed therefore for further improvement.

Regarding the annual statement on the adequacy and effectiveness of the Council's governance, risk management and internal controls, the report confirmed that based on the information available and work carried out, the Chief Auditor's opinion was that reasonable assurance could be placed upon the adequacy and effectiveness of these controls in the year to 31 March 2022, except in respect of one issue that remained under investigation by Police Scotland due to which she was unable to comment further at present.

In response to questions, the Chief Auditor confirmed that staffing problems in her team during 2021/22 were due to two long-term illnesses within the section, that it was a priority in 2022/23 to fill two vacant posts which she was discussing with Human Resources, but that a related challenge was an apparent nationwide problem recruiting both accountants and auditors in the public sector. The value of raising this issue with the External Auditor was commented on by Councillor Morrison.

In response to further questions, the Chief Auditor clarified that the speed at which the Council paid invoices had improved with payments now generally made quickly, but that there remained some delays which were attributable, for example, to the late submission of invoices by suppliers. Regarding COVID related grants, she reported that internal audit work had not revealed any major problems regarding this, and that the appropriate guidance to process these had been adhered to. Regarding fraud and related audit work, the Chief Auditor confirmed that consideration was given to including these as separate audits in future years; and that one such fraud issue identified related to the issue that had been reported to Police Scotland.

The committee agreed:-

- (a) to approve the statement on the adequacy and effectiveness of the Council's governance, risk management and internal control systems and submit it to the Council; and
- (b) otherwise, to note the internal audit annual report 2021/22 and associated comments.

INTERNAL AUDIT PLAN 2022/23 – IMPLEMENTATION PROGRESS – APRIL TO JUNE 2022

70. Under reference to the Minute of the meeting of 23 June 2022 (Page 63, Item 40 refers), when it had been agreed to approve the Internal Audit Strategic Plan for 2022/23 to 2026/27, the committee considered a report by the Chief Auditor advising of progress on the Internal Audit Annual Plan 2022/23 from 1 April to 30 June 2022. It was confirmed that two audit reports in relation to planned 2022/23 audit work had been completed in Quarter 1, information on which had been provided. Details were also provided of audits carried out as part of the 2021/22 and 2022/23 plans regarding which satisfactory management responses had been received since the last progress report had been submitted.

Reference was also made to the quarterly performance indicators (PIs) for the section which were currently being met, and three new requests for assistance dealt with using contingency time, none of which had resulted in financial loss to the Council.

In response to questions, the Chief Auditor provided examples of the types of requests made for assistance which were met from the provision made for contingencies within the plan, such as checking that data had transferred correctly to a new system. In response to Councillor Morrison who asked if the new External Auditor was aware of the problem recruiting Internal Audit staff to her team, the Chief Auditor confirmed that a meeting with the new External Auditor was still to take place, but that internal audit resources would continue to be concentrated on larger system audits during 2022/23 for the time being.

The committee agreed:-

- (a) not to seek any of the reports issued during the quarter at this stage; and
- (b) otherwise, to note the report and related comments.

COMMITTEE'S SPECIALISATION ARRANGEMENTS FOR DEALING WITH INTERNAL AND EXTERNAL AUDIT REPORT AND INSPECTION REPORTS

71. Under reference to the Minute of the meeting of 23 June 2022 (Page 65, Item 43 refers), when it had been agreed that the Clerk would consult with members of the committee on specialisation remits for dealing with internal and external audit reports and inspection reports with a view to submitting specific proposals to a future meeting, the committee considered a report by the Clerk seeking approval of the committee's specialisation arrangements.

The committee, having heard the Clerk confirm that reports would be circulated to all members of the committee enabling them to raise issues if they wished irrespective of which member was leading the review of a particular report and that changes to the remits could be made in future if considered required, approved the proposals for the specialisation arrangements as specified in the report.

INTEGRATION JOINT BOARD PERFORMANCE AND AUDIT COMMITTEE – INVITATION TO CO-OPT MEMBER OF AUDIT AND SCRUTINY COMMITTEE

72. Under reference to the Minute of the meeting of 23 June 2022 (Page 65, Item 42 refers), when it had been agreed that the nomination of a member of the committee to serve as a co-opted member of the East Renfrewshire Integration Joint Board (IJB) Performance and Audit Committee, and the nomination of a substitute, be continued, the committee considered a report by the Clerk seeking the nomination of the co-optee and substitute.

The committee agreed **to recommend to the Council** that Councillor Macdonald be appointed as the co-optee and that Councillor Wallace be appointed as substitute.

MINUTE
of
LICENSING COMMITTEE

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock, on 16 August 2022.

Present:

Councillor Paul Edlin (Chair)
Provost Mary Montague

Councillor David Macdonald
Councillor Andrew Morrison

Councillor Edlin in the Chair

Attending:

Gerry Mahon, Chief Officer - Legal and Procurement; Brian Kilpatrick, Civic Government Enforcement Officer; Jennifer Graham, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Also Attending:

Inspector Gareth Griffiths and Constable Brian Rooney, Police Scotland.

Apology:

Councillor Angela Convery (Vice Chair).

DECLARATIONS OF INTEREST

73. There were no declarations of interest intimated.

Resolution to Exclude Press and Public

At this point in the meeting, on the motion of the Chair, the committee 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 remaining items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 6 and 14 of Part 1 of Schedule 7A to the Act.

PRIVATE HIRE DRIVER'S LICENCE – APPLICATION FOR RENEWAL

74. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Private Hire Driver's Licence (Agenda Item 3 refers).

The licence holder was present.

Inspector Griffiths and Constable Rooney representing the Chief Constable, who had made a representation in respect of the application, were also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the representation by the Chief Constable.

Inspector Griffiths was heard in respect of the representation by the Chief Constable and in response to questions from Members.

The licence holder was then heard in respect of the application and in response to questions from Members.

The committee agreed to a short adjournment to consider the matter.

On reconvening, the committee, having taken account of the representation by the Chief Constable, agreed that consideration of the application be continued for six months to allow further information on possible court proceedings to be provided.

PRIVATE HIRE DRIVER'S LICENCE – APPLICATION FOR GRANT

75. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Driver's Licence (Agenda Item 4 refers).

The applicant was present together with his wife.

Inspector Griffiths and Constable Rooney representing the Chief Constable, who had made an objection in respect of the application, were also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable.

Inspector Griffiths was heard in respect of the objection by the Chief Constable and in response to questions from Members.

The applicant was then heard in respect of the application and in response to questions from Members.

The committee agreed to a short adjournment to consider the matter.

On reconvening, the committee, having taken account of the objection by the Chief Constable, agreed that consideration of the application be continued to the Licensing Committee meeting on 6 December 2022 following the expected court date in November 2022.

PRIVATE HIRE DRIVER'S LICENCE – APPLICATION FOR GRANT

76. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Driver's Licence (Agenda Item 5 refers).

The applicant, having been invited to the meeting, was not present.

Inspector Griffiths and Constable Rooney representing the Chief Constable, who had made an objection in respect of the application, were present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable.

Inspector Griffiths was heard in respect of the objection by the Chief Constable and in response to questions from Members.

The committee, having taken account of the objection by the Chief Constable, agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of such a licence by virtue of his previous convictions.

CHAIR

MINUTE
of
CABINET

Minute of meeting held at 10.00 am in the Council Chamber, Council Headquarters, Giffnock on 18 August 2022.

Present:

Councillor Owen O'Donnell (Leader)
Councillor Andrew Anderson

Councillor Danny Devlin
Councillor Katie Pragnell

Councillor O'Donnell, Leader, in the Chair

Attending:

Louise Pringle, Director of Business Operations and Partnerships; Mark Ratter, Director of Education (*); Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Sharon Dick, Head of HR and Corporate Services (*); Murray Husband, Head of Digital and Community Safety (*); Phil Daws, Head of Environment (Strategic Services); Gillian McCarney, Head of Environment (Chief Planning Officer) (*); Siobhan McColgan, Head of Education Services (Equality and Equity) (*); Alison Ballingall, Senior Revenues Manager (*); Jamie Reid, Strategic Insight and Communities Senior Manager (*); Michael McKernan, Economic Development Manager; Sharon McIntyre, Committee Services Officer and Liona Allison, Assistant Committee Services Officer.

(* indicates remote attendance)

DECLARATIONS OF INTEREST

77. There were no declarations of interest intimated.

JOINT CONSULTATIVE COMMITTEE (FIRST TIER) – MINUTE OF MEETING OF 16 JUNE 2022

78. The Cabinet considered and noted the Minute of the meeting of the Joint Consultative Committee (First Tier) held on 16 June 2022.

FINANCIAL PERFORMANCE FOR THE YEAR ENDED 31 MARCH 2022

79. The Cabinet considered a report by the Head of Accountancy (Chief Financial Officer), advising of the unaudited financial results for 2021/22; comparing the outturn position with the final Budgetary Control Statement presented to Cabinet on 7 April, and confirming the financial results as emailed to all Elected Members in June.

The Head of Accountancy (Chief Financial Officer), advised that the report demonstrated the continued excellent financial performance of the Council, and noted that the Council's financial affairs had again been well managed. All General Fund departments had maintained outturn spend within budget, with the exception of the Chief Executive's Office (non-support) where the deficit arose due to a sharp fall in investment returns as a result of prevailing economic factors out with the Council's control.

She reported that the Council had achieved an improved position to that budgeted for, with Directors taking action to avoid non-essential spend in the later part of 2021/22 to help address future financial challenges as budget pressures for 2022/23 and beyond became clearer. This along with improved income generation and additional Scottish Government grants resulted in an improved position of £3.857m. Consequently instead of drawing down £3.75m million from general reserve, the Council was able to contribute £107k to this reserve.

A balance of £11.777 million as at 31 March 2022 was recorded for the non-earmarked General Fund reserve, representing 4.4% of net revenue expenditure which was slightly higher than the Council's policy aim of 4%. However as the Council had already committed £5.253m of this reserve in balancing the 2022/23 budget, the position at 31 March 2023 was currently expected to be a balance of £6.524m or only around 2.4%.

The position reported as at period 10 was an underspend of £1.8m and the improvement of £2m by the year-end which reflected the additional efforts made by Directors to avoid all non-essential spend. The main areas contributing to the additional underspend were staff vacancies, an underspend on supplies & services, improved income generation, along with additional Scottish Government Grants.

The outturn position for 2021/22 would assist the Council in addressing the significant financial challenges and uncertainties in coming years.

In respect of the Housing Revenue Account (HRA), it was reported that this had recorded an operational deficit of £0.354m resulting in an accumulated HRA surplus balance carried forward of £1.867m.

