

MINUTE VOLUME

25 October 2023

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MINUTE
of
APPOINTMENTS COMMITTEE

Minute of meeting held at 9.00am in the Eastwood House, Eastwood Park, Giffnock on 12 September 2023.

Present:

Councillor Andrew Anderson
Councillor Annette Ireland
Provost Mary Montague

Councillor Andrew Morrison
Councillor Owen O'Donnell

Councillor O'Donnell in the Chair

Attending:

Sharon Dick, Head of HR and Corporate Services; Kath McCormack, HR Manager; and Louise Pringle, Director of Business Operations and Partnerships.

DECLARATIONS OF INTEREST

568. 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.

HEAD OF ICT AND RESILIENCE

569. Under reference to the Minute of the meeting of 23 August 2023 (Page 597, Item 543 refers), the committee proceeded to interview 2 of the shortlisted candidates who had been selected for interview following the assessment centre exercise that had taken place.

Having conducted the interviews the committee, after discussion, agreed to offer the post to Barry Ashcroft, Director of IT, City of Glasgow College.

CHAIR

MINUTE
of
EAST RENFREWSHIRE COUNCIL

Minute of meeting held at 5.00pm in the Council Chamber, Council Headquarters, Giffnock on 13 September 2023.

Present:

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

Provost Montague in the Chair

(*) indicates remote attendance.

Attending:

Steven Quinn, Chief Executive; Caitriona McAuley, Director of Environment; Louise Pringle, Director of Business Operations and Partnerships; Mark Ratter, Director of Education; Margaret McCrossan, Chief Financial Officer (*); Anthony McReavy, Chief Executive, Culture and Leisure Trust (*); Barbara Clark, Chief Accountant; Andy Corrie, Head of Environment (Operations); Siobhan McColgan, Head of Education Services (Equality and Equity); Raymond Prior, Head of Children's Services and Criminal Justice; Arlene Cassidy, Children's Services Strategy Manager; Elaine Rodger, City Deal and Infrastructure Delivery Manager; Graeme Smith, Communications Manager; Colin Sweeney, Democratic Services Manager; Jennifer Graham, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

(*) indicates remote attendance.

DECLARATIONS OF INTEREST

570. There were no declarations of interest intimated.

MINUTE OF MEETING OF COUNCIL – 28 JUNE 2023

571. The Council considered and approved the Minute of the meeting held on 28 June 2023.

MINUTE OF SPECIAL MEETING OF COUNCIL – 17 AUGUST 2023

572. The Council considered and approved the Minute of the special meeting held on 17 August 2023.

MINUTES OF MEETINGS OF COMMITTEES

573. The Council considered and approved the Minutes of meetings of the undernoted.

- (a) Local Review Body – 9 August 2023;
- (b) Audit and Scrutiny Committee – 10 August 2023;
- (c) Education Committee – 17 August 2023;
- (d) Appointments Committee – 23 August 2023;
- (e) Cabinet – 24 August 2023;
- (f) Licensing Committee – 5 September 2023; and
- (g) Cabinet – 7 September 2023.

ANNUAL TREASURY MANAGEMENT REPORT FOR 2022-23

574. Under reference to the Minute of the meeting of the Audit and Scrutiny Committee of 10 August 2023 (Page 580, Item 529 refers), the Council considered a report by the Head of Accountancy seeking approval for the investment of surplus funds to the organisations listed in Appendix 8.

The Council: -

- (a) noted the Treasury Management Annual Report for 2022/23; and
- (b) approved the list of organisations at Appendix 8 for investment of surplus funds.

Variation in Order of Business

In accordance with Standing Order 20, and with a view to making the most effective use of officers' time, Provost Montague agreed to consider Motions (Item 7) at the end of substantive business.

STATEMENTS BY CONVENER AND REPRESENTATIVES ON JOINT BOARDS AND COMMITTEES

575. Three statements had been received and summarised as follows:

(a) Councillor Pragnell – Convener for Social Work and Health

Councillor Pragnell reported on the recent meeting of the Integration Joint Board held on 16 August 2023 when, amongst other things, the content of the Children and Young People's Services Plan for 2023-2026 had been noted prior to submission to today's Council meeting for approval. She advised that a significant amount of work and collaboration with other agencies had gone into production of the plan and that other matters of interest discussed at the meeting had included publication of the

Local Child Poverty Action Report; changes to remuneration in relation to the fostering and kinship scheme, bringing rates in line with neighbouring authorities; Inspection of Adult Support and Protection Services; and the identification of significant cost pressures in the Revenue Budget Monitoring report. She added that the Chief Officer – Health and Social Care Partnership and her team were identifying actions to reduce costs further including exploration of additional charging for services.

(b) Councillor Anderson – Convener for Education, Culture and Leisure

Councillor Anderson referred to a recent verbal update on the 2023 SQA results, which had been provided at the meeting of the Education Committee on 17 August 2023. He advised that a number of performance improvements had been achieved and East Renfrewshire had recorded the highest rate for positive leaver destinations in Scotland. He congratulated all of the young people, staff and families for the excellent results achieved. Referring to the Summer Holiday Camp Programme, he advised that this had been well-attended and over 100 free places had been offered to children and young people from low-income families. Children and Young People with additional support needs had also been included in the summer programme, which had offered children a full programme of events and a healthy lunch each day. He also advised that over 1500 children had taken part in the Summer Reading Challenge and commended the hard work and enthusiasm of library staff and volunteers for making this a success.

(c) Councillor O'Donnell – Leader

Councillor O'Donnell referred to recent news stories about the discovery of Reinforced Autoclaved Aerated Concrete (RAAC) in some public buildings across the UK. He advised that, following publication of guidance in 2022, the Council had undertaken a survey of properties, which could possibly require further inspection for RAAC. Having followed the Government guidance, officers were comfortable that RAAC was not present in any ERC properties and this investigative work would be double-checked for accuracy by an independent organisation.

The Council noted the statements.

PROVOST'S ENGAGEMENTS

576. Council considered a report by the Director of Business Operations and Partnerships, which provided details of civic engagements attended, and civic duties performed by Provost Montague since the meeting of the Council held on 28 June 2023.

Council noted the report.

EAST RENFREWSHIRE'S CHILDREN AND YOUNG PEOPLE'S SERVICE PLAN 2023-2026

577. Council considered a report by the Head of Public Protection and Children's Services, which presented for consideration *At Our Heart*, the East Renfrewshire Children and Young People's Services Plan 2023-2026, a copy of which accompanied the report.

The report referred to the obligations placed on local authorities, in conjunction with their relevant health board, to jointly prepare a three-year Children's Services Plan for the local authority area, as well as the requirement on the local authority and health board to jointly publish an annual report detailing how the provision of children's services and related services in the area had been provided in accordance with the Plan.

Referring to the Plan, the report explained that in accordance with the statutory guidance, the Plan had been framed within the national *Getting it Right for Every Child* well-being framework and a locally agreed approach, which included a new suite of key priorities and success criteria. The report provided details of the consultation and partnership working that had taken place in the development of the Plan. In particular, the overarching role of the Improving Outcomes for Children and Young People Partnership was outlined.

The report concluded by confirming that the purpose of the Plan was to set out the vision for East Renfrewshire's children, young people and their families, and to demonstrate the commitment to achieving the best possible outcomes for them especially in these challenging and uncertain times.

In response to questions, the Director of Education advised that the pandemic had affected disadvantaged learners more but that the Shared Strategic Equity Fund Plan provided schools with additional support for those who needed it most and targeted funding for those in receipt of free school meals had been introduced through Pupil Equity Funding.

Having heard the Leader of the Council, on behalf of the Council, commend all officers involved in preparation of the report, Council agreed to:

- (a) acknowledge the new duties of the Children and Young People Act 2014 as they related to Part 3 Children's Services Planning; and
- (b) approve the content of the Children and Young People's Services Plan 2023–2026 prior to its submission to the Scottish Government.

COUNCIL TAX CONSULTATION

578. Council considered a report by the Director of Business Operations and Partnerships, which provided an update on the current Scottish Government and COSLA Council Tax consultation, anticipated implications for East Renfrewshire Council and residents, and seeking agreement of the Council's response.

The report referred to the Council's statutory duty to bill and collect Council Tax, reporting that the Council budgeted for a 98% collection rate, with debt pursued beyond the financial year. It was further reported that Council Tax income provided 18.3% of the funding required to run the Council with the remainder received from the Scottish Government.

The ongoing consultation sought views on plans to increase the amount paid by households in the highest value properties, with the proposal to increase council tax rates in bands E to H based on implementing a fairer system, which was more reflective of property values. Further information was provided on the impact in East Renfrewshire, with both the Money Advice and Rights Team (MART) and Citizen's Advice Bureau (CAB) expressing concern that a large council tax increase above inflation rates would be unsustainable for a number of residents. Although additional income would be generated, it was thought that this would not fully benefit local residents and services within East Renfrewshire and may lead to additional demand for support from Council and external services.

Thereafter, the Director of Business Operations and Partnerships confirmed that information was provided on Council Tax bills in relation to where residents could access support if they experienced difficulty in paying their bills.

Council agreed to:

- (a) note the ongoing consultation on changes to Council Tax proposed by Scottish Government and COSLA and the expected impact for East Renfrewshire Council and residents; and
- (b) approve the Council's draft response to this consultation as outlined in Annex 1 to the report.

OUTCOME DELIVERY PLAN (ODP) 2023-24 UPDATE

579. Under reference to the Minute of the meeting of 26 April 2023 (Page 486, Item 425 refers), when Council approved the content of the ODP 2023-24, Council considered a report by the Director of Business Operations and Partnerships, which sought approval of the Council's updated ODP 2023-24, including updated narrative context, targets and financial information, which was not available in April.

The report highlighted the inclusion of additional context for each outcome and that three-year targets had been set for the majority of indicators. A set of graphs for indicators had also been included showing trend data and targets. The report concluded that the one-year operational ODP would ensure that the vital work of the Council continued to drive forward while allowing a focused period of longer-term strategic planning.

Council agreed to:

- (a) approve the content of the updated Outcome Delivery Plan 2023-2024; and
- (b) note that this was a one-year operational plan to allow the Council to undertake a focused period of longer-term strategic planning.

AURS ROAD PROJECT FUNDING

580. Under reference to the minute of the Cabinet of 23 March 2023 (Page 450, Item 384 refers), when progress on City Deal projects was noted, the Council considered a report by the Director of Environment, which provided an update on various funding matters that related to the City Deal funded Aurs Road Realignment Project.

The report referred to approval by the Council in 2015 of a programme of ambitious projects, entitled the M77 Strategic Corridor Programme, to stimulate economic growth, improve transport links, and increase leisure opportunities, amongst other things. This programme included the Aurs Road improvement project, which would improve local connections between Newton Mearns and Barrhead and enable visitor facilities at the Country Park.

It was reported that this project was now at a crucial stage with the approval of a tender and appointment of a contractor imminent. However, due to third party delays and changes to Sustrans funding, there was a £3 million shortfall, which required to be underwritten by the Council. It was expected that this funding would be recouped through future grant funding but this could not be guaranteed. Without this additional sum being invested by the Council,

the contract for the Aurs Road City Deal project could not be delivered and would result in the loss of significant associated benefits for local residents.

In response to questions, officers confirmed that both council officers and Scottish Water had carried out risk assessments at the Country Park and there would be additional signage and patrols following a recent incident. Additional risk assessments would also be carried out as required when further changes were made to the area. Members were also advised that additional grant funding had already been applied for and it was hoped that a decision on this would be provided by March/April 2024 at the latest.

Council agreed to:

- (a) note the progress and strategic importance of the Aurs Road City Deal Project;
- (b) note the changes to Sustrans financial grant funding awards for 2023/24 and the application for £3 million of grant funding in 2024/25;
- (c) approve the allocation of £3 million in Council funds to the Aurs Road Project in 2024/25 to cover the shortfall should the grant application for completion of works in 2024/25 not be approved;
- (d) approve the use of a contingency allowance of approximately 10% of the contract sum funded from the overall project budget; and
- (e) note the submission of the Full Business Case for the Aurs Road Realignment Projects to the Glasgow City Region Programme Management Office.

LEASE AND SERVITUDES RELATED TO AURS ROAD REALIGNMENT

581. Council considered a report by the Director of Environment, which sought approval to enter into the Lease, Licence to Occupy Agreement, and Servitudes required for use of Scottish Water owned land in relation to the Aurs Road Realignment City Deal Project.

Further information was provided on the terms of the lease, licence to occupy, servitudes, and risk management and it was reported that the proposed acquisition would enable the tender to construct to be progressed and a site start made to provide better connectivity between Barrhead and Newton Mearns.

Council agreed to approve entering into:

- (a) a 120 year Lease with Scottish Water to allow the construction of a promenade;
- (b) a Licence to Occupy Scottish Water land outwith the Lease required to construct the promenade; and
- (c) the seven servitudes required for the use of land in Scottish Water ownership for future access and maintenance.

CHANGES TO ORGANISATION STRUCTURE – EDUCATION

582. Council considered a report by the Director of Business Operations and Partnerships, which sought approval for a proposed restructure of Head of Service Remits within the Education Department.

It was reported that the changes would ensure an ongoing focus on service delivery and support the Education Department to continue to deliver the highest quality education for all children and young people.

Council agreed to:

- (a) approve the changes to the Head of Service remits within the management structure in the Education Department; and
- (b) delegate to the Head of HR and Corporate Services, in consultation with the Director of Education, the making of the necessary arrangements.

ERCL TRUST BOARD APPOINTMENT

583. Council considered a report by the Director of Education, which recommended for approval by the Council the nomination of a new independent board member for the Culture and Leisure Trust Board following a recent resignation.

Council agreed to endorse the recommendation of the East Renfrewshire Culture and Leisure Trust Board and approve the appointment to the Board of Ms Susie Malcolm in accordance with the Trust's Articles of Association and Board Charter.

CALENDAR OF MEETINGS 2024 - AMENDMENT

584. Under reference to the Minute of the meeting of 28 June 2023 (Page 573, Item 519 refers), when the calendar of meetings for 2024 was approved, Council considered a report by the Director of Business Operations and Partnerships seeking approval of a change to the calendar of meetings.

The report requested that the meeting of the Education Committee scheduled for 7 November 2024 be moved to 14 November 2024 to avoid a clash with the Council's Cabinet which was due to meet on the same day.

Council agreed to amend the 2024 calendar of meetings as outlined within the report.

APPOINTMENT OF RETURNING OFFICER

585. Council considered a report by the Director of Business Operations and Partnerships in relation to the appointment of a Returning Officer following the retirement of the former Chief Executive on 7 July 2003.

The Council agreed to appoint Steven Quinn, Chief Executive, as Returning Officer with effect from 13 September 2023.

Council then considered the following motions, on notice, which were listed at Agenda Item No.7.

