

MINUTE
of
CABINET

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 23 March 2023.

Present:

Councillor Owen O'Donnell (Leader) Councillor Danny Devlin
Councillor Andrew Anderson

Councillor Owen O'Donnell, Leader, in the Chair

Attending:

Lorraine McMillan, Chief Executive; Caitriona McAuley, Director of Environment; Louise Pringle, Director of Business Operations and Partnerships; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Barbara Clark, Chief Accountant; Phil Daws, Head of Environment (Strategic Services); Gillian McCarney, Head of Environment (Chief Planning Officer); Alison Ballingall, Senior Revenues Manager; Jennifer Graham, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Apology:

Councillor Katie Pragnell.

DECLARATIONS OF INTEREST

379. There were no declarations of interest intimated.

NON-DOMESTIC RATES – EMPTY PROPERTY POLICY

380. The Cabinet considered a report by the Director of Business Operations and Partnerships providing an update on Non-Domestic Rates and devolution of Empty Property Relief (EPR) to Local Authorities, and submitting a new EPR Policy for approval.

The report explained that the Non-Domestic Rate framework in Scotland had been devolved to the Scottish Parliament and Scottish Government and a number of reliefs were available, some of which were mandatory and some discretionary. EPR was currently mandatory and all Scottish local authorities followed the same regulations. However, from 1st April 2023, EPR would be devolved to local authorities allowing them to decide in what circumstances and for how long EPR would be awarded.

Further information was provided on the rationale for change and the two key policy options available to East Renfrewshire Council, advising that discussion had taken place with officers from Renfrewshire Council who administered NDR on behalf of East Renfrewshire Council. In order to limit scope for error and minimise the cost to each Council, it would be preferable for both Councils to have the same policy.

Given the short timescales for preparation and engagement, it was being recommended that the EPRs currently in place in East Renfrewshire would transition across with no change effective from 1st April 2023, and any future changes following a review of the Policy would be subject to consultation and submitted to Cabinet for consideration in due course.

The Cabinet:-

- (a) noted the changes introduced by the Scottish Government to devolve the setting of EPR to Local Authorities from 1st April 2023;
- (b) approved the Non-Domestic Rates – Empty Property Relief Policy at Appendix 1 to the report, which retained the “status quo” for the 2023/24 year; and
- (c) approved a review of reliefs in 2023, including consultation on potential change to reliefs, which would be brought back for Cabinet approval and take effect in the 2024/25 year.

DEBT RECOVERY POLICY

381. The Cabinet considered a report by the Director of Business Operations and Partnerships providing an update on debt recovery and seeking approval of an updated debt recovery policy for charges administered by the Revenue Service.

The report explained that East Renfrewshire Council had a statutory duty to collect debts owed, but the collection of debt was a complex area with various frameworks outlining the Council’s approach to debt recovery. As councils continued to face considerable cost challenges and gaps in funding, it was critical to maximise the recovery of debt through the application of a clear and effective policy, supported by underlying procedures. The updated policy would provide a clear, fair and transparent framework for recovery whilst recognising that each debt case required to be looked at and considered on an individual basis.

Some of the key elements of the revised policy were highlighted including, an emphasis on the need to work and collaborate in particular with Money Advice and Rights Team (MART) and Citizens Advice Bureau (CAB) to ensure the necessary support, guidance and advice to customers was available; ensuring that the policy incorporated clear aims and principles which must be adhered to throughout the recovery process; and setting out the Debt Remedies which were available, while ensuring both Statutory and Legal requirements were adhered to, amongst other things. It was further reported that much of the policy was set out in statute and legal obligation, and the main change to the policy was to align debt recovery procedures with supporting actions that could be taken in extenuating circumstances to support people experiencing severe financial hardship.

In response to questions, the Director of Business Operations and Partnerships confirmed that the Council held very sensitive information on clients but this was controlled appropriately and not shared with debt collection agencies. Information was shared between the Council and the National Fraud Initiative as required.

Thereafter, the Cabinet approved the revised Debt Recovery Policy for Council Tax, Non Domestic Rates, Sundry Debt charges, ERCLT charges and Housing Benefit overpayments.

TRADING UNDER BEST VALUE

382. Under reference to the Minute of the meeting of 10 March 2022 (Page 1823, Item 1918 refers) when the Cabinet approved that there were no trading services operated by the Council that should be classified as “significant”, the Cabinet considered a report by the Head of Accountancy (Chief Financial Officer) which outlined that under the Local Government in Scotland Act 2003, the Council was required to consider its trading operations and on an annual basis determine those which should be regarded as significant.

The Chief Accountant outlined that the report reviewed the activities for the financial year 2022/23. She advised that to be classed as significant, the trading operation could only apply to external trading and to those activities that were not statutory. In addition the service had to be provided in a competitive environment and the recharge had to be on a basis other than a straight forward recharge of cost. In reviewing an operation’s classification, further tests of significance required to be taken into account, using financial and non-financial criteria. Having considered these conditions the result of the review was that, in line with last year, the Council had no significant trading operations in the current year.