Councillor O'Donnell requested a review of the mechanisms in place to produce improved budget outturn assumptions, including reflecting on the previous year. The Head of Accountancy (Chief Financial Officer) confirmed that this would be undertaken and advised that the outcome of the previous year was currently considered.

Having heard from the Head of Accountancy (Chief Financial Officer), the Cabinet noted:-

- (a) the outturn position compared to the previous Budgetary Control Report;
- (b) 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.

REVENUE BUDGET MONITORING (OUTTURN)

80. The Cabinet considered a report by the Head of Accountancy (Chief Financial Officer) detailing the projected revenue budget out-turn for 2022/23 and providing details of the expected year-end variances together with summary cost information for each of the undernoted services as at 30 June 2022 and subsequent assessment of pressures arising from COVID-19.

- (i) Education Department;
- (ii) Contribution to Integration Joint Board;

- (iii) Environment Department;
- (iv) Environment Department – Support;
- (v) Chief Executive’s Office;
- (vi) Chief Executive’s Office – Support;
- (vii) Business Operations and Partnerships;
- (viii) Business Operations and Partnerships – Support;
- (ix) Other Expenditure and Income;
- (x) Joint Boards;
- (xi) Contingency – Welfare;
- (xii) Health and Social Care Partnership; and
- (xiii) Housing Revenue Account.

The Head of Accountancy (Chief Financial Officer), provided a background to the report advising that the format of the first report of the year was slightly different from later reports. It was explained in the report that when the Council sets the budget each year this included actual loan repayments on investments in the Council assets. However the Accounting Code of Practice instead required reporting on services on a “capital charges” basis, which was to apply effectively a depreciation charge recognising services’ use of Council assets, rather than actual loan repayments. This adjustment was made in the current report and all future reports would be on the revised basis and would not include these notes on this adjustment.

She advised that although net expenditure at 30 June was £3.1m less than budget, this was largely due to variances in timing of expenditure and income, and so was not expected to continue throughout the year.

On the basis of the latest information, there was a forecast year-end overspend of £1.498m or 0.5% of the annual budget, but after adjusting for the HRA which was funded from rents, the underlying position on departmental budgets was a forecast underspend of £1.389m. The reasons for departmental variances were set out in the report, although it was highlighted that the major variances related to the unusually high inflationary pressures that the Council was currently facing. These were particularly impacting on utility and transport prices as well as on contracts, such as for PFI schemes, where annual payments were directly linked to inflation.

The report highlighted that the position outlined related to normal operational budgets only. It was expected that the Council would have to meet £4.1m of ongoing COVID pressures in the course of the year, however these costs would be covered by using earmarked COVID government grant resources already awarded to the Council. The Head of Accountancy (Chief Financial Officer), stressed that this was the first forecast of the year and could therefore be subject to significant change, for example if pandemic pressures were greater than expected or if the current year’s pay award was settled at a significantly higher rate than had been budgeted for. Given the tight nature of the Council’s finances in the current economic climate, the position would be actively managed and regular updates provided to Cabinet throughout the year on the financial performance and outturn forecasts.

The report also sought approval for operational budget adjustments, details of which were outlined in the report.

Councillor O’Donnell thanked the Head of Accountancy (Chief Financial Officer), for providing greater clarity in the report on the year-end adjustments for members.

Thereafter Councillor O’Donnell requested greater detail to be included in future reports on the year to date position to outline timing differences and permanent underlying differences e.g. utilities, in response to which the Head of Accountancy (Chief Financial Officer) confirmed that this would be included in future reports.

Having heard from the Head of Accountancy (Chief Financial Officer), the Cabinet:-

- (a) noted the continued financial pressures on operational services arising from the COVID-19 pandemic and that it was expected to cover these from accumulated COVID grant funding.
- (b) noted the forecast underlying General Fund operational underspend of £1,389k.
- (c) approved service virements and operational adjustments as set out in the report and noted the reported probable out-turn position.
- (d) noted all departments continue to closely monitor and manage their budgets, ensure that spending up to operational budget levels does not take place and immediately take steps to avoid all non-essential expenditure.

GENERAL FUND CAPITAL PROGRAMME 2022/23

81. It was noted that consideration of the report had been continued to the meeting on 1 September 2022.

HOUSING CAPITAL PROGRAMME 2022/23

82. It was noted that consideration of the report had been continued to the meeting on 1 September 2022.

FLEXIBLE LOCAL AUTHORITY COVID ECONOMIC RECOVERY FUND

83. The Cabinet considered a joint report by the Director of Business Operations and Partnerships and the Director of Environment, which brought forward proposals for use of the Local Authority COVID Economic Recovery Fund in East Renfrewshire.

The Director of Business Operations and Partnerships advised that throughout the pandemic there had been various short-term funds aimed at supporting response and recovery. She advised that this report followed on from the report to Cabinet on 7 April (Minutes Page 1853, Item 1946 refers), and set out proposals for East Renfrewshire's share of an £80M fund agreed by COSLA Leaders, the Scottish Government and the Local Authority COVID Economic Recovery Fund (LACER). East Renfrewshire's share of this fund has been confirmed at £1.469m to be used within the current financial year 2022/23.

She advised that in late February, COSLA Leaders had agreed a set of guiding principles for spend. These included supporting local economic recovery, helping businesses move from a period of survival towards recovery and growth, rebuilding consumer confidence, stimulating demand and economic activity and supporting low income households to become more economically active.

Using research on the impact of the pandemic locally, the Council had developed a 3-tier approach for use of this fund locally was to provide support to businesses linked to low income households for example in sectors with lower paid staff, provide support to businesses who have been most adversely

affected by the pandemic to both stimulate recovery and to help resilience for example the 'Shop Local' campaign, and to provide support to low income households who have been most adversely affected through direct support such as shopping vouchers and indirect support such as the Money Advice and Rights team (MART) support and fuel poverty advice. A range of proposals had now been developed by Economic Development, working with the Child Poverty Group and Local Employability Partnership and scrutinised against these criteria.

The Director of Business Operations and Partnerships advised that following recent Elected Member engagement revised proposals had been prepared and were now presented for consideration. These included support to local social housing tenants, winter clothing support for vulnerable children, funding that would allow professionals in schools such as MART and Citizens Advice Bureau (CAB) to make small discretionary hardship payments to those in immediate need and to support fuel poverty, top-ups to the Scottish Welfare Fund, funding for local foodshare schemes in priority areas and in common with a number of other local authorities, distribution of Scotland Loves Local Gift Cards to those in receipt of Council Tax Reduction. They also included support for local businesses including a drive to increase uptake of the Real Living Wage, advice on COVID regulations and recovery, skills development, green business initiatives, support towards the opening of Greenlaw Works business centre and establishment of a black and minority ethnic business network.

The use of these LACER funds was subject to monitoring by the Scottish Government including case study evidence. A further update on the progress and outcomes of this funding in East Renfrewshire would be brought back to Cabinet as part of end-year reporting in 2023.

The Director of Business Operations and Partnerships advised that concerns remained about the lack of a long-term commitment to support such areas in the face of challenging budget settlements. The Council were however currently developing further proposals for use of additional COVID recovery funding over the next 12 months. Those proposals would be presented separately to Cabinet in the autumn and this may include extending some of the LACER projects for a further period. The proposals would also look to support households who had been worst affected by the pandemic, including those in financial hardship.

Councillor Devlin enquired as to the range of engagement with internal and external stakeholders including Elected Members in response to which the Director of Business Operations and Partnerships advised that Elected Members had set the criteria in April and that they would be included in future proposals in the Autumn.

The Cabinet:-

- (a) noted the allocation of £1.469m of Local Authority COVID Economic Recovery funding to East Renfrewshire Council;
- (b) approved those projects seeking support as outlined in Annex A of the report;
- (c) delegated authority jointly to the Directors of Environment and Business Operations & Partnerships to flexibly manage budget changes across individual proposals throughout the year to meet local demand; and
- (d) noted that a final report outlining actual spend and progress in terms of delivery and impact would come back to a future Cabinet meeting.

UK SHARED PROSPERITY FUND

84. The Cabinet considered a report by the Director of Environment providing an update on the recent publication of the Shared Prosperity Fund (SPF) prospectus and budget allocation to East Renfrewshire Council from the UK Government (UKG). The report also outlined a number of broad principles within the guidance which would guide officers in the development of local proposals that would correspond with the Regional Investment Plan for the Glasgow City Region.

The Economic Development Manager advised that post-Brexit, the UK government were replacing the European Union Structural Funds, with the UK Shared Prosperity Fund (SPF) 2022-25.

He noted that over the years the Council had received significant funding from Structural Funds including both the European Social Fund (ESF), which primarily funded employability activity and The European Regional Development Fund (ERDF), which supported capital investment and business support.

He advised that in the 2014-2020 programming period, the Council received £1,253,904 for the delivery of employability activity through ESF and £266,030 for business growth grants and Business Gateway services through ERDF. He outlined that the UK SPF would support the UK government's wider commitment to level up all parts of the UK by delivering on eight of the levelling up objectives and the three investment priorities of Communities and Place, Supporting Local Business, and People and Skills. The main objectives of these three investment priorities were outlined in the report.

East Renfrewshire Council had been awarded £2,613,314 for the 3 year programme.

Councillor O'Donnell having noted the tight timescales for the project and welcomed Elected Member involvement, Councillor Devlin enquired as to whether the Council was late in applying for the funding. The Economic Development Manager advised that due to delays at Government level the Council were in line with all other local authorities in applying for the funding.

The Head of Environment (Strategic Services) confirmed that the project proposals would come to a future meeting of Cabinet.

Having heard from the Economic Development Manager, the Cabinet:-

- (a) noted the desire from the UKG to pursue a regional approach in the design and delivery of the SPF, and further noted that this was also the preferred position of the Scottish Government;
- (b) agreed that the SPF Regional Investment Plan be developed in conjunction with all 8 Member Authorities as recommended by the City Region Cabinet for submission by 1 September 2022;
- (c) delegated to the Director of Environment to develop as a matter of urgency an outline high-level East Renfrewshire Council Investment Plan which would meet the Fund's strategic objectives and would form part of the GCR Investment Plan to be submitted by 1 September 2022; and
- (d) noted that a further report would be submitted to the Cabinet in due course including details of the Regional capital investment Plan and proposals for local expenditure.

BUSINESS OPERATIONS AND PARTNERSHIPS DEPARTMENT (FORMERLY CORPORATE AND COMMUNITY SERVICES) END YEAR PERFORMANCE REPORT 2021/22

85. The Cabinet considered a report by the Director of Business Operations and Partnerships in relation to the End-Year Performance Report 2021/22 in respect of the Business Operations and Partnerships department, details of which were outlined in the appendix to the report.