MOTIONS ON NOTICE

586. In accordance with Standing Order 27, the following motions had been received on notice.

Use of Pesticides and Herbicides

East Renfrewshire Council notes:

- a) *The increasing public concern about the use of pesticides and herbicides, particularly those containing glyphosate, in weed control and the potential damage to health and to biodiversity.*
- b) *Scottish Government guidance, which informs councils to avoid blanket treatment with pesticides and herbicides, except with invasive species.*
- c) *Several Scottish Local Authorities have, or are currently, looking at alternatives to pesticide and herbicide usage.*

East Renfrewshire Council agrees:

1. *To identify and audit the extent of the Council's spending on herbicides.*
2. *To develop a herbicide policy stating for public information the current uses made of herbicides by the Council and their locations.*
3. *To consider and report on alternatives to herbicide weed control and the potential for reducing longer term costs.*
4. *To pilot alternative methods of weed control and herbicide free zones in partnership with local groups where appropriate.*
5. *To commit to the aim of a herbicide-free Council (joining numerous other local authorities across Scotland, England, Wales and Northern Ireland and in other countries) and to set a timetable for the phased elimination of herbicide use by Council resources and their contractors".*
6. *To recognise how important insect pollinators, such as the bee population is to the future of our survival and for the survival of the planet. To that end, East Renfrewshire commits itself to becoming a "pollinator friendly" local authority and recognises the harm being caused to pollinator populations by herbicides such as Glyphosate.*

Proposed: Councillor Macdonald

Seconded: Councillor Ireland

By way of an amendment, Councillor O'Donnell, seconded by Councillor Devlin, submitted the following:

Glyphosate Amendment

East Renfrewshire Council notes:

- a) *The increasing public concern about the use of pesticides and herbicides, particularly those containing glyphosate, in weed control and the potential damage to health and to biodiversity.*
- b) *Scottish Government guidance, which informs councils to avoid blanket treatment with pesticides and herbicides, except with invasive species. And further notes that this Council uses herbicides in a targeted manner and not through blanket weed spraying.*
- c) *Several Scottish and UK Local Authorities have, or are currently, looking at alternatives to pesticide and herbicide usage but are struggling to find alternatives which are cost effective, less labour and equipment intensive and have better customer and quality outcomes.*
- d) *Notes that trials of herbicide alternatives in Cardiff City Council showed that Glyphosate remained the most effective and sustainable technique, was significantly more cost effective, had lowest environmental impact due to lower labour and equipment costs and had highest customer satisfaction and quality scores.*

East Renfrewshire Council agrees:

1. *To publicise the Council's herbicide policy stating for public information the current uses made of herbicides by the Council and their locations. And to improve public awareness of what residents can do to help prevent damage from weeds to their property.*
2. *To pilot alternative methods of weed control if funding becomes available, whilst noting that Rouken Glen Park is already a herbicide free zone.*
3. *To commit to review progress and learnings from other Councils across the UK in reducing herbicide use in a cost effective manner, which minimises environmental, customer and quality impacts and report back to Cabinet by the end of 2024.*
4. *To consider within its biodiversity planning requirements under NPF4 means of encouraging natural wildlife and sustainability of bee populations and to incorporate within the Council's biodiversity plans due to be delivered in 2024.*

Council debated the motion and amendment. On a vote being taken by roll call:

- a) Councillors Bamforth, Buchanan, Ireland, Lunday, Macdonald and Merrick voted for the motion;
- b) Councillors Anderson, Campbell, Cunningham, Devlin, Edlin, McLean, Provost Montague, Morrison, O'Donnell, Pragnell and Wallace voted for the amendment.

Accordingly, the **AMENDMENT** was declared **CARRIED**.

(ii) Foodbanks, Food Larders and Baby Bank Collections

Council:

1. *Notes, that the use of food banks has risen sharply since 2010, with demand this year higher than ever before.*
2. *Notes and thanks the many volunteers and organisations across East Renfrewshire that run and manage food banks/larders to help those in need.*
3. *Expresses great concern that Foodbanks, Food Larders and Baby Banks are facing high levels of demand from adults and children in need of vital help at this time.*
4. *Council therefore agrees to follow other local authorities and facilitate a regular food donation collection within both the Barrhead and Eastwood Council buildings to help local Foodbanks and Food Larders meet the increased need.*

Proposed: Councillor Ireland
Seconded: Councillor Lunday

By way of an amendment, Provost Montague, seconded by Councillor Pragnell, submitted the following:

(Delete last paragraph and insert)...That the Council applauds the work of staff in their charitable work re foodbanks and that they will continue to do as they are. Staff involved will feedback the success of the initiative in the Spring to Councillors.

Councillor Ireland, as mover of the motion, accepted the amendment. Accordingly, the **MOTION**, as amended, was declared **CARRIED**.

(iii) Public Access Defibrillators (PADS)

At the Full meeting of the Council on 26 October 2022 (Page 263, Item 201 refers), it had been agreed that officers be instructed to formulate a Council-wide strategy for the deployment and maintenance of public access defibrillators (PADs), and to lobby the Scottish Government to provide additional funding to allow it to partner with voluntary, charity, and community groups to implement this policy.

In addition, Council considered a report by the Chief Executive on the deployment and maintenance of Public Access Defibrillators (PADs), including the current position, current costs involved and the options of funding to support it.

Council:

- a) *Welcomes the work currently underway to identify the locations of defibrillations within our communities.*

- b) *Notes, however, in the past 8 months from the council meeting of 26 October 2022 there have been no new defibrillators installed, or planned, in East Renfrewshire. Furthermore no money has been forthcoming from the fund set up by the Provost for this express purpose.*
- c) *Notes, in addition, as a consequence of this paper, this has led to an unfortunate loss of potential match funding and funding for ongoing defibrillator costs for local community groups who wish to install their own defibrillators.*

Due to this inaction, Council:

1. *Notes that every year, over 3,000 people in Scotland, including children and young people, experience an out-of-hospital cardiac arrest (OHCA).*
2. *Notes that, unfortunately, only 1 in 10 people survive such an event. Automated External Defibrillators (AEDs) can play a significant role in saving the lives of people who suffer heart attacks in public. It is estimated that a shock from an AED, alongside Cardiac Pulmonary Resuscitation (CPR) treatment, increases survival rates to 75-80%.*
3. *Notes that, although there are public defibrillators in various places across East Renfrewshire including some council premises and assets, there are gaps, especially in the provision of publicly accessible AEDs within or at our local schools. Therefore, Council agrees to bring a report to Full Council no later than December 2023, detailing a plan to roll out more publicly accessible AEDs at all our primary and secondary schools.*

Proposed: Councillor Bamforth

Seconded: Councillor Lunday

By way of an amendment, Councillor Pragnell, seconded by Councillor Anderson, submitted the following:

At the Full meeting of the Council on 26 October 2022 (page 263, Item 201 refers), it had been agreed that officers be instructed to formulate a Council-wide strategy for the deployment and maintenance of Public Access Defibrillators (PADs), and to lobby the Scottish Government to provide additional funding to allow it to partner with voluntary, charity and community groups to implement this policy.

In addition, Council considered a report by the Chief Executive on the deployment and maintenance of PADs, including the current position, costs involved and funding options.

In addition, Council confirmed the Provost as Community Defibrillator Champion.

Council:

- a) *Notes that two new defibrillators have been purchased and will be installed at Kirkhill and Maidenhill primary schools in the immediate future thanks to the collaboration between the Provost and their Parent Councils.*

- b) *Welcomes various recently completed or imminent installations in communities by other organisations.*
- c) *This will increase the number of defibrillators at council-owned buildings to 28 and increases the number of defibrillators across East Renfrewshire on the British Heart Foundation database known as The Circuit to 82.*
- d) *Welcomes the work currently underway to identify the location of defibrillators in our communities, understanding that locations may include further primary and secondary schools but not necessarily all, as other locations may be more suitable for 24-hour access.*
- e) *Notes the council is conducting an ongoing live survey locally to identify the locations of any further defibrillators in East Renfrewshire.*
- f) *Notes that 'Save a Life Scotland' has cited East Renfrewshire Council's strategy as an example of good practice and have signposted the work to other local authorities in enhancing defibrillator provision.*
- g) *Notes that working with local community groups to provide the appropriate legal, insurance and procurement standards takes time to ensure long-term sustainable provision and maintenance of PADs.*
- h) *Thanks the providers of a very generous donation of £9,000 to help start the 'Provost's Community Defibrillator Fund'. This fund has been set up to allow donations and funding for PADs to be collected and to raise awareness of life-saving skills including CPR and how to use a defibrillator.*
- i) *Notes that this fund will be formally launched on Tuesday 19 September.*
- j) *Thanks the numerous community groups and charities who have worked with the Provost to deliver a sustainable solution for the people of East Renfrewshire.*
- k) *Notes that officers will submit a final report to the December meeting of Full Council on the work that has been undertaken on this strategy and which will include information on the costs of this programme going forward.*

Council debated the motion and amendment. On a vote being taken by roll call:

- a) Councillors Bamforth, Buchanan, Ireland, Lunday and Macdonald voted for the motion;
- b) Councillors Anderson, Campbell, Devlin, Edlin, McLean, Provost Montague, Morrison, O'Donnell, Pragnell and Wallace voted for the amendment.

Accordingly, the **AMENDMENT** was declared **CARRIED**.

MINUTE
of
CABINET
(POLICE & FIRE)

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 14 September 2023.

Present:

Councillor Owen O'Donnell (Leader)	Councillor Katie Pragnell
Councillor Andrew Anderson (Vice Chair)	Councillor Gordon Wallace(*)
Councillor Caroline Bamforth	

Councillor O'Donnell in the Chair

Attending:

Louise Pringle, Director of Business Operations and Partnerships; Stephen Bell, Community Safety Manager; John Burke, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Also Attending:

Superintendent Patrick Murphy; Chief Inspector Graeme Gallie, (Area Commander); Michele Grant, Communities Inspector, Police Scotland; Watch Commander Paul McQueen; and Group Commander Alan Coughtrie, Scottish Fire and Rescue Service.

Apology:

Councillor Owen O'Donnell (Leader)

CHAIR'S REMARKS

587. The Chair offered his thanks and congratulations to Superintendent Patrick Murphy, who was retiring from Police Scotland.

DECLARATIONS OF INTEREST

588. There were no declarations of interest intimated.

POLICE SCOTLAND – PERFORMANCE REPORT - QUARTER 1 - 2023-24

589. The Cabinet considered a report by the Divisional Commander, Police Scotland, providing details of the performance of the police over the fourth quarter of 2022-23. The

report also provided statistical information in relation to various categories of crimes and offences committed during the reported period together with comparative statistics for the corresponding period in 2022-23.

Introducing the report, Superintendent Murphy first thanked the Chair and the Committee for their acknowledgment of his service in Police Scotland. He also thanked Chief Inspector Gallie and his team for their work in East Renfrewshire, which was backed up by the positive performance outlined in the report.

Chief Inspector Gallie then reported on the performance of the police against the five local policing priorities contained in the East Renfrewshire Policing Plan 2023-26.

On referring to the report, he recognised the significant impact acquisitive crime and in particular theft by housebreaking, had on communities. He advised that there had been 34 offences during the quarter, which was 27% below the 5 year average for the period, with a third of those offences successfully detected. He explained that tackling acquisitive crime had been a priority with significant resources both locally and nationally dedicated to enhance prevention and bring offenders to justice. It was noted that this was not just an East Renfrewshire issue and the police were working with partners across the UK to share information, intelligence and best practise.

In respect of crimes of dishonesty, it was reported that crimes of this type had slowed in growth, with a 3% increase for the year and remained in line with the 5 year average. Significant arrests had been made of organised criminals targeting East Renfrewshire's retailers, with a 2% decrease in fraud over the year. Theft by shoplifting continued to climb with 75 more offences than last quarter. It was believed that the cost of living crisis was having an effect on these figures. He also highlighted the theft of high value motor vehicles, which was a subject of concern as it was up nationally, but was down 6% for the year and motor vehicle theft in general was down 17%.

Crimes of dishonesty had increased slightly compared to the period last year, up 3%. However, it was indicated that there had been a decrease in other Group 3 crimes and common theft. It was also noted that Fraud offences and Theft by Shoplifting had increased on the previous year's figures.

In relation to public protection, it was noted that there had been a 4% reduction in criminal domestic abuse incidents during the year, and domestic abuse related crime detection had increased from 6% to 54%. The domestic bail check 24 hours compliance rate remained at 100% with those checks, along with other policing measures, resulting in 13 offences being detected where offenders had been caught breaching domestic bail conditions.

Commenting on violent crime, Chief Inspector Gallie reported an increase in Non-Sexual Crimes of Violence, with 36 offences recorded during the quarter, up from 24 the previous year. Serious assaults had increased to 9 from 7 the previous year, with 7 of those successfully detected. While this increase was disappointing, it still represented a 14% decrease against the 3 year average. There was also an increase in offences relating to offensive of bladed weapons, with 36 offences recorded, an increase of 7 from the previous year.

In terms of antisocial behaviour and disorder, the number of complaints remained stable at 657, a 0.3% increase from the previous year, but substantially lower than the 1390 calls recorded during the same period in 2020/2021. Hate Incidents and Hate Crimes had reduced by 29% and 48% respectively.

It was highlighted that a significant focus had been placed on fire raisings, with fires being reported on or near school grounds. The number had increased from 9 to 18 from the previous year and Campus Officers were working with the Education Department, Youth Services and Scottish Fire and Rescue Services to implement a multi-agency approach to tackle the issue.

In relation to drug dealing and use it was noted that during the year there had been 48 recorded drug crimes, a 7% increase on the previous year, with 5 Supply of Drugs offences recorded. The public health approach to policing supported and protected young people and families by tackling the crime and arresting those who dealt drugs in East Renfrewshire communities.

Chief Inspector Gallie concluded by giving some examples of the work being done in East Renfrewshire by officers of Police Scotland on all of the areas of focus covered, which were highlighted within the report.

There followed a question and answer session in the course of which Chief Inspector Gallie responded to a number of questions and provided clarification on a range of operational issues within East Renfrewshire and the crime statistics recorded in the report. In particular, there was discussion of the custody in court pilot scheme's outcome, the surge in deliberate fire raising offences and the approach to dealing with shoplifting offences during the cost of living crisis.

The Cabinet noted the report.

SCOTTISH FIRE AND RESCUE SERVICE (SFRS) PERFORMANCE REPORT FOR THE FIRST QUARTER OF 2023-24

590. The Cabinet considered a report by the Group Commander, Scottish Fire and Rescue Service (SFRS), providing details of the performance of SFRS in East Renfrewshire during the first quarter of 2023-24 against the key priorities in their local plan.

Introducing the report Group Commander Coughtrie referred to the work of the Community Safety Engagement Department, overseen by Watch Commander McQueen, who was present at the meeting. He provided a brief overview of the makeup and work of the team, highlighting its importance to preventative fire safety through education programmes and partnership working within communities. In particular, work on adult and child protection, experiential training, awareness of fire risk and water and road safety were highlighted as areas where the Community Safety Engagement Department were making progress.

Group Commander Coughtrie then reported on the performance of SFRS on performance over quarter 4.

