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**MINUTE**  
**of**  
**EAST RENFREWSHIRE COUNCIL**

**Minute of Meeting held at 7.00pm in the Council Chamber, Council Headquarters, Giffnock, on 28 March 2018.**

**Present:**

Provost Jim Fletcher	Councillor Alan Lafferty
Councillor Paul Aitken	Councillor David Macdonald
Councillor Caroline Bamforth	Councillor Jim McLean
Councillor Tony Buchanan (Leader)	Councillor Colm Merrick
Councillor Angela Convery	Councillor Stewart Miller
Councillor Danny Devlin	Councillor Paul O’Kane
Councillor Charlie Gilbert	Councillor Jim Swift
Councillor Barbara Grant	Councillor Gordon Wallace
Councillor Annette Ireland	

Provost Fletcher in the Chair

**Attending:**

Lorraine McMillan, Chief Executive; Caroline Innes, Deputy Chief Executive; Mhairi Shaw, Director of Education; Andy Cahill, Director of Environment; Julie Murray, Chief Officer – Health and Social Care Partnership; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Jim Sneddon, Head of Democratic and Partnership Services; Janice Collins, Head of Education Services (Equality and Equity); Andy Corry, Head of Environment (Operations); John Buchanan, Operations Manager; Michelle Thompson, Project Officer; Eamonn Daly, Democratic Services Manager; and Linda Hutchison, Senior Committee Services Officer.

**Apology:**

Deputy Provost Betty Cunningham.

**DECLARATIONS OF INTEREST**

**362.** There were no declarations of interest intimated.

**MINUTE OF PREVIOUS MEETING**

**363.** Having heard Councillors Grant, Aitken, O’Kane and Merrick, the Council considered and approved the Minute of the meeting held on 2 March 2018 subject to amendments to:-

- (a) Item 325, paragraph 2 (Page 298), to reflect that it had been 20 years since the “floors” arrangement had commenced;
- (b) Item 325, paragraph 4 (Page 296), to clarify that the Administration was not reducing heating in schools during the academic year, but that the introduction of new technology was helping to minimise water and energy usage, schools were being used less which helped increase savings, and zoning was being explored with a view to not heating and lighting parts of them that were not in use; and
- (c) Item 327 paragraph 4 (Page 300), to reflect that Councillor Merrick had commented that the Leisure Trust was not competing against the private sector.

### **MINUTES OF MEETINGS OF COMMITTEES**

**364.** The Council considered and approved the Minutes of the meetings of the undernoted, except as otherwise referred to in Item 365 below:-

- (a) Audit and Scrutiny Committee – 8 March 2018;
- (b) Planning Applications Committee – 14 March 2018;
- (c) Local Review Body – 14 March 2018;
- (d) Cabinet – 15 March 2018; and
- (e) Licensing Committee – 20 March 2018.

### **CABINET – 15 MARCH 2018 – ROAD CONDITION INDICATOR FOR 2016/17 AND CURRENT MAINTENANCE BACKLOG FIGURE AND STEADY STATE BUDGET FIGURE**

**365.** Under reference to the Minute of meeting of the Cabinet on 15 March 2018 (Page 331, Item 353 refers), regarding a comment made at the meeting by Councillor Bamforth, Councillor Miller highlighted that the Roads Condition Indicator reflected that overall the Council’s road network was considered 22<sup>nd</sup> out of 32 authorities and not 16<sup>th</sup> as had been stated which was the position regarding B class roads. Councillor Bamforth considered the clarification justified, acknowledging that her comment had been an error.

The Council noted the information.

### **GENERAL FUND CAPITAL PROGRAMME 2017/18**

**366.** Under reference to the Minute of the meeting of the Cabinet of 15 March 2018 (Page 330, Item 350 refers), when it had been agreed to recommend to the Council that the proposed adjustments to the General Fund Capital Programme 2017/18 be approved, the Council considered a report by the Chief Financial Officer recommending adjustments to the 2017/18 General Fund Capital Programme in light of issues that had arisen since the programme had been approved.

The Council:-

- (a) approved the movements within the programme; and
- (b) noted that the shortfall of £93,000 would be managed and reported on a regular basis.

## HOUSING CAPITAL PROGRAMME 2017/18

**367.** Under reference to the Minute of the meeting of the Cabinet of 15 March 2018 (Page 330, Item 351 refers), when it was agreed to recommend to the Council that the proposed adjustments to the Housing Capital Programme 2017/18 be approved, the Council considered a joint report by the Chief Financial Officer and Director of Environment, recommending adjustments to the 2017/18 Housing Capital Programme in light of issues that had arisen since the programme had been approved.

The Council:-

- (a) approved the movements within the programme; and
- (b) noted that the shortfall of £36,000 would be managed and reported on a regular basis.

## NOTICE OF MOTION

**368.** In accordance with Standing Order 25, the following Notice of Motion had been submitted by Councillor Macdonald seconded by Councillor Aitken.

*That East Renfrewshire Council reverse the October 2017 change to collection procedure for 4 Bin refuse and recycling within Netherlee and that the Director of Environment instruct the Cleansing and Recycling department to implement the change back to the previous arrangements that were in place prior to October 2017.*

Councillor Lafferty, seconded by Councillor Devlin, moved an amendment in the following terms:-

That the full wording of the Motion be deleted and the following be inserted instead:-

*This Council believes that in any of its operational activities the safety of residents and workers is paramount.*

Provost Fletcher invited Councillor Macdonald to speak to the terms of the Motion.

Councillor Macdonald referred to changes made to some bin collections in Netherlee, advance notification of this by email to residents, and a lack of related public consultation with or a meeting for residents regarding which it had been acknowledged that lessons should be learned. Having clarified that bin lorries no longer entered service lanes to collect bins, he referred to a meeting he had requested with cleansing officers around the same time following which a presentation for Members had been arranged.

He explained that during the presentation to Ward 4 Councillors, senior officers had referred to health and safety issues regarding bin collections in service lanes, specifically potential injuries to operatives, obstacles such as overhanging branches and road surface issues. Whilst commenting on his own visits to the lanes, he expressed the view that their road surfaces were better than many surrounding roads, it being acknowledged by both him and local residents that there could be occasional potholes and overhanging branches which residents were willing to have rectified to allow the previous arrangements to continue. He added that residents had never been contacted about such a solution.

Councillor Macdonald explained that legislative change had been referred to at the presentation, but that evidence of it had not subsequently been provided by the cleansing service despite having been requested. He stated that, supporting his own conclusions from research, the Chief Solicitor had subsequently confirmed that a legislative change had not occurred and had concluded that the service changes were based on the Council's own assessment of its responsibilities.

Councillor Macdonald reported that the cleansing service had not provided evidence of injury to operatives or the public in the service lanes when requested. He explained why he considered the lanes to be designed for safe bin collection separate from regular street traffic, referring to various issues including the rare use of the lanes by pedestrians; and the separation of refuse vehicles from parked cars on local streets some of which were narrow due to parked vehicles on both sides. He also referred to refuse vehicles blocking streets, including a main arterial route, during bin collection sometimes at busy times causing congestion and increasing the potential for road accidents.

Having referred to two options residents had; to either take their bins to the end of the service lane for emptying or place them outside their front door permanently, he highlighted issues, some of which were unique, about the terraced design of properties affected by the change and how far some residents had to move their bins.

Councillor Macdonald also highlighted the possibility of Netherlee being considered for Conservation Area status before the next Local Development Plan was timetabled for adoption. He acknowledged that Netherlee being an Article 4 Direction area had little bearing on bin placement, but outlined related concerns he held regarding the current bin arrangements and Conservation Area status. Regarding this he also quoted from an email he had received from Councillor Ireland on Conservation Areas being protected from inappropriate development, expressing hope that she would share his and residents' view that the current bin arrangements were not sensitive to the character and appearance of the area being preserved and enhanced.

Whilst referring to the authority's refuse collection responsibilities, Councillor Macdonald stated residents, including those who had retired, were in effect being forced to partially collect their own refuse and recycling and, in his view, move it an unreasonable distance in the unlit services lanes, including during winter, referring to suitably equipped lorries that could be used instead.

Whilst commenting on what had happened since the new arrangements had been implemented, amongst other things, Councillor Macdonald referred to bins being blown over, ending up on roadways, falling against cars, being stolen, and being burned on site or elsewhere. He cited an incident in summer 2017 when bins had been moved from a visible street level position to a pavement and burned, also destroying cars and resulting in financial loss to their owners. Adding that the Scottish Fire and Rescue Service had been called out numerous times to similar incidents, he stated that he thought they would consider the collection of bins in a visible area a risk and to be inviting trouble. He reported that Netherlee residents were worried also about accumulated bins being targeting for fire-raising and properties being damaged.

In conclusion, he stated that the affected residents had been let down by the authority, were victims of a poorly researched and implemented decision by the cleansing service which had caused disruption and hardship, and were angry about the decision, an unsatisfactory service and not being listened to. Having sought support for the Motion to uphold residents' rights, he commented on overturning the decision that had been made, referring to the role of Members and their powers and responsibility to over-ride incorrect decisions

In seconding the Motion, Councillor Aitken referred to a recent public meeting in Netherlee about the arrangements at which Councillor Miller had referred to legal opinions he had sought, based on which he no longer supported a change to the current arrangements. Criticising Councillor Miller for his change of view, Councillor Aitken added that the legislation Councillor Miller had referred to remained unclear, and expressed disappointment about it not being shared with some others. He highlighted that officers, not Members, had decided to implement the current arrangements under delegated powers.

Having commented on a lack of reports of injuries or incidents under the former arrangements and that the incident involving a bin lorry in Glasgow several years ago had not involved a service lane, Councillor Aitken referred to the lorries available to use and what affected residents were now required to do, adding that the new arrangements suited the Council rather than residents. He asked Members to support the Motion.