The Director of Business Operations and Partnerships advised that the name of the department had changed from Corporate and Community Services on 31 January 2022 following the retirement of the former Director and Deputy Chief Executive Caroline Innes. She noted that the department consisted of 300 employees covering a range of frontline, strategic and support services and provided a cross-council enabling role. Priorities of the department were to ensure efficient, effective business operations, council-wide digital transformation and effective community partnerships and strategy development.

She outlined that the last year had seen the department continue to balance increased workload as a result of the pandemic, the impact of new ICT systems affecting key processes for dealing with every household and every member of Council staff in East Renfrewshire and the day to day demands of a diverse range of services.

The department had a leading role in the COVID response and recovery including Chairing of the Crisis Resilience Management Team, leading the Council's humanitarian response through the payment of hardship and business support grants, supporting and guiding the workforce and managers throughout the pandemic, and communicating with local residents.

The Director of Business Operations and Partnerships stated that she was proud of the delivery and commitment of all of her teams and thanked them for their hard work over the year. She advised that the report gave an overview of the range of initiatives and performance outcomes delivered in difficult circumstances.

She outlined that moving forward priorities of the Business Operations and Partnerships department would be to continue to balance increased demands and especially those related to the cost of living crisis, progressing further digital transformation, new ways of working, reviewing the Council's strategic priorities in the 10 year Vision for the Future by engaging with local partners and communities, and supporting the wellbeing of the workforce.

Councillor Pragnell enquired as to how the Council was supporting staff returning to work following absence, in particular with regard to stress and mental health support. The Director of Business Operations and Partnerships outlined the recognised pressures on staff due to the pandemic, the cost of living crisis and caring responsibilities. She advised MART support had been offered to staff in light of the cost of living crisis, that a staff wellbeing survey was issued last year and from this action plans were produced as part of a wellbeing strategy. She outlined that absence was monitored closely and support was available through employee counselling, occupational therapy, flexible working policies, phased return to work and MART schemes.

The Head of HR and Corporate Services highlighted the training services offered to employees to detect the early signs of stress through either through e-learning or in-person courses and that these had been developed with the Health and Social Care Partnership (HSCP) and the Scottish Association for Mental Health (SAMH). She advised that there has been good uptake for the MART schemes.

Councillor Pragnell welcomed all the Council had in place to support staff.

Councillor Anderson enquired regarding the status of hybrid working within the Business Operations and Partnerships Department. The Director of Business Operations and Partnerships advised that this varied based on service requirements.

Councillor Anderson suggested that this may change in due course as a result of the cost of living crisis, with individuals wishing to be in the office to keep heating costs down. In response, the Director of Business Operations and Partnerships advised that this position would continue to be monitored.

Councillor Devlin enquired as to whether Council wide employees were returning to the office. The Director of Business Operations and Partnerships advised of The Way We Work programme which was providing guidance on new ways of working moving forward to support staff and services.

Councillor Devlin enquired as to whether residents were able to access Council services in person. The Head of HR and Corporate Services advised that prior to the pandemic 10% of provision was online and this is now 34%. She advised that the customer service centre at Giffnock was closed, although vulnerable customers would not be turned away, and Barrhead was open should assistance be required. She advised that there was a desire from residents for online services and the Council continued to provide both online and in person services. The Head of HR and Corporate Services then provided an update on the National Registrars Scotland position on birth and death registrations with a view for this service to be available both online and in person.

Councillor O'Donnell thanked the Director of Business Operations and Partnerships team, especially for their resilience during the pandemic to deliver services. He also noted the recruitment and resource pressures faced by the department.

Having heard from the Director of Business Operations and Partnerships and the Head of HR and Corporate Services, the Cabinet noted the Business Operations and Partnerships' end year performance for 2021/22, including its contribution to the COVID-19 pandemic.

EAST RENFREWSHIRE CULTURE AND LEISURE END YEAR REPORT 2021/22

86. The Cabinet considered a report by the Director of Education in relation to the End-Year Report 2021/22 in respect of East Renfrewshire Culture and Leisure (ERCL) Trust, details of which were outlined in the appendix to the report.

Councillor O'Donnell advised Cabinet that the report had already been reviewed by the ERCL Trust prior to coming to Cabinet.

The Head of Education Services (Equality and Equity) advised that the report was based on performance indicators and activities in the Outcome Delivery Plan (ODP) and ERCL Trust business plan. Detailed performance results prepared by the Trust's Chief Executive were attached in the appendix to the report and included arts, sports, libraries and community facilities.

She advised that during 2021-22 ERCL Trust continued to play a significant role in the response to COVID-19, as well as recommencing sports and leisure services in accordance with the Government's route map. This included recovery of gym memberships, re-establishing swimming programmes, the return of theatre programmes and an increase in library use through click and collect services and digital access. Further information was included in the report and balanced score card, where it was noted that recovery of leisure centre

attendance was to back to 50% of pre-COVID-19 levels, with gym memberships back to 78% of 2019-20 attendance levels. Eastwood Park Theatre's professional performing arts programme saw attendances recover to over 73% of 2019-20 levels. The refurbishment of Duff Memorial Hall and Busby Library were completed and Mearns Library also received a replacement heating system. ERCL Trust Sports Leader Academy supported 22 young people from local high schools to develop leadership skills through the opportunity to volunteer and resulted in 9 of them gaining employment as sports coaches.

The areas for further improvement were detailed as a focus on recovery and customer experience through increasing attendance levels and the continuation of improvements to the booking and payment system.

The restrictions in ERCL Trust facilities and services during the pandemic significantly impacted operations and income. Operating income for 2021-22 reduced to £2,910k although the 2021-22 figure was up significantly from 2020-21 at £950k. However, through careful financial planning and management the ERCL Trust had offset the loss of income resulting in a net income position (surplus) of £658k.

East Renfrewshire Culture and Leisure Trust has responded well to the challenges that had arisen due to the pandemic, it had continued strive towards improving customer experiences, meeting its charitable objectives, and was contributing to the health and wellbeing of the residents of East Renfrewshire.

Councillor Pragnell and O'Donnell noted the challenges of the pandemic on the ERCL Trust and welcomed the return and recovery of the facilities and services. Councillor O'Donnell thanked the ERCL Trust for providing venues for use as mass vaccination services during the pandemic.

The Cabinet noted the summary of ERCL Trust end year performance for 2021-22, including its contribution to the COVID-19 pandemic.

THE EAST RENFREWSHIRE COUNCIL (A726 GLASGOW SOUTHERN ORBITAL, NEWTON MEARNS) (40 & 50MPH SPEED LIMIT) ORDER 2022

87. The Cabinet considered a report by the Director of Environment, seeking approval for the making and confirmation of the East Renfrewshire Council (A726 Glasgow Southern Orbital, Newton Mearns) (40 & 50mph Speed Limit) Order 2022 and to delegate to the Director of Environment the implementation of the Order in accordance with the associated statutory procedures.

The Head of Environment (Chief Planning Officer) advised that to serve the Maidenhill development, which was now approximately 60% complete, a new Left in Left out (LiLo) junction from/to the eastbound carriageway of the A726 Glasgow Southern Orbital (GSO) had been constructed.

She outlined that due to the relative close proximity of the LiLo junction in relation to the commencement of the eastbound A726 GSO it was proposed, in the interest of road safety, to reduce the speed limit on the eastbound carriageway of the A726 GSO in the vicinity of this new junction from the National Speed Limit (70mph) to 50mph. The report noted that the 50mph speed limit would also apply on the deceleration (off slip)/acceleration (on slip) lanes of the aforementioned LiLo junction.

Again in the interest of Road Safety and to avoid any confusion with regards to speed limits on the opposing carriageway of the A726 GSO, it was also proposed to introduce a similar reduction in the speed limit on the westbound carriageway of the A726 GSO.

The Cabinet:-

- (a) noted the report and approved the making and confirmation of the East Renfrewshire Council (A726 Glasgow Southern Orbital, Newton Mearns) (40 & 50mph Speed Limit) Order 2022; and
- (b) delegated to the Director of Environment the implementation of the Order in accordance with the associated statutory procedures.

ADOPTION OF SCOTS NATIONAL ROADS DEVELOPMENT GUIDE AND LOCAL AUTHORITY VARIATIONS

88. The Cabinet considered a report by the Director of Environment, seeking approval and adoption of the SCOTS National Roads Development Guide (SCOTS, 2017) and the East Renfrewshire Local Authority variation which is the Good Practice Guide for Residential Development Roads (East Renfrewshire Council, 2022). Both documents accompanied the report as appendices 1 and 2.

The Head of Environment (Chief Planning Officer) advised that the adoption of these documents would provide developers and designers with a clear and consistent understanding of the requirements expected in the planning application and roads construction consent, both in terms of Scottish Government policy requirements and the Council's good practice.

Councillor Anderson commented on the bollards on Ayr Road in response to which the Head of Environment (Chief Planning Officer) provided a background on the new guidelines from the Scottish and UK Government to prioritise pedestrians, cyclists and then vehicles. She advised that segregation in some form was required on Ayr Road following the removal of the bollards and different forms of segregation were currently being considered. She noted that consultation took place prior to the installation of the original bollards although this solution proved to be unsuitable.

Councillor Anderson enquired as to why the Council was not credited with contributing to the development of the guide. The Head of Environment (Chief Planning Officer) agreed to look into this matter with the authors of the guide.

Councillor Pragnell enquired as to what the contingency was for winter maintenance programmes if gritting vehicles could not access cul-de-sacs as outlined in the report. The Head of Environment (Chief Planning Officer) advised that in the first instance residents should contact the Council's Road Department with any concerns and that there was also a map on the Council's website which showed the location of all grit bins within East Renfrewshire.

Councillor Pragnell noted in the report that the Council's Climate Change Strategy and Action Plan was due for publication in 2021 and sought clarification if this had been published. The Head of Environment (Strategic Services) advised that a Strategic Environmental Assessment was currently being completed. The Council then required to undertake a public consultation on the draft Get to Zero Action plan. The timing of this consultation was currently being considered as a consultation on the budget also required to be undertaken with residents and the two consultations would require to be launched at different times. The results of the draft Get to Zero Action plan consultation would be brought back to Cabinet, expected to be early in 2023.

The Cabinet approved:-

- (a) the adoption of the National Roads Development Guide (SCOTS, 2017); and
- (b) the adoption of the East Renfrewshire's Good Practice Guide for Residential Development Roads (East Renfrewshire Council, 2022).