Group Commander Coughtrie prefaced his remarks on the report by commenting on some of the engagement activity that had taken place and equipment supplied during the quarter. This included 25 community activities by the community action team and 81 by operational crews. 358 home fires safety visits were carried out, 114 in premises identified as high risk with 121 smoke detectors being fitted.

In relation to accidental dwelling fires a 24% decrease on the year on year figure was reported and a 2% reduction against the 3 year figure. It was noted that detection was present in 78% of premises and activated in 100%. Details of some of the ongoing community work that took place was provided, with the high engagement rates in East

Renfrewshire being noted. There had been 1 fire related casualty, with an individual requiring first aid at the scene and no hospital treatment required.

Group Commander Coughtrie highlighted the Post-Domestic Incident Response Programme, in which the fire crews in East Renfrewshire had the highest attainment rate in Scotland.

Group Commander Coughtrie reported that the figures in relation to unintentional injury and harm saw an 11% increase in the year-on-year average and an increase of 33% against 3 year average figures. However it was clarified this was against historically low figures. The largest number of those related to road traffic collisions.

Deliberate fire setting showed a 60% increase on the year on year indicator, with a 2% increase on the 3 year average. Again, this was reported as being against historically low figures. The Community Action Team and Operational Crews continued to carry out engagement activity to mitigate the risk of this type of activity, working in partnership with Police Scotland and other partners. It was indicated that certain groups had been identified and it was expected that a significant drop would be achieved in the next quarter.

Non-domestic fire safety showed a 60% decrease from the previous year and a 7% reduction on the 3 year average. Details of the incidents were provided.

Group Commander Coughtrie concluded by providing information in relation to UFAS. The year on year figure had decreased by 18%, however there had been a slight increase of 13% on the 3 year average. It was noted that the majority were in educational facilities with the main causes being accidental, system faults and cooking. The impact of poor maintenance was also highlighted.

There followed a question and answer session in the course of which officers McQueen and Coughtrie responded to a number of questions and comments on a range of issues recorded in the report. Mainly, the discussion focused on the number of deliberate fire setting incidents and the response by East Renfrewshire based teams to fires outside of the East Renfrewshire area.

While welcoming the reduction in UFAS figures, it was highlighted that officers within the Education department were still concerned about the new approach and Group Commander Coughtrie indicated that he would come back to Cabinet with further information as required following further discussions with E

Thereafter the Cabinet agreed to note the report.

CHAIR

MINUTE
of
AUDIT & SCRUTINY COMMITTEE

Minute of meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 26 September 2023.

Present:

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

Provost Mary Montague
Councillor David Macdonald*

Councillor Morrison in the Chair

(*) indicates remote attendance

Attending:

Steven Quinn, Chief Executive; Louise Pringle, Director of Business Operations and Partnerships; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Michelle Blair, Chief Auditor; Alison Ballingall, Senior Revenues Manager; Gill Darbyshire, Chief Executive's Business Manager; Linda Hutchison, Clerk to the Committee; Jennifer Graham, Committee Services Officer; and John Burke, Committee Services Officer.

Also Attending:

Rob Jones and Grace Scanlin, Ernst and Young.

Apologies:

Councillors Annette Ireland and Gordon Wallace.

DECLARATIONS OF INTEREST

591. There were no declarations of interest intimated.

CHAIR'S REPORT

592. Councillor Morrison reported that, in his capacity as Chair, he had had a further routine meeting with Mr Jones of the External Audit team on 6 September at which issues discussed included the submission to the Committee of the Internal Audit Annual Report, the Annual Accounts and draft Annual Audit Report, and the Best Value Thematic Report on Strategic Planning. Standard audit inquiries, such as regarding fraud and error, were also discussed.

The Committee noted the position.

CLARIFICATION RECEIVED ON QUERIES RAISED AT PREVIOUS MEETING

593. Under reference to the Minute of the meeting of 10 August (Page 585, Item 531 refers), when it had been agreed to seek comments from appropriate officers on various issues, in the interests of transparency the Committee considered a report by the Clerk summarising the clarification received and circulated on queries raised regarding the Internal Audit Report on the *Council Tax System – Recovery and Enforcement*.

In response to Councillor Morrison, the Senior Revenues Manager clarified that the significant reduction in the target time for processing Council Tax discounts and exemptions was regarded as a stretch target and that progress achieving this would be measured.

The Committee noted the position.

2022/23 ANNUAL ACCOUNTS FOR THE COUNCIL'S CHARITABLE TRUSTS AND EXTERNAL AUDIT (INTERNATIONAL STANDARD ON AUDITING (ISA) 260) REPORT

594. Under reference to the Minute of the meeting of 22 June 2023 (Page 558, Item 497 refers), when the Committee had noted the unaudited Annual Accounts for 2022/23 and that a report on the final Accounts for the Council's charitable trusts and related documents would be submitted to a future meeting, the Committee considered a report by the Head of Accountancy (Chief Financial Officer) explaining that the audit of the amalgamated 2022/23 Annual Accounts for the seven charitable trusts for which the Council acted as Trustee had been completed, and submitting a copy for consideration. The External Auditor's report on the trusts, completed in compliance with ISA 260, was also submitted for consideration which had been included in the draft Annual Audit Report to the Council for 2022/23 (Item 595 below refers).

Mr Jones commented on the Accounts and related issues, confirming that the audit had been concluded and that there with no unadjusted issues requiring to be brought to the Committee's attention. He clarified that one of the trusts, the Endowment for Talented Children and Young People, had been closed on 31 March 2023 as no expenditure had been incurred in recent years, and thanked the Trustees and officers involved in assisting with the audit.

In response to Councillor Edlin who suggested that trusts, such as these and others, could be used better for the benefit of schools given associated tax benefits, the Head of Accountancy (Chief Financial Officer) clarified that, although a number of the current ones covered educational objectives, this was often not the only stipulation on their use. Having referred to the small scale of some of the remaining funds and restrictions on their use taking account of the terms of the original bequests, and commented on previous discussions with legal services on scope to vary the terms of the Trusts which was very difficult, she undertook to make the Chief Officer – Legal and Procurement aware of the comments made and to raise with him if potential existed to establish and use other trusts funds given the associated tax benefits. She also referred to other fund raising opportunities pursued by schools.

Also in response to Councillor Edlin, Mr Jones explained how the audit fees for work on the trusts were calculated based on a daily rate. He clarified that, although the funds were small, approximately 75 hours of audit time had been required, including to complete required procedures irrespective of the extent to which the trusts were used. Having reported that other

options for the future audit of the trusts had been made and might be pursued, he undertook to provide further clarification on the fees to the Head of Accountancy (Chief Financial Officer).

The Committee agreed:-

- (a) to note the comments made by the External Auditor on the audit fee in relation to the Trusts and that the External Auditor would provide further clarification on this to the Head of Accountancy (Chief Financial Officer);
- (b) to note that discussions were continuing between the Head of Accountancy (Chief Financial Officer) and Chief Officer – Legal and Procurement on potential ways of reducing the number of the existing Charitable Trust Funds, and that the Head of Accountancy (Chief Financial Officer) would also discuss with the Chief Officer – Legal and Procurement if potential existed to widen the use of the existing trust funds or establish and use other trusts funds given tax benefits associated with these;
- (c) to note the External Auditor's comments on matters arising from the audits of the registered charities for 2022/23 made in the draft Annual Audit Report to the Council (Item 595 below refers) and related comments made;
- (d) to note the amalgamated Annual Accounts for 2022/23 for the seven charitable trusts for which the Council acted as Trustee; and
- (e) otherwise, to remit the report to the Council for consideration.

2022/23 ANNUAL ACCOUNTS AND DRAFT ANNUAL AUDIT REPORT FOR EAST RENFREWSHIRE COUNCIL

595. Under reference to the Minute of the meeting of 22 June 2023 (Page 558, Item 497 refers), when the Committee had noted the unaudited Annual Accounts for 2022/23 and that a report on final Accounts and related documents would be submitted to a future meeting, the Committee considered a report by the Head of Accountancy (Chief Financial Officer) regarding the Annual Accounts for 2022/23, an updated copy of which had been circulated just prior to the meeting, and the associated draft Annual Audit Report prepared by the External Auditor which provided an overview of the main issues arising from the 2022/23 audit and would be issued in final form after the financial statements had been certified.

The Council had received an audit certificate which was unqualified. It had operated within its operational budget, the overall position having improved by £5.739m due mainly to various one-off variances including improved income of £2.2m; a lower requirement for miscellaneous budgets in relation to redundancies and other contingencies, and departmental underspends.

Transfers totalling £5,600k had been made to various specific reserves as itemised in the report to address current pressures. After taking account of the budgeted drawdown of £5,253k, the balance of £139k on the overall surplus had been allocated to the Non-Earmarked reserve resulting in a net decrease of £5,114k. The balance of the Council's Non-Earmarked reserve was £6,658k, which equated to 2.3% of annual budgeted net revenue expenditure. This was in accordance with the Council's Reserves policy to hold a minimum level of around 2%, the upper target being 4%.

Significant COVID-19 related expenditure of £8,744k had been incurred, of which £5,523k had been funded from the reserve set up for this at the end of 2020/21. Further funding had been received during the year allowing additional contributions to be made to the COVID reserve,

resulting in a year-end balance of £8,562k, which would be allocated fully in 2023/24 to support residents and the local economy. The Council's General Fund reserve balance at 31 March 2023 totalled £52.114m. This was an increase of £5.925m from the previous year, mainly due to the establishment of the new £14.8m Service Concession reserve, after seeking approval to revise the Private Finance Initiative (PFI) debt arrangements.

Capital expenditure of £46.189m had been invested, and there had been an operating deficit of £0.069m on the Housing Revenue Account (HRA), thus decreasing the accumulated surpluses carried forward on that Account to £1.798m.

Mr Jones highlighted key messages in the draft Annual Audit Report, confirming it was intended to issue an unqualified auditor's certificate on the Annual Accounts, and highlighting that eight adjustments arising from the audit had been reflected in the 2022/23 financial statements, with a further 3 impacting on those for the prior year. One disclosure reflected a late audit adjustment in the Strathclyde Pension Fund.

Whilst referring to significant and fraud audit risks, Mr Jones specified those all auditors required to assume existed and confirmed that no material matters had been identified from External Audit's perspective. He reported that one of the most material matters concerning the financial statements audit concerned the valuation of property, plant and equipment regarding which recommendations had been made to deliver improvements and avoid adjustments in future, such as on the valuation of land and buildings including schools regarding which revaluations every 5 years were no longer considered appropriate for various reasons, including linked to inflation. It was confirmed that additional audit procedures had been concluded to ensure that management had made appropriate arrangements to verify that no buildings were impacted by the issues concerning Reinforced Autoclaved Aerated Concrete (RAAC), but highlighted that RAAC was likely to continue to be a national issue going forward with further requirements expected to be placed on councils, such as to provide additional information.

Mr Jones advised that, as 2022/23 was the first year of Ernst and Young's appointment some additional procedures had required to be carried out by the External Audit team. He confirmed that no adjustments on accounting for PFI schemes had been required or needed to be highlighted. The position on one substantive issue that arose, on which late guidance had been received, was summarised concerning the information shared in the financial statements regarding the valuation of the Council's share of Strathclyde Pension Fund (SPF).

Whilst commenting on the assessment of the wider scope audit responsibilities referred to in the draft Annual Audit Report, such as on financial responsibility and financial management, Mr Jones highlighted that financial sustainability had been rated as red going forward in recognition of the risks, uncertainties and challenges faced by the Council as medium term financial plans were made by it, and confirmed that the wider scope audit responsibilities would be kept under review in terms of future audit work. He also referred to the Internal Audit Annual Report and capacity within the Internal Audit section. Key messages regarding Best Value were referred to briefly, given that the findings of a Best Value thematic review were to be discussed later in the meeting (Item 601 refers).

Finally, having summarised issues covered in the appendices to the draft Annual Audit Report, Mr Jones, supported by Councillor Morrison, thanked the Head of Accountancy (Chief Financial Officer) and the Chief Accountant and her team for their support during the audit, referring to the challenges of completing the 2022/23 audit given the appointment of the new External Auditors. Councillor Morrison also thanked the External Audit team.

In response to various questions, further clarification and comments were made. In the first instance the Chief Accountant undertook to provide further clarification on expenditure of the unspent COVID grants. The Director of Business Operations and Partnerships confirmed that reports had been submitted to the Cabinet regarding the ongoing impact of COVID-19, including the findings of wider humanitarian research on the impact of the pandemic on local communities. She cited the example of the need for increased support to address the needs of pupils transitioning from primary to secondary schools, as community learning and development work on this had been curtailed during lockdown and the lack of this had resulted in increased levels of anti-social behaviour amongst young people which had implications for the Council and a range of its community planning partners.

The Head of Accountancy (Chief Financial Officer) explained that the number of Council leavers receiving exit packages could vary widely each year, with the high number in 2022/23 compared to 2021/22 reflecting the outcome of various service reviews and restructures to help address the financial challenges the Council faced. She also clarified that such payments made reflected not only the grade of the posts concerned, but also the age of the relevant employees and their years of service.

She further advised that she would liaise with the Integration Joint Board Chief Financial Officer to provide clarification regarding a query raised regarding the reduction in gross income in 2022/23 within the Health and Social Care Partnership (HSCP) for provision of services compared to 2021/22, stating that she was aware of restrictions on HSCP services for which charges could be levied.

On a further issue, the Director of Business Operations and Partnerships confirmed that the Council car number plate, HS0, which was currently valued at approximately £126,000, remained on sale with a view to finding a suitable buyer which could take some time. It was confirmed that the External Auditor was comfortable with management's rationale for the current valuation.

Regarding the pension adjustments to the Accounts, Mr Jones confirmed that the current trend in the valuation of assets and liabilities was reflected across all pension funds, particularly local government pension schemes. He confirmed that in recent years asset valuations had been increasing at the same time as the discount rates applied to liabilities has also been increasing, leading to the funds being in an asset position this year.

Regarding various recommendations made by the Council's previous auditors as specified in Appendix H to the draft Annual Audit Report which were currently partially complete, Mr Jones confirmed that follow up work on implementation would be done, adding that some of the issues were longer term ones, such as regarding the financial challenges faced by the Council. Progress would be monitored until actions were completed or included in other recommendations. It was anticipated that a number of matters on which additional audit work had been required for 2022/23 could be resolved, helping to avoid additional audit fees in future.

The Committee agreed:-

- (a) to note that the Chief Accountant would provide further clarification on when the unspent COVID grants would be spent;
- (b) to note that the Head of Accountancy (Chief Financial Officer) would provide further clarification on why Council income, as shown in the Comprehensive Income and Expenditure Statement within the 2022/23 Accounts, had substantially reduced in relation to the Health and Social Care Partnership (HSCP);

- (c) to note the draft Annual Audit Report to the Council and Controller of Audit 2022/23;
- (b) to note the content of the Council's Annual Accounts for 2022/23 and related comments made; and
- (e) remit the report to the Council for consideration.