Councillor Lafferty was heard in support of his amendment during which he stated that he considered a personal attack on another Member regrettable. Whilst commenting on the wish to ensure that residents were satisfied with the services they received, he added that difficult decisions were required at times.

Whilst referring to clearance and visibility in the lanes, Councillor Lafferty outlined logistical issues and dangers faced when driving and reversing bin lorries in them, adding that the lanes were not designed to accommodate such vehicles. He confirmed that the authority's arrangements had been reviewed following a fatal accident in Giffnock and a related risk assessment several years ago, and referred to the implementation of new arrangements in lanes elsewhere in the area at that time which the public had generally accepted. He also commented on fatalities elsewhere in the UK and on the importance of taking steps to ensure the safety of both residents and Council staff, adding that he had thought all Members present at the officers' presentation had accepted the explanations provided, having not indicated otherwise at the time. Councillor Lafferty said that supporting the Motion would mean overturning a management decision taken on the grounds of health and safety and related guidelines, would be grossly irresponsible, and would expose the authority to potential prosecution when most Members seemed to hold the view that safety was of paramount importance.

Councillor Devlin was heard in support of the amendment, following which Councillor Ireland requested that she circulate some additional information in support of comments she wished to make.

In accordance with Standing Order 15, having heard Councillor Swift, the Provost adjourned the meeting for a short period to allow the information which had been tabled to be reviewed.

On reconvening, Councillor Ireland welcomed the residents in the public gallery. She clarified that she lived in a street affected by the new collection arrangements and that based on her own research she did not support the motion on health and safety grounds, which she considered to be of paramount importance. Having emphasised that she had listened to views expressed by residents, she referred to photographs amongst the documents tabled which Members had seen at the presentation. She added that an argument for change had been made at that meeting, but ultimately all Members attending had appeared satisfied with what officers had said and seemed happy to feed this back to residents.

Having reiterated that the lack of consultation and speed of the decision made had been acknowledged and was to be taken on board in future, Councillor Ireland highlighted that assistance with bin collection could be requested if required, encouraging residents to contact her if they needed such support. She expressed the view that it would only be a

matter of time before an injury occurred if the arrangements were changed back and referred to the challenges faced by bin lorry operatives, adding that the lorries had no choice but to reverse at times. She also made reference to statistics she considered disturbing and illuminating and related information on accidents in such circumstances she had sourced, adding that comments suggested accidents could be stopped by eliminating reversing.

In conclusion, Councillor Ireland emphasised that she would not be supporting, but rather doing a gross disservice to, residents if she turned her back on health and safety, related guidelines, the trade unions, management and others.

Councillor Miller referred to his attendance at the meeting with officers, confirmed that he had queried the legislation quoted, and referred to the strengthening of health and safety and the need to react to the incident in Giffnock in 2006. He further confirmed that he had not supported the changes made at one stage, but now did having found out more, adding that he did not doubt the advice provided. Councillor Miller referred to action now being taken by an increasing number of other authorities that reflected the current local arrangements. He stated that to revert to the former arrangements was not an option and that in the absence of a credible alternative proposal he would be supporting the amendment, referring to the apparent wish by some Members to make political capital from the issue.

Councillor Swift confirmed that he had seen the legal advice provided to Councillor Miller. Having expressed sympathy with some of Councillor Macdonald's comments, he reiterated that help with bins could be provided in some circumstances and highlighted that the authority's vehicles were unsuitable for the lanes and that there were no practical alternatives. He said that whilst sympathetic to the aims of the Motion, he did not consider it possible or responsible to support it.

Having recalled the Giffnock incident, Councillor Wallace explained that residents had been unhappy at first when similar arrangements to those in Netherlee had been introduced some years ago in his Ward following his election to the Council, but that assistance was provided to some residents and that the arrangements were working. He intimated that he could not support any action that would put anyone at risk. The Provost supported this view and explained that he would not wish a repeat of the incident in Giffnock.

Whilst commenting, Councillor Merrick referred to the paramount importance of health and safety and the assistance available regarding bins.

Echoing those comments, Councillor Buchanan thanked Councillor Ireland for the information she had brought to the Council's attention which in his view, along with legislation and guidance supported the decision taken by officers. Adding that the issue was not a political one he said voting for something that could cause injury was the last thing he wanted to do. Referring to Councillor Macdonald's comment about it being unsafe for residents to move bins due to lighting, he said that it would not be safe for vehicles either, expressing the opinion that the decision was taken on valid grounds.

At this stage, Provost Fletcher invited Councillor Macdonald to sum up.

Councillor Macdonald said that residents' general views had been shared following which he referred to Members failing those who voted for them. Having cited reasons why he sought election, he referred to the role of Members, stating he accepted he served not only the interests of those who elected him but also more generally the authority, the latter part of his role not being his primary reason for seeking election. During further comments, including on representing the electorate, he appealed for support for the Motion, summarised what he thought Members should do and why, and referred to related issues he considered pertinent.



Councillor Macdonald thanked Netherlee residents and Councillor Aitken for their support and encouragement regarding the Motion, adding that residents' voices deserved to be heard and considered.

In accordance with Standing Order 32(b) Councillors Macdonald and Aitken requested a roll call vote. In the absence of further support, the proposal fell.

Thereafter, on a vote being taken, 2 Members voted for the Motion and 15 voted for the amendment. The amendment was accordingly declared carried and it was agreed that:-

“This Council believes that in any of its operational activities the safety of residents and workers is paramount”.

## **STATEMENTS BY CONVENER/REPRESENTATIVES ON JOINT BOARDS/ COMMITTEES**

**369.** The following statements were made:-

(a) **Integration Joint Board – Councillor Bamforth**

Councillor Bamforth reported that a further meeting of the Health and Social Care Partnership (HSCP) Integration Joint Board had not taken place since the last Council meeting, but that she had attended a strategic commissioning planning workshop to help understand the demands and challenges facing the HSCP in the coming years. Having referred to the issues covered, she confirmed that the session had been well attended by various stakeholders

(b) **Young Persons Services Team – Councillor Merrick**

Having referred to the Council's Young Persons Services Team's Gold COSLA Award earlier in 2018 for its work reducing teenage pregnancies in Auchenback, Councillor Merrick referred to two other Awards it had achieved.

He clarified first that the team's leader, Heather Layton, had received a Lifetime Achievement Award for her services to young people at the National Youth Work Awards in Glasgow in March 2018, commenting that since joining the Council in 1997 she had become a key figure in the life of young people. Having explained that the Award recognised her as a motivational, supportive and enthusiastic officer who constantly led improvement to further enhance high quality services, he referred to the extent of achievement by young people supported by her and the team.

Councillor Merrick also explained that against stiff competition UK-wide, the team had also won an award in the Improving Public Health category at the Local Government Chronicle Awards in London in March in recognition of its significant success in reducing teenage pregnancies. He clarified that the team was regarded as the clear winner for its commitment to service improvement and willingness to share knowledge and expertise for others to follow.

On behalf of himself and other Members, he congratulated the team, adding that these accolades were well deserved and testimony to the hard work, enthusiasm and commitment of those involved.

The Council noted the position.

## **TEACHING STAFF APPEALS COMMITTEE - APPOINTMENT OF REPLACEMENT MEMBER**

**370.** The Council considered a report by the Deputy Chief Executive, proposing that Councillor McLean be appointed to serve on the Teaching Staff Appeals Committee following the resignation of Councillor Aitken from the Education Committee and Councillor McLean's subsequent appointment to it. It was clarified that membership of the Education Committee was a requirement for membership of the Teaching Staff Appeals Committee.

The Council agreed that Councillor McLean be appointed to the Teaching Staff Appeals Committee as a replacement for Councillor Aitken.

## **PROVOST'S ENGAGEMENTS**

**371.** The Council considered and noted a report by the Deputy Chief Executive, providing details of civic engagements attended and civic duties performed by Provost Fletcher since the previous meeting.

## **EARLY YEARS STRATEGY UPDATE**

**372.** The Council considered a joint report by the Chief Officer - Health & Social Care Partnership and Director of Education providing an update on progress made in implementing the Early Years Strategy action plan and identifying next steps.

The report explained that in 2016 the Council had approved the Early Years Prevention and Community Engagement Action Plan developed by the Children's Improvement Collaborative Key Change Group (formerly the Early Years Planning Group) to take control and drive improvements that supported the delivery of SOA Outcome 1 "All children in East Renfrewshire experience a stable and secure start to their lives and are supported to succeed".

Regarding the achievement of various intermediate outcomes, the report commented in detail on progress and issues relating to targeted interventions to increase confidence of parents in need of support; accessible and effective support for families to reduce the impact of financial pressures on their children; engagement with communities and related increased involvement for parents; and an increase in activities which supported prevention and early intervention, improved outcomes and reduced inequalities. Having also commented on progress on improving mental health and wellbeing and high quality early learning and childcare for children and related issues, reference was made to the provision of services in the family centre/community hub in Auchenback, now known as the Sir Harry Burns Centre, officially opened in March 2018.

It was explained that the Children's Improvement Collaborative Key Change Group was continuing to lead on the implementation of the Early Years Prevention and Community Engagement Action Plan. Almost all partners were reported to attend its meetings regularly and give updates on critical activities being undertaken within departments or by cross-sector improvement teams.

A range of next steps were itemised, including the launch of the Mellow Ability Parenting Programme for parents of children with additional support needs; the introduction of groups for parents of children aged 0 to 8 and 8 to 16; work with a range of partners to help people claim benefits they were entitled to; and the provision of support to families to minimise the

impact of Welfare Reform and the roll out of Universal Credit. Other steps to be taken were working with Health Scotland to ensure staff are trained in Play@Home to help parents improve the quality of the home learning environment; and the full utilisation of facilities in the Sir Harry Burns Centre.