CHAIR

MINUTE

of

PLANNING APPLICATIONS COMMITTEE

Minute of meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 24 August 2022.

Present:

Councillor Betty Cunningham (Chair)	Councillor David Macdonald (*)
Councillor Caroline Bamforth	Councillor Jim McLean (Vice Chair)
Councillor Tony Buchanan (*)	Councillor Colm Merrick (*)
Councillor Kate Campbell	Councillor Andrew Morrison
Councillor Angela Convery (*)	Councillor Owen O'Donnell (*)
Councillor Paul Edlin	Councillor Katie Pragnell
Councillor Annette Ireland	Councillor Gordon Wallace.
Councillor Chris Lunday	

(*) indicates remote attendance

Councillor Cunningham in the Chair

Attending:

Gillian McCarney, Head of Environment (Chief Planning Officer); Julie Nicol, Planning and Building Standards Manager; Alan Pepler, Principal Planner (Development Management); Siobhan Wilson, Solicitor; Richard Greenwood, Principal Strategy Officer (Local Development Plan Lead) (*); Karen Bennie, Principal Strategy Officer (Affordable Housing & Development Contributions Lead) (*); Eamonn Daly, Democratic Services Manager; Sharon McIntyre, Committee Services Officer and Liona Allison, Assistant Committee Services Officer.

Also in Attendance:

Louisa Humm, Historic Environment Scotland (*) Margaret Phelps, East Renfrewshire Health and Social Care Partnership (*), and Bob Salter on behalf of the applicant as agent for Caldwell Developments Ltd

(*) indicates remote attendance

Apologies:

Provost Mary Montague and Councillors Andrew Anderson and Danny Devlin.

DECLARATIONS OF INTEREST

89. No declarations of interest were intimated.

PRE-DETERMINATION HEARING – 2021/0298/TP APPLICATION FOR PLANNING PERMISSION AND 2021/0334/LBC APPLICATION FOR LISTED BUILDING CONSENT

90. The committee considered a report by the Director of Environment, on an application for planning permission for the restoration, alteration and conversion of Caldwell House to form assisted living flats and ancillary facilities (class 8), restoration and alteration of former Keeper's House to form dwelling (class 9), construction of care home (class 8), construction of new build assisted living flats (class 8) and dwellings (class 9), selective demolitions of existing buildings, and associated landscaping, infrastructure and engineering works, including upgrade of existing site access, roads and path network at Caldwell House, Caldwell Estate, Gleniffer Road, Uplawmoor (2021/0298/TP) and associated 2021/0334/LBC application for listed building consent.

The Planning and Building Standards Manager explained that the application was a Major development under the terms of the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009; that it was considered to be a significant departure from the local development plan and therefore required a pre-determination hearing by the extended Planning Applications Committee before being determined. One objection had been received. She advised that the application required to be determined against national and local planning policies as well as the material planning considerations outlined in the "Report of Handling". She highlighted the unique and complex proposal and that a balanced assessment had been outlined in the report. She highlighted that there were a number of areas where the proposals were considered to be significantly contrary to the development plan policy and any new build development at this location would be unacceptable without the full restoration of Caldwell House and the Keeper's House. Consultee objections had been received from Scottish Forestry, the Woodlands Trust and the Health and Social Care Partnership (HSCP) with the reasons for these set out in the report.

She explained that the most significant factor in the assessment of the application was the restoration of the Grade A Listed Building and it was noted that Historic Environment Scotland had offered support for the repair, conservation and reinstatement of the building. It was noted that the applicant had proposed using enabling development to fund the restoration. This had a very specific purpose and allowed development to take place which would normally be contrary to planning policies, in order to obtain a desired objective such as the reuse of an historic asset. The Report of Handling assessed this approach and the fact that special regard must be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possessed. This was considered alongside other relevant policies and material considerations and highlighted where concerns and risks lay before reaching an on balance recommendation for the committee.

The Principal Planner (Development Management) introduced the application advising that the report outlined the planning policy background, the architectural importance of Caldwell House, the economic information associated with the proposal and enabling development considerations. In respect of the enabling development justification the planning service had assessed and had sought independent advice from the District Valuer on the financial elements presented by the applicant, as outlined in the report. The conclusion was that the applicant had demonstrated that the proposal was the minimum development necessary to restore the "A" listed Caldwell House and was viable, albeit only marginally so. However the scale of the proposed enabling development and environmental impacts were recognised as being significant and an assessment was outlined in the report under the categorisation of the sustainability of proposals; impact on trees/biodiversity; visual/landscape impact; placemaking, design and amenity; housing need/impacts and health and economic impacts.

The Principal Planner (Development Management) then displayed slides outlining the key land use issues and provided details of the development proposed and outlined the report's recommendations.

Mr Bob Salter, speaking on behalf of the applicant as the agent for Caldwell Developments Ltd was heard in support of the application in the course of which he highlighted points which included that work on the proposal to save Caldwell House and its estate commenced early in 2020, and following extensive studies a comprehensive application was submitted in April 2021 for the restoration of the "A" listed Caldwell House and "B" listed Keeper's Cottage and the restoration of the heritage assets on the surrounding Caldwell Estate. He noted that specific planning requirements must be met and that significant weight must be given in the decision making to saving the listed buildings. The planning requirements included demonstrating that the restored listed buildings had a permanent use and could be properly maintained into the future. He advised that Caldwell House would comprise of 15 assisted living flats and a community hub serving the village. It required to be demonstrated that the scale of enabling development was the absolute minimum required to fund the restoration costs and this had been budgeted at £15m with the case presented to the Council and independently verified. The developer advised that the impact of enabling development was acceptable in terms of environmental and heritage impacts, with an Environmental Impact Assessment (EIA) completed showing that the impacts to natural and cultural assets would be minimised. The most sustainable form of development was selected, consisting of a retirement village comprising of 122 bungalows for those aged over 55, 51 assisted living flats and a 60 bed care home all of which was considered to be the most sustainable option to save the listed buildings.

He outlined that a thorough assessment had been carried out by the officers over the last 18 months leading to a recommendation supporting the proposals. He noted determination was about the weight to be given to policy compliance in the local development plan, and that enabling development was supported in the local development plan even though not all policies were compliant and was supported even in the greenbelt.

He highlighted that no objections had been received from HES, SEPA, NatureScot, Transport Scotland, Scottish Water or Council service departments.

He emphasised that there would be important economic, job and community benefits in this rural location in East Renfrewshire, and that the amenities including the footpath network through the estate would be available to all.

He also advised that ancient woodland designation was not confirmation that there was ancient woodland on the site. This simply began an investigation process which had been completed. The loss of trees would be limited to 6 hectares and was mainly coniferous woodland. A felling licence would also be required from Scottish Forestry.

He outlined that the East Renfrewshire HSCP welcomed the concept of the retirement village and the integrated approach for later life living and the quality of accessible accommodation provided on site. A needs assessment was submitted in 2020 which demonstrated that there was ongoing demand for more care accommodation especially for patients suffering from dementia.

He noted that the concerns raised with regard to occupancy rates in care homes was a commercial matter and not a material planning consideration.

He summarised by advising that the application would save Caldwell House for all time and would be a lasting legacy for the communities of East Renfrewshire.

Thereafter full discussion took place. Councillor Ireland stated that she was very concerned about the application and the environmental impact, in particular with regard to Policy D7 which outlined that "the Council will protect and enhance the natural environment features" and that "there will be a strong presumption against development" in these areas. She stated that the representations from Scottish Forestry and the Woodlands Trust expressed real

concern around the removal of several hectares of designated ancient forest, referring to the comments made by both. Furthermore, the Report of Handling outlined that the proposed felling of the woodland would have an adverse environmental impact and “it is considered that loss of mature trees and replacement with a range of species will have an adverse environmental impact on climate change objectives.”

Councillor Ireland then referred to the climate change emergency declared by the Council recently, following a motion to Council proposed by her and seconded by Councillor Bamforth, and that as a result she could not support the proposals. She could not agree with the amount of destruction to irreplaceable biodiversity outlined by the proposals. She also highlighted that Policy D3 outlined that “development in the greenbelt will be strictly controlled and limited to that which is required and is appropriate for a rural location.” She noted that the application for 122 bungalows, 51 assisted living flats and a 60 bed care home was in her view too invasive and damaging for the land. She further advised that she was concerned about the sustainability of the development, with the proposals contrary to Strategic Policy 1, as “it is clear that the proposal cannot be considered as a retirement settlement that will cater for the majority of residents needs” and “as the residents will be reliant on private car travel, it is considered that the proposal does not comply with Policy D8 (Sustainable Transport Networks).”

She also noted the form of the proposed development, stating that in her view the design of the development was poorly thought out and not cohesive or attractive. In support of this she referred to comments in the Report of Handling outlining that “it is considered that the development (apart from the areas around Caldwell House and Keeper's Cottage) will lack a distinctive and attractive built form and that to an extent the clusters will be separate and distinct groups of buildings linked by roads rather than an immediately attractive, varied and interesting built form”.

Having expressed these concerns. Councillor Ireland asked what guarantees were in place to ensure that Caldwell House would be fully renovated and restored, when this was only reason to grant planning permission, noting that the Report of Handling outlined that “there is clearly some risk that a substantial number of new properties are built on site without Caldwell House being fully restored” and that the proposal was “only marginally viable.” She also questioned why no developer contributions were being sought.

Referring to the proposed communal facilities Councillor Ireland noted that they were limited and expressed concern they would not be adequate for the number of residents in a remote location. Finally Councillor Ireland referred to Condition 9 which stated that construction work shall not commence until Caldwell House is made structurally safe, questioning whether this should specify wind and water tight to prevent further deterioration of the asset.

In response the Planning and Building Standards Manager, explained the approach taken in assessing the application, in that Scottish Planning Policy (SPP) required that special regard was given to the importance of preserving and enhancing the building heritage and therefore significant weight had been given to this in making the recommendation outlined in the report. She advised that the Report of Handling clearly set out the elements of the proposal that the planning authority was content with and those where it was not. In terms of policy these areas of concern were environmental impact in particular the loss of trees with an objection from Scottish Forestry; climate impact; potential increased traffic generation; and an unsustainable location. These areas had been weighed up against the health, economic and cultural benefits and on balance the application was deemed to be an acceptable departure from the development plan.