INTERIM TREASURY MANAGEMENT REPORT 2023/24 – QUARTER 1

596. Under reference to the Minute of the meeting of 10 August 2023 (Page 580, Item 529 refers), when it had been agreed to note the Treasury Management Annual Report for 2022/23 and associated comments, and recommend to the Council that the organisations specified in the report for investment of surplus funds be approved, the Committee considered a report by the Head of Accountancy (Chief Financial Officer) on treasury management activities for the first three months of 2023/24.

The report explained that, in line with the CIPFA Code of Practice on Treasury Management, the Committee was responsible for ensuring effective inspection of the Council's treasury management activities. In accordance with that requirement, the interim Treasury Management Report for April to June 2023 was attached to the report for consideration.

Whilst highlighting key aspects of the report, the Chief Accountant confirmed that long term borrowing was fairly static, with no long term borrowing having been taken due to the high levels of rates currently offered. The Council continued to adopt a prudent approach to treasury management and, in particular, the percentage of loans held as at 30 June 2023 that had variable interest rates was just over 7% which was well below the Council's approved upper limit of 15%.

Having commented on short term investments which had reduced due to cash flows in both capital and revenue, she highlighted the prudential indicators referred to in the report which helped confirm that capital investment plans and treasury management decisions remained affordable, prudent and sustainable, highlighting that indicators 3 and 4 demonstrated that the Council was operating well within its limits.

Finally, the Chief Accountant commented on amendments to the Council's list of counterparties, confirming it had not changed from the one in the 2022/23 year-end report. It was clarified that all investments were restricted to UK bodies with high credit ratings, with the maximum period of investment, in general, restricted to 6 months.

The Committee agreed:-

- (a) to **recommend to the Council** that the organisations for investment of surplus funds be approved in accordance with Appendix 8 to the report; and
- (b) otherwise, to note the report and related comments made.

NATIONAL FRAUD INITIATIVE – UPDATE

597. Under reference to the Minute of the meeting of 29 September 2022 (Page 206, Item 149 refers), when a report on the National Fraud Initiative (NFI) in Scotland had been noted, the Committee considered a report by the Director of Business Operations and Partnerships

providing an update on the NFI in Scotland and related work carried out by the Council in 2022/23.

The report explained that Audit Scotland, working closely with public bodies, External Auditors and the Cabinet Office, had completed another major data sharing and matching exercise (the NFI) to help detect and prevent fraud, making a significant contribution to the security and transparency of public sector finances by confirming that services were being provided to the correct people and by reducing fraud and error. It was clarified that these exercises were undertaken every two years, were linked to the statutory audits of the participating bodies, and that related work was highlighted in the following item on the agenda.

Having summarised the aims of the NFI counter-fraud exercise and keys to its success, the report confirmed that the Council had a single point of contact for the NFI and a well-established internal network of departmental contacts who were responsible for comparing their own data sets, and subsequent recovery and follow up action. Mitigating potential fraud was a matter for each service area.

Reference was made to the 2,810 potential matches within the Council reported through the 2022/23 NFI exercise and how related work was progressed. The decrease in matches of 216 compared to the previous exercise was due to reductions in Accounts Payable (Creditors) and Council Tax reduction being offset by increases in Housing and Payroll, with reference also made to the more robust control environment associated with the new Integra Finance and Procurement ICT system.

Having made reference to outcomes from errors investigated, the report provided further information on related initiatives with which the Council was involved, referred to the next steps, and highlighted the extent to which follow up work was done in partnership with various teams. It was concluded that the Council had a robust and effective approach to NFI, which was complemented by existing fraud prevention measures.

Having heard the Senior Revenues Manager highlight key aspects of the report, Councillor Morrison welcomed that over £147k had been recovered through the NFI exercise.

The Committee noted the action taken in respect of the National Fraud Initiative in East Renfrewshire Council for 2022/23.

MANAGING THE RISK OF FRAUD AND CORRUPTION – FRAUD RESPONSE STATEMENT 2022/23 (INCLUDING AUDIT SCOTLAND FRAUD AND IRREGULARITY REPORT 2022/23)

598. Under reference to the Minute of the meeting of 29 September 2022 (Page 208, Page 150 refers), when a report on the Council's Fraud Response Statement 2021/22 had been noted, the Committee considered a report by the Chief Executive regarding the Council's Fraud Response Statement 2022/23, providing an overview of measures in place across the Council to address anti-fraud, bribery and theft, and referring to the management of the risk of fraud and corruption. The report also provided an update on action taken during 2022/23 where appropriate, and commented on the Council's response to the Audit Scotland *Fraud and Irregularity Annual Report 2022/23*.

The report highlighted the authority's commitment to fighting fraud and bribery, acknowledged increased financial pressures on businesses and employees due to COVID-19 and more recently the cost of living which potentially heightened the risk of fraud being attempted, and explained that the Council followed the Chartered Institute of Public Finance & Accountancy

(CIPFA) Code on “managing the risk of fraud and corruption”, referring to its five key principles. It was clarified that the Corporate Management Team had approved a revised Anti-Fraud, Bribery and Theft Strategy in December 2022 which aimed to promote a zero tolerance attitude to fraud, and that in line with the Code a Fraud Statement was considered annually.

Having referred to the purpose of the Audit Scotland *Irregularity Annual Report 2022/23*, it was confirmed that related recommendations had been considered in relation to practices within the Council to try proactively to identify potential weaknesses and ensure appropriate measures had been taken or were in place. Thereafter, the report referred to various measures in place to address anti-fraud, bribery and theft, and commented on reporting and potential fraud, including information brought to the Committee’s attention and the Council’s effective approach to the NFI. It was confirmed that in the event of a potential fraud or concern being identified, as appropriate, this was escalated through senior management, Internal Audit and Police Scotland.

The Chief Executive’s Business Manager highlighted key aspects of the report, including in relation to the NFI, following which Provost Montague and Councillor Morrison commended the work being done within the Council and with partners to reduce the risk of fraud and corruption.

The Committee noted the content of the Fraud Response Statement and work being undertaken across the Council in relation to managing the risk of fraud and corruption; and feedback provided in the context of comments made in the Audit Scotland report *Fraud and Irregularities 2023/24*.

STRATEGIC RISK REGISTER AND RISK MANAGEMENT PROGRESS – BIANNUAL REPORT

599. Under reference to the Minute of the meeting of 30 March 2023 (Page 454, Item 387 refers), when the position on the Strategic Risk Register (SRR) and progress with risk management across the Council had been noted, the Committee considered a report by the Chief Executive regarding the most recent biannual update of the register and general progress on risk management.

The SRR, a copy of which was appended to the report, itemised key strategic risks that required to be considered and associated actions put in place to manage these. Having referred to related operational risk registers in place, the report confirmed that several strategic risks had been amended to include additional control measures and rescored for significance, clarifying that a thorough review of all the strategic risks had been undertaken by the Corporate Management Team (CMT). In total there were now 36 strategic risks, 11 of which had been evaluated as high risk and 25 as medium. Risks evaluated as low had been removed from the SRR and would be monitored within departmental or operational registers as appropriate. Relevant significant risks, which could impact on achieving the Council’s outcomes regarding the work of the Integration Joint Board (IJB) and the Culture and Leisure Trust, had been considered.

In addition to referring to risks added to the SRR, information was provided on risks that had been removed; risks that remained high; risks that had been rescored from high to medium or medium to high; and those where the level of risk remained unchanged but where the risk descriptions had been amended to reflect the current position or provide further clarity. It was confirmed that although reports on the SRR were submitted to the Committee every six months and the Cabinet annually, the register was considered to be a live document and updated continually.

Other issues referred to included the Council's risk appetite regarding which the Committee was to consider its view on reputational risk later in the meeting, progress on risk more generally, and a high level overview of issues, which were under consideration but had not yet resulted in a risk being added to the SRR.

Having heard the Chief Executive's Business Manager comment further on various aspects of the report, in response to Councillor Morrison, the Head of Accountancy (Chief Financial Officer) explained that due to increased pressure on maintenance budgets in recent years and the age profile of buildings within the Council's portfolio, many of which were schools, it had been decided that this issue should be added to the SRR, to take account of any unexpected maintenance requirements in future years which could have an impact on learning and teaching.

The Committee agreed:-

- (a) that feedback be provided to appropriate senior officers on comments made at the meeting on the SRR for consideration; and
- (b) to note the development of the SRR; that it was considered to be a live document; and that it would be updated and amended by the Corporate Management Team.

REVIEW OF COUNCIL'S RISK APPETITE IN RELATION TO REPUTATIONAL RISK

600. Under reference to the Minute of meeting of the Cabinet of 23 February 2023 (Page 400, Item 334 refers), when it had been agreed that the Committee be invited to review the Council's risk appetite in relation to reputational risk, the Committee considered a report by the Chief Executive referring to the current level of risk appetite on various issues as contained in the Risk Management Strategy 2023-2025, and seeking confirmation if the level of risk appetite assigned to reputational risk was still considered appropriate or should be revised.

It was clarified that the Council's approach to date had been to minimise exposure to reputational, compliance and financial risk where statutory requirements and regulations required to be met, whilst accepting and encouraging an increased degree of risk on other issues. However, given the ongoing challenging financial circumstances faced, the need to meet climate change obligations and other additional statutory or operational requirements, it was considered inevitable that difficult decisions required to be made. The Committee was asked to consider its views on whether or not the risk appetite for reputational risk continued to be reflective of the risks required to deliver outcomes which were important to local residents and businesses.

Having heard the Chief Executive's Business Manager confirm what the Committee was being asked to consider, Councillor Morrison referred to comments made by some Elected Members at a previous meeting of the Committee indicating that the current risk appetite for reputational risk should be increased from one to somewhere in the range of one to two. Councillor Macdonald confirmed that he did not have any further comments to make to those he had made previously on the issue, following which Councillor Morrison indicated that the Council's financial position was now somewhat clearer, that savings required to be made, and that a further contextual issue to consider was the potential Council Tax reform under consideration which would impact on approximately 57% of households. It was argued that these issues were bound to impact on the Council's reputation and proposed therefore that the level of appetite assigned to reputational risk be increased to two.

It was agreed to **recommend to the Cabinet** that the level of risk appetite assigned to “Reputational Risk” by the Council be increased from one to two.

LOCAL EXTERNAL AUDIT REPORT – BEST VALUE THEMATIC REPORT – YEAR ENDED 31 MARCH 2023 - LEADERSHIP OF THE DEVELOPMENT OF NEW LOCAL STRATEGIC PRIORITIES

601. The Committee considered a Best Value Thematic Report by the Local External Auditor on Leadership of the Development of New Local Strategic Priorities for the year ended 31 March 2023.

The report explained that, under the Code of Audit Practice June 2021, External Auditors were tasked with performing an annual programme of work in relation to Best Value and wider scope responsibilities, including reviews based on annual thematic Best Value topics prescribed by the Accounts Commission.

For 2022/23, the Commission had directed auditors to report on the effectiveness of the Council’s leadership of the development of its strategic priorities following the local government elections in May 2022. Key conclusions were provided against 5 questions posed by the Commission, namely how clear the new Council’s vision was and its priorities; how effectively the views of citizens and communities had been reflected in the priorities and decisions taken by the Council; how effectively the Council’s priorities reflected the need to reduce inequalities and address climate change; how good delivery plans were and if there was alignment of financial, workforce, asset and digital plans within the Council’s priorities; and how effective the leadership had been in setting clear priorities and a sustainable approach to delivering them.

Three recommendations had been given in relation to the Council’s plans to deliver Net Zero; plans to agree multi-year budgets; and a need to re-embed self-evaluation processes within service planning arrangements.

Whilst commenting on the report, Ms Scanlin highlighted the change of approach being taken by the Commission to Best Value, the last Best Value Assurance Report for the Council having been issued in 2017. Instead the External Audit Team would develop its knowledge of the Council’s Best Value approach through its wider scope audit work and responding to a thematic theme review set by the Commission each year.

She highlighted the broad range of issues referred to in the current report, including the focus placed both on the life of the current Administration and beyond; how priorities took account of the views of key partners, stakeholders and communities; and how equalities, community empowerment and climate change were reflected in strategic priorities and other plans aligned with those. Reference had been included to the development of the Council’s Vision for the Future and related issues and plans. Having highlighted the recommendations made, she referred to areas of good practice highlighted to the Commission on how the Council’s digital transformation programme had incorporated co-design with communities for services, and on the Council’s investment in data analysis to help target interventions.

Having confirmed that the next theme to be reviewed, which would have a narrower focus, would be workforce planning, Ms Scanlin thanked all those involved in providing support during the review, particularly the Director of Business Operations and Partnerships, the Head of Communities and Transformation and their teams.

Having heard Councillor Morrison refer to a small typographical error in Appendix A to the report, Ms Scanlin confirmed that this would be corrected following which the report would be sent to Audit Scotland which, it was understood, would produce a larger report in due course

drawing on the findings across Scotland. Mr Jones explained that at some point in the next five years a report would be prepared on the Council for submission to the Accounts Commission, the exact format and timeline for which remained to be confirmed.

It was agreed to note the report and the related recommendations and Action Plan.

INTERNAL AUDIT ANNUAL REPORT 2022/23

602. The Committee considered a report by the Chief Auditor regarding the annual report on the activities of internal audit during 2022/23, 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 2022/23.

Whilst commenting on the report and implementation of the 2022/23 Plan, the Chief Auditor explained that some audits in the plan had not been completed due to reduced staff resources within the section, with priority given to audits which gave most assurance that internal controls continued to operate satisfactorily. The Chief Auditor reported that 26 reports had been issued relating to the 2022/23 Plan, satisfactory responses having been received for all. She quantified the initial and final number of audit days available to implement the Plan.

Having referred to updates provided quarterly to the Committee and various Internal Audit reports circulated in full to the Committee's membership, the Chief Auditor commented on one recommendation within one report which had not been fully accepted by management and related reasons provided which had been accepted. Amongst other things, she highlighted reference in Appendix 3 to the medium and high risk recommendations made in the recent report on the new Council House Build audit, which would normally have been referred to in the quarterly progress reports but could not be due to timing. This audit had also been referenced in the Assurance Statement.

The Chief Auditor summarised the position on various potential fraud and contingency matters and related issues, highlighting that the bulk of time used had focussed on national insurance anomalies and the external wall insulation contract, both of which had been referred to in progress reports submitted to the Committee. She referred to and cited examples of issues that had impacted on Performance Indicators for the section, clarified the extent to which the section operated almost fully in compliance with Public Sector Internal Auditor Standards (PSIAS), and confirmed that a further external assessment was currently underway regarding PSIAS, the results of which would be presented to a future meeting of the Committee, possibly in November, and would also be referred to in the 2023/24 Annual Report.

Regarding the annual statement on the adequacy and effectiveness of the Council's governance, risk management and internal controls, it was 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 2023, except for instances of non-compliance with contract standing orders that were noted in two separate audits during the year on new Council House Builds and the External Wall Insulation contracts. She also referred to ongoing concerns on the accuracy of calculations within the payroll system which continued to be investigated but indicated they were very unlikely to be material to the Council's year end Accounts.

