

MINUTE
of
CABINET

Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 30 November 2017.

Present:

Councillor Paul O’Kane (Deputy Leader)
Councillor Caroline Bamforth
Councillor Danny Devlin

Councillor Alan Lafferty
Councillor Colm Merrick

Councillor O’Kane, Deputy Leader, in the Chair

Attending:

Lorraine McMillan, Chief Executive; 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; Jim Sneddon, Head of Democratic and Partnership Services; Candy Millard, Head of Strategic Services; Lesley Bairden, Chief Financial Officer – HSCP; Sarah Jane Hayes, Operations Manager; Raymond O’Kane, Technical Services Manager; Joe Abrami, Principal Solicitor; and Paul O’Neil, Committee Services Officer.

Apology:

Councillor Tony Buchanan (Leader).

DECLARATIONS OF INTEREST

239. Councillors Devlin, Merrick, and O’Kane declared a non-financial interest in Item 247 below by virtue of their membership of the Board of East Renfrewshire Culture and Leisure Trust.

JOINT CONSULTATIVE COMMITTEE (FIRST TIER)

240. The Cabinet considered and noted the Minute of the meeting of the Joint Consultative Committee (First Tier) held on 28 September 2017, which forms Appendix 1 accompanying this Minute.

DISCRETIONARY HOUSING PAYMENTS (DHP) AND ONGOING IMPACT OF CHANGES TO THE BENEFIT CAP

241. Under reference to the Minute of the meeting of 26 January 2017 (Page 2194, Item 2356 refers), when the Cabinet agreed to introduce measures to mitigate some of the effects of the benefit cap, the Cabinet considered a report by the Deputy Chief Executive, providing an update on Housing Benefit changes through the benefit cap which reduced in November 2016 and sought approval for the continued mitigation of the impact of the benefit cap.

The report provided background information on Discretionary Housing Payments and details of the benefit cap which the UK Government had introduced in April 2013 together with information on the approaches that councils across Scotland had introduced to address the issue of the reduced benefit cap. Details of the Council's welfare reform contingency funding covering the financial years from 2013/14 to 2018/19 were also outlined in the report.

Whilst noting that for 2017/18, the Scottish Government had again committed to fully fund 100% mitigation against the removal of the spare room subsidy with DHP funding levels of around £289,009, the report provided details of options available to the Council to further mitigate the effect of the benefit cap. The average benefit cap caseload on a month to month basis so far in 2017/18 had been 29 cases, although so far only 19 tenants had applied to receive this support. However, it was expected the caseload would increase with the roll-out of Universal Credit full service in East Renfrewshire in the summer of 2018.

Having given consideration to the details of the 5 options available to the Council, the report proposed that option (e) be approved which was to continue to award 100% relief for a period of 13 weeks for each case and to consider a second application for relief for a maximum period of 13 weeks.

The Cabinet:-

- (a) agreed to adopt option (e) as detailed in the report which was to continue to award 100% relief for a period of 13 weeks for each case and to consider a second application for relief for a maximum period of 13 weeks;
- (b) approved the drawdown of related funds from the welfare reform contingency resources to cover the costs associated with the selected option;
- (c) agreed, in principle, to carry forward this policy for the period of the 3-year budget to 2020/21, subject to sufficient funds being made available from the welfare reform contingency resources; and
- (d) noted that a further report would be submitted to a future meeting of the Cabinet in the event of any significant changes to national funding, national policy or caseload levels.

STRATEGIC MID-YEAR PERFORMANCE REPORT 2017/18 – COMMUNITY PLANNING PARTNERSHIP AND COUNCIL PERFORMANCE

242. The Cabinet considered a report by the Deputy Chief Executive, providing a summary of the Community Planning Partnership (CPP) and Council mid-year performance in 2017/18 based on performance indicators in the Single Outcome Agreement (SOA) and Outcome Delivery Plan (ODP) 2017-20. Details of the performance results, the improvement actions arising from the Performance and Accountability Review (PAR) of the performance of the Community Planning Partnership considered at the meeting on 8 November 2017 together with information on mid-year complaints accompanied the report.

The report summarised the performance of the East Renfrewshire Community Planning Partnership and the Council at mid-year 2017/18. The information presented showed an overall positive picture highlighting that the Council continued to respond well to a range of challenging circumstances, while aiming to make people's lives better by delivering highly valued services and achieving positive outcomes for its local residents.

The Cabinet:-

- (a) approved the report as a summary of the Community Planning Partnership and Council's mid-year performance for 2017/18;
- (b) noted the Advice Note appended as Annex 3 on the focus and priorities of the Performance and Accountability Review following its discussion of Community Planning Partnership performance at the meeting on 8 November 2017;
- (c) noted the mid-year complaints report appended as Annex 4 to the report;
- (d) remitted the report to the Council for further consideration.