It was concluded that significant progress had been made on implementing the strategy and that a vision for early years, which was shared by staff working in all departments and the HSCP, had been developed. Reference was made to the firm platform that existed for continuing to grow and develop this work, and it was commented that community engagement and development work would be further enhanced by the new Centre. It was also concluded that investment in prevention had been protected over the next few years when budgets were reducing and that it was recognised that the full benefit from this investment would not be witnessed for some years.

Complementing the report, the Chief Officer – Health and Social Care Partnership and Head of Education Services made a comprehensive presentation on the strategy during which reference was made to the background to the initiative and elements of the early years collaborative in terms of community, customer focused working, data and continuous improvement.

Having heard the Chief Officer – Health and Social Care Partnership refer to the development of the Strategy, related funding and issues relating to governance, planning and the mainstreaming of services amongst other issues, she clarified that a focus had been placed on key programmes that made a difference. It was commented that progress had been very promising and that there had been a wish to mainstream issues to protect the collective investment on a range of work.

Whilst referring to key achievements, the Head of Education Services provided further information, including statistical information, on a range of issues and initiatives including Family First, Let's Play, a related survey on places to play relating to Auchenback, the reduction in teenage pregnancies in that area supported by the Young Persons Team, and breast feeding. Other issues commented on included the extent to which children were achieving developmental milestones.

Having heard the Chief Officer – Health and Social Care Partnership refer to the synergy across various strands of the strategy, it was concluded that progress was being made, but that more work needed done to make more progress on which updates would be provided.

Having heard Councillor Ireland commend the level of detail on the Strategy provided and welcome the extent to which survey respondents valued outdoor play which she supported also, Councillor Lafferty agreed, commended the report and work being progressed and referred to the new Harry Burns Centre. Having heard him refer to a group of young, enthusiastic single fathers he had met at one stage, the Head of Education Services confirmed that there was support from amongst young, single fathers to engage with various initiatives being pursued. Councillor Swift also commented in similar terms on the positive nature of the report, concurring with comments on the value of outdoor play.

Councillor Convery congratulated those involved in the work to reduce the rate of teenage pregnancies in Auchenback and for receiving the Awards referred to earlier in the meeting, citing related statistics and adding that this was something to be proud of and to continue.

Having referred to the joint and closely related work of the HSCP and Education Department, adding to comments made on savings, Councillor Wallace anticipated that these would increase in 20 or 30 years arising from the work being done now which he fully supported.

Councillor Devlin referred a recent report that had commented on the extent of children living in poverty and deprivation in some parts of Barrhead and contrasted this with other information he had seen, adding that he thought there to be some mixed messages about this. The Chief Officer – Health and Social Care Partnership and Head of Education Services commented on related issues, including work being done on income maximisation and that the strategy was about reducing the impact of poverty some of which it was hoped would move people out of it. Reference was also made to giving children equal opportunities.

Supporting previous comments, Councillor O’Kane referred to the key importance of the strong, partnership working on the strategy and its focus and investment in the future and the long-term, expressing confidence in future development work. He supported the implementation of the Let’s Play initiative in all Family Centres and more generally looked forward with confidence to future ongoing and important related work in a range of areas, including in the context of implementing the new early learning and childcare legislation. Overall he regarded the work being done as in progress and requiring the Council’s ongoing support.

The Chief Executive referred to community planning related work to be progressed and the related Locality Outcome Improvement Plan, a key aspect of which was looking at child poverty, clarifying that further information on this important work would be brought forward in various reports on this issue. She added that it was known that there were child poverty issues in the Council’s area that needed to be addressed and the Early Years Strategy was a key element of future work on this.

Councillor Buchanan thanked officers for the presentation and all those involved in this work, referring to the long term and significant impact of having an adverse childhood. He referred to the importance of preventative work, expressing confidence that long-term benefits would result from this work. He highlighted the impact of work Sir Harry Burns had done with the Council at an early stage, referred to the Centre named in him honour, and commented that outcomes were already starting to be seen based on Early Years Strategy related work. He expressed confidence that further strives forward would continue to be made in future.

The Council, having also heard Provost Fletcher thank those involved in this work and the presentation:-

- (a) noted the progress made to date;
- (b) agreed to approve the next steps as identified within the report; and
- (c) noted that the Change Fund had been mainstreamed to protect the collective investment in prevention giving the savings to core budgets that had been made in recent years.

## **SCHEME OF MEMBERS’ REMUNERATION AND EXPENSES**

**373.** The Council considered a report by the Deputy Chief Executive on the Scheme of Members’ Remuneration and Expenses for 2018/19. A copy of the Scheme was appended to the report.

The Scheme provided details of the basic salary paid to all councillors and the increased salaries payable to the Leader and Civic Head (Provost), these amounts being prescribed in legislation. The Scheme also detailed positions in the Council identified as being “Senior Councillor” positions for the purposes of the Regulations, and the levels of salary to be paid

to each postholder. Furthermore, the Scheme provided details of those other categories in respect of which Members were entitled to claim expenses, such as the performance of approved duties, travelling expenses, and subsistence allowances.

Having made reference to the current Mobile Device Policy approved by the Cabinet in January, it was explained that the section within the Scheme on Telephone Expenses (Mobile Expenses) had been amended to reflect the changes introduced by that new Policy, but that approval of this was not being sought as delegated authority had been granted to the Deputy Chief to make them. However, the section on Telephone Expenses (Telephone and Broadband Connections) had also been amended to reflect more accurately current operating arrangements and approval of those changes was being sought.

In reply to Councillor Macdonald who, supported by Councillor Aitken, expressed the view that not taking a salary increase, which was probably their intention, would be progressive and sensitive to residents who were being asked to tighten their belts, Councillor Fletcher highlighted that it was an option for individual Members not to accept an increase, that rates specified were from a national scheme, and that there was an argument for accepting allowances commensurate with posts.

Having heard Councillor Miller report that Members of the Conservative Group were not intending to accept the increase, the Democratic Services Manager asked each Member who intended to pursue this to advise him in writing to enable Payroll to be advised. Councillor Buchanan, supported by Councillor O'Kane, thought most Members would do likewise adding that the Council did not have a remit to set the rates, but stated that the choice was for individuals. He did not support the use of any saving realised on audio visual equipment for the Chamber as Councillor Macdonald had commented on. Councillor Wallace said it was unfortunate that a similar stance was not taken when Members had accepted increases for 2017/18.

In reply to Councillor Ireland, the Democratic Services Manager confirmed that a report on the use of the Council car was to be submitted to the next meeting of the Civic Hospitality Committee.

The Council agreed to approve the Scheme of Members' Remuneration and Expenses for 2018/19.

### **THE EAST RENFREWSHIRE COUNCIL (NEWTON MEARNS AREA – PHASE 1) (ON-STREET)(WAITING AND LOADING) ORDER 2018**

**374.** The Council considered a report by the Director of Environment proposing that the Council approve the making and confirmation of "The East Renfrewshire Council (Newton Mearns Area – Phase 1)(On-Street) (Waiting and Loading) Order 2018".

The report explained that the Council had introduced Decriminalised Parking Enforcement (DPE) in April 2013 and become the Parking Authority for East Renfrewshire. As a precursor to formal consultation and making the new Order, a review had been undertaken on current restrictions to assess demands on the transport network taking into consideration various issues on the basis of which initial proposals had been developed. Following informal consultation, in response to representations received, amendments had been made to the initial proposals.

Having explained why restrictions in the Kirkhill area had been withdrawn and how it was intended to proceed and report on these at a later date, the report made reference to the extent to which, and in compliance with appropriate Regulations, formal consultation had

been undertaken on the remaining proposals between December 2017 and February 2018. Key proposals in the Draft Order were summarised in Appendix 1 to the report, the full proposals being contained within the Draft Order, copies of which had been made available in the Members' Library and Council Website together with the existing Order. Having itemised the main points of note, the report referred to representations received. A summary of those received, the response and proposed action on each was detailed in Appendix 2 to the report. None of the objections required the Council to hold a Hearing by an Independent Reporter.

The report also referred to related financial implications of implementing the Order to be met from the Parking Account. It was concluded that the new 2018 Order, introducing new on-street waiting and loading restrictions in the Newton Mearns area, would balance the demands on the transport network taking into consideration changes to road usage, volumes of vehicular and pedestrian traffic and associated road safety issues.

Councillor Wallace, supported by Councillor Merrick, commented that the proposed changes at The Loaning would impact on his Ward, adding that taken in tandem with other parking measures in force in Davieland Road there would be a further displacement of cars wishing to park. Having referred to related issues, he said further clarification and a presentation from the Roads Service and SPT on the long-term plan for transport for the area, including on how the further use of public transport could be encouraged without making a negative impact, would be useful. Councillor Merrick stated that it was his understanding that there would be consultation on the impact of the changes in the summer.

Councillor Gilbert commented that Newton Mearns residents were unhappy with car parking problems there such as near the railway station. He said staff were doing their best to assist with parking at the station, but that the situation had been badly handled, suggesting it would be useful if charges could be curbed pending the situation being reviewed and properly addressed.

Councillor Swift, supported by Councillor Lafferty, welcomed that local views expressed during the consultation on the Order had been taken on board, concurring with a further comment made by Councillor Gilbert about overspill parking at The Avenue being problematic. He welcomed the action to be taken around schools.

Councillor Buchanan commended the work undertaken which had targeted key problem areas. He highlighted that the situation at Patterton Station was slightly different to the issues referred to in the report, acknowledging that a related meeting such as with Network Rail might be required.

In reply to Councillor Grant, it was confirmed that traffic violations experienced by residents such as cars blocking driveways or potential breaches of the peace associated with this should be referred to the Police.

