

EAST RENFREWSHIRE COUNCIL18<sup>th</sup> December 2019Report by Chief ExecutiveINFLUENCING THE FUTURE OF EAST RENFREWSHIRE**PURPOSE OF REPORT**

1. To seek approval of key areas where we wish to seek greater powers or resources from Government to shape the future of East Renfrewshire as an area of continuing and enhanced prosperity.

**RECOMMENDATIONS**

2. The Council should consider if it wishes to:
- approve the 10 key areas in the "influencing the future statement"
  - support and promote the statement in all relevant discussions with Scottish Ministers/ COSLA/ Scottish and UK Government

**BACKGROUND**

3. There are regular requests from COSLA and Scottish Ministers (during visits) for the Council to outline their key concerns relating to powers or lack of resources. On 24<sup>th</sup> June 2015 the Council approved a paper which set out key areas that the Council, would like to have the powers or resources to change. The previous statement covered 2015 – 2018. This report includes a revised statement, taking account of new areas of concern, and will cover 2019 – 2022.

**REPORT**

4. A range of issues emerged from discussions with Directors and a discussion at the Corporate Management Team. These included requests to devolve powers more locally or to amend existing legislation. There are different ways which the Council can proceed depending upon the specific area of the legislation that we wish to change.

**How would we challenge existing legislation or ask for devolved powers?**

5. The Scottish Parliament has full powers in relation to legislating for the functions and powers of councils who can only act within the powers provided to them. The Scottish Parliament at Holyrood can pass laws on devolved matters – in general, those affecting most aspects of day-to-day life in Scotland. Issues raised by Directors were mainly devolved matters. The Scottish Parliament makes laws by passing bills. It also has the power to approve or reject subordinate legislation.

5.1 Changes to legislation – Parliament or its committees may investigate how the Government implements the Act and would consider any future Bills that amended or replaced it. Future changes to the law happen through the passing of another Act or delegated legislation. An Act can also be repealed so that its provisions no longer apply. Parliamentary committees examine laws and recommend the removal of out of date legislation. Therefore, elected members can influence Parliament to review legislation or to review an area of legislation (related to the specific area of the legislation that is problematic). Meanwhile officers/members can also discuss the issue with Scottish Government whose civil servants draft the legislation on their behalf.

5.2 Changes to powers- depending upon the legislation, it may be possible to ask for Scottish Ministers for the creation of an order to define or amend powers.

5.3 If the Council deem that an area of legislation is unlawful, this can be challenged at a judicial review.

### **Key areas identified**

6. A list of 10 key areas emerged and a brief summary of each area is included below:

### **Key areas identified**

#### **KEY AREA 1 Devolved powers to manage school assets more effectively**

The Council should have greater powers to make decisions to its school estate especially in relation to opening schools, merging schools and building annexes. The level of consultation required creates unnecessary delays.

**What needs to change:** *Schools Consultation (Scotland) Act 2010. This would involve lobbying Scottish Ministers to make changes through Scottish Parliament.*

#### **KEY AREA 2 Review of legislation regarding Placing requests**

The Education (Scotland) Act 1980 and Education (Additional Support for Learning) (Scotland) Act 2009 should to be reviewed to ensure that support costs associated with placing requests are transferred automatically between Councils.

The legislation also requires to be updated in other areas relating to placing requests, in particular reserved places and requests to remain.

**What needs to change:** *Education (Scotland) Act 1980, Education (Additional Support for Learning) (Scotland) Act 2009.*

#### **KEY AREA 3 Review of Planning legislation to remove the role of the Reporter as an appeals mechanism for planning applications**

The Council believes this approach i.e. a single Reporter making a binding decision on the Council does not represent local democracy. The Scottish Reporters decision is binding and final and can only be appealed on points of law in the Court of Session

**What needs to change:** *Planning etc (Scotland) Act 2006. This would involve lobbying Scottish Ministers to make changes through Scottish Parliament.*

#### **KEY AREA 4 The Council requires funding for Investment in school buildings**

##### *Condition & Suitability*

The Council needs to improve the following schools building, given their current poor condition (and suitability):

- Carolside Primary school, Clarkston
- Cross Arthurlie Primary School
- Woodfarm High School (original building)
- Mearns Castle High School (original building)

It is recognised that these schools are currently the most in need of major new build replacement/ refurbishment. There is also the intent to replace/renew other school buildings in the future to ensure all our young people learn in fit for purpose physical environments, with decisions based on ensuring condition (and suitability) ratings of C or below are prioritised. This need will be reflected in future Capital Investment Strategies.

**What needs to change?** *Elected members should work with COSLA (Local Government Finance Team) to lobby Scottish Ministers for additional funding for investment in schools.*

#### **KEY AREA 5 Increased investment for infrastructure**

With the Scottish Government housing target of 50,000 affordable homes across Scotland by 2021, there is significant pressure on related infrastructure, i.e. Education; Early Learning Centres; Sports and Leisure Facilities; and Libraries, created as a result of housebuilding which cannot be fully funded by developer contributions.

As the council works towards delivering their part of the national housing targets, it is anticipated that in future Local Development Plans there could be additional residential development proposed. This will put further pressure on places in primary, secondary and for specialist Additional Support Needs provision. This, compounded with continued inward migration attracted by the local education could necessitate more new build schools and other facilities. Developer contributions are insufficient to fund the required infrastructure.