In conclusion, she referred to management support to implement recommendations made, related follow-up work that would be done by Internal Audit, and the good working relationship that existed with the External Audit team with which information was shared whenever possible.

Councillor Morrison, supported by other members of the Committee, thanked and commended the Chief Auditor for what had been achieved by the section including to enable assurances to be given, particularly given the vacancies within her section and related challenges faced, which were shared with other authorities regarding recruitment of professional staff and referred to in the Workforce Action Plan. In response to questions and related comments made, she updated the Committee on steps being taken to try to fill the vacancies, confirming the proportion of vacant posts relative to the number of full time equivalent posts in Internal Audit. Councillor Buchanan acknowledged the work done by various officers on the range of reports under consideration by the Committee at the meeting.

Councillor Macdonald expressed hope that adequate budgetary provision was available to ensure the salaries offered for posts in the section were competitive and incentivised individuals to apply, especially given that the situation on vacancies in the section had been ongoing for a considerable time. Whilst commenting on professional vacancies that needed to be filled both in Internal Audit and otherwise, the Chief Executive acknowledged the related challenges faced but highlighted the need to adhere to pay grades determined through the job evaluation scheme. However, he also referred to opportunities for the Council to compete in other ways, such as by reaching high quality potential applicants in new ways such as through using social media and Linked-in, and options to train and develop employees internally. He also commented on the value of providing an attractive and good working environment, all of which could contribute to the Council becoming an employer of choice. He added that this was an issue he had asked the HR and Organisational Development sections to consider, and highlighted the number of professional people living within a short distance of the Council.

Councillor Edlin referred to the pressures on those working in Internal Audit, and possibly other sections, which could have a potential and unacceptable impact on their health. He supported professional development of employees to fast track them towards promotion, but highlighted associated challenges in the current financial climate. The Chief Executive concurred with the comments made, referring also to the importance of employees enjoying work.

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 2022-23 and associated comments made.

CHAIR

MINUTE
of
EAST RENFREWSHIRE COUNCIL

Minute of meeting held at 4.00pm in the Council Chamber, Council Headquarters, Giffnock on 26 September 2023.

Present:

Councillor Andrew Anderson	Councillor Colm Merrick *
Councillor Tony Buchanan *	Provost Mary Montague
Councillor Kate Campbell	Councillor Andrew Morrison
Councillor Betty Cunningham *	Councillor Owen O'Donnell (Leader)
Councillor Paul Edlin	Councillor Katie Pragnell
Councillor Chris Lunday *	Councillor Gordon Wallace *
Councillor David Macdonald *	Councillor Katie Pragnell

Provost Montague in the Chair

(*) indicates remote attendance

Attending:

Barbara Clark, Chief Accountant; Caitriona McAuley, Director of Environment; Joe McCaig, Head of Education Services (Performance and Provision); Julie Murray, Chief Officer East Renfrewshire HSCP; Steven Quinn, Chief Executive; Louise Pringle, Director of Business Operations and Partnerships; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Mark Ratter, Director of Education; Colin Sweeney, Democratic Services Manager; and John Burke, Committee Services Officer

Also Attending:

Rob Jones and Grace Scanlin, Ernst and Young.

Apologies:

Councillors Caroline Bamforth, Danny Devlin, Annette Ireland and Jim McLean.

PROVOST'S OPENING REMARKS

603. The Provost acknowledged Rosh Hashanah, the recent two-day Jewish New Year celebration, and wished the Jewish community in East Renfrewshire "Shana Tova", or "good year" for the coming year.

DECLARATIONS OF INTEREST

604. There were no declarations of interest intimated.

ANNUAL STATEMENT ON ADEQUACY AND EFFECTIVENESS OF GOVERNANCE, RISK MANAGEMENT AND INTERNAL CONTROL SYSTEMS

605. Council considered a report, which provided a statement on the adequacy and effectiveness of the governance, risk management and internal control systems operating within the Council during 2022/23. The Audit and Scrutiny Committee, which had met earlier that day, had remitted the report to the Council to note.

Councillor Morrison, Chair of the Council's Audit and Scrutiny Committee, said that the Committee had met earlier that afternoon to consider the adequacy and effectiveness of the governance, risk management and internal control systems. He said that the Committee had deemed these appropriate and were now remitted to Council for further consideration.

Council noted the internal audit annual statement on the adequacy and effectiveness of the governance, risk management and internal control systems of the Council for the year ending 31 March 2023.

2022/23 ANNUAL ACCOUNTS FOR THE COUNCIL'S CHARITABLE TRUSTS AND EXTERNAL AUDIT (INTERNATIONAL STANDARD ON AUDITING (ISA) 260) REPORT

606. Under reference to the Minute of the meeting of the Audit and Scrutiny Committee held earlier that day (Page 638, Item 594 refers), the Council considered a report by the Head of Accountancy (Chief Financial Officer), which explained that the audit of the amalgamated 2022/23 Annual Accounts for the seven charitable trusts for which the Council acted as Trustee had been completed, and submitted a copy for consideration. The External Auditor's report on the trusts, completed in compliance with ISA 260, was also submitted for consideration, which had been included in the draft Annual Audit Report to the Council for 2022/23.

Councillor Morrison, Chair of the Council's Audit and Scrutiny Committee, said that the Committee, which had met earlier that afternoon, had reviewed the annual audited accounts of the seven charitable trusts and the combined audit report, which covered those seven trusts, as well as the financial statements of the Council overall and which appeared as the next item on the agenda.

Councillor Morrison said that he was pleased to note that the accounts had been awarded a clean audit certificate in all seven cases for these trusts and were now remitted to Council for further consideration.

Councillor O'Donnell commented on the costs in preparing these from an audit perspective, was high considering the total size of the funds under control and the number of transactions and asked if officers could look into this for next year to see how the Council could address this.

Councillor O'Donnell also said that some of the items related to very small individual trusts and questioned whether it would make sense for some of these to be wound-up in an appropriate manner.

Councillor Edlin said he had attended the Audit and Scrutiny Committee that afternoon and had made the same point that Councillor O'Donnell had just made. He said he had also raised the point that charitable trusts were very good vehicles for collecting income tax rebate and that the Council was paying a huge audit fee for these. He said that he had asked that it be looked at to try to establish new trusts to bring in more money for education and other matters that the Council was responsible for. He said there was significant goodwill towards education expenses from residents and that the trusts already established or the setting up of a new trust by the Council and that the Chief Executive should be writing to the external auditors about the costs of the audits.

Council noted the amalgamated Annual Accounts for 2022/23 for the seven charitable trusts for which the Council acted as Trustee and the accompanying External Auditor's report.

2022/23 ANNUAL ACCOUNTS AND DRAFT ANNUAL AUDIT REPORT FOR EAST RENFREWSHIRE COUNCIL

607. Under reference to the Minute of the meeting of the Audit and Scrutiny Committee held earlier that day (Page 639, Item 595 refers), the Council considered a report by the Head of Accountancy (Chief Financial Officer) regarding the Annual Accounts for 2022 – 23 and the associated draft Annual Audit Report prepared by the External Auditor, which provided an overview of the main issues arising from the 2022/23 audit and would be issued in final form after the financial statements had been certified.

The Provost advised that a number of amendments had been made following the publication of the original report and that these amendments had been tabled and copies had been made available in the public gallery. She then invited Councillor Morrison, Chair of the Council's Audit and Scrutiny Committee to introduce the item and to move the recommendations and amendments as one.

Councillor Morrison said that his Committee had also reviewed the audited annual accounts for East Renfrewshire Council and the external auditors had passed comments on their findings. In particular, he said, that after today's meetings papers had been published, the external auditors had received guidance from their in-house technical team regarding a change in the pension evaluation approach, which was a technical area of accountancy.

Councillor Morrison said that both the external auditors and the Council's Chief Accountant had worked over the weekend to produce a revised set of accounts and the amendments had been produced in the tabled document. He said that these changes did not affect the Council's General Fund or usable reserves and that the pension evaluation reserve was separate and was not something, which could be assessed for general Council services and spending.

Councillor Morrison said that, at the same time as making these pension evaluation changes, officers had also taken the opportunity to correct an error in the risk appetite table within the management commentary on the final page of the tabled papers. He said that the reputation, compliance and financial risks were originally shown as within the range of 1 to 2 but that the risk management matrix, which had been applied throughout the year, was 1 for those areas. He said that this would be reflected in the final accounts approved today.

Councillor Morrison went on to say he was delighted to report that the external auditors and Council staff had again managed to complete the annual financial statements in line with the required deadline of 30 September 2023 (which was one month earlier than last year), hence why Council was meeting today and not on 28 September as originally scheduled. Councillor Morrison recognised the contribution of Ernst and Young, the Council's external auditors in what was their first year in the role.

Councillor Morrison noted that the Council had received an audit certificate, which was unqualified (clean) and that the external auditors were happy with the accounts presented, which had no unadjusted errors.

Councillor Morrison said that the Council had operated within its operational budget, had benefitted in particular from increased investment income due to the national interest rates and careful management of treasury and enhanced Council Tax collections and closely controlled budgets to produce additional flexibility in addressing anticipated budget challenges in the current 23-24 Financial Year and beyond.

Councillor Morrison said that the year-end date as at 31 March 2023 the balance on the non-earmarked General Fund was £6.658m, which was 2.3% of the Council's Budget. He said that the Council's recommended target range for this was between 2% and 4% and further noted transfers of £5.6m transferred to further earmarked reserves.

Councillor Morrison said that the auditors' report was largely positive and officers would look at action plans to implement the recommendations.

Councillor Morrison thanked Margaret McCrossan, Barbara Clark and the Council's Accounts Team, the Internal Audit Department and the Council's external auditors for all of the hard work in meeting the deadline and remitted and moved the report and amendments to Council for further consideration. This was seconded by Councillor Tony Buchanan.

Councillor O'Donnell echoed the Chair of the Council's Audit and Scrutiny Committee's comments and thanks to the Council's Finance Team for preparing the reports and acknowledged the huge amount of work that had gone into this and congratulated all involved for meeting the deadline. He then went on to thank the external auditors. He said that their report was very well written and very clear.

Councillor O'Donnell asked that for future reports, when looking at current year misstatements, it would be very helpful if it was clarified if this was affecting the General Fund and usable reserves versus effectively most of these as he understood it were really balance sheet presentational issues and less to worry about and less to have a concern about.

Councillor O'Donnell then referred to the audit fees and sought clarification of the extra £48,000 for additional audit procedures and whether all of these would be passed on to the Council or whether the external auditors would be absorbing these this year. He said this was quite common for first year audits and, if not, he asked that they consider their own best value approach to delivering the audit when Councils were facing flat cash funding settlements particularly in dealing, in this case, with a lot of balance sheet presentational items.

In response, Rob Jones (Ernst and Young) said that in terms of the ask, the auditors could update in terms of the ask, any impact on the General Fund and usable reserves. He said that Councillor O'Donnell was correct in that the majority or all of the adjustments this year would have been against usable reserves, the valuation reserves or pension or other unused reserves and this could be updated in the final report to Audit Scotland.

In respect of the additional work around audit fees, Mr Jones recognised the Council's point with regard to absorbing the additional costs for this year and said that the auditors had already absorbed the expected costs around first year audit as part of the Audit Scotland appointment and apologised if this had not been made clear. He said that the additional fees related to very technical accounting issues, which had been addressed or which were required to be addressed to find a clean audit opinion. He took the point around challenges surrounding the auditors and the Council's challenges to first of all produce a CIPFA Code compliant set of accounts and the auditor's requirement to produce a compliant audit that required a significant

piece of work. He said that often, additional work around areas such as the balance sheet, equipment and pensions, which did not necessarily impact the General Fund, was required to complete the unqualified opinion.

In response, Councillor O'Donnell did stress that the additional costs reflected the equivalent of two FTE staff in a time when the Council was making budget cuts and he left it with auditors to consider in future years how auditors could contribute to best value and its own requirements.

Council:

- (a) agreed to approve the 2022/23 Annual Accounts; and
- (b) noted the external auditor's draft annual audit report to the Council and the Controller of Audit, and the related ISA 260 report.

The Provost echoed the thanks already intimated for all of the staff and external audit and the work put into this, in particular, the recent intense work that had gone into it.

AVAILABILITY OF SCHOOL PLACES AT MAIDENHILL PRIMARY SCHOOL

608. The Council considered a report, which advised of the need for additional school places to accommodate projected future catchment children at Maidenhill Primary School.

The Council's Director of Education introduced the report and said that it advised Council of the need for additional school places to accommodate the future catchment children at Maidenhill Primary School and to seek an approved approach to meet this demand. He said that Members would be aware that the School opened in 2019 and, at that point, it was based upon a particular expected pupil yield based on historical analysis to hand however, as the report set out, the number of pupils from that area had been greater principally for two main reasons.

The Director of Education said that the report set out the way in which the yield for pupils had been higher for non-denominational primary education than in previous developments and, in addition to that, the rate at which the properties had been built in that area had been significantly faster than initially had been expected and planned for. He said that, as a result of these two main factors, there was greater demand for the school places at Maidenhill Primary School than was projected and so it was likely that all catchment children in the future would not be able to be accommodated at the School within its current planned capacity.

To accommodate the projected future demand, the Director of Education said that officers had set out three options within the report, for consideration by the Council. He said that Option C would increase the School's capacity by adding a four-classroom extension and that such Capital plans would normally progress through the Corporate Assets Management Group and then the Council's Capital planning processes. However, to ensure that the Council did have sufficient places before the end of the school year 2024-25, Council was being asked to consider this as one of the options at an earlier stage.

Councillor Edlin expressed concerns about the size of the School and felt that it would not be sufficient to meet the needs of the numbers of children moving into the area who would attend the School. In welcoming the proposal (Option C) to extend the School by providing an additional four classrooms, Councillor Edlin said his preference would have been for five extra classrooms to be built since the cost could be incrementally small, would be of no harm should it remain empty for a period and that it would be there when required.

In response, the Council's Director of Education said that it was not the case that children within the catchment did not have places and that those who had applied had been allocated a place and spaces were available for 2023-24 to facilitate further growth. In response to the suggestion to increase the site by more than four additional classrooms, the Director of Education said that the Council had a duty under best value to ensure it was not spending over and above what was required. He said that, at the implementation stage, the School was based upon the Council's methodology and agreed approach around pupil yield indicated that that would be sufficient at that time. In 2016 when this was being planned, this was the available information at that time however, as a Council or as a department, and in consultation with Planning; those estimates continue to be reviewed. He said that, at this stage, the projections that the Council had e.g. looking at the number of children in nursery schools, it was able to project that going forward for the next two years. He said that the Council also linked with the NHS Community Health Index (CHI) data and looked at data for those under three years and those projections, details of which were included in the Appendix to the report.

Councillor Wallace sought confirmation that the new figures, which were being used, had sufficient confidence with officers that these were accurate and that the Council was not going to find itself in a very difficult position some years down the line.