Councillor Macdonald stated that he thought support for a Private Members Bill to curb vehicles parking wheels on pavements was gaining support and could be introduced during the current Scottish Parliamentary term. He wondered if any action relating to parking should be suspended pending any related implications of any new legislation and the full extent of implications for off street parking becoming clear.

In response to Councillor Macdonald and Provost Fletcher, the Director of Environment confirmed he was aware of the Private Members Bill and that he would expect details to become clearer through COSLA in due course if progressed. He confirmed the role of the Police in dealing with parking related issues. Councillor Buchanan referred to the importance of taking the action that could be taken at this stage through the implementation of the Order to address issues that had emerged.

The Council agreed to approve the making and confirmation of “The East Renfrewshire Council (Newton Mearns Area – Phase 1) (On-Street) (Waiting and Loading) Order 2018” and to grant delegated powers to the Director of Environment to implement the Order in accordance with the associated statutory procedures.

### **Resolution to Exclude Press and Public**

At this point in the meeting, Provost Fletcher, seconded by Councillor Miller, proposed that the Council, in accordance with the provisions of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, agree to exclude the press and public from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 6 and 9 of Part 1 of Schedule 7A to the Act.

Councillor Aitken, seconded by Councillor Macdonald, proposed as an amendment that the press and public should be included in the meeting in the interests of transparency and because he did not consider there to be any data protection related argument for excluding them.

There being 15 votes for the Motion and 2 votes for the amendment, the Motion was declared carried and it was agreed:-

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 Paragraphs 6 and 9 of Part 1 of Schedule 7A to the Act.

### **Sederunt**

Councillors Macdonald and Aitken left the meeting at this point.

## **DISPOSAL OF A 3.5 ACRE DEVELOPMENT SITE AT DRUMBY CRESCENT, CLARKSTON**

**375.** Under reference to the Minute of the meeting of the Cabinet of 15 March 2018 (Page 334, Item 359 refers) when it had been agreed that delegated powers be granted to the Director of Environment in consultation with the Chief Officer – Legal and Procurement, to progress and complete the disposal of 3.5 acres of land at Drumby Crescent, Clarkston to the successful bidder for a residential development for the sum detailed in the report, the Council considered a report by the Director of Environment on the proposals as submitted to the Cabinet. The Cabinet decision had been called-in for further scrutiny.

The lead signatory to the call-in, Councillor Miller, summarised the reasons for the call-in. Thereafter in response to comments and questions from him and other Members, clarification was provided and detailed discussion took place on the matter. The Director of Environment provided detailed clarification on a range of matters.

The Council, having considered the arguments made both in support of and against the Cabinet proposals:-

- (a) noted the report, related comments and the clarification provided;

- (b) accepted and endorsed the Cabinet decision to grant delegated powers to the Director of Environment in consultation with the Chief Officer – Legal and Procurement, to progress and complete the disposal of 3.5 acres of land at Drumby Crescent, Clarkston to the successful bidder for a residential development for the sum detailed in the report.

PROVOST



**MINUTE**  
**of**  
**CABINET**

**Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 5 April 2018.**

**Present:**

Councillor Tony Buchanan (Leader)  
Councillor Caroline Bamforth  
Councillor Danny Devlin

Councillor Alan Lafferty  
Councillor Colm Merrick  
Councillor Paul O’Kane

Councillor Buchanan, Leader, in the Chair

**Attending:**

Lorraine McMillan, Chief Executive; Julie Murray, Chief Officer – Health and Social Care Partnership; Mhairi Shaw, Director of Education; Andy Cahill, Director of Environment; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Louise Pringle, Head of Business Change and Revenues; Andy Corry, Head of Environment (Operations); Sharon Beattie, Head of HR, Customer and Communications; Craig Geddes, Council Records Manager; Steven Reid, Corporate Policy Officer; and Paul O’Neil, Committee Services Officer.

**DECLARATIONS OF INTEREST**

**376.** There were no declarations of interest intimated.

**LOCAL GOVERNMENT BENCHMARKING FRAMEWORK – 2016-17 PERFORMANCE**

**377.** The Cabinet considered a report by the Chief Executive, providing an update on the national Local Government Benchmarking Framework (LGBF) together with an overview of the Council’s performance against the LGBF indicators from 2014/15 to 2016/17. A copy of the performance report was appended.

Whilst noting that the LGPF had been recorded and publically reported by all Scottish councils as a statutory requirement since 2010/11, the report highlighted that the framework provided comparative analysis for a total of 75 indicators at a Council level although only 73 were relevant to the Council. Furthermore, there had been an increase in the number of LGBF indicators from a total of 68 in 2015/16 it being noted that the main additions to the indicators set related to Children’s Services.

The report highlighted that the Council’s performance against the LGBF data set showed a positive picture of performance, with 40% in the top quartile and 61% of indicators in the top two quartiles for published indicators. It was noted that in 2016/17 the Council was ranked as one of the top four best performing councils for more than a third of the LGBF indicators.

Furthermore, the 2016/17 data showed that the Council continued to perform strongly in key outcome areas where it was making differences to people's lives including in education, housing and recycling. It was noted that the overall cost for support services had been reducing in recent years, and any slowing of this trend reflected investment in the Council's workforce and more modern practices such as investing in ICT infrastructure. In addition, it was noted that the Council was also making steady progress in reducing absence rates and invoice processing times following targeted action.

The report also explained that the LGBF indicator set was only one means of recording and measuring the Council's performance. To achieve a balanced picture, the outcomes the Council was delivering over the next year through the Local Outcome Improvement Plan entitled "Fairer East Ren", Outcome Delivery Plan and through various audits, inspections and self-assessments should be noted. In addition there was a wide range of performance information scrutinised and reported by the Council which was not statutory and provided detailed information on performance.

The Cabinet noted the Council's performance against the Local Government Benchmarking Framework indicators and the action being taken by departments to address any performance issues.

## **REVIEW OF THE STRATEGIC RISK REGISTER AND RISK MANAGEMENT PROGRESS**

**378.** Under reference to the Minute of the meeting of 23 March 2017 (Page 2270, Item 2438 refers), when the Cabinet approved the updated Council's Strategic Risk Register, the Cabinet considered a report by the Chief Executive, providing the latest bi-annual update of the Council's Strategic Risk Register and a summary of risk management progress. A copy of the register was appended to the report.

The report explained that the Strategic Risk Register set out the key risks to be considered by the Council and detailed the actions that management had put in place to manage these risks. It was noted that each Council service had an operational risk register to record day to day and service specific risks.

Whilst noting that several risks had been amended to include additional control measures and the risks had been recorded for significance, the report indicated that a thorough review of all risks on the register had been undertaken by the Corporate Management Team (CMT) and that there were now 27 risks of which 9 were evaluated as high and 18 medium. Furthermore, where a risk had been evaluated as "low" it had been removed from the register and would be monitored within departmental or operational registers if appropriate. Details of the risks that were considered to be "high" together with those which were added to the register along with details of those risks where there had been changes in their score were outlined in the report.

The report concluded by explaining that as part of the review of the register, 3 new risks had been added, 6 risks were removed and 7 risk descriptions had been amended to reflect the current position. It was noted that the risks captured in the strategic risk register continued to be monitored and evaluated by the CMT on a regular basis. The register would be reported every 6 months to the Audit and Scrutiny Committee and annually to the Cabinet.

The Cabinet noted the development of the Council's Strategic Risk Register noting that this was considered a "live" document and would be updated and amended by the Corporate Management Team as appropriate.

## FREEDOM OF INFORMATION – ANNUAL REPORT FOR 2017

**379.** The Cabinet considered a report by the Chief Officer – Legal and Procurement, providing details of the information requests made to the Council under the Freedom of Information (Scotland) Act 2002 and the related Environmental Information Regulations (Scotland) 2004, during the course of 2017. A statistical report detailing the enquiries the Council had received during 2017 was appended to the report.

Whilst noting that the Act and the Regulations provided a public right of access to the information which the Council held, the report explained that the statistical report provided details of the requests received, examined their volume, origin and type, and considered the use of exemptions and exceptions in responding to such requests. Furthermore, it also examined performance by each department and section within the Council in responding to such requests.

The report concluded by highlighting that the volume of requests received continued to grow it being noted that the Council dealt with 1,296 information requests, which was a 10% increase on the previous highest total. It was noted that nonetheless, the Council's performance had been maintained, with 85% of requests being dealt with within the statutory timescale.

The Cabinet noted the terms of the report.

## ESTIMATED REVENUE BUDGET OUT-TURN 2017/18

**380.** The Cabinet considered a report by the Chief Financial Officer, detailing the projected revenue budget out-turn for 2017/18 and providing details of the expected year-end variances together with summary cost information for each of the undernoted services as at 2 February 2018:-

- (i) Objective and Subjective Summaries;
- (ii) Education Department;
- (iii) Contribution to Integration Joint Board;
- (iv) Health and Social Care Partnership;
- (v) Environment Department;
- (vi) Environment Department – Support;
- (vii) Chief Executive's Office;
- (viii) Chief Executive's Office – Support;
- (ix) Corporate and Community Services Department – Community Resources;
- (x) Corporate and Community Services Department – Support
- (xi) Other Expenditure and Income;
- (xii) Joint Boards;
- (xiii) Contingency – Welfare; and
- (xiv) Housing Revenue Account.

Whilst noting that as at 2 February 2018, the estimated year-end position showed a net favourable variance on net expenditure of £4,356,000 based on current information and this equated to the projected underspend on General Fund services, the report highlighted that Council Tax collection had been higher than budgeted, with additional income of £700,000 now anticipated, bringing the total forecast underspend on General Fund services to £5,056,000.

The report highlighted a number of operational variances that required management action to ensure that departmental expenditure would be in line with budget at the end of the

financial year. At this time, it was expected that management action would lead to all overspends being recovered, that all underspends were consolidated wherever possible and that spending up to budget levels did not take place.