She advised that in terms of climate change, a climate change impact assessment was undertaken by the Council and it was deemed that there would be a moderate detrimental

effect on community climate impact. In terms of the economic justification, financial appraisal was sought from the applicant and private consultancy advice was sought by the Council and provided to the District Valuer who deemed the development was marginally viable, although this was the minimum number of units to support restoration of the listed building and that the costs outlined were reasonable. With respect to affordable housing, it was not deemed reasonable for the Council to request this as this would result in the development being unviable. The risk of Caldwell House not being reinstated was acknowledged, however this was a unique and complex proposal and under condition 9 stabilisation of the building would take place. There would then be four phases of restoration of the building which would take place alongside the 5 phases of construction. In addition to this a legal agreement would also be put in place.

In response, Mr Salter advised that if commuted payments were required the footprint of the development would need to grow and so this was a judgement between financial, environmental, heritage and sustainable benefits. He advised that the ancient woodland inventory outlined where it was thought ancient woodlands had been in place for 200 years or more. He advised that Scottish Government policy outlined that if trees were to be felled this should occur in areas where there is low biodiversity value. He outlined that 23.5 hectares would be felled in total, with 21 hectares of this being non-native conifers which would be replaced with broadleaf native species. There would be 6 hectares of woodland that would require to be felled for the development. Half of this woodland was broadleaf, although with low biodiversity value. This was assessed by a landscape architect, forester and ecologist and the proposals created were shaped on minimising impact at all times. In terms of policy he explained that broadleaf woodland could be felled within ancient woodland if it was of low biodiversity. With regard to Scottish Forestry, Mr Salter advised that the applicant had been surprised by the terms of their response and legal advice had been sought. He confirmed that the felling of 6 hectares formed part of the application proposals whilst the felling of the remaining 17 hectares would require a felling licence from Scottish Forestry.

Councillor Wallace welcomed the restoration of a building of such significance although did note that the site selection raised questions. He sought clarification that no felling would take place until a licence from Scottish Forestry was granted and if granted would Scottish Forestry survey the area to ensure any trees of importance would be retained.

In response to Councillor Wallace, the Planning and Building Standards Manager advised that a felling licence would be required and advised that it would be her understanding that a survey would be undertaken.

Mr Salter then reiterated earlier comments that advised that the felling of 6 hectares formed part of the application proposals whilst the felling of the remaining 17 hectares would require a felling licence from Scottish Forestry.

Councillor Wallace raised concerns that the 6 hectares would not then be assessed by Scottish Forestry.

Councillor Ireland restated that Scottish Forestry outlined that “the woodland is designated as ancient woodland and that it is not appropriate for the developer to determine otherwise to support the reasoning for deforestation”. She also noted that Scottish Government Planning Policy outlined that ancient semi-natural woodland was an irreplaceable resource, and along with other woodlands, hedgerows and individual trees, should be protected from adverse impacts resulting from development. She also noted that the Scottish Government’s Control of Woodland Removal Policy included a presumption in favour of protecting woodland and that removal should only be permitted where it would achieve significant and clearly defined additional public benefits.

In reply, Mr Salter outlined that the public benefit would be the restoration of the Caldwell Estate and the listed buildings sited there and restated the low biodiversity value of the woodland. He also noted that compensatory planting would take place to restore the woodland with increased biodiversity value.

The Planning and Building Standards Manager advised that should members be minded an additional condition could be included in addition to condition 13, to require a survey to assess the value of the woodland to be felled.

Councillor Convery noted that she was concerned and saddened by the proposed destruction of 6 hectares of native and ancient woodland, given the destruction of the biodiversity and natural habitats that could never be replaced. She noted that the local development plan outlined in Policy D7 that “there will be a strong presumption against development on or adjacent to Natural Features where it would compromise their overall integrity, including Local Biodiversity Sites” and “ancient and long established woodland sites” which would be applicable to the proposed site.

She also noted the pressures on health care services with the increased level of elderly residents at the site and enquired as to whether the Council’s home care team, which was already under pressure, would be responsible for the site.

With regard to public transport, she raised concern that this was already limited in Uplawmoor and that this development located in a remote location would impact sustainability. Further concern was raised regarding the use of rural roads for the excavation of the felled timber.

She highlighted that the restoration of Caldwell House was cited as the reasoning behind the acceptability of the development. However there was no guarantee that the properties would be sold to enable the restoration of the listed properties to take place.

Councillor Pragnell enquired as to what type of clinic would be provided, echoing Councillor Convery’s concerns with regard to the health care provision and the guarantee of full restoration of Caldwell House.

Responding to the concerns raised, Mr Salter advised that the local medical practice welcomed that they would be able to have a room to discuss matters with residents. In terms of development, he advised that this was a commercial risk and that in East Renfrewshire there is no evidence of house building not proceeding due to market conditions.

In terms of Caldwell House he advised that stage 1 would be to stabilise the building, to protect species such as bats and to demolish the modern walls. It would then be made wind and water tight at the end of stage 2. In stage 1 the Keeper’s House would be fully restored.

He noted that Caldwell House would require to be left for a year to dry out and then in stage 4 the inside of Caldwell House would be fitted out. Referring to the community facilities to be provided he suggested that they were appropriate for the size of development proposed and would offer an area for social gatherings.

Councillor O’Donnell enquired about the concerns raised by HSCP, firstly regarding the oversupply of care homes and secondly on the additional potential unfunded health service costs from new residents coming into the area. He also noted the financial risk of the development not being fully completed and enquired as to how this risk was intended to be managed.

In reply, the Planning and Building Standards Manager advised that the oversupply of care homes and the potential unfunded health service costs to the Council was not considered to

be a material planning consideration. She advised that the planning service would be working with the HSCP on the Local Development Plan 3 and on a policy where developer contributions could provide physical assets. Discussions would also take place with the HSCP regarding how the local development plan could impact on future service needs. In terms of financial risk, she noted that Condition 9 required that there would be stabilisation works to the listed structure and it was intended that phasing would be included within a legal agreement.

Referring to Policy D8, Councillor Morrison raised the issue of sustainable transport, and requested further information on the level of service that the bus service would provide. He noted that there was a need for housing more generally, albeit that this development was for people later in life, and enquired whether this development would then provide an indirect benefit by freeing up other housing in the area for younger people.

Mr Salter outlined that Strathclyde Passenger Transport (SPT) was consulted regarding extending a bus route, and that this would be supported through green travel plans, although this was not supported by SPT. He advised that a bus service would be put in place by the developer until the care home was opened. At the end of this period the community and their factor would be consulted regarding next steps on their service requirements. There would be 80-100 jobs on site therefore it was hoped that this would prove attractive to any bus companies.

Councillor Edlin noted that there would be one room for medical purposes, he advised that several health professionals would be required to service the community and therefore would there be an opportunity to increase this offering. He also sought clarification regarding whether a felling licence would be required to remove the trees.

Mr Salter reaffirmed that a felling licence would be required for the 17 hectares as previously outlined.

Notwithstanding the comments made by Mr Salter, Councillor Morrison stated that in terms of sustainable transport his concerns regarding Policy D8 remained given the rural location of the proposed development.

Councillor Bamforth noted that many of the points she wished to make had already been raised during the discussion. She noted the reasoning given for enabling development but stated that in her opinion the development would not deliver public benefit. She referred to the overprovision of HSCP services, given the number of care homes already approved for planning permission with the Council. She noted that this would result in over a 33% increase in independent sector provision and in recent years at least two care homes had closed with residents requiring to be rehomed. Councillor Bamforth noted the responsibility to residents to ensure service provision to them, as well as to the staff who provided these services with more strain placed on a system that is already strained. She also noted the isolated location of Caldwell House and that she could not see any benefits to the people of Uplawmoor or East Renfrewshire other than the restoration of Caldwell House which in her view was insufficient to go against the local development plan.

Councillor Bamforth also questioned the potential flooding impact of the proposals with potential adverse hydrological issues from the new hard standing areas.

In relation to financial viability of the project Councillor Bamforth noted that this was marginal. Given the current economic climate it was likely costs would increase. There was therefore no guarantee that Caldwell House would be fully restored. She also expressed surprise that there were no developer contributions outlined and consequently no additional benefits to residents. She advised that she was not supportive of the proposal.

Mr Salter outlined that the issue of flooding at the site would be mitigated by the use of sustainable urban drainage systems. He advised that there was a 15% profit margin by the local developers which was marginal by comparison to if this development was to be completed by a larger commercial developer. He noted that other care homes were not going ahead because flats were normally built and could not be sold until the block of flats is completed. He advised that the development was all about the restoration of Caldwell House.

Councillor Buchanan outlined that colleagues had already noted several points that he would have raised although answers have not been fully given. He highlighted that the proposal was a significant departure from the local development plan and the expectation would be that if the Council was departing from the local development plan, there would be significant benefits for the people of East Renfrewshire. In his view these were not addressed in this plan. He commented on the environmental and transport issues that had been discussed although again in his view the answers given were unsatisfactory. He recognised that the restoration of Caldwell House may well be a benefit, but it was dependent on the sale of properties and the care home, which may find that it remained empty due to overcapacity in the area. He suggested that the proposals were in fact for a housing estate for those over the age of 55 and not a retirement village, as the development did not have the facilities of a village. Given the rural location there were not a lot of amenities and with no transport this would add pressure to already busy areas. The reliance on the phased development to allow for the restoration of Caldwell House was not outlined fully. There would also be an undue burden on many of the healthcare services in the area which were already under significant pressure.

Councillor Wallace then quoted examples of other significant buildings that had not been restored within the Thornliebank area. He noted the architectural opportunity and responsibility to restore Caldwell House, and to bring it back into use.

Referring to the comments in relation to developer contributions and affordable housing, the Planning and Building Standards Manager advised that due to the nature of the proposed development and given the financial constraints of the enabling development, there was no requirement for development contributions. In terms of public interest there would be the retention of a significant cultural asset as an A listed building designed by Robert Adam, which was considered to be a nationally significant building by an internationally significant architect. She advised of the wider public benefits of a well-designed site with the opportunity of active travel and recreational walking for residents and the wider public. There was also an economic benefit for the construction industry and the tourism industry.

Councillor McLean noted both the large environmental impacts and the significant architectural benefits. He advised that there should be a condition, that all trees were surveyed including the 6 hectares. He noted that the safeguarding of Caldwell House was of important significance. He outlined that there should be a condition regarding the construction transport to ensure that rural roads were not used. He advised that the public transport proposals outlined by the developer required further clarification.

Councillor Edlin suggested that a condition should be included to address that there should be adequate space for health and social care facilities included in the proposals.