In response, the Director of Education said that officers wanted to ensure that the School was large enough, to make sure the Council met its duty in terms of providing sufficiency of places and to do so in a way that recognised the Council did not have infinite resources. He said that, in this instance four additional classrooms was the right balance. He said that officers had taken a great deal of care around projections and had looked at other areas in the long-term to see if numbers would go down and looked at those children not even at the School, the nurse class and through the data from the NHS and modelled it as well as possible. It was recognised that these were projections and whilst these could not be guaranteed, they were the best estimates that could be made in that way and hopefully this would provide reassurance to Members.

Councillor Morrison sought clarity in terms of getting the numbers to tie-up. He referred to paragraph 65 on page 245, which referred to the 92% capacities where the Council would plateau with the proposed extension however, at Table 3 on page 249 showed a different set of figures in terms of August 2027, which he thought showed an expected school roll of 532 that year. He said the current capacity was 420 and according to paragraph 57 would rise to 540, which was a plus-eight headroom, which was higher than 92% and asked if he had understood this correctly.

In response, the Head of Education Services said that, in terms of paragraph 65, the numbers being looked at here were even longer-term and looked at a period after the build at the area had been completed. He said that the Council had looked at previous building establishments and residential developments across the Council to try and determine when that increase in roll in those increasing number of children coming out of those properties plateaued, which was generally five or six years after the building had actually been completed. Therefore, the numbers quoted were actually further ahead again than those numbers printed in the table.

In terms of the numbers associated with the planning capacity, these were based on class sizes of 30 across all stages of Primary 1 to Primary 7, which made it easier to plan for those pupils as they moved through the stages and the pupil/teachers' ratio changed. In effect, these were actually higher in terms of those in a working capacity based upon the 25 pupils at Primary 1; 30 at Primary 2 and Primary 3; and 33 through to Primary 7. In addition to this, where the Council required to do so, it could make better and more efficient use of its classifications by employing additional teachers at those stages and could actually increase those roles even further than that. Therefore, in this case on the basis of planning capacity,

which was the minimum number of places that could be available in effect, through classification and the use of staffing these can be increased further to negate the pupil/teacher ratios also, which provided the extra headroom.

Councillor Morrison stated he was a Member of the Council's Planning Applications Committee and that he received an email each week detailing applications that had been received. He said that the number of applications, which related to extensions to family homes, were quite substantial and wanted to ask, not in terms of the number of homes increasing but the size of the homes growing with larger families as this would have had an impact. He asked if this had been considered in the calculation of this people/product ratio.

In response, the Director of Education said that the Council was looking at actual data from essentially two areas in the Maidenhill catchment area. These were the new housing and the number of children from those (approximately 570 homes), which were approximately two-thirds of the way through and then looking at a longer-term modelling of the Mearnskirk area to the east of ADSA where more traditional homes were, and which had a slightly different pupil/product ratio because it was much longer established. He said the Council was also looking at the new housing and doing a comparison with somewhere like West Acres where families would move in, have children and may extend their homes etc. Then, some would move on but longer-term the Council wanted to make sure it modelled it appropriately so that once all of that housing was developed in that area, the Council had sufficient capacity but without building it too large and to meet its best value responsibility.

Council:

- (a) noted that the number of children accessing places at Maidenhill Primary School was significantly higher than projected;
- (b) noted the projected rolls for the school in the short, medium and long-term; and
- (c) having considered the three options for ensuring sufficiency of school places at Maidenhill Primary School, agreed Option C as the preferred option and authorised the Head of Accountancy to adjust the 2023/24 Capital Programme within existing resources to allow design and survey work to proceed immediately.

PROVOST

MINUTE
of
EDUCATION COMMITTEE

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 28 September 2023.

Present:

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

Councillor Katie Pragnell (Vice Chair)
Ms Fiona Gilchrist
Ms Dorothy Graham
Mr Des Morris
Ms Evelyn Yedd (*)

(*) indicates remote attendance

Also Present:

Marlyn Brennan, Quality Improvement Officer
Emma Proctor, Carolside Primary School
Cameron Gibbs, Eastwood High School

Councillor Anderson in the Chair

Attending:

Mark Ratter, Director of Education; Janice Collins, Head of Education Services (Performance & Quality Improvement); Joe McCaig, Head of Education Services (Provision); Colin Wright, Committee Services Officer; and John Burke, Committee Services Officer.

Apologies:

Councillors Danny Devlin, Tony Buchanan and Gordon Wallace.

DECLARATIONS OF INTEREST

609. There were no declarations of interest intimated.

MODERN LANGUAGES FOCUS – VERBAL UPDATE

610. Marlyn Brennan, Quality Improvement Officer, provided a verbal update on the Education Department's progress towards improving the quality of children and young people's experiences in the learning of modern languages with a focus on staff professional development and learners' experiences and opportunities within educational establishments across East Renfrewshire Council. She was supported by Emma Proctor a teacher from

Carolside Primary School and a language leader involved in the language learning programme, and Cameron Gibbs, a pupil from Eastwood High School. A background to the work in language learning was provided. An update on foreign language learning for young people in East Renfrewshire was also provided. It was noted that a modern language is a core part of language learning, with pupils often electing to pursue a second foreign language from primary 5 onwards, with continuation of the language learning in secondary school. The importance of making language learning relevant to pupils was emphasised, particularly due to the discipline and hard work involved in learning languages. This involved creating awareness for the global opportunities for pupils following language learning. The importance of having teachers with the skills and enthusiasm in language learning across primary and secondary education was emphasised.

Emma Proctor provided a summary of her background as a language leader and learners. She stressed the importance of the effective staff language network in East Renfrewshire. She then provided details of her learning journey. She had been inspired by language learning at school and thereafter completed an Open University course to develop her language learning skills. A course in France had also enhanced her learning experience.

Cameron Gibbs provided information on his learning experience at Eastwood High School focussing on a third year exchange trip to Spain. He explained that he had been chosen from a number of pupils who had applied and a number of meetings had taken place before the trip, including videos sent from the Spanish school. He provided further details of the trip on the presentation slides, including photographs from Valencia. He concluded by emphasising how beneficial the course had been to his language learning and in particular how it had enhanced his enthusiasm for languages.

Members praised the pupils, teachers and support staff involved in the language-learning programme, especially the developments in primary education. The presenters were thanked for their very informative presentation and the Committee wished them all the best for the future. It was also agreed to submit a report in two years' time updating on the progress of the language-learning programme.

PROGRESS REPORT ON PRIORITIES ASSOCIATED WITH NATIONAL IMPROVEMENT FRAMEWORK

611. The Committee considered a report by the Director of Education informing the Education Committee on the progress made towards overtaking the priorities associated with the National Improvement Framework. The Framework is intended to drive both excellence and equity in Scottish education and is reviewed annually. The five key priorities were highlighted and although it was reported that significant progress had been made, there was still work to be done in order to close the poverty related attainment gap further and increase the pace of these improvements. It was also reported that school attendance had not yet returned to pre-pandemic levels, although it was acknowledged that the situation had improved since the pandemic.

Discussion took place on the issue of the mental health impact of the pandemic on those pupils, particularly in relation to nursery school children, who had been deprived of a normal upbringing due to the pandemic and it was acknowledged that this was having an impact on their behaviour at nursery.

Following further discussion, the Committee agreed to note the Education Department's progress in implementing priorities associated with the National Improvement Framework.

PROGRESS AND IMPACT ON IMPLEMENTATION OF THE STRATEGIC EQUITY FUND PLAN 2022-2026

612. The Committee considered a report by the Director of Education updating it on the Education Department's progress implementing priorities associated with the Strategic Equity Fund (SEF) Plan for 2022 – 2026. The Committee was reminded that, in August 2022, it had agreed to the Department's Strategic Equity Plan, detailing approaches to improving attainment, with a request for the Director of Education to bring regular reports to the Education Committee on the progress and impact of its implementation. The highlights of the progress towards the plan were summarised, along with case studies.

During discussion, the Head of Education Services was praised for the progress achieved. The use of case studies was also praised and it was suggested that they could be used more often in reports to bring a sense of realism to the progress achieved. A question was asked as to whether there were plans to roll out the Learn Well service to other establishments and in response it was affirmed that the funding for SEF is only available for three years and that the programme has the objective of longer term sustainability of the interventions employed by the Learn Well Service and as such, the interventions utilised are being shared to allow all establishments and staff to become aware of and implement such strategies, within the available funding.

Following discussion, the Committee agreed to note the Education Department's progress with its Strategic Equity Plan 2022 – 2026.

IMPROVING OUTCOMES THROUGH SCOTTISH ATTAINMENT CHALLENGE FUNDING: STRATEGIC EQUITY PLAN 2023-2024

613. The Committee considered a report by the Director of Education requesting approval for the updated Strategic Equity Funding (SEF) Plan Action Plan 2023 – 2024 and associated stretch aims. The Head of Education Services (Quality Improvement) provided the background and details of the progress made in relation to ensuring that all learners would be supported to realise their potential, following Article 28 of the UNCRC, which stated that children and young people had the right to education and that education should develop every child's personality, talents and abilities to the full (Article 29).

The Strategic Equity Plan entitled Delivering Excellence through Equity, provided details of the activities involved and the short and long-term aims for the Plan. The Education Department had identified areas for improvement in well-being, literacy and numeracy and Learning and Teaching and information was provided on the activities involved to achieve the stretch aims.

During discussion, the importance of setting more the targets as challenging and aspirational was acknowledged as being important to ensure we continued to aim for the best outcomes for learners. Ensuring a high level of expectations would ensure that those who required help the most would benefit.

Following further discussion, the Committee agreed:-

- (a) to approve the updated action plan and associated stretch aims; and
- (b) that the Director of Education bring regular reports to the Education Committee on the progress and impact of its implementation.

REVIEW OF THE IMPACT OF PUPIL EQUITY FUNDING

614. The Committee considered a report by the Director of Education on progress made with Pupil Equity Funding in East Renfrewshire Council. The review identified key strengths in East Renfrewshire, along with some next steps for schools and the Department.

During discussion, it was questioned as to the extent to which schools make full use of the PEF fund. In response, the Head of Education advised that East Renfrewshire's schools make very good use of the PEF fund and that the challenge of reporting the total spend related to the misalignment of the financial and academic years, and that PEF spend not complete by the end of the financial year, would in almost all cases be spent by the end of the academic year. PEF budget is not committed by financial year is carried forward to the next financial year. It was commented that the Education Department monitors PEF budget regularly and reports to the Scottish Government on this.

The Head of Education commented that whilst PEF allocations to schools is determined on the basis of the number of children entitled to a Free School Meal, and that these children are the main focus for the use of the fund to improve learner outcomes, that head teachers do have flexibility in their use of PEF given circumstances where FME children are already performing appropriately.

Following further discussion, the Committee agreed to note the progress made with Pupil Equity Funding in East Renfrewshire Council.

WEST PARTNERSHIP IMPROVEMENT COLLABORATIVE: EVALUATION REPORT 2022-2023

615. The Committee considered a report by the Director of Education informing it of the evaluation of work undertaken by the West Partnership (Glasgow Region Education Improvement Collaborative) in 2022 - 2023. The attached report in Appendix 1 provided details on the progress over the academic year 2022-2023 towards achieving each of the associated target outcomes and expected impacts, as detailed in the West Partnership Improvement Plan for 2022-2023. The evaluation report provided an overview of the collective impact and benefit of the West Partnership annual activity, which was delivered through three core workstreams. These were:

- (a) Curriculum, Learning, Teaching and Assessment.
- (b) Well-being for Learning.
- (c) Leadership, Empowerment, and Improvement.

The Committee was informed that the final version of the report would include comments from the Communications Team.

The Committee noted the West Partnership Improvement Plan for 2022-23.

WEST PARTNERSHIP IMPROVEMENT COLLABORATIVE: IMPROVEMENT PLAN 2023-2024

616. The Committee considered a report by the Director of Education informing it of the contents of the West Partnership's Improvement Plan for 2023 – 2024. The Partnership was required to produce an annual improvement plan, which outlined the vision, purpose and key activities of the collaborative for the year ahead. The West Partnership Improvement Plan

2023 - 2024 (Appendix 1) sets out the key areas for collaborative action to bring about improvement across the Glasgow City Region.

The Director of Education intimated that work had been done on the key words to strengthen the plan and provide further recognition of the work involved.

The Education Committee approved the West Partnership's Improvement Plan for 2023 – 2024.

CHAIR

MINUTE
of
LICENSING COMMITTEE

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock, on 3 October 2023.

Present:

Councillor Paul Edlin (Chair)
Provost Mary Montague(*)

Councillor David Macdonald (*)

Councillor Edlin in the Chair

(*) indicates remote attendance

Attending:

Gerry Mahon, Chief Officer - Legal and Procurement, Chief Executive's Office; Linda Hutchison, Senior Committee Services Officer; and John Burke, Committee Services Officer.

Also Attending:

Chief Inspector Graeme Gallie and Sergeant Lisa Campbell, Police Scotland.

Apologies:

Councillor Andrew Morrison.

DECLARATIONS OF INTEREST

617. There were no declarations of interest intimated from Members.

Resolution to Exclude Press and Public

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 it 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 DRIVERS LICENCE – APPLICATION FOR RENEWAL

618. 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 licensee was present.

Sergeant Campbell, representing the Chief Constable, who had made an out of time objection, was also present.

The report explained that in determining the application it would be for the Committee to decide if it wished to consider the out of time objection submitted by the Chief Constable and, if so, what weight it wished to attach to the objection and its relevance to the type of licence being applied for.

Having heard the applicant agree that the late objection could be considered the Committee agreed to consider the out of time objection and copies were provided to Members.

Sergeant Campbell was heard in respect of the objection submitted by the Chief Constable.

The applicant was then heard in respect of the application.

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

On reconvening, the Committee, agreed to continue consideration of the application until after the applicant's trial date.

PRIVATE HIRE DRIVERS LICENCE – APPLICATION FOR RENEWAL

619. 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 4 refers).

The licensee was present.

Police Scotland representatives indicated that they were withdrawing their objection as the Procurator Fiscal had determined to drop all relevant charges against the applicant on which the objection was based.

On that basis, the Committee concluded that the matter should be determined by the Clerk to the Committee under his delegated powers, as is the norm for all applications not subject to objection, and the matter was remitted back to him for consideration.

CHAIR

MINUTE
of
PLANNING APPLICATIONS COMMITTEE

Minute of meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 4th October 2023.

Present:

Councillor Paul Edlin
Councillor Annette Ireland

Councillor Chris Lunday
Councillor Andrew Morrison

Attending:

Gillian McCarney, Head of Place; Alan Pepler, Principal Planner (Development Management); Linda Hutchison, Senior Committee Services Officer; John Burke, Committee Services Officer.

Apologies:

Provost Mary Montague, Councillors Betty Cunningham and Jim McLean.

APPOINTMENT OF CHAIR

620. In accordance with Standing Order No.16, the Committee was required to appoint a chair for this meeting from those Members present.

Accordingly, Councillor Edlin, seconded by Councillor Ireland, proposed that Councillor Lunday be appointed Chair. This proposal was accepted unanimously.