Having heard from the Chief Accountant, the Cabinet approved that there were no trading services operated by the Council that should be classified as “significant”.

PROPOSED LEASE, FORMER COWAN PARK GATE LODGE, DARNLEY ROAD, BARRHEAD

383. The Cabinet considered a report by the Director of Environment seeking approval of the proposed lease of the former gate lodge at Cowan Park, Barrhead to the charity Include Me 2 Club.

The report provided information on the establishment of an officer working group and a community engagement steering group which, following community consultation and engagement, had led to Include Me 2 Club being identified as the preferred occupier of the former gate lodge in October 2019. The proposal had received funding from the Scottish Government’s Regeneration Capital Grant Fund (RCGF) together with a contribution from East Renfrewshire Council’s General Fund Capital Programme, and a temporary licence to occupy the site was issued to Include Me 2 Club in early March 2023. It was explained that the project would regenerate a derelict property and deliver a new Enterprise and Community Hub in Barrhead providing a range of services including a café; toilets; enterprise and community spaces for hire; hot-desking and meeting spaces for hire; cycling hub, bike hire and maintenance; and skills development, training and improving employability prospects.

The Head of Environment (Strategic Services) explained that in order to improve the viability of the community hub, and in accordance with permissions granted under Court approval, Include Me 2 Club had requested to lease the building at a peppercorn rent of £1 per annum for 30 years. He further advised that a temporary disposal of the “Common Good” status of Cowan Park Gate Lodge had been requested for the full term of the lease. The Head of Environment (Strategic Services) confirmed that a number of terms and conditions had been added to the lease, including in relation to services to be provided and opening hours, but he was unsure if a “break clause” had been included and would seek clarification in this regard.

In response to questions, the Chief Executive confirmed that legal considerations in relation to Common Good land required to be dealt with on a case by case basis, as the process to be followed would depend on how the land had been gifted and what restrictions had been put in place at that time. She added that the court case in relation to this application had been delayed due to a backlog of court cases during the Covid-19 pandemic.

The Cabinet:-

- (a) noted the Court's approval of the Council's application to remove the Cowan Park Gate Lodge from the Barrhead Common Good Fund for a term of 30 years to facilitate the development of a new social enterprise and community hub;
- (b) approved the proposed lease of the former Cowan Park Gate Lodge to the charity Include Me 2 Club;
- (c) approved the proposed terms of the lease at a peppercorn rent of £1 per annum for 30 years;
- (d) agreed to delegate to the Director of Environment, in consultation with the Chief Officer (Legal and Procurement), to finalise negotiations and conclude the proposed lease; and
- (e) noted that the Head of Environment (Strategic Services) would provide further information regarding whether or not a "break clause" had been included in the lease agreement.

EAST RENFREWSHIRE COUNCIL CITY DEAL PROGRAMME UPDATE

384. The Cabinet considered a report by the Director of Environment providing an update on the progress of East Renfrewshire Council's Glasgow City Region City Deal funded M77 Strategic Corridor Programme.

The report explained that East Renfrewshire Council had benefitted from a £44 million investment package to provide a programme of ambitious projects, entitled the M77 Strategic Corridor Programme, and an update was provided on three projects which had already been completed, Lavern Works; Greenlaw Business Centre; and Balgraystone Road Improvement.

The Head of Environment (Chief Planning Officer) provided an update on delivery of a new railway station at Barrhead, and Aurs Road improvements which were both in progress, and a future project to create visitor facilities at Dams to Darnley Country Park. Referring to the new railway station at Barrhead, she advised that Network Rail had outlined design options for the station, which had been endorsed by Transport Scotland, and it was anticipated that building work would begin in the next 12-18 months.

In response to questions, the Head of Environment (Chief Planning Officer) confirmed that discussions would take place with local bus companies to provide a bus interchange at the train station in due course, and she would seek clarification regarding the reason for dissolution of the former Dams to Darnley Country Park Joint Committee. Thereafter, the Chief Executive commended the high level of partnership working which had taken place to get to this stage and encouraged elected members and officers to keep working on aspirational projects which could be considered for future funding.

The Cabinet:

- (a) noted the success of the three completed City Deal projects;
- (b) noted the progress of the remaining three City Deal projects;
- (c) agreed to delegate authority to the Director of Environment for the submission of two Business Cases to Glasgow City Region Programme Management Office for approval and release of the next phase of project funds:

- (i) Aurs Road Improvement Full Business Case to be submitted to Glasgow City Region Cabinet; and
 - (ii) New Rail Station in Barrhead South Outline Business Case to be submitted to Glasgow City Region Cabinet;
- (d) noted that the Cabinet would receive further updates on progress; and
- (e) noted that the Head of Environment (Chief Planning Officer) would provide clarification on the former Dams to Darnley Country Park Joint Committee, and in particular the reason for dissolution of that committee.

CHAIR