Councillor Macdonald referred to the comments made by other councillors and in particular noted the biodiversity, environmental and deforestation issues raised by Councillor Ireland. He acknowledged the difficult balance between restoring a building of significant architectural benefit with the impact to the environment. He agreed with Councillor Buchanan that these issues had not been fully addressed. He noted that the HSCP aimed to provide care to people in their own homes instead of creating a care home in a very saturated environment.

Margaret Phelps from HSCP advised that GP services were independently contracted therefore they can support new developments although these are a gateway to other services which leads to an uptake on HSCP services. The proposal was based on a self-funding model therefore this would have an impact on HSCP services if not sustainable. She noted that there was already undercapacity in care homes in the area, suggesting that recent closures in the area indicated sustainability issues.

She noted the impact on all health and social care providers through this development.

Following the full discussion that took place and in light of the unanswered issues that had arisen in the course of the discussion, Councillor Cunningham proposed that a site visit should take place to allow for the site to be viewed with a particular focus on issues of the trees, Caldwell House and the site in relation to the proposed housing. This was seconded by Councillor Edlin.

Clarification was provided to members of the public by the Clerk that should a site visit take place they would be able to attend. The Clerk also reminded members of the public that their attendance at the meeting was in an observational capacity.

Councillor Ireland raised that a full discussion had been had and felt that the committee could reach a decision without the need for a site visit and on that basis put forward an amendment for no site visit to be undertaken and for refusal of the application on the basis that the application was contrary to the Scottish Planning Policy on Woodland, the local development plan policies D3, D7 and D8 and Strategic Development Plan Policy 1 and that these policy breaches outweighs the enabling of development. The amendment was seconded by Councillor Bamforth.

Councillor Macdonald raised concern regarding the two proposals and questioned whether a decision should be made firstly on whether a site visit should be held or not prior to determination.

Thereafter the Democratic Services Manager clarified that the decision to be made firstly would be whether or not a site visit were to take place and that in the event it was decided a site visit should not take place a vote would be taken on whether the proposals should be approved.

On the roll being called, Councillors Cunningham, Campbell, Edlin, McLean, Morrison, O'Donnell, Pragnell and Wallace voted for the motion. Councillors Bamforth, Buchanan, Convery, Ireland, Lunday, Macdonald and Merrick voted for the amendment. There being 8 votes for the motion and 7 votes for the amendment, the motion was passed and it was agreed that a site visit would take place.

Thereafter the Democratic Services Manager confirmed that in light of the decision to conduct a site visit, consideration of the listed building consent would be continued until after a site visit had been held.

CHAIR

MINUTE
of
EDUCATION COMMITTEE

Minute of meeting held at 10.00 am in the Council Chamber, Council Headquarters, Giffnock on 25 August 2022.

Present:

Councillor Andrew Anderson (Chair)
Councillor Tony Buchanan
Councillor Kate Campbell
Councillor Colm Merrick*
Councillor Owen O'Donnell (Leader)

Councillor Katie Pragnell (Vice Chair)
Councillor Gordon Wallace
Dr Frank Angell*
Ms Dorothy Graham
Mr Des Morris

Councillor Anderson in the Chair

(*) indicates remote attendance

Attending:

Mark Ratter, Director of Education; Janice Collins, Head of Education Services (Quality Improvement); Joe McCaig, Head of Education Services (Performance and Provision); Siobhan McColgan, Head of Education Services (Equality and Equity); Tracy Morton, Education Senior Manager (Developing People); Graeme Hay, Education Senior Manager (Leading Business Change); Jennifer Graham, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Also Attending:

David Gordon, Quality Improvement Officer (*); Elise Kelly, Include Me 2 (*); and Kayla Rocks, Cross Arthurlie Primary School Pupil (*).

Apology:

Ms Fiona Gilchrist.

DECLARATIONS OF INTEREST

91. There were no declarations of interest intimated.

SUMMER 2022

92. The Head of Education Services (Equality and Equity) reported that funding of £118,000 had been provided to support a programme of activities for 5-14 year olds from low income families to access activities, child care and food during the summer months. The

programme included culture and leisure camps at Barrhead and Eastwood High Schools and a summer camp organised by Include Me 2 Club. A range of activities were also provided outwith the Summer 2022 funding by a number of partners including Social Work, Police Scotland, Community Learning and Development, and the Carers Centre, to improve the health and well-being of children throughout East Renfrewshire. She welcomed Kayla Rocks and Elise Kelly to the meeting to share their experiences as a participant and supporter of the Summer 2022 programme.

Kayla reported on the activities she had taken part in during the summer programme including art, drama and sport. She explained that she had been nervous prior to attending but had particularly liked the football activities and lunches which were provided, and enjoyed her experience at camp. Elise, a former St. Luke's High School pupil, advised that she became involved with Include Me 2 Club when she was at high school and now held a position on the board of trustees. She was currently on a work placement at Include Me 2 Club carrying out administrative tasks and working at a range of sessions with children and young people. She hoped that this experience and qualifications gained would help her to access a Business Enterprise course at Strathclyde University. She reported that 114 children with additional support needs and from low income families took part in the programme, with flexibility and choice being key to the programme's development. Participants were provided with breakfast, lunch and snacks throughout the day and feedback from parents had been extremely positive.

A short video was shown providing feedback from some of the participants and supporters about their experiences of the summer programme, and detailing some of the activities which had been provided, including art, games, outdoor play, and sports.

In response to a question from Councillor Wallace regarding reduction of the extended school year at Isobel Mair School and any impact that this may have had on pupils during the summer months, the Head of Education Services (Equality and Equity) advised that a number of Isobel Mair pupils had participated in the Summer Programme, and other available programmes, which had been prepared with inclusiveness in mind to allow children with additional support needs to take part. Referring to changes to the extended school year at Isobel Mair School, the Director of Education advised that the Education Department had sought to maximise use of the funding which had been released and meetings had taken place to consider the wider resources which could be provided by the Education Department, other council departments, and partners, to provide support to Isobel Mair pupils in future. Councillor O'Donnell requested further information on the exact number of Isobel Mair pupils who had attended the summer programme and other programmes available over the summer holidays and, referring to a commitment which had been given to Isobel Mair parents, requested an update on plans for an extended school day for this and future terms, and sought clarification on summer arrangements for 2023, as parents required a significant amount of advance notice to make plans for next year.

Councillor Anderson, supported by other members, thanked Kayla and Elise for attending the committee to give feedback on the summer programme, commended the valuable experience gained by all of the participants, and thanked all those who had provided support.

The Committee agreed:-

- (a) with reference to Isobel Mair School, that further information be provided on the number of pupils involved in the various summer programmes; arrangements for an extended school day for this and future terms; and clarification on arrangements for summer 2023; and
- (b) otherwise, to note the presentation and associated comments.

SQA EXAMINATION RESULTS 2022

93. Councillor Anderson invited the Head of Education Services (Performance and Provision), to give an overview of results in East Renfrewshire schools from the SQA examination diet 2022. The Head of Education Services (Performance and Provision) clarified that the oral update given at this meeting would be followed by a more detailed analysis at the November meeting of the committee.

Having summarised the background to the alternative certification models used in 2019/20 and 2020/2021, the Head of Education Services (Performance and Provision) explained that a full examination diet had taken place in 2022 and thereafter presented some of the highlights from the examination results, which had been issued on 9 August 2022.

At National 5 level, 77% of S4 pupils had attained 5 or more awards which broadly equated to the performance levels in 2019. In particular, at Eastwood High School, the proportion of S4 pupils attaining 5 or more awards at National 5 was the highest ever recorded at the school and the highest across East Renfrewshire in 2022 at 85%. Barrhead and Woodfarm High Schools performed strongly in this measure with St. Luke's High School recording significant improvement from 2019 figures.

At Higher level, performance at S5 level was strong with significant improvement on attainment from 2019 and the third highest level of recorded attainment in these measures. Almost half of all S5 pupils attained 5 or more awards at Higher while 69% attained 3 or more awards. 84% of S5 pupils attained at least 1 Higher and the proportion of S5 pupils attaining 5 or more A awards was the highest ever recorded since 2019 at over 17%. Several schools in East Renfrewshire recorded their highest ever performance for S5 pupils with Barrhead and Woodfarm High Schools attaining their best ever performance for 1 or more and 5 or more awards.

At Advanced Higher level, the proportion of pupils who attained 1 or more awards increased by 4% compared to the 2019 figures, and several schools recorded significant increases.

The Head of Education Services (Performance and Provision) reported that Scottish Education was going through a significant time of change. He advised that an independent review of national qualifications and assessments had been undertaken and an Organisation for Economic Cooperation and Review (OECD) review of Curriculum for Excellence had been widened to include recommendations on how to transform Scotland's approach to assessment and qualifications. The OECD had recommended a review of the approaches to national qualifications and a replacement of the Scottish Qualifications Authority (SQA). Following publication of these reviews, the Scottish Government had confirmed that new qualifications would be developed, and a reference group had been appointed to seek the views of stakeholders and to make recommendations in due course.

The Head of Education (Performance and Provision) added that, although schools had remained open during the 2021/22 academic year, pupils and staff had continued to face disruption due to the ongoing impact of COVID. He then thanked all pupils, parents and staff for their vital contributions throughout another challenging year and congratulated them on their achievements,

Having heard Councillor Anderson, supported by members of the committee, congratulate staff, pupils and parents for their excellent achievements, the committee agreed to note the report and comments made.

IMPROVING OUTCOMES – A LONGITUDINAL STUDY OF THE IMPACT OF 1140 HOURS

94. The committee considered a report by the Director of Education advising of the West Partnership’s planned evaluation of 1140 hours of early learning and childcare (ELC).

The report referred to the Scottish Government’s transformation agenda for Early Learning and Childcare, published in March 2017, which proposed to almost double the entitlement of free ELC from 600 hours to 1140 hours by 2020 for all 3 and 4 year olds and eligible 2 year olds. It was reported that the Glasgow City Region Education Improvement Collaborative, known as the West Partnership, which comprised 8 local authorities across the West of Scotland, was keen to explore how this increased ELC offered improved outcomes for children and families by undertaking an evaluation over an extended period of time.

The Head of Education Services (Quality Improvement) provided further information on the evaluation and on changes to deferral rules which would take effect from August 2023. She advised that the evaluation proposal would complement the collaborative work being undertaken to ensure the early level curriculum continued to meet the needs of learners as they potentially had 3 years of learning prior to beginning primary school. An advisory group had been established to provide regular updates on the evaluation to the Early Years Network and the West Partnership Governance Board.