Councillor Lunday in the Chair

DECLARATIONS OF INTEREST

621. There were no declarations of interest intimated.

APPLICATIONS FOR PLANNING PERMISSION

622. The Committee considered a report by the Director of Environment on an application for planning permission requiring consideration by the Committee.

It was agreed that the applications be determined as indicated at Appendix 1 accompanying this Minute, particular reference being made to the following:-

- (i) 2022/0660/TP – Change of use of field to commercial dog walking facility, with associated fencing, access and parking (part retrospective) at Former part of Pilmuir Quarry, Pilmuir Road, Newton Mearns, East Renfrewshire.

The Principal Planner (Development Management) was heard further on the report, in the course of which he summarised the 18 objections that had been received.

He provided further information on the relevant planning policies and assessments and stated that the proposal was considered to generally comply with the terms of the development plan, including NPF4 and LDP2.

In the course of discussion, it was established that the Planning Service had reviewed nature and traffic surveys that had been carried out and were satisfied that there was no significant impact in terms of the proposal.

Following discussion among members around concerns about the required lighting on the site, impact on wildlife and nature and the access to the site, Councillor Morrison, seconded by Councillor Ireland, moved that planning permission be refused as they found it to be contrary to NPF4 Policy 3 (Biodiversity), Policy 6 (Forestry, Woodland and Trees), and LDP2 Policy D1 as they believed it would have an adverse impact on the character and amenity of the area.

Thereafter, the Committee agreed to refuse planning permission, as they found it contrary to NPF4 Policy 3 (Biodiversity), Policy 6 (Forestry, Woodland and Trees), and LDP2 Policy D1.

SECTION 33A NOTICE REQUIRING THE SUBMISSION OF A RETROSPECTIVE PLANNING APPLICATION FOR OUTBUILDINGS AND A FENCE ERECTED AT 29 EAST KILBRIDE ROAD, BUSBY, G76 8JY

623. The Committee considered a report by the Director of Environment on the service of a Notice under Section 33A of the Town and Country Planning (Scotland) Act 1997, authorised by the Planning Applications Committee on 7 June 2023 (Page 531, Item 470 refers), in respect of unauthorised development at 29 East Kilbride Road, Busby, G76 8JY.

The Planning Service had received a complaint in relation to the erection of an outbuilding being erected within garden ground associated with 29 East Kilbride Road, Busby, in March 2023. The matter had been investigated and a site visit was carried out on 16 March 2023. The details of what was observed in the site visit were provided in the report.

The landowner had been advised that planning permission was required for the outbuilding and a retrospective application had been submitted on 17 March 2023 then subsequently withdrawn on 18 March 2023 as the landowner was of the view that the outbuilding fell within permitted development.

Further works had since taken place and an e-mail had been sent to the landowner on 31 March 2023 advising that formal action would be considered if an application was not submitted before Friday 14 April 2023. The landowner declined to submit an application and confirmed that he was taking legal advice on the matter.

The Planning Applications Committee had authorised the service of a Section 33A Notice requiring the landowner to submit the required planning application in retrospect, which would leave it open to the Planning Service to pursue further action in terms of an enforcement notice at any time. In addition, the notice would prevent immunity being reached in terms of a four year time period having elapsed since the identified breach of planning control.

It was reported that the landowner had not complied with the terms of the Notice and had refused to submit the required planning application. It was highlighted that this did not mean that the Planning Service was required to serve an enforcement notice to seek removal of the structures, citing Circular 10/2009, which stated that planning authorities should consider

whether any breach of control would affect unacceptably either public amenity or the use of land and buildings meriting protection in the public interest.

It was noted that the unauthorised works relate to the erection of outbuildings for domestic purposes within an existing domestic curtilage and a timber boundary fence. The use of the outbuildings for purposes ancillary to the dwelling would not, therefore, be out of character with the residential use of the site and give rise to significant additional noise and disturbance than would normally be associated with a residential garden.

In summary, the minimal impact of the unauthorised development, as set out in the report, did not justify further enforcement action in the opinion of the Planning Service and it was recommended that no further action be taken in respect of the unauthorised development.

In discussing the matter, members expressed their strong concerns around the unauthorised development going ahead without the requisite planning permission being granted by the Council.

Thereafter, Councillor Morrison, seconded by Councillor Edlin moved that the recommendation to take no further action be refused and a further report be brought to the Committee on the matter, at a later date, to confirm what next steps could be taken in respect of the unauthorised works.

CHAIR

APPENDIX

**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**

Draft index of applications under the above acts to be considered by Planning Applications Committee
on 4th October 2023.

Reference No: 2022/0660/TP

Ward: 2

Applicant:

Mr Ian Darroch
Flat 7
10 Adamswell Street
Glasgow
Scotland
G21 4DD

Agent:

Site: Formerly Part of Pilmuir Quarry, Pilmuir Road, Newton Mearns, East Renfrewshire

Description: Change of use of field to commercial dog walking facility, with associated fencing, access and parking (part retrospective)

Please click [here](#) for further information on this application

MINUTE
of
LOCAL REVIEW BODY

Minute of meeting held at 2.45pm in the Council Chamber, Council Headquarters, Giffnock on 4 October 2023.

Present:

Councillor Paul Edlin
Councillor Annette Ireland

Provost Chris Lunday
Councillor Andrew Morrison

Attending:

Mark Brand, Planning Adviser; Gerry Mahon, Chief Officer (Legal and Procurement); Linda Hutchison, Senior Committee Services Officer; and John Burke, Committee Services Officer.

Apologies:

Provost Montague, Councillors Betty Cunningham and Jim McLean.

APPOINTMENT OF CHAIR

624. In accordance with Standing Order No.16, the Committee was required to appoint a chair for this meeting from those Members present.

Accordingly, Councillor Ireland, seconded by Councillor Morrison, proposed that Councillor Lunday be appointed Chair. This proposal was accepted unanimously.

Councillor Lunday in the Chair

DECLARATIONS OF INTEREST

625. There were no declarations of interest intimated.

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

NOTICE OF REVIEW – REVIEW 2023/08 – GARAGE AND CONSERVATORY CONVERSION WITH NEW STAND-ALONE GARAGE AT 8 THE LAURELS NEWTON MEARNS, G77 6XR (REF NO:- 2023/0054/TP).

626. The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Mr Richard McLean against

the decision taken by officers to refuse planning permission in respect of a garage and conservatory extension with new stand-alone garage at 8 The Laurels, Newton Mearns, G77 6XR.

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 determined by the Appointed Officer in the decision notice and the grounds for review.

The Planning Adviser further outlined proposed additional conditions to be attached to any consent in the event the Local Review Body overturned the decision of the Appointed Officer and granted planning permission.

Discussion took place, particularly around the location of the site and the mitigating factors highlighted by the applicant.

Following the discussion, and having heard from the Planning Adviser, the Local Review Body agreed that the Appointed Officer's decision be upheld and planning permission refused.

NOTICE OF REVIEW – REVIEW 2023/09 – PROPOSED DORMERS AND INTERNAL ALTERATIONS TO EXISTING DETACHED DWELLING AT 38 CHEVIOT DRIVE, NEWTON MEARN, G77 5AS (REF NO:- 2023/0217/TP).

627. The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted Ms Kim Ndungu against the decision taken by officers to refuse planning permission in respect of proposed dormers and internal alterations to an existing detached dwelling at 38 Cheviot Drive, Newton Mearns, G77 5AS.

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 determined by the Appointed Officer in the decision notice and the grounds for review.

The Planning Adviser further outlined proposed additional conditions to be attached to any consent in the event the Local Review Body overturned the decision of the Appointed Officer and granted planning permission.

Discussion took place, particularly around the location of the property, visibility of the rear extension and the nature of the dormer in relation to other dormers viewed during the site visit to the area.

Following the discussion, and having heard from the Planning Adviser, the Local Review Body agreed that the Appointed Officer's decision be overturned and planning permission granted, subject to the conditions outlined in the report.

CHAIR

MINUTE
of
CABINET

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 5 October 2023.

Present:

Councillor Owen O'Donnell (Leader) Councillor Danny Devlin
Councillor Andrew Anderson (Vice Chair) Councillor Katie Pragnell

Councillor O'Donnell, Leader, in the Chair

Attending:

Steven Quinn, Chief Executive; Caitriona McAuley, Director of Environment; Margaret McCrossan, Head of Accountancy (Chief Financial Officer)(*); Phil Daws, Head of Environment (Strategic Services); Debbie Hill, Chief Procurement Officer; Michael McKernan, Economic Development and Inclusive Growth Manager; Paul Parsons, Principal Accountant; John Burke, Committee Services Officer; and Jennifer Graham, Committee Services Officer.

DECLARATIONS OF INTEREST

628. There were no declarations of interest intimated.

GENERAL FUND CAPITAL PROGRAMME

629. The Cabinet considered a report by the Head of Accountancy (Chief Financial Officer) to monitor both income and expenditure as at 30 June 2023 against the approved General Fund Capital Programme and recommending adjustments where possible.

The report updated project costs and phasings based on current progress and anticipated progress to 31 March 2024.

The Head of Accountancy (Chief Financial Officer) in speaking to the report, highlighted that rising construction costs, general inflation and shortages of materials and labour were leading to increased pricing for works. Consequently, project expenditure was being constantly monitored so that additional cost pressures on key projects could be covered by deferring or reducing other projects to compensate.

The current position was outlined as a budget shortfall of £0.180m, which was within manageable limits

The main income and expenditure movements to June 2023 were detailed in the report, including a transfer of £0.275m from Property Maintenance to St John's Primary School Early Learning and Childcare Places. The school building required a wide range of works to accommodate increased nursery spaces together with roof improvements.

It was specifically noted that the projected expenditure figure significantly exceeded the actual outturn achieved during the previous financial year. A number of projects had been scheduled to start on site later in the financial year and the actual expenditure would be dependent on the completion of the procurement process and progress achieved by contractors in those projects. While overall expenditure levels to June 2023 supported an increased level of capital expenditure, the target of £58.740m remained ambitious and further reductions in the projected outturn were likely as the year progressed.

In response to a query from the Leader about the absence of 10 year projections from the initially published papers, the Clerk explained that there had been an error when converting the submitted papers for issue. However, the unintentionally omitted documents had been included in the pack before the meeting and the papers available on the Council's website were updated to reflect the full range of figures in terms of the Capital Monitoring reports.

The Leader expressed disappointment in the lack of clarity over LEAP funding, which had been due to be given in December 2022 but still not been received. The Head of Accountancy (Chief Financial Officer) stated that the funding was included as an assumption within each quarter's reporting and remained in plans, but was marked as delayed. A further report would come to Council once the situation was clarified.

The Head of Accountancy (Chief Financial Officer) also provided some information on how the Council's departments would work to deliver the ambitious plans laid out, given the constrained environment.

Thereafter, the Cabinet:-

- (a) noted and approved the movements within the 2023/24 programme outlined in the report;
- (b) approved the transfer of £0.275m from Property Maintenance to St John's Primary School, Early Learning and Childcare Places; and
- (c) noted the shortfall of £0.180m and that income and expenditure on the programme would be managed and reported on a regular basis.

HOUSING CAPITAL PROGRAMME

630. The Cabinet considered a report by the Head of Accountancy (Chief Financial Officer) to monitor both income and expenditure as at 30 June 2023 against the approved Housing Capital Programme and recommending adjustments where required.

The report updated project costs and phasings based on current progress and anticipated progress to 31 March 2024.

The Head of Accountancy (Chief Financial Officer) in speaking to the report, highlighted that rising construction costs, general inflation and shortages of materials and labour were leading to increased pricing for works. Consequently, project expenditure was being constantly monitored so that additional cost pressures on key projects could be covered by deferring or reducing other projects to compensate.

The current position was outlined as a budget shortfall of £0.188m, which was within manageable limits

The main income and expenditure movements to June 2023 were detailed in the report.

It was confirmed that the 10 year projections had been added to the papers before the meeting and would be circulated to members after the meeting to clarify the position.

Officers responded to members' questions about the progress of heating system renewals in council housing and the Scottish Government guidance around this project, as well as discussion of the plans for new build council housing and the purchase of appropriate properties to meet housing demand where possible.

Thereafter, the Cabinet:-

- (a) noted and approved the movements within the 2023/24 programme outlined in the report;
- (b) noted the shortfall of £0.188m and that income and expenditure on the programme would be managed and reported on a regular basis.

ANNUAL PROCUREMENT REPORT 2022/23 – PROCUREMENT STRATEGY 2023-2026 - UPDATE

631. The Cabinet considered a report by the Chief Procurement Officer on the Annual Procurement Report 2022/23 and an update on the implementation of the Procurement Strategy 2023/2026.

The Annual Procurement Report (APR) was required under Section 18 (2)(a) of the Procurement Reform (Scotland) Act 2014 where it was stated that councils must publish a summary of their regulated procurements completed during the year covered by the report. The APR provided an opportunity for the Council to demonstrate to stakeholders that procurement spend was being used to achieve not only best value, but also supporting the Council's vision of being modern and ambitious to create a fairer future with all.

The Procurement Reform (Scotland) Act 2014 also required the Council to develop a Procurement Strategy and review it annually to demonstrate how procurement played a fundamental role in delivery of the Council's strategic objectives. It was a key enabling strand for continuous improvement and identifying efficiencies across the Council.

Copies of both documents were attached as appendices to the report and the key points within both were summarised by the Chief Procurement Officer.

The Chief Procurement Officer was heard in response to members' questions about embedding payment of the living wage and payment of tax into procurement agreements, the difference between regulated and unregulated activities, insurance procurement and the work to improve prompt payment.

In particular, the Chief Procurement Officer agreed to provide more specific details to the Leader on the insurance procurement.

Thereafter, the Cabinet approved the Annual Procurement Report 2022/23 and the update on the Procurement Strategy.

CLARKSTON PARKLETS – COMMUNITY REVIEW RESULTS

632. The Cabinet considered a report by the Director of Environment on the results of a public consultation regarding the future of the Clarkston Parklets and seeking approval of an option to progress with, as detailed in the report.

In 2019, a temporary widening of the pavement and provision of benches and planters, known as Parklets, were installed by East Renfrewshire Council on Busby Road, Clarkston. This provided people with places to congregate, rest, eat and places to secure cycles within the town centre. The Parklets had a total cost of £172,546.

As the introduction of the Parklets was a temporary measure, they were installed using materials suited to a temporary project and had a lifespan of approximately 5-10 years. A decision on the future of the Parklets was delayed by the COVID-19 pandemic, however, in March 2021, the Council had commissioned Stantec to undertake a public consultation on the Parklets in Clarkston to gauge attitudes across the wider community in respect of their introduction and future.

The responses to the consultation were summarised within the report, with 927 responses being received from local residents, businesses, visitors and those travelling through the area for online and face to face surveys.

Of those, 461 had responded that they were not in favour of the parklets being made permanent, 430 had responded that they would like to keep the parklet, or keep them with some changes of design or location.

It was noted that there were no responses from local businesses via face to face survey, however, the Clarkston Business Improvement District had confirmed that they were generally supportive of the Parklets, but wished to see tables, bins and an ongoing maintenance regime.