**What needs to change?** *Elected members should work with COSLA (Local Government Finance Team) to lobby Scottish Ministers for additional funding for investment in schools, early learning centres, sport and leisure facilities and libraries required as a result of new house building.*

#### **KEY AREA 6 Increased funding to ensure the effective implementation of the 1,140 hours of Early Learning and Childcare (ELC)**

From August 2020, all 3 and 4 year olds and eligible 2 year olds will be entitled to 1,140 hours per year of free early learning and childcare. The population and uptake of childcare assumptions made by the Scottish Government are not reflective of the position experienced in East Renfrewshire. The Council estimated higher levels of population growth for the year

2021/22 based on its local information; and a higher proportion of children taking up the free entitlement, consequently there was a revenue funding shortfall for 2021/22 of £1.6 million. This shortfall will impact significantly on the Council's preferred delivery model, and the quality, flexibility and choice available for families.

**What needs to change:** *Elected members should lobby COSLA and Government Ministers to ask for revenue funding for Early Learning and Childcare to be allocated on the same basis as GAE to ensure that funding is allocated as required and reflects the latest population estimates.*

## **KEY AREA 7 Review of the number of councillors representing East Renfrewshire**

In 2016 the Local Government Boundary Commission reduced the number of Councillors for East Renfrewshire by 2 despite a significant increase in population. This was as a result of levels of deprivation being used as a factor in the calculation of Councillor numbers in addition to population and rurality. Deprivation is not used as a factor in any other Boundary decision. The proposal was strongly disputed by a number of councils but despite providing evidence of the impact the proposal was implemented. Along with a number of other Councils, a judicial review was considered but because of the cost and the impact on the organisation of the impending elections, this was not pursued by any council. At present there are 18 elected members for East Renfrewshire split over 5 areas and all political parties agree that this is not sufficient.

The recent Scottish Elections (Reform) Bill set out the Government's view that there is insufficient parliamentary scrutiny of boundary changes for local government elections. Under the current provisions, an order making changes to local government areas or to electoral arrangements is subject to either negative or no parliamentary procedure. This position is also inconsistent with the procedure used to change constituency and regional boundaries in Scottish Parliament elections. Section 31(4) of the Bill proposes that changes involving the abolition or alteration of a boundary of a ward or local government area or an increase or decrease in the number of councillors to be returned in any electoral ward should be subject to affirmative procedure, which will significantly increase the level of parliamentary scrutiny in these areas.

**What needs to change:** *Elected members should lobby Government Ministers to ask for the next review of the arrangements in place for Local Government elections to begin as soon as the Islands review is complete. The Commission should be asked to examine the impact of their decision and consider*

- *Reducing the weighting for deprivation used when determining councillor numbers*
- *Increasing the minimum number of councillors in any council to 22*

## **KEY AREA 8 Review of the Floors Arrangement**

The floors arrangement seeks to protect Councils from significant and unmanageable fluctuations in budgets on an annual basis and should act as budget "smoothing" mechanism. A "floor" is set by the Scottish Government and no council receives a budget cut of more than the floor in any 1 year. Councils with budgets above the floor fund the floors mechanism by paying into the floor mechanism.

Due to our growing population, our budget has been rising relative to other councils some of whom have declining population. This means that over the last 5 years we have paid into the floors mechanism at an average of £1.5m per annum with a payment of £2.6m in 2017/18.

The setting of the floor is at the discretion of the Scottish Government and has been set fairly tightly to reduce the impact of fluctuations on councils. However that has meant that the smoothing mechanism has protected some budgets rather than smoothing out fluctuations.

**What needs to change:** Encourage the Scottish Government to set the floor at a level which smooths budgets rather than protecting them in the long term,

#### **KEY AREA 9 City Deal 2 Funding**

Following on from the current Glasgow City Deal Programme which has a focus on major infrastructure projects, creating thousands of new jobs, improvements in public transport and connectivity and supporting business innovation and growth, there is an opportunity to lobby for a second phase of investment for the region. As well as the planned £1.13bn of investment, the Glasgow City region work has led to extensive collaboration across the City Region councils. Work should be undertaken to secure further regional funding for new strategic transport and employment opportunities.

**What needs to change:** *Elected members should lobby Government Ministers to ask for additional funding for a second phase of City Deal.*

#### **KEY AREA 10 Climate Change & Public Transport Improvements**

The Council is committed to ensuring sustainable development and seeks to minimize the environmental impact of our activities. It is vital that residents have access to a range of travel choices based on an integrated and sustainable transport network and further improvements such as longer platforms at local stations (to allow more carriages per train) and additional cycling infrastructure would be welcomed.

**What needs to change:** *Elected members should lobby Government Ministers to ask for additional funding for active and sustainable travel.*

#### **FINANCE AND EFFICIENCY**

7. There are no specific financial implications arising from this report.

#### **CONSULTATION**

8. The Corporate Management Team and key officers in both Legal Services and Accountancy were consulted to identify the key areas for inclusion in the statement.

#### **CONCLUSION**

9. A common theme that emerged through discussion was the importance that the resourcing arrangements for new government policies are provided in a way that ensures local accountability and the flexibility to deliver resources and target local outcomes for communities. This would ensure that the Council can use resources to target areas of greatest need and gain maximum impact.

10. It is intended that the statement will be approved by Council for discussion with Government Ministers. By influencing the way which these powers/ resources are distributed we will continue to protect, enhance and develop East Renfrewshire as a place to live, invest and visit.

## **RECOMMENDATIONS**

11. The Council should consider if it wishes to:

- approve the 10 key areas in the "Influencing the future statement"
- support and promote the statement in all relevant discussions with COSLA and Scottish and UK Government Ministers

Chief Executive  
December 2019

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