The Cabinet, having noted the reported probable out-turn position, agreed that:-

- (a) the service virements and operational adjustments be approved;
- (b) management action be taken to remedy the forecast overspend in Environment - Support; and
- (c) all departments continued to closely monitor their probable out-turn position.

### **PROPOSED PLANNING GUIDANCE – WASTE STRATEGY FOR NEW DEVELOPMENTS**

**381.** The Cabinet agreed that consideration of this matter be continued to a future meeting.

### **OPEN SPACE ASSET MANAGEMENT PLAN 2018/20**

**382.** The Cabinet considered a report by the Director of Environment, providing details on the updated East Renfrewshire Open Space Asset Management Plan 2018/20. A copy of the plan was appended to the report.

Whilst noting that the plan sought to provide a policy context for open space and provided an overview of the facilities, landholding and current activities within East Renfrewshire, the report highlighted that the plan also identified future actions and potential risks and sought to provide a well-managed, accessible, attractive environment with a variety of opportunities for residents and visitors to exercise, learn and enjoy.

Having noted that there was a proposal contained within the plan to install 2 tennis courts at Rouken Glen Park which would encourage visitors to the park and would enhance sport participation and play at a cost of £80,000, the report explained that in 2013, the Council had granted planning permission for the development of Stamperland Tennis Courts, subject to the applicant entering into a Section 75 legal agreement for £80,000 for replacement facilities being provided within the area.

The report explained that the Section 75 agreement had subsequently been concluded and would expire at the end of October 2018 at which point the funding would require to be returned by the Council to the applicant if the works had not been concluded. It was proposed therefore that the funding of £80,000 held by the Council be used for the purpose outlined in the plan.

The Cabinet approved the:-

- (a) East Renfrewshire Open Space Asset Management Plan 2018/20; and
- (b) proposal to create 2 tennis courts in Rouken Glen Park using the funds deposited with the Council as part of a Section 75 legal agreement relating to a previous development at Stamperland Tennis Courts.

**MINUTE**  
**of**  
**LOCAL REVIEW BODY**

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 11 April 2018.**

**Present:**

Councillor Betty Cunningham (Vice Chair)  
Councillor Angela Convery

Provost Jim Fletcher  
Councillor Stewart Miller

Councillor Cunningham in the Chair

**Attending:**

Graham Shankland, Principal Business Intelligence Officer (Planning Adviser); Siobhan Wilson, Solicitor (Legal Adviser); and Paul O'Neil, Committee Services Officer (Clerk).

**Apologies:**

Councillors Annette Ireland (Chair); and Jim McLean.

**DECLARATIONS OF INTEREST**

**383.** There were no declarations of interest intimated.

**NOTICE OF REVIEW – REVIEW 2018/02 – ERECTION OF FOUR TWO STOREY DETACHED DWELLINGHOUSES WITH FORMATION OF ACCESS AT TREESIDE COTTAGE, AYR ROAD, NEWTON MEARNs (REF NO: 2017/0576/TP)**

**384.** The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Mrs Jules McGeever against the decision taken by officers to refuse planning permission in respect of the erection of four two storey detached dwellinghouses with formation of access at Treeside Cottage, Ayr Road, Newton Mearns.

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

In accordance with the decision taken at the meeting on 10 August 2016, the Local Review Body had carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

Prior to the consideration of the review, the Planning Adviser suggested that should the Local Review Body wish to consider overturning the Appointed Officer's decision and grant planning permission, consideration should be given to requesting that a Noise Impact Assessment be carried out to determine the suitability of the site for residential purposes, in accordance with the advice of the Council's Environmental Health Service. In addition, he advised that a tree survey should be carried out.

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

Following discussion, Councillor Miller, seconded by Councillor Convery, moved that the decision of the Appointed Officer as detailed in the decision notice of 11 December 2017 be overturned and that planning permission be granted.

Provost Fletcher moved as an amendment to uphold the decision as set out in the decision notice of 11 December 2017 and refuse planning permission. In the absence of a seconder, his amendment fell.

At this stage, the Local Review Body agreed that the decision of the Appointed Officer as detailed in the decision notice of 11 December 2017 be overturned and that planning permission be granted.

The Planning Adviser then proposed that the Local Review Body should give consideration to attaching a number of standard conditions to the planning permission and that it also be subject to the conclusion of a legal agreement to secure an affordable housing contribution and payment of development contributions.

Following consideration, the Local Review Body agreed the:-

- (a) conditions, details of which were tabled at the meeting and which appear as Appendix 1 to this Minute; and
- (b) the conclusion of a legal agreement to secure an affordable housing contribution and payment of development contributions.

CHAIR

Treeside Cottage, Ayr Road, Newton Mearns

Application Ref:- 2017/0576/TP

Conditions

1. Development shall not commence until samples of materials to be used on all external surfaces of the building and hard surfaces have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

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

Reason: To ensure the development is acceptable in appearance.

3. Development shall not commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):-
  - i) Details of any earth mounding, hard landscaping, grass seeding and turfing;
  - ii) A scheme of tree and shrub planting, incorporating details of the number, variety and size of trees and shrubs to be planted;
  - iii) Other structures such as street furniture and play equipment;
  - iv) Details of the phasing of the landscaping works; and
  - v) Schedule of maintenance.

Thereafter the landscaping works shall be fully implemented as approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping to improve the environment quality of the development.

4. There shall be no construction work or offloading of delivered materials at the development site outwith the hours of 0800 to 1900 Monday to Friday and 0800 to 1300 on Saturday with no working on Sunday or local or national public holidays unless minor and temporary amendments have been otherwise agreed in advance in writing by the planning authority.

Reason: To prevent noise nuisance to the surrounding area.

5. Visibility splays of 2.5 metres by 90 metres as shown on the approved drawing L(--)-01E shall be provided in both directions at the junction of the new access with the Malletsheugh Road prior to the occupancy of any house and thereafter maintained free from any obstructions exceeding a height of 1.05m above the adjacent road.

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

6. The 2 metres wide footpath linking the access to the site with the existing footpath on Ayr Road as shown on the approved drawing L(-- )01E shall be formed to the satisfaction of the planning authority prior to the occupation of any of the dwellings.

Reason: In the interest of pedestrian and public road safety.

7. Prior to work commencing on site, detailed levels, diagrams and sections, showing the existing and proposed levels throughout the site and finished floor levels in relation to a fixed datum point shall be submitted and approved in writing by the Planning Authority. Thereafter the development shall be constructed in accordance with the approved level drawings.

Reason: To ensure that the levels are acceptable at this location.

8. Prior to commencement of any works on site, a comprehensive site investigation, carried out to the appropriate level, should be submitted to and accepted in writing by East Renfrewshire Council. This survey shall investigate all aspects of potential contamination, indicated by a Phase 1 Investigation (Desk-Study) of the site. If any contamination hazard is identified on the site, a site-specific risk assessment must be undertaken. Should any significant pollutant linkages be identified, a detailed remediation strategy must be developed and no works other than investigative works should be carried out on site prior to the Council's written acceptance of the remediation plan. Thereafter the development shall be constructed in accordance with the remediation strategy.

Reason: In the interests of public health and to protect users of the development and the wider environment from the effects of contamination.

9. Prior to the commencement of work on site, a plan shall be submitted and approved in writing by the planning authority showing details of where refuse bins will be kept at each of the properties and where they will be presented for collection at kerbside. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

Reason: To ensure that the bin storage areas are of a size and are in locations able to accommodate East Renfrewshire's waste and recycling facilities and are acceptable in appearance.



**MINUTE**  
**of**  
**AUDIT & SCRUTINY COMMITTEE**

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 19 April 2018.**

**Present:**

Councillor Stewart Miller (Chair)  
Councillor Barbara Grant (Vice Chair)  
Provost Jim Fletcher

Councillor Charlie Gilbert  
Councillor Annette Ireland  
Councillor Jim Swift

Councillor Miller in the Chair

**Attending:**

Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Iain Maclean, Head of Environment; Michelle Blair, Chief Auditor; and Linda Hutchison, Clerk to the Committee;

**Also Attending:**

Elaine Barrowman and Morven Fraser, Audit Scotland.

**DECLARATIONS OF INTEREST**

**385.** There were no declarations of interest intimated.

**CHAIR'S REPORT**

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

**Membership of Committee**

Councillor Miller reported that, since the last meeting, Councillor Macdonald had tendered his resignation from the committee. He clarified that it was anticipated that a report on the filling of the vacancy would be considered at the next meeting of the Council.

**Committee's Future Work Programme**

Having commented that the Clerk had written to members of the committee seeking their suggestions on issues the committee might wish to consider looking at, Councillor Miller asked those who had not yet done so to send her their views by the end of the week. He highlighted that as well as specifying topics, Members had been asked to confirm why they thought it would be useful to look at each issue suggested; what they thought the focus of the work could be; and whether or not they were proposing that the committee pursue in-depth work on any topics.

The committee:-

- (a) noted that a report would be submitted to the next meeting of the Council regarding the filling of the vacancy arising from Councillor Macdonald's resignation; and
- (b) agreed that feedback on potential topics the committee could consider pursuing be sent to the Clerk by 20 April together with the related feedback requested.

## **EXTERNAL AUDIT REPORT – ANNUAL OVERVIEW OF INTERNAL AUDIT**

**387.** The committee considered a report by the External Auditor regarding the findings of the annual assessment of the adequacy, strengths and weaknesses of the Council's Internal Audit function which included a review of the range and quality of work carried out.

The External Auditor had concluded that overall the Internal Audit section had sound documentation standards and complied with the main requirements of the Public Sector Internal Audit Standards (PSIAF) noting that, in line with good practice, arrangements had been made for an external assessment of Internal Audit's compliance with the PSIAF to be carried out, the outcome of which would reviewed by External Audit.