In response to questions, the Head of Education Services (Quality Improvement) advised that the deferral legislation would have an impact on all local authorities and a pilot programme was currently underway to assess uptake, costs and reasons for deferral. As uptake in East Renfrewshire was expected to be high, officers were currently looking at provision needs, resources and the wider ELC estate to assess how this change may impact current models of delivery, in advance of the pilot outcomes being provided by the Scottish Government. In addition, an employability study in relation to ELC was also being carried out by the Scottish Government. Referring to a shortfall in Scottish Government capital funding for ELC during 2021/22, she explained that this gap had been bridged by the Education Department’s budget and a decision on future Scottish Government funding for ELC was awaited.

Thereafter, the Director of Education provided clarification on the West Partnership; East Renfrewshire’s role within the partnership; and provided examples of collaborative working which benefited all participants, and the wider education community across Scotland. He advised that two update reports on the West Partnership would be submitted to a future meeting for consideration.

The committee noted:-

- (a) that reports on the West Partnership would be submitted to a future meeting for consideration; and
- (b) otherwise, the report and comments made.

IMPROVING OUTCOMES THROUGH SCOTTISH ATTAINMENT CHALLENGE FUNDING

95. The committee considered a report by the Director of Education seeking approval for the proposed Strategic Equity Funding (SEF) Plan 2022-2026

The report provided background information on the department’s vision statement, the Scottish Attainment Challenge (SAC) and subsequent refresh, and highlighted the documents which had been referred to when drafting the Strategic Equity Funding (SEF) Plan 2022-26, including the National Improvement Framework; East Renfrewshire Community Planning

Partnership Community Plan; the Fairer East Ren Plan and Locality plans; the department's contributions to the Council's Outcome Delivery Plan (ODP) 2022-2025; and the department's Local Improvement Plan 2022-2025.

The Head of Education Services (Quality Improvement) reported that three key themes had been identified to tackle the poverty related attainment gap and the four-year strategic plan detailed activities that would be undertaken to achieve the intended outcomes. Ongoing analysis of performance data would take place allowing support, challenge and resource to be targeted at specific establishments, and ambitious individual targets would be set in collaboration with targeted schools. She advised that a one year action plan would be developed detailing supports and interventions in each year of funding and local stretch aims (targets) would be set. Progress in meeting the stretch aims would be reported through the Council's Outcome Delivery Plan; Fairer East Ren Plan; and the departmental Standards and Quality Report. The departmental Standards and Quality Report would also be submitted annually to the Education Committee and wider stakeholders, with regular reports being provided to Education Scotland and Scottish Government.

Further information was provided on the consultation process, and financial and efficiency implications, in the course of which it was reported that Scottish Attainment Challenge funds would support East Renfrewshire's continued focus on improving outcomes for all children and young people. Pupil Equity Funding would remain in place and further information was provided on the amounts received by each school for 2022-23.

In response to questions, the Head of Education Services (Quality Improvement) advised that the attainment of children with Additional Support Needs was an important priority for the Education Service and this would be included within the plan. She further advised that the data required for the stretch aims had not yet been received and would not be submitted for consideration to the Education Committee prior to the final plan being submitted to the Scottish Government due to tight deadlines. Having heard the Director of Education clarify that target setting was devolved to officers and did not require approval by the committee, he confirmed that a report outlining the target data would be submitted to the Education Committee in November for review.

The committee agreed:-

- (a) to approve the proposed SEF plan;
- (b) that the Director of Education bring regular reports to Education Committee on the progress and impact of its implementation; and
- (c) that a report including the SEF plan targets be submitted to the Education Committee in November 2022.

EDUCATION DEPARTMENT END YEAR REPORT 2021/22

96. The committee considered a report by the Director of Education informing members of the year end performance of the Education Department for 2021/2022. The report was based on performance indicators and activities in the Outcome Delivery Plan 2021-2024 (ODP), approved by Council in June 2021.

The Education Senior Manager (Leading Business Change) explained that due to differences in reporting cycles, the majority of data regarding school performance and attainment related to the previous academic session. He further reported that given the challenges posed by

COVID-19 and the extended period of school closure, no targets had been set for 2020/21. The performance measures for 2020/21 would be used as baselines for the development of future targets which remained under review and targets (stretch aims) for 2022/23 would be shared at a future meeting.

The information presented in the report showed a very positive picture overall with key highlights including, amongst others, completion of the department's ASN review; a strong focus on all learners and their families again receiving an outstanding Customer Service Excellence report, with 31 compliance plus points for the second successive year; successful rollout of Parentsportal across all primary and secondary schools; and the Healthier Minds service which continued to provide health and wellbeing advice to pupils, staff and families, recognising the impact the pandemic continued to have on wider wellbeing.

Priorities for the next year included, promotion of a universal approach to improving outcomes, with a clear intent on raising the bar for all learners across establishments; supporting schools and nurseries with the implementation of the findings of the ASN review; continued support for children and young people to recover from the impacts of the pandemic; improvement to customer journeys and departmental efficiencies through the ongoing development of the department's change programme in conjunction with the Digital Transformation Programme; and continued investment in staff wellbeing across all levels.

Having heard Councillor Anderson and other members of the committee commend the report, the committee approved the Education Department's End Year report for 2021/2022.

CHAIR

MINUTE
of
CABINET

Minute of meeting held at 10.00 am in the Council Chamber, Council Headquarters, Giffnock on 1 September 2022.

Present:

Councillor Owen O'Donnell (Leader)
Councillor Andrew Anderson

Councillor Danny Devlin
Councillor Katie Pragnell

Councillor O'Donnell, Leader, in the Chair

Attending:

Lorraine McMillan, Chief Executive; Louise Pringle, Director of Business Operations and Partnerships(*); Mark Ratter, Director of Education(*); Andy Cahill, Director of Environment(*); Murray Husband, Head of Digital and Community Safety(*); Joe McCaig, Head of Education Services (Performance and Provision)(*); Phil Daws, Head of Environment (Strategic Services); Barbara Clark, Chief Accountant; Mark Waugh, Principal Accountant (Capital); Craig Geddes, Senior Information and Improvement Officer(*); Eamonn Daly, Democratic Services Manager; and Liona Allison, Assistant Committee Services Officer.

(*) indicates remote attendance.

DECLARATIONS OF INTEREST

97. There were no declarations of interest intimated.

GENERAL FUND CAPITAL PROGRAMME 2022-23

98. The Cabinet considered a report by the Head of Accountancy (Chief Financial Officer), recommending adjustments to project phasing across the 10 year capital programme and the 2022/23 General Fund Capital Programme resulting from finalisation of the previous year's programme and in light of subsequent information.

The report explained that the movements on the 2021/22 programme approved earlier in the year had included a number of changes not reflected in the 10 year programme. At that point, expenditure on the 2021/22 programme had not been finalised and this report now adjusted 2022/23 project budgets to allow for outstanding works at year end to be completed in the current year.

The report also updated project costs and phasing to reflect impacts of the COVID pandemic, rising inflation, and ongoing labour and material shortages. It was explained that in general, construction costs were rising faster than general inflation due to shortages of materials and labour, and to bidders factoring in additional risk in their pricing. Across Scotland, many authorities were reporting cost increases of 20% to 50% on some projects.

Project phasing had been revised to reflect delays already experienced due to COVID and project expenditure constantly monitored so that additional cost pressures on key projects could be covered by deferring or reducing other projects to compensate.

It was reported that against total anticipated expenditure of £54.396m there were total anticipated resources of £53.953m indicating a shortfall in resource of £0.443m. This represented 0.82% of resources available and was within manageable limits.

In addition to the impact of COVID-19, the report referred to other factors impacting on the programme. These included increased energy and fuel prices and the emerging impact of the Ukraine crisis.

These factors continued to have a significant impact on the market with shortages of material and labour along with associated cost pressures. This was anticipated to continue for some time with longer lead times and price increases being experienced across construction projects. Backlogs were also delaying tender processes and site start dates.

Some inflationary costs for new and not yet tendered projects were built into the 10 year programme however some tender returns were significantly over original estimates. Officers would seek to minimise that through value engineering and design changes, however where approved, additional costs would be managed within existing resources wherever possible with transfers of funding made from other projects identified for deferment or assessed as lower priority.

It was explained that the finalisation of the 2021/22 Capital Programme had cash flow implications for the 2022/23 Programme in that any unfinished works would now be completed during 2022/23.

Details of the effect of this cash flow adjustment on expenditure were outlined in the appendix to the report and it was noted that this was not new or additional expenditure but simply an adjustment to reflect the later timing of expenditure. The majority of this adjustment reflected movement between the 10 year capital programme for 2022-2032 and the position reported to Cabinet on 10 March 2022.

A further £4.762m adjustment had now been added, reflecting the net underspend at year end. The majority of this movement was on the Neilston Learning & Leisure project (£0.894m) which now had a revised timeline; schools major maintenance (£0.639m) where work was focused on certain priority works; and ICT general provision (£0.810m) where funds were held in the expectation of bids coming forward, and bids received subject to resource availability to deliver.

Main income and expenditure movements were then summarised.

Commenting on the report, the Chief Accountant explained that over £17m of expenditure scheduled for 2021/22 was not incurred by 31 March and so the 2022/23 programme had been increased by that amount to allow those works to be completed in the current year, resulting in a total programme value of £85.814m. However further rephasing had resulted in £31m of capital spend being deferred to future years reducing the 2022/23 programme to £54.396m.

Commenting on the programme, Councillor O'Donnell highlighted that only £2m of actual spend had occurred to 30 June, suggesting it was unlikely that the full £54.396m would be spent in the current year. Whilst recognising that officers were keen to push ahead with projects, they needed to be pragmatic and realistic about when projects could be delivered. He also highlighted that any delay on capital spend would have revenue implications and

asked that officers be mindful of this when the next series of revenue budget monitoring reports were being prepared.

In reply, the Chief Accountant confirmed that officers would look at loan charges and other revenue implications of any delays in capital projects as part of the preparation of the next set of revenue budget monitoring reports.

The Cabinet:-

- (a) noted the shortfall of £0.443m
- (b) noted that income and expenditure on the programme would be managed and reported on a regular basis
- (c) agreed **to recommend to the Council** that the movements in project phasing across the 10 year capital programme be approved;
- (d) agreed **to recommend to the Council** that the movements within the 2022/23 programme be approved.

HOUSING CAPITAL PROGRAMME 2022-23

99. The Cabinet considered a joint report by the Head of Accountancy (Chief Financial Officer) and Director of Environment, recommending adjustments to the 2022/23 Housing Capital Programme resulting from finalisation of the previous year's programme and in light of subsequent information.

It was explained that when the 2022/23 Programme had been approved, expenditure on the 2021/22 programme had not been finalised. However this report now adjusted 2022/23 project budgets to allow for outstanding works at year end to be completed in the current year.