YOUNG PERSONS SERVICES ANNUAL REPORT

243. The Cabinet considered a report by the Deputy Chief Executive, advising on the performance of Young Persons Services during the 2016/17 school year. A copy of the annual report was appended to the report.

Councillor Merrick advised that the service had been recognised at the COSLA's Annual Convention Awards Ceremony on 5 October 2017 where it had won a COSLA Gold Award under the category of "Achieving Better Outcomes in Partnership" for its work in developing and leading an initiative in Auchenback to reduce teenage pregnancy. He presented the award to the members of the team.

The Cabinet:-

- (a) noted the performance of the Young Persons Services; and
- (b) agreed the areas for improvement that would be worked on over the coming year.

CHARGING FOR SERVICES 2018/19

244 The Cabinet considered the undernoted reports by the appropriate Directors regarding the outcome of the charging for services exercises carried out in each of the departments and recommending proposed fees and charges for 2018/19.

The reports referred to the range of services reviewed within each department, the outcome of the reviews, proposed changes and associated resource implications:-

- (i) Chief Executive's Office – Licensing;
- (ii) Corporate and Community Services Department;
- (iii) Education Department;
- (iv) Environment Department; and
- (v) Health and Social Care Partnership

The Cabinet agreed:-

- (a) Chief Executive's Office – Licensing
 - (i) to alter charges for 2018/19 in accordance with the table set out in Appendix 1 to the report and note that the increases were approximately 3% in line with inflation over the intervening period; and
 - (ii) to end no cost licences for wheelchair accessible vehicles.
- (b) Corporate and Community Services Department
 - (i) to note that the statutory fees were set by the National Records of Scotland (NRS) in November each year; and
 - (ii) to increase all non-statutory fees and charges by 3%, for 2018/19 in line with the rate of inflation.
- (c) Education Department
 - (i) to note that the charges for 2018/19 in respect of Service Area 6 – Residential Study Weekend and Service 7 – Easter Schools were pending the Council's decision on the saving proposals for 2018/19-2020/21; and
 - (ii) that the recommendations regarding fees and charges policies as proposed be approved.
- (d) Environment Department

The Cabinet agreed that the recommendations regarding fees and charges policies as proposed be approved.
- (e) Health and Social Care Partnership
 - (i) the recommendations regarding fees and charges policies as proposed be approved; and
 - (ii) that the Chief Officer – Health and Social Care Partnership/Chief Financial Officer be granted delegated powers to waive a charge dependent on individual circumstances.

GENERAL FUND CAPITAL PROGRAMME 2017/18

245. The Cabinet considered a report by the Chief Financial Officer, monitoring expenditure as at 7 November 2017 against the approved General Fund Capital Programme 2017/18 and recommending adjustments where necessary in light of issues that had arisen since the programme had been approved.

The report highlighted the latest developments relating to the programme, including the latest income and expenditure movements and cash flow management issues and indicated that the projected shortfall of £225,000 representing 0.7% of the resources available and was within manageable limits.

The Cabinet agreed to:-

- (a) **recommend to the Council** that the proposed adjustments to the General Fund Capital Programme 2017/18 be approved; and
- (b) note that the shortfall of £225,000 would be managed and reported on a regular basis.

HOUSING CAPITAL PROGRAMME 2017/18

246. The Cabinet considered a joint report by the Chief Financial Officer and Director of Environment, monitoring expenditure as at 7 November 2017 against the approved Housing Capital Programme 2017/18 and recommending adjustments where necessary in light of issues that had arisen since the programme had been approved.

The report highlighted the latest developments relating to the programme, including the latest income and expenditure movements and cash flow management issues and indicated that the projected shortfall of £55,000 representing 0.8% of the resources available and was within manageable limits.

The Cabinet agreed to:-

- (a) **recommend to the Council** that the movements within the Housing Capital Programme 2017/18 be approved; and
- (b) note that the shortfall of £55,000 would be managed and reported on a regular basis.

BARRHEAD FOUNDRY REFURBISHMENT 2017/18

247. The Cabinet considered a report by the Director of Environment, providing an update with regard to the refurbishment works to Barrhead Foundry and seeking approval to an increase to the previously agreed budget allocation.

The report explained that the 2017/18 General Fund Capital Plan included provision of £2.155 million to fund the refurbishment of the existing Barrhead Foundry sports centre. Details of the works that would be carried out were outlined in the report.

Whilst noting that the successful tender for the refurbishment contract was higher than the estimated budget, the report explained that following a robust tender analysis process the final costs of the works had been reduced although they would still be in excess of the capital estimate, by a sum of £185,000.

The report advised that during the works the swimming pool would be closed for around 30 weeks. However, to facilitate these changes further improvements were planned for Neilston Leisure centre to help retain revenue and customers relating to swimming lessons. Full details of the changes were outlined in the report it being noted that the improvements at Neilston Leisure centre would cost £61,000. As a result of these two factors the total cost for the works will be £246,000 over the original capital provision.