Having referred to assurances External Audit was planning to take from Internal Audit's work across a number of council systems and related issues, the report explained that while the review of Internal Audit's work had proved satisfactory, there was considered to be a need to strengthen processes for reporting Internal Audit findings to members of the committee. As Internal Audit reports were not normally submitted to them for scrutiny and review, a risk was considered to exist that current reporting arrangements limited the transparency of the findings and opportunities Members had to challenge officers in instances of poor internal control. Furthermore there was considered to be a risk that reports of a sensitive or confidential nature might not be shared with members of the committee and that they may therefore not be aware of all instances of weaknesses in the internal control environment. Details of the planned management actions to address these issues were provided.

Whilst highlighting key aspects of the report, Ms Barrowman confirmed that External Audit had accepted the planned management actions to be taken by the Chief Auditor in response to issues highlighted.

Councillor Miller stated he accepted the comments made, but added that Internal Audit reports were already accessible to and obtainable by members of the committee if they wished to have them which he considered adequate. He also expressed the view that reviewing all such reports in detail could be counterproductive. Ms Barrowman commented on External Audit's view on the current arrangements, officers attending meetings and the improvement the implementation of the new arrangements would bring.

During discussion on related issues, Councillor Swift commented that the way forward was in his view reasonable and that a key issue was finding ways to ensure that control failures, such as those discussed in recent months, did not reoccur and were picked up in time by Members. It was highlighted that in mid-2017 the committee had discussed and agreed to highlight the importance it attached to officers alerting appropriate Members to control failures of the type discussed then when identified initially and that this view had been relayed to the CMT.

Councillor Ireland stated she would value seeing internal audit reports, as this might have helped in terms of various control failures that had come to light. The Chief Auditor confirmed she would be happy to provide any reports requested.

During further discussion, Provost Fletcher commented that Members were also alerted to some issues highlighted by Internal Audit in other ways, citing the example of the position on creditor payments which was reflected in performance reports submitted to the Cabinet. Having referred to the duplicate payment issue discussed by the committee at previous meetings, he expressed the view that openness on issues was already progressed in a number of ways, highlighted that it was not always Internal and External Audit that identified issues, and referred to the option that existed to ask either of those sections to look at issues on which concerns were held including by Members.

Councillor Miller commented that the clarification provided by the Head of Business Change and Revenues of various issues had been useful, following which the value of officers proactively submitting reports to the committee on issues when they considered it necessary to alert Members to a matter was commented on. It was highlighted that the committee could also opt itself to explore issues of interest to it and that calling-in decisions made by the Cabinet was amongst further avenues Members could actively pursue in terms of scrutiny.

Thereafter further clarification was provided on options open to members of the committee to access individual internal audit reports, including after information on the conclusions within them had been reported to the committee under the new arrangements to be implemented by the Chief Auditor. Other issues discussed included the current arrangements for circulating follow-up reports prepared by Internal Audit commenting on the extent to which recommendations had been implemented by departments; the option to invite officers to the committee to discuss issues; and the annual report submitted to the committee on Internal Audit and the annual statement on the adequacy and effectiveness of internal control. The External Auditor's expectation that reports about any major control weaknesses were submitted to the committee, and options to make internal audit reports more readily accessible were commented on further by Ms Barrowman and discussed.

The committee, having heard Councillor Miller welcome the extent to which information was currently being brought to the attention of Opposition Members and reiterate that members of the committee had been asked to suggest issues it could explore:-

- (a) agreed that it would welcome officers proactively submitting reports to it on issues of concern and related action being taken if officers considered it appropriate;
- (b) noted the new arrangements to be implemented by the Chief Auditor in respect of internal audit reports and that these could be reviewed in due course; and
- (c) otherwise, noted the report.

### **INTERNAL AUDIT STRATEGIC PLAN 2018/19 TO 2022/23**

**388.** The committee considered a report by the Chief Auditor on the Internal Audit Strategic Plan for 2018/19 to 2022/23 which included the proposed Annual Audit Plan for 2018/19. Comments were provided on staffing resources within the Internal Audit section and how these impacted on the implementation of the Plan.

The report explained that the Plan had been prepared following consultation with key partners and clarified, amongst other things, that new audits added included those on invoicing and automatching, parentpay and the Pupil Equity Fund. Audits deleted as they were no longer applicable or had low risk assessments included those on holiday funds and payments to voluntary organisations. It was confirmed that 20 audit days had been included in the Plan for providing an internal audit service to East Renfrewshire Community and Leisure Trust (ERCLT). The scope of audits to be carried out using these days had been agreed with the management of ERCLT and members of its Finance and Resources Committee. Resulting audit reports would be issued directly to the Trust's Chief Executive.

Referring to audit needs compared to resources available, the report explained that over the 5-year period of the Plan there was a projected shortfall of 325 audit days which was considered manageable but would be kept under review. Some audits had been rescheduled to ensure those planned for 2018/19 could be met with the estimated days available and the section's current staffing level was considered adequate at present.

Whilst highlighting key aspects of the report, the Chief Auditor clarified that as well as the plan for 2018/19, a schedule reflecting which audits were to be undertaken each year up to and including 2022/23 had been provided. She also referred to audits that had not been completed during 2017/18 which had been rescheduled to 2018/19 which included the audit of self-directed support charges. The Chief Auditor also referred to some issues on which work would be progressed, such as the National Fraud Initiative, on which reports were not prepared in terms of output; the audit arrangements linked to the ERCLT and the Health and Social Care Partnership Integration Joint Board including related reporting arrangements; and provision made for fraud and general contingency related work.

Referring to capital expenditure, Councillor Swift suggested reviewing these and related estimates querying if added value was always being achieved through such projects. He cited the City Deal as an area which he felt should be reviewed further, as well as assumptions to date regarding the possible new Leisure Centre in the Eastwood side of the authority in terms of revenue income for example in the context of other facilities of this type available and related membership fees. Councillor Grant, supported by Provost Fletcher, queried how these comments related directly to approval of the Strategic Plan, following which Provost Fletcher added that caution should be exercised in terms of suggesting the scrutiny of projects which some Members simply did not like. He also suggested that the appropriate forum for raising the types of issues Councillor Swift had was when the Capital Programme was being considered.

Responding to a specific comment made by Councillor Swift about the very short time afforded to Opposition Members to consider the City Deal proposals when they had had to be considered, Provost Fletcher reported that there had been no choice other than to develop these plans quickly and referred to related scrutiny by bodies such as the Cabinet and External Audit.

In terms of the Plan, Councillor Swift suggested it would be useful if the Chief Auditor could test some assumptions made on capital expenditure, such as how robust estimates were and if expenditure was properly incurred. The Chief Auditor confirmed she could cover this to an extent when the audit of project management of capital plans was being undertaken, such as looking at estimates versus outcomes, whilst highlighting the limited number of days currently allocated to that particular work. She undertook to consult further with Councillor Swift on the focus of the audit before it commenced.

In reply to Councillor Ireland who sought clarification on audit work done for ERCLT and if access could be provided to the reports prepared, the Chief Auditor explained that the reports were prepared for and submitted to the Trust. The Head of Accountancy clarified

that, as the Trust was a separate body, access to these would need to be through an agreement with it. Ms Barrowman commented that although the ERCLT was a separate arms-length body, there should be a formal mechanism that could be triggered in appropriate circumstances if the Trust experienced a significant control failure. The Head of Accountancy referred to the Service Level Agreement between the Council and the Trust and the option to explore the terms of it periodically when it was due to be renewed.

The committee agreed to approve the Internal Audit Strategic Plan for 2018/19 to 2022/23, noting that the Chief Auditor would consult Councillor Swift further on the proposed scope of the audit on project management of capital plans in due course.

### **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 Part I of Schedule 7A to the Act.

### **CITY DEAL**

**389.** Under reference to the Minute of the meeting of 8 March 2018 (Page 309, Item 335 refers), when it had been noted that a report on various issues relating to the Glasgow Region City Deal would be submitted to this meeting as the committee had requested, the committee considered a report by the Director of Environment on the matter.

Having clarified that the Council had agreed to participate in the Glasgow Region City Deal programme of work in August 2014, the report referred to the associated total investment and the level in East Renfrewshire, itemising a range of projects being pursued and clarifying how related workload had been and was being addressed and how associated discussions had been pursued and resolved. Clarification on the current staffing position on some issues was provided.

Having heard the Head of Environment highlight key issues within the report, in response to questions, clarification was provided on staffing issues relating to the City Deal within East Renfrewshire and compared to other local authority areas, and when some staffing matters had been and would be reviewed.

The committee agreed to note the report and related comments made.

CHAIR



**MINUTE**  
**of**  
**CIVIC HOSPITALITY COMMITTEE**

**Minute of Meeting held at 12.30pm in the Committee Room, Council Headquarters, Giffnock, on 24 April 2018.**

**Present:**

Provost Jim Fletcher (Chair)	Councillor Annette Ireland
Deputy Provost Betty Cunningham (Vice Chair)	Councillor Stewart Miller
Councillor Barbara Grant	

Provost Fletcher in the Chair

**Attending:**

Eamonn Daly, Democratic Services Manager; Linda Hutchison, Senior Committee Services Officer; and Margaret Pettigrew, Members Services Officer.

**DECLARATIONS OF INTEREST**

**390.** There were no declarations of interest intimated.

**CIVIC HOSPITALITY COSTS AND USE OF COUNCIL ACCOMMODATION**

**391.** The committee considered a report by the Deputy Chief Executive regarding the costs of various recurring civic events, the current estimated level of funding available for new events, and extent to which, under delegated powers, authority had been granted to outside bodies to use Council accommodation for meetings and functions which fall outwith the letting arrangements managed by other departments.