Three options were outlined to the Cabinet within the report, and they were asked to choose which would go forward. The report recommended that the existing Parklets and planters be retained and refurbished with an established maintenance regime put in place until 2026 (Option 2).

Councillor Pragnell raised the issue of the vagueness of the survey which was carried out, as well as the lack of any maintenance budget in the initial implementation. She also suggested that community groups and schools could assist with the refurbishment and maintenance of the Parklets and had expressed a willingness to do so.

Councillor O'Donnell asked for clarity around the timing of the long term strategy and the Economic Development and Inclusive Growth Manager agreed to come back with further information on the strategy to Cabinet. Councillor O'Donnell also noted the mixed response to the survey and lack of response from local businesses, who would be directly impacted by the proposed works.

Thereafter, the Cabinet:-

- (a) noted the background of the Clarkston Parklets;
- (b) approved the retention and refurbishment of the Clarkston Parklets until 2026, subject to review of the costs for that delivery and working to minimise those as much as possible;

- (c) that clearer timescales in terms of the strategy be provided to Cabinet.

CHAIR

MINUTE
of
CABINET

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 12 October 2023.

Present:

Councillor Owen O'Donnell (Leader) Councillor Katie Pragnell
Councillor Andrew Anderson (Vice Chair)

Councillor O'Donnell, Leader, in the Chair

Attending:

Steven Quinn, Chief Executive; Caitriona McAuley, Director of Environment; Margaret McCrossan, Head of Accountancy (Chief Financial Officer)(*); Phil Daws, Head of Environment (Strategic Services); Michael McKernan, Economic Development and Inclusive Growth Manager; Suzanne Conlin, Senior Housing Officer; Linda Hutchison, Senior Committee Services Officer; and John Burke, Committee Services Officer.

Apology

Councillor Danny Devlin

DECLARATIONS OF INTEREST

633. There were no declarations of interest intimated.

STRATEGIC HOUSING INVESTMENT PLAN 2024-2029

634. The Cabinet considered a report by the Director of Environment seeking approval for the proposed Strategic Housing Investment Plan 2024/25 to 2028/29, a copy of which accompanied the report.

The Scottish Government required local authorities to supplement their Local Housing Strategy (LHS) with a Strategic Housing Investment Plan (SHIP) setting out in detail the Council's affordable housing investment priorities, and detailed programme, for the coming 5 years. The SHIP would detail what houses would be built, the location and who the developer would be. The profile of the SHIP reflected the strategic priorities set out in the LHS for affordable housing delivery and addressed identified need for affordable homes in the local area.

It was explained that SHIPs must be produced and approved by local authorities annually. The existing SHIP programme would be rolled forward and added to, taking into account up to date resource planning assumptions and subsidy levels as set out by the Scottish Government. It was noted that grant funding for affordable new build housing was conditional

on meeting additional requirements, such as: wheelchair accessible homes; fire suppression systems; additional indoor space for work or study; improved connectivity and access to outside space; higher energy efficiency standards; and the use of modern construction methods.

Having explained the way in which Affordable Housing Supply Programme (AHSP) funding was allocated to local authorities, the report set out the current resource and planning assumptions for East Renfrewshire, with an anticipated £36.73m available for projects in the period 2024-29. This included over programming of projects to provide for slippage of around 25%.

The proposals for development of social housing in 2024/25 to 2028/29 were set out in the programme tables attached as Appendix 1 to the report.

Officers responded to members' questions about the report, in particularly around the achievability of the SHIP, where it was highlighted that there were no significant concerns around the deliverability of the programme set out.

In response to a question from the Leader about any capacity beyond the identified 600 in the Local Development Plan (LDP2) for additional housing, the Head of Environment (Strategic Services) indicated that he would provide further information on this after checking with Planning colleagues.

Thereafter, the Cabinet:-

- (a) approved the East Renfrewshire Strategic Housing Investment Plan 2024-2029 for submission to the Scottish Government by 27 October 2023;
- (b) noted the significant pressure for additional affordable housing to meet the needs of residents, and the contribution that the SHIP programme made in addressing that; and
- (c) asked that the Head of Environment (Strategic Services) provide further information to the Leader of the Council on the capacity within the Council's Local Development Plan (LDP2) for additional housing above and beyond that in the outlined programme.

NEW COUNCIL HOUSING CONTRACT VARIATION

635. The Cabinet considered a report by the Director of Environment advising of a potential breach of Contract Standing Orders and requesting that any required variation be approved by the Cabinet retrospectively.

The Cabinet had approved in principle a programme to build up to 120 new Council homes at its meeting on 10 November 2016 (Page 2100, Item 2255 refers). This number was subsequently increased to 240 and then to 370.

CCG (Scotland) Ltd had been approved to undertake the design and build of the homes at a number of sites detailed in the report, with associated timescales. However, the programme had suffered delays, particularly due to the impact of COVID restrictions, labour and materials shortages, works to connect power cables to the SPEN network, additional works required for the creation of a pumping station and adaptations to meet the accessibility needs of individual applicants.

These factors had resulted in an over spend of potentially up to £141,397, broken down into two figures. The first was due to additional works carried out in terms of accessibility of properties to meet the specific needs of applicants (£66,397), the second was related to a Loss and Expense claim of £75,000 relating to additional costs as per the terms of the contract. The claim was under assessment by the Council's Legal Services before any payment was approved. If rejected, it was noted that this would reduce the overspend to £66,397 and therefore fall into an allowable overspend which would not violate Contract Standing Orders.

There followed a brief discussion where the Head of Environment (Strategic Services) clarified that, due to the ongoing legal process in assessing the Loss and Expense claim, it was not appropriate for him to comment on the possible outcome of that process. He also clarified that the works undertaken in terms of the first part of the overspend were necessary works to enable properties to be used by residents with specific housing needs.

Thereafter, the Cabinet noted the potential breaches in Contract Standing Orders with regard to contract value variations of up to £141,397 (subject to finalised legal assessment of contractual liability).

HOUSING SERVICES ANNUAL PERFORMANCE REPORT 2022-23 AND ASSURANCE STATEMENT (SCOTTISH SOCIAL HOUSING CHARTER)

636. The Cabinet considered a report by the Director of Environment seeking approval for the Housing Services Annual Performance and Assurance Statement.

By way of background, the report explained that the Scottish Social Housing Charter (SSHC) required each landlord to provide the Scottish Housing Regulator (SHR) with detail of performance against 37 performance indicators and information for 32 contextual indicators by 31 May each year. This was known as the Annual Return on the Charter (ARC). This detail had been submitted to Cabinet each year since its introduction in 2013/14.

Following receipt of these returns, the SHR would produce a summary Landlord Report for every social landlord in Scotland; and an Engagement Plan for each landlord, which outlined the areas of scrutiny they would focus on, based on the prior year's reported performance.

The SHR's Regulatory Framework also required all social landlords to produce an Annual Assurance Statement (AAS) confirming compliance with the Regulatory Framework, SSHC standards and with statutory obligations, and on approval by the local authority to submit this to SHR for consideration annually by 31 October.

Copies of the performance report against the SSHC; the action plan to further strengthen compliance against the Regulatory Framework and SSHC; and the AAS 2022 accompanied the report.

The performance report against the SSHC demonstrated that Housing Services was performing well in key areas in comparison to last year and the average for the housing sector in Scotland, with a number of examples of good practice highlighted in relation to repairs, maintenance, empty homes, and rent arrears.

Areas for improvement were also outlined, reference being made to the proposed programme of work to achieve compliance with Electrical Installation Condition Reports (EICRs); improving customer engagement and communication; and the provision of homeless accommodation.

As well as being submitted to the SHR following approval, the AAS would be published and made available to tenants as well as made available online and by request to other customers of the Council.

The Head of Environment (Strategic Services) then responded to members' questions, in particular around the impact of the upcoming changes to energy efficiency standards and any impact this might have on performance. He explained that performance standards were applied across all local authorities and performance examined relatively. As all authorities would be required to meet the new standard, it would not necessarily mean an issue in terms of performance as the Council would be assessed relatively to the performance of other authorities in this area.

Thereafter, the Cabinet:-

- (a) noted performance for 2022/23 against SSHC indicators and measures, and comparisons to the previous year and wider housing sector;
- (b) noted the action plan to continue to strengthen compliance against the regulatory framework and SSHC; and
- (c) approved the 2023 Annual Assurance Statement of compliance with the Regulatory Framework and SSHC standards and its submission to the Scottish Housing Regulator by 31 October 2023.

LICENSING OF SHORT TERM LETS

637. The Cabinet considered a report by the Director of Environment seeking approval of amendments to East Renfrewshire Council's Short Term Let (STL) Policy following a change to Scottish Government Guidance.

Cabinet approved the Council's STL on 13 October 2022 (Page 232, Item 174 refers). The definition of a short term let was a business agreement to use residential accommodation by a guest: excluding hotels, hostels and other licensable activities such as mobile homes. "AirBnB" was a popular example.

In June 2023, a court ruling had declared that parts of the City of Edinburgh's STL policy were unlawful. Subsequently, the Association of Scottish Self Caterer had written to the Scottish Housing Minister, intimating that they might take legal action against other Scottish local authorities over potential "illegalities" in their STL policies.

East Renfrewshire Council had received 2 enquiries from STL operators regarding space standards. Of 4 properties managed by those operators, 3 might be unable to meet the bedroom space standards set out in the existing policy. They further advised that other local hosts were considering exiting the market as they felt they could not comply with the space standards set out in the current policy.

Newly published guidance from the Scottish Government stated that, "in determining an appropriate maximum occupancy for a short term let premises, licensing authorities should note that minimum space standards that apply to HMO licensing do not apply to short term lets. Guests staying in a short term let may be prepared to accept staying in a smaller room that does not meet the HMO bedroom space standards in a number of cases such as city breaks where the room is only used as a bed for the night, or where the premises has large living accommodation."

The existing policy had been amended in accordance with that new guidance, while still utilising statutory space standards set out in the HSA 1987. Where space standards were not met, properties would be inspected jointly by Housing Services and colleagues from Environmental Health to determine the risks.

The report also provided details on the use of additional conditions for STL licences and when they were likely to apply. This covered issues such as hot tubs, waste disposal and anti-social behaviour. Such conditions, if applied, had to be applied to all properties and not on a case by case basis.

The Senior Housing Manager indicated that a watching brief was being kept on this area in case of further amendments to guidance, and the department would react appropriately to any changes.

Thereafter, the Cabinet:-

- (a) noted the timescale changes associated with extended application deadlines;
- (b) homologated the decision to update space standards for short term lettings; and
- (c) approved the updated Short Term Let Policy.

UPDATE ON THE LOCAL AUTHORITY COVID ECONOMIC RECOVERY FUND

638. The Cabinet considered a report by the Director of Environment on the progress of the Local Authority COVID Economic Recovery Fund (LACER) in East Renfrewshire.

The Scottish Government announced LACER on 21 February 2022, with £80m of funding aimed at supporting businesses and communities to help Scotland as it moved to a new phase in the Coronavirus pandemic. Funds were allocated based on the number of towns and population in a local authority area and deprivation indices. East Renfrewshire Council had been awarded £1.469m of this funding. LACER funding required to be fully committed by the end of March 2024.

Cabinet had agreed a three-tiered approach to this fund at its meeting on 18 August 2022 (Page 108, Item 83 refers), providing support to businesses who were linked to low-income households; support to businesses who were most adversely affected by the pandemic; and support to low-income households who were most adversely affected by the pandemic.

A call for proposals had been issued on 25 May 2022 to internal and external stakeholders, with a working group set up with officers from Economic Development and Business Operations and Partnerships to assess proposals against the fund's objectives.

A series of projects, highlighted at Annex A to the report, were developed, providing a mix of outcomes across the 3 specified criteria. 19 had been approved at the 18 August 2022 meeting of Cabinet, spending £1,271,774 of the funding by 31 March 2023. The remaining £174,073 was committed to be spent by the deadline of 31 March 2024.

The report also detailed reallocation of underspend within the programme of circa £20,000 to achieve full spend.

In response to a question from the Leader regarding the underspend by the “Scotland Loves Local” project, the Economic Development and Inclusive Growth Manager agreed to respond to him with full detail after consulting with colleagues in Finance.

Thereafter, the Cabinet:-

- (a) noted and approved the update provided on the delivery and spend associated with the LACER fund; and
- (b) noted that the Economic Development and Inclusive Growth Manager would give further detail to the Leader on the “Scotland Loves Local” underspend following consultation with Finance.

LOCAL DISCRETIONARY FUND 2 – REQUEST FOR FURTHER BUSINESS GROWTH INTERVENTIONS

639. The Cabinet considered a report by the Director of Environment on the progress of the implementation of the Local Discretionary Fund 2 (LDF2) and seeking approval for further business growth interventions for use of the remaining funds.

The sum of £1.25m had been awarded to East Renfrewshire Council for the Local Discretionary Fund to support local businesses as part of the Scottish Government’s ongoing response to the COVID pandemic. The Cabinet approved the use of these funds at its meeting on 13 October 2022 (Page 234, Item 177 refers).

Local authorities could use this funding to provide direct financial support to businesses in their area specifically for the purposes of mitigating immediate financial challenges arising from COVID-19 restrictions and regulations. Scottish Government guidance asked local authorities to prioritise micro, small and medium-sized enterprises (250 employees or fewer) and the self-employed as the recipients of the funding.

The current programme, implemented in December 2022, supported businesses up to the end of March 2024. COSLA had subsequently agreed that unspent funds could be carried forward into the 2024/25 financial year, with strict eligibility criteria and a robust due diligence process for assessing each grant application and award.

The key achievements of the programme, as at July 2023, were detailed in the report.

It was noted that applications could take time to develop into viable propositions and, with the time frame extended, more businesses would be able to take advantage of the grant funding available.

Proposals were outlined to spend the £638,281 remaining in the fund during the 2024/25 financial year, delivering continued support to existing beneficiaries and supporting more local businesses to develop new programmes to respond to local business needs. The proposals were fully detailed in the report.

The proposed programme would support over 170 local businesses with specific growth activity that would improve their resilience and improve job retention, job creation and increased turnover, with a view to creating wider economic activity across East Renfrewshire.

The Economic Development and Inclusive Growth Manager indicated, in response to members' questions, that once the LDF2 had concluded, it was expected that a UK Shared Prosperity Fund would be put in place to provide continued assistance. In particular, he indicated that the Enterprise Academy Programme would be looked at to ensure it was responsive to the needs of local businesses going forward.

Thereafter, the Cabinet:-

- (a) noted the activity to date on the Local Discretionary Fund 2 programme;
- (b) agreed to additional activities to use the remaining Local Discretionary Fund 2 funding as set out in the proposed interventions in paragraph 9 of the report;
- (c) delegated to the Director of Environment to vary the amounts allocated under each programme based on the level of take up and to ensure full spend of the Scottish Government allocation; and
- (d) agreed to extend the programme of activities until the end of March 2025.

CHAIR