The Cabinet agreed to **recommend to the Council** that an increase to the previously agreed budget allocation for the Barrhead Foundry by £246,000 in the General Fund Capital Plan be approved to cover the increased contract costs and also the proposed works at Neilston Pool to be phased in as appropriate over 2017/18 and 2018/19.

CHAIR

MINUTE

of

JOINT CONSULTATIVE COMMITTEE (FIRST TIER)

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 28 September 2017.

Present:

Councillor Caroline Bamforth
Councillor Tony Buchanan
Councillor Stewart Miller

Councillor Paul O'Kane
Councillor Gordon Wallace

Union Representatives:

Mr James Cowans (SSTA)
Mr Martin Doran (GMB)
Ms Sharon Kelly (EIS)
Mr Mark Kirkland (UNISON)

Mr Steven Larkin (UNISON)
Mr Gordon Lees (UNISON)
Mr Des Morris (EIS)
Mr James O'Connell (UNITE)

Chief Executive /Councillor Buchanan in the Chair

Attending:

Lorraine McMillan, Chief Executive; Andy Cahill, Director of Environment; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Iain Maclean, Head of Environment (Strategy); Sharon Beattie, Head of HR, Customer and Communications; Mary Docherty, QIO, Education Department; Tracy Morton, Education Senior Manager and Eamonn Daly, Democratic Services Manager.

Apologies:

Phil Daws, Head of Environment (Operations), Joe Lynch (Unison).

APPOINTMENT OF CHAIR AND VICE CHAIR

1. The Chief Executive intimated that as this was the first meeting of the committee following the local elections, it was necessary for the committee to appoint a Chair and Vice-Chair and that she would act as Chair until the appointments had been made.

She explained that in terms of the constitution, the appointments would last for the duration of the Council, that when the Chair was appointed from either the Council or union side, the position of Vice-Chair should be filled by one of the representatives from the other side. She also clarified that notwithstanding the positions of Chair and Vice-Chair the chairmanship of meetings of the committee would alternate.

Thereafter the Chief Executive called for nominations for the posts of Chair and Vice Chair, with Councillor Buchanan being nominated for the position of Chair and Mr Morris (EIS)

being nominated for the position of Vice-Chair. There being no further nominations, Councillor Buchanan and Mr Morris were elected to the positions.

As Mr Morris had chaired the last meeting of the committee Councillor Buchanan assumed the chair for the remainder of the meeting.

MINUTE OF PREVIOUS MEETING

2. The committee considered and approved as a correct record the Minute of the meeting held on 19 January 2017.

REVENUE BUDGET CONSULTATION 2018/21

3. The committee considered a report by the Head of Accountancy (Chief Financial Officer) providing details of the plans for consulting on the Council's revenue budget for the period 2018 to 2021.

Commenting further, the Head of Accountancy explained that an announcement on the Council's settlement from the Scottish Government was expected on 14 December, with the process for thereafter approving both the budget for 2018/19 as well as indicative budgets for 2019/20 and 2020/21 being explained.

Welcoming the consultation processes that were taking place Mr O'Connell acknowledged that the trades unions were aware of the financial challenges facing the Council. He referred to the issue of 1 year settlements for local authorities as well as details of settlements being provided to local authorities earlier, asking that the government be lobbied on both these issues.

Councillor Buchanan explained that although there was cross-party support for three year settlements, such a move was unlikely as the Scottish Government continued to receive its settlement from the UK Government annually. He also explained that there was support for earlier release of the settlement figures but again this was dictated by when the Scottish Government received the relevant information from the UK Government. In addition, in response to Mr Larkin, Councillor Buchanan explained that the Council, along with other local authorities did formally lobby the Scottish Government through COSLA, emphasising to Scottish Ministers the need for front line services to be adequately resourced.

Mr Doran referred to the likely trade union campaigns regarding the preservation of jobs, seeking support for these.

Discussion also took place on the Council's position to date regarding no compulsory redundancies. Councillor Buchanan referred to the UK Government's austerity programme, the effects of this programme on the local government financial settlement, and that despite this the Council would endeavour to continue with the no compulsory redundancy commitment it had given in the past. This was echoed by Councillor O'Kane.

Mr Kirkland referred to the high quality services currently delivered for East Renfrewshire residents, questioning how the current standards would be maintained if staffing levels were reduced. In addition Mr O'Connell referred to the implications for staff who had to deal with the consequences of any decisions taken by the Council to reduce service levels.

Mr Morris also indicated that the EIS response to the forthcoming consultation exercise would make clear where it was considered that savings would affect service delivery. In connection with which Mr Cowans highlighted the additional work already carried out by school technicians and that any cuts in this service would have an impact on learning and teaching.