The report referred to the establishment and terms of reference of the committee, and the budget available in 2018/19 for civic hospitality, events and other expenditure met from the budget on a recurring basis for which indicative costs were provided. Reference was also made to the balance of funding remaining to enable new requests to be considered. It was clarified that no requests had been received from or granted to outside bodies to use Council accommodation for meetings and functions that fell outwith the letting arrangements managed by other departments since a previous report on this had been provided in August 2017.

The committee noted the report.

## **REQUEST FOR CIVIC HOSPITALITY – RECOVERY ACROSS MENTAL HEALTH (RAMH) FUNDRAISING ANNIVERSARY DINNER AND QUIZ**

**392.** The committee considered a report by the Deputy Chief Executive seeking consideration of a request regarding attendance at the Recovery Across Mental Health (RAMH) fundraising 40<sup>th</sup> Anniversary Dinner and Quiz in support of helping RAMH raise funds to help provide mental health services it offered. Details of the request accompanied the report.

The committee, following discussion, agreed that:-

- (a) the request to purchase a table at the Recovery Across Mental Health (RAMH) fundraising 40<sup>th</sup> Anniversary Dinner and Quiz and the proposal to meet the cost of wine and drinks for those attending from the Council during the meal be declined; and
- (b) confirmation be sought and circulated on how Members could make their own arrangements to attend and fund this themselves if they wished to pursue this option.

## **PROTOCOLS FOR USE OF COUNCIL CAR**

**393.** The committee considered a report by the Deputy Chief Executive proposing revised protocols for the use of the Council car.

The report referred to the current protocols dating back to 2002, why a protocol had been developed in the first instance and related issues and developments. As it had been some time since the protocols had been put in place, it was considered prudent to review the current arrangements regarding which key issues for consideration were itemised. Having referred to the use made of the car and related matters, the proposed protocol for use of the car in future was specified. The annual cost of the car and related financial considerations, options and implications were summarised.

It was concluded that changing circumstances within the Council suggested that the time was right for Members to review the current protocols in place for the use of the Council car. Complete removal of the Council car had been looked at but was not considered to be a practical solution. Records had shown that any restrictions on access to the car and the occasions when the car could be used would have very little impact on Members but were also most likely to have positive budgetary implications.

The committee agreed that:-

- (a) the Council car would be available for use only by the Provost and Deputy Provost in the performance of civic and ceremonial duties and that the use of the car would be extended to include anyone accompanying the Provost or Deputy Provost;
- (b) the Council car would from time to time be made available to the Lord-Lieutenant of Renfrewshire in the performance of his duties and as required in relation to Royal Visits in the Renfrewshire Lieutenancy area; and



- (c) in the event that the use of the Council car by the Lord-Lieutenant had been agreed and a subsequent need arose for the car to be made available for use by either the Provost or Deputy Provost in the performance of their civic or ceremonial duties, arrangements would be made for the hire of an appropriate vehicle to transport the Provost or Deputy Provost to the event in question.

CHAIR



**MINUTE**  
**of**  
**CABINET**

**Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 26 April 2018.**

**Present:**

Councillor Tony Buchanan (Leader)	Councillor Alan Lafferty
Councillor Caroline Bamforth	Councillor Colm Merrick
Councillor Danny Devlin	Councillor Paul O’Kane

Councillor Buchanan, Leader, in the Chair

**Attending:**

Lorraine McMillan, Chief Executive; Caroline Innes, Deputy Chief Executive; Andy Cahill, Director of Environment; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Jamie Reid, Partnership and Community Services Manager; and Paul O’Neil, Committee Services Officer.

**DECLARATIONS OF INTEREST**

**394.** There were no declarations of interest intimated.

**BEST VALUE ASSURANCE REPORT – ACTION PLAN UPDATE**

**395.** Under reference to the Minute of the meeting of the Council of 13 December 2018 (Page 243, Item 271 refers), when it was agreed amongst other things to approve the action plan arising from the recommendations of the Council’s Best Value Assurance Report published in November 2017 following an audit of Best Value carried out by Audit Scotland on behalf of the Accounts Commission, the Cabinet considered a report by the Chief Executive, providing an update on the delivery of the action plan. A copy of the action plan was appended to the report.

Whilst noting that overall the East Renfrewshire BVAR was very positive and provided assurance to residents, communities and the Accounts Commission that the Council was continuing to achieve Best Value, the BVAR concluded by identifying 5 recommendations for the Council to take forward as part of its ongoing approach to continuous improvement. An action plan had been prepared to address the BVAR’s main recommendations.

The report explained that in the short time since the publication of the BVAR, the Council had made good progress on delivering the action plan with delivery on all areas of the plan although some remained ongoing as part of a longer-term continuous improvement journey. Furthermore, the Council’s progress would be considered by the external audit team in May/June 2018 as part of their annual audit reporting process.

The Cabinet:-

- (a) approved the Best Value Assurance Report (BVAR) Action Plan update; and
- (b) noted the good progress made to date in addressing the Best Value Assurance Report recommendations.

### **CABINET WORK PLAN 2017/18 PROGRESS AND CABINET WORK PLAN 2018/19**

**396.** Under reference to the Minute of meeting of the Cabinet of 31 August 2017 (Page 103, Item 112 refers), when the Cabinet agreed amongst other things to note that progress against the interim Cabinet Work Plan be reviewed in April 2018 and updated on an annual basis thereafter, the Cabinet considered a report by the Chief Executive, providing an update on the progress made against the 2017/18 Cabinet Work Plan and submitting for consideration the draft work plan for 2018/19. Details of the progress made against the 2017/18 Plan together with a copy of the draft Plan for 2018/19 were appended to the report.

Whilst noting that the Plan set out a forward programme of strategy and policy work along with key routine areas of business covering budget and performance monitoring, the report provided details of the progress made against the 2017/18 Plan, and highlighted the items of business included in the draft Cabinet Plan 2018/19. Overall very good progress had been made against the Plan with almost 85% of business being considered by the Cabinet earlier than planned, within the stated timescales or the following month.

The report concluded by indicating that the Cabinet Work Plan was a forward planning exercise which would ensure the strategic focus of the Council was maintained, and would also ensure cross-cutting strategy issues were identified. Furthermore, it also ensured that the Cabinet made the most efficient and effective use of the time available to discuss and approve strategies, monitor performance and oversee the use of resources.

The Cabinet:-

- (a) noted the performance against the Cabinet Work Plan for 2017/18;
- (b) approved the content of the draft Cabinet Work Plan for 2018/19; and
- (c) agreed that progress against the Cabinet Work Plan be reviewed in April 2019 and updated on an annual basis thereafter.

### **COMMUNITY CHOICES BUDGETING FRAMEWORK**

**397.** The Cabinet considered a report by the Deputy Chief Executive, providing details of the national 'Community Choices Budgeting Framework' and seeking approval of the next steps to ensure that the Council was working towards community choices budgeting. A copy of the framework was appended to the report.

Whilst noting that Community Choices Budgeting was the Scottish Government's preferred name for participatory budgeting, and having noted that it was a decision making process in which residents decided how to allocate part of a public budget, the report explained that the process allowed local people to identify, discuss, and prioritise public spending projects, and gave them the power to make decisions about how money was spent. The Scottish Government's programme for Scotland for 2017/18 included a commitment on having at least 1% of council budgets subject to community choices budgeting.

The report provided details of the Council's learning from previous participatory budgeting projects to date including £600,000 of Roads repair funding which had been distributed by public vote and a £100,000 Community Choices project delivered in the Locality Plan areas of Auchenback and ADD2Barrhead (Arthurlie, Dunterlie and Dovecothall). Details of the proposals for implementing Community Choices Budgeting in East Renfrewshire over the next 3 years were also outlined in the report.

The Cabinet:-

- (a) noted the national 'Community Choices Budgeting: Framework for the Operation of the 1% target for Local Authorities', and learning from previous participatory budgeting exercises in East Renfrewshire; and
- (b) approved the next steps as outlined in the report.

### **KIRKSTYLE LANE, NEILSTON**

**398.** The Cabinet considered a report by the Director of Environment, seeking approval to retain Kirkstyle Lane, Neilston, within the ownership of the Council and to acquire from Barrhead Housing Association ownership of various site investigations and studies commissioned by them in relation to the site which would allow the Council to consider future options.

The report provided background information about the site highlighting that at the meeting of the Cabinet on 10 November 2016, the Strategic Housing Investment Plan (SHIP) for the period 2017/18 to 2021/22 had been approved. It was noted that Kirkstyle Lane (locally known as "Pig Square") had been identified as being suitable for the delivery of socially rented housing (up to 24 units) and that Barrhead Housing Association as a Registered Social Landlord ("RSL") had been identified to take the site forward for this purpose.

Whilst noting the measures that had been taken by Barrhead Housing Association to deliver such a development including the submission of a planning application, the report explained that since the original decision had been made in 2016 circumstances had changed and that the Council was now giving consideration to using the site for another purpose, details of which were outlined in the report. It was noted that provision of £85,000 had been made in the General Fund Capital Plan for 2017/18 for the alternative project.

Given the change of circumstances, the report proposed that the site at Kirkstyle Lane be retained within the Council's ownership; and that it be no longer (at least in the meantime) progressed for residential development. However, as Barrhead Housing Association had in good faith already commissioned various site investigations and studies in relation to the site, it was proposed that the Council acquire the ownership of these studies from the Association at a cost of around £87,000 which was the basic cost that the Association had incurred in commissioning them, subject to the production of detailed receipts prior to any payment being made.

The Cabinet:-

- (a) noted the proposal to retain ownership of Kirkstyle Lane, Neilston; and
- (b) authorised the Director of Environment to acquire from Barrhead Housing Association various site investigations and studies commissioned by them in relation to Kirkstyle Lane, Neilston at a cost of £87,000.