The report also updated project costs and phasing to reflect impacts of the COVID pandemic, rising inflation, and ongoing labour and material shortages. It was explained that in general, construction costs were rising faster than general inflation due to shortages of materials and labour and to bidders factoring in additional risk in their pricing. Across Scotland, many authorities were reporting cost increases of 20% to 50% on some projects.

Project phasing had been revised to reflect delays already experienced due to COVID and project expenditure constantly monitored so that additional cost pressures on key projects could be covered by deferring or reducing other projects to compensate.

It was reported that against total anticipated expenditure of £19.268 million, there was a shortfall of £0.159m.

It was explained that the finalisation of the 2021/22 Capital Programme had cash flow implications for the 2022/23 Programme in that any unfinished works would now be completed during 2022/23.

Details of the effect of this cash flow adjustment on expenditure were outlined in the appendix to the report and it was noted that this was not new or additional expenditure but simply an adjustment to reflect revised timing of expenditure.

Main income and expenditure movements were then summarised.

Commenting on the report the Chief Accountant explained that almost £2.5m of expenditure scheduled for 2021/22 was not incurred by 31 March and so the 2022/23 programme had been increased by that amount to allow those works to be completed in the current year, resulting in a total programme value of £19.268m.

In response to questions from Councillor Anderson, the Head of Environment (Strategic Services) explained that no additional funding had been provided to local authorities by the Scottish Government to make sure that all Council houses were fitted with linked smoke alarms. He could not confirm the total cost for completing the works but undertook to obtain the information and share it with members of the Cabinet.

In addition, responding to Councillor O'Donnell on the possibility of accelerating energy efficiency projects, the Head of Environment (Strategic Services) explained that discussions in this regard were already underway. It may be possible to delay some other projects, but affordability and deliverability needed to be taken into account.

Having heard Councillor O'Donnell emphasise the importance of recognising the inflationary environment in which projects were being delivered, the Cabinet:-

- (a) noted the shortfall of £0.159m;
- (b) noted that income and expenditure on the programme would be managed and reported on a regular basis; and
- (c) agreed **to recommend to the Council** that the current movements within the programme be approved.

CHIEF EXECUTIVE'S OFFICE – END YEAR PERFORMANCE REPORT 2021/22

100. The Cabinet considered a report by the Chief Executive presenting a summary of performance.

By way of background the report set out those governance functions sitting within the Chief Executive's Office, with a summary for each service accompanying the report.

The impact of COVID 19 on the services within the Chief Executive's Office having been referred to, changes to working practices, most notably new hybrid working, were noted.

In relation to Accountancy Services it was reported that the annual accounts were produced within the statutory timescale, despite staff working from home due to COVID-19. The accounts were still subject to external audit but at year end (2021/22) the draft accounts confirmed that net expenditure was kept within budget as departments were asked to avoid all non-essential spend towards year end and that COVID pressures were fully covered by management action and Government grants. The overall General Fund surplus was slightly lower than the previous year, at £46.189m (2020/21 £47.264m), however this included £14.085m (2020/21 £12.815m) of COVID grant funding to be carried forward to meet COVID pressures in 2022/23 and beyond.

In respect of Internal Audit it was highlighted that External Audit (Audit Scotland) were able to use the work of the service in specific areas to avoid unnecessary duplication of effort. A report submitted to the Audit and Scrutiny Committee in September 2021 indicated that internal audit's work was well documented and supported by appropriate evidence.

It was noted that Legal Services continued to experience high workload demands and despite the long term absence of a member of staff within the team, concluded c£950,000 worth of

legal work during the reporting period, based on comparable private sector charging rates. Pressure of work remained high given the reactive nature of much of the team's business. The service again saw a consistent workload arising from older people legislation including the Adults with Incapacity (Scotland) Act. In addition, a number of other areas of court work increased as a result of the lifting of COVID related restrictions. The service also assisted client services across the Council in the review of various policies and procedures including Housing Allocations, Gaelic Education provision, adult protection and information handling.

Procurement continued to experience high workload demands whilst delivering a strategic service across the Council making well informed, evidence based decisions about the most appropriate options for change, and then supporting the effective implementing of that change to ensure the required benefits were achieved. Procurement continued to closely monitor the impact of Covid-19, Brexit and other global events on economic recovery, market pricing and availability.

Reference was also made to the Council's Strategic Risk Register and Records Management Plan and to the number of Freedom of Information requests dealt with both Council-wide and by the Chief Executive's Office. Details of sickness absence for and complaints received by the Chief Executive's Office were also provided.

Responding to questions from Councillor Pragnell on the vacancies in the Internal Audit service, the Chief Executive explained that these did have an impact on the ability of the service to deliver the Internal Audit Plan and that the matter had been discussed at a recent meeting of the Audit & Scrutiny Committee. She explained that there was a limited supply of qualified audit staff in both the public and private sector marketplace and that to mitigate the impact of the vacancies the Chief Auditor had been focussing on those audits required to allow the Council's annual accounts to be signed off. The Chief Executive assured the Cabinet that the Chief Auditor was investigating all options to address the vacancies.

Councillor Anderson having referred to the cost savings for the Council of the in-house legal services that had been provided, Councillor O'Donnell asked the Chief Executive for her thoughts on the services delivered during the period of the report.

In reply the Chief Executive explained that she was proud of the fact that services had been able to meet their commitments, and it had to be remembered that the period covered by the report was a time when the full impact of the COVID-19 pandemic was being felt by the Council.

Her biggest concerns during this time had been the impact on the workforce. Staff had worked incredibly hard, taken on new additional duties, and in many cases given up holidays in order to continue to deliver services. This was not sustainable in the long-term. Whilst the situation had stabilised somewhat since then, there were still workforce challenges to be faced.

Councillor O'Donnell on behalf of the Cabinet having commended staff for their efforts during a particularly challenging time, the Cabinet noted the report.

FREEDOM OF INFORMATION – COUNCIL PERFORMANCE 2021-22

101. The Cabinet considered a report by the Chief Executive presenting the annual statistical report on the Council's performance relative to the handling of Freedom of Information (Fol) requests, a copy of which accompanied the report.

The report explained that during the reporting period, 1,140 requests had been received, 807 under the Freedom of Information (Scotland) Act and 333 under the related Environmental Information Regulations.

It was noted that there had been a 13% increase in the number of requests compared to 2020/21.

It was further reported that in November 2021 the Council was notified of a “level one” intervention from the Scottish Information Commissioner in relation to deteriorating levels of performance in terms of meeting statutory timescales. The Corporate Management Team had addressed this issue with a “Freedom of Information Improvement Plan” which had resulted in a significant improvement in response times.

The report provided performance information at both Council-wide and departmental level with 85% of responses being dealt with in accordance with timescales. It was noted that Q4 of the year had seen performance improve to 93%

Information relating to exemptions, fees, reviews and appeals, was also provided

Presenting the report the Senior Information and Improvement Officer referred to an alteration to the total number of “Failed to respond” requests for 2021-22, explaining that the correct number was 28 and not 50. This would be corrected prior to publication of the report.

Councillor Anderson enquired if the level one intervention by the Commission was still in effect. He also highlighted that of the 27 review requests received 9 of the subsequent reviews overturned the department’s original decision. He questioned why the figure was so proportionately high and asked for clarification of the review procedure.

In reply the Senior Information and Improvement Officer referred to the legislative basis of the review procedure which was carried out internally by the Chief Officer – Legal and Procurement. Furthermore the number of departmental decisions overturned demonstrated the robustness and independence of the review process. He also confirmed that confirmation that the Information Commissioner was satisfied with the progress that had been made was expected.

Thereafter the Chief Executive and Senior Information and Improvement Officer provided information on some of the training in relation to dealing with Fol requests. In addition, responding to Councillor O’Donnell the Senior Information and Improvement Officer clarified the definition of “failed to respond”.

Discussion then took place in relation to fees and charges relative to Fol requests. Councillor O’Donnell highlighted the total number of requests received and the difficult financial position of the Council, indicating that it would be useful to know the total cost to the Council of complying with requests.

In response the Senior Information and Improvement Officer explained that a number of authorities had attempted to quantify the total cost to their organisation but because of the number of variables related to gathering and processing information across the whole organisation the total cost had never been properly quantified.

In addition, also responding to Councillor O’Donnell, the Chief Executive explained that there was a charging regime in place and that staff were encouraged to charge for the information provided where possible. However she further explained that the whole charging process in relation to Fol was challenging. Details on the charging process would be circulated to members of the Cabinet for information.

Councillor Devlin questioned whether the Council received a disproportionately high number of requests from any groups or individuals. In response the Senior Information and Improvement Officer explained that the Council could refuse requests that were considered to

be vexatious. However the standard for determining a request as vexatious was high. Additionally, the source of requests was not a matter that could be taken into account in deciding whether to deal with it.

The Senior Information and Improvement Officer also commented on comments made by Councillor Anderson in relation to publishing as much information as possible. He agreed that proactive disclosure was a useful tool and explained that departments were encouraged to publish as much information as possible.

The Chief Executive also gave some further explanation of some of the work that needed to be undertaken in processing Fol requests which had an impact on the time it took to deal with them. This included the need for documents to be reviewed to ensure non-related information was not released, and also for decisions on the information to be released to be taken by senior staff.

In addition, in response to Councillor Devlin, the Chief Executive highlighted the impact of the review process on the workload of the Chief Officer – Legal and Procurement.

The Cabinet noted the report.

CHAIR

MINUTE
of
APPOINTMENTS COMMITTEE

Minute of meeting held at 10.00am in the Committee Room, Council Headquarters, Giffnock on 5 September 2022.

Present:

Councillor Tony Buchanan
Councillor Danny Devlin

Provost Mary Montague
Councillor Owen O'Donnell

Councillor O'Donnell in the Chair

Apology:

Councillor Jim McLean.

Attending:

Lorraine McMillan, Chief Executive; Sharon Dick, Head of HR and Corporate Services; and Kathryn McCormack, HR Manager.

DECLARATIONS OF INTEREST

102. There were no declarations of interest intimated.

Resolution to Exclude Press and Public

At this point in the meeting, on the motion of the Chair, the committee 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 Paragraph 1 of Part 1 of Schedule 7A to the Act.

DIRECTOR OF ENVIRONMENT

103. Under reference to the Minute of the meeting of the Council of 29 June 2022 (Page 83, Item 56 refers), the committee took up consideration of applications for the post of Director of Environment.

Following full consideration the committee agreed to shortlist 5 candidates for assessment and interview.

CHAIR