**Resolution to Exclude Press and Public**

At this point in the meeting, on the motion of the Leader, the Cabinet 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 Paragraphs 6 and 9 of Part I of Schedule 7A to the Act.

**PROPOSED SALE OF FORMER AUCHENBACK PRIMARY SCHOOLHOUSE**

**399.** The Cabinet considered a report by the Director of Environment, seeking approval to sell the former Auchenback Primary schoolhouse to the current occupant.

The report explained that the proposal would allow the Council to dispose of a surplus property asset, generate a capital receipt and avoid future maintenance responsibilities.

The Cabinet:

- (a) approved the sale of the former Auchenback Primary schoolhouse to the current tenant for the sum as detailed in the report; and
- (b) agreed that delegated powers be granted to the Director of Environment, in consultation with the Chief Officer – Legal and Procurement, to finalise negotiations and conclude the disposal.

CHAIR

**MINUTE**

of

**PLANNING APPLICATIONS COMMITTEE**

**Minute of Special Meeting held at 4.00pm in the Council Chamber, Council Headquarters, Giffnock on 3 May 2018.**

**Present:**

Councillor Annette Ireland (Chair)	Councillor Alan Lafferty
Councillor Betty Cunningham (Vice Chair)	Councillor David Macdonald
Councillor Paul Aitken	Councillor Colm Merrick
Councillor Caroline Bamforth	Councillor Stewart Miller
Councillor Angela Convery	Councillor Paul O'Kane
Councillor Danny Devlin	Councillor Jim Swift
Councillor Charlie Gilbert	Councillor Gordon Wallace

Councillor Ireland in the Chair

**Attending:**

Andy Cahill, Director of Environment; Sean McDaid, Principal Planner; Graham Shankland, Principal Business Intelligence Officer; Ian Walker, Senior Planner; Eamonn Daly, Democratic Services Manager; and Paul O'Neil, Committee Services Officer.

**Apologies:**

Provost Jim Fletcher; and Councillors Tony Buchanan; Barbara Grant; and Jim McLean.

**DECLARATIONS OF INTEREST**

**400.** There were no declarations of interest intimated.

**PRE-DETERMINATION HEARING – PROPOSED RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ENGINEERING WORKS AND LANDSCAPING (PLANNING PERMISSION IN PRINCIPLE) (MAJOR) AT LAND TO THE NORTH OF THE FORMER BOYLESTONE QUARRY AND WEST OF BROWNSIDE AVENUE, BARRHEAD (REF NO: 2017/0784/TP) BY GLADMAN DEVELOPMENTS LIMITED**

**401.** The committee considered a report by the Director of Environment, on an application for planning permission for the proposed residential development with associated engineering works and landscaping (Planning Permission in Principle)(Major) at land to the north of the former Boylestone Quarry and west of Brownside Avenue, Barrhead (Ref No: 2017/0784/TP).

The Chair advised that the applicants, Gladman Developments Limited had intimated that they did not wish to be speak at the hearing. However, Mr Tom Lagan; Ms Kirsty Menzies; and Mr Brian Robb had requested to speak in support of the representations they had submitted against the proposed development.

The Principal Planner explained that the application was a Major development under the terms of the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009; that it was considered to be a significant departure from the development plan and required a pre-determination hearing by the Planning Applications Committee before being determined by the full Council. He referred to the assessment of the proposal against national and local planning policies as well as material planning considerations which appeared in the "Report of Handling" and to the report's recommendations.

Mr Tom Lagan, Mr Brian Robb; and Ms Kirsty Menzies were heard in support of their representations in the course of which they highlighted that their main concerns related to safety; increased traffic; the adverse impact the development would have on the Green Belt, Wildlife, Recreation, local Bio-Diversity; the application site not being a "windfall" site; and the potential contamination of the proposed site.

At this point the Chair explained that the public part of the hearing had concluded and that Members thereafter had the opportunity to give consideration to the "Report of Handling" and ask questions of officers on any points they had in relation to the assessment of the application.

Councillors Convery and Cunningham were heard in support of and shared the concerns expressed by the objectors in the course of which Councillor Devlin sought clarification about the planning status and history of the site.

In response, the Principal Planner explained that the site was designated as Green Belt in the adopted East Renfrewshire Local Development Plan (LDP) and was also within the Green Network. Furthermore, in 2010 the site was identified as a housing site as a result of a recommendation by the Reporter appointed by Scottish Government who undertook the Examination of the previous Local Plan. He indicated that it was the Reporters' view at that time that the site could assist with topping up the available land supply and would result in a minor adjustment of the Green Belt boundary.

Furthermore, whilst the Council had not supported the promotion of the site for development, the Reporter's findings were binding and the Council was directed to include the site within the then adopted Local Plan. However, the Council had consistently favoured the area being retained as Green Belt and promoted its deletion through the production of the current Local Development Plan. The Reporter who undertook the Examination of the LDP agreed with the Council that the site should be deleted as a housing opportunity and its status returned to Green Belt and Green Network in the currently adopted LDP.

Having heard the Principal Planner's explanation of the planning status and history of the site, Councillor Miller expressed the view that the applicants should have been aware of the designation of the land and that it was contrary to policy as detailed in the report before they submitted their application. In view of this, he supported the recommendation to refuse the application.

Councillor Aitken stated that he also shared the concerns expressed by Ms Menzies, particularly in relation to the adverse impact the proposed development would have on the local bio-diversity in the area and sought clarification whether the application site was a specially protected area or whether it could be designated as such.



In reply, the Principal Planner advised that Ms Menzies had contacted the Council requesting that the natural heritage in the area be extended to protect the area from future development. However, he emphasised that this would not necessarily prevent development taking place although there would have to be good reasons to justify the approval of a development.

Councillor Lafferty sought clarification whether the applicants had entered into discussions with the Council about the proposed development in the course of which the Principal Planner stated that the applicants had not discussed the proposal directly with officers from Development Management.

The Principal Planner also explained in response to a question by Councillor Convery that should the committee decide to refuse the application, the applicants could submit another application and commented that there were the provisions within planning legislation which would permit the Council to decline to determine an application, subject to certain criteria being satisfied.

Whilst commenting on the views expressed by local residents about the proposed development which emphasised that there was no support for the proposal in the local area, Councillor Swift stated that clearly there was no justification for proposed development at the site. Concluding his remarks, he suggested that consideration should be given to the issues that had been raised in respect of the application when giving consideration to identifying suitable sites for housing in the new local development plan.

Councillor Devlin sought clarification whether in the event that the committee refused the application and the applicants were to appeal the decision would the Scottish Government's Reporters' unit automatically dismiss the appeal given what the committee has heard about the planning status and history of the site.

In reply, the Principal Planner referred to the precedent that had been established regarding the decision the Reporters' Unit had reached in relation to the application which the applicants had submitted for a proposed housing development at a site at Waterfoot. He also explained the procedure that a Reporter required to follow in the determination of an appeal which was known as the 'de-novo' approach which meant that the Reporter would also assess the appeal against planning policies and would give consideration to any material considerations associated with the proposal.

Councillor Wallace welcomed the fact that the area around Barrhead had been retained as Green Belt and sought clarification under what circumstances development would be permitted to take place in the Green Belt. In reply, the Principal Planner explained that if there was a lack of land supply for development in an area then this would be a factor in the consideration and possible approval for development to take place.

At this stage, the committee **recommended to the Council** that the Council refuse the application for the reasons outlined in the report.

CHAIR



**MINUTE**  
**of**  
**EAST RENFREWSHIRE COUNCIL**

**Minute of Meeting held at 4.30pm in the Council Chamber, Council Headquarters, Giffnock on 3 May 2018.**

**Present:**

Deputy Provost Betty Cunningham	Councillor Alan Lafferty
Councillor Paul Aitken	Councillor David Macdonald
Councillor Caroline Bamforth	Councillor Colm Merrick
Councillor Angela Convery	Councillor Paul O’Kane
Councillor Danny Devlin	Councillor Stewart Miller
Councillor Charlie Gilbert	Councillor Jim Swift
Councillor Annette Ireland	Councillor Gordon Wallace

Deputy Provost Cunningham in the Chair

**Attending:**

Andy Cahill, Director of Environment; Sean McDaid, Principal Planner, Ian Walker, Senior Planner, Eamonn Daly, Democratic Services Manager; and Paul O’Neil, Committee Services Officer.

**Apologies:**

Provost Jim Fletcher; Tony Buchanan, Barbara Grant and Councillor Jim McLean

**DECLARATIONS OF INTEREST**

**402.** No declarations of interest were intimated.

**SPECIAL MEETING OF PLANNING APPLICATIONS COMMITTEE – 3 MAY 2018 – PRE-DETERMINATION HEARING - APPLICATION (REF NO: 2017/0784/TP): PROPOSED RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ENGINEERING WORKS AND LANDSCAPING (PLANNING PERMISSION IN PRINCIPLE)(MAJOR) AT LAND TO THE NORTH OF THE FORMER BOYLESTONE QUARRY AND WEST OF BROWNSIDE AVENUE, BARRHEAD, BY GLADMAN DEVELOPMENTS LTD**

**403.** Under reference to the Minute of the Special Meeting of the Planning Applications Committee of 3 May 2018 (Page 373, Item 401 refers), the Council considered a report by the Director of Environment relative to an application for planning permission in respect of proposed residential development with associated engineering works and landscaping(planning permission in principle)(major) at land to the north of the former Boylestone Quarry and west of Brownside Avenue, Barrhead, by Bellway Homes Ltd.

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Having noted the outcome of the pre-determination hearing associated with the application for planning permission in respect of the above development which had been held at the Special Meeting of the Planning Applications Committee immediately prior to the meeting of the Council, the Council agreed to support the recommendation of the committee and refuse the application for the reasons as set out in the report.

PROVOST