Responding to the comments made, Councillor Buchanan acknowledged the role of the trade unions in representing the interests of their members. He highlighted that councillors had a responsibility to manage services within available resources and that the Council always tried to strike a balance between the service provided and the associated implications for staff. He explained that the consultation exercise would set out in detail to the public the challenges facing the Council and that responses to the exercise would be given careful consideration, that no decision would be taken lightly, and that the Council would do everything it could to retain staff and services.

The committee noted the position.

ENVIRONMENT DEPARTMENT CHANGE PROGRAMME AND USE OF CONSULTANTS

4. Mr O'Connell indicated that this item had been placed on the agenda at the request of the trade unions. He referred to the ongoing change programme and service redesign in the Environment Department and the associated use of consultants. He explained that the trade unions had concerns about the use of consultants, the services they had provided and the consultancy costs, which the unions considered to be high.

Mr O'Connell also questioned the need for consultants to be used at all suggesting the management should be best placed to know what changes were required within their department. He acknowledged that there were significant savings to be made through the change programme and service redesign, but any savings achieved were reduced by the consultancy costs. Furthermore Mr O'Connell highlighted that whilst the Environment Department was the focus of his comments the use of consultants was an issue that spread across the authority and that in the view of the unions there were suitable qualified staff who would be able to carry out the work that consultants were being employed to do.

This view was supported by Mr Kirkland who also commented on the ability of existing staff to carry out reviews, with a corresponding reduction in costs.

Councillor Wallace reported that the use of consultants across the Council had been an issue that had been examined by the Council's Audit & Scrutiny Committee in the past. Agreeing with the views of the trade unions on the expertise of staff, he did suggest that in many cases the issue was that the staff did not have the time to carry out the review work in addition to their day to day responsibilities.

Mr Doran was also heard on the use of consultants by the Council and that it suggested that the Council did not have the necessary in-house expertise.

Responding to the comments that had been made, Councillor Buchanan emphasised that the Council did not take any decisions to use consultants lightly. He highlighted that the scale of the review in the Environment Department was in itself an issue in relation to the amount of time required and referred to the potential to upskill staff through the current review which would ensure more of a similar nature could be undertaken in-house in the future.

Commenting further, Mr O'Connell suggested that staff could have been seconded into posts and reiterated the view that the senior managers in the Environment Department had the appropriate skills to conduct the review without needing to employ consultants. He concluded by stating that whilst it was for management to determine how to take the review forward, the unions disagreed with the decision to employ consultants, and that there was real concern that this would lead to a privatisation of some services.

Having heard Councillor Buchanan further, the committee heard from the Director of Environment who gave a comprehensive explanation of the review and the reasoning behind the use of consultants.

Reference having been made to the Council's Modern Ambitious Programme (MAP) he explained the reasons for his decision to have a complete departmental transformation and referred to the collaborative group that had been set up and to the comprehensive discussions that had already taken place at that forum.

He outlined in detail all the steps that formed the review and commenting on the costs of consultancy, highlighting that from a total estimated cost of £343,000 savings of £4.5 million were anticipated

In response to earlier comments on staff expertise, he explained that staff did not have expertise in transformational change or the capacity to take forward such a review, hence the need for consultants experienced in these areas to be taken on. In addition, he explained that in his view it was more appropriate to employ consultants as and when required.

He highlighted that whilst the consultants would make recommendations, any final decisions on which if any of these to take forward would be his, and concluded by expressing his surprise that the unions had asked for this item to be placed on the agenda, particularly in light of all the communications between management and the unions that already had and would continue to take place.

Mr O'Connell having been heard further in reply to the comments by the Director of Environment, the Head of Environment was heard on the processes that had been used for procuring the services of the consultants. In reply, Mr O'Connell acknowledged the processes used but clarified that the unions' concerns related to the ongoing use of the consultants and associated costs in the course of which he stated that the savings to be accrued from the Modern Ambitious Programme had been requested but not received. He also explained why the unions had brought the matter to this meeting.

Councillor Wallace having referred to the unions' reasons for asking for the matter to be placed on the agenda for this meeting, the Head of Environment explained that in addition to the normal departmental JCC arrangements, a special consultation group had been established in relation to the review. This group met regularly in addition to which informal discussions were always taking place. This was confirmed by Mr Kirkland who reiterated that the unions' concerns related to the use and cost of consultants in taking forward the review.

Mr Larkin questioned whether any of the consultant's findings had been unexpected by the management. He also questioned whether, in light of the Director's comments about lack of expertise in the area of transformation change leading to the need for consultants being employed, if in future it was considered that staff did not have the skills required to undertake a job, they would not be subject to a capability hearing.

In conclusion, Councillor Buchanan suggested that there needed to be a balance between things being carried out in-house or employing consultants. He again referred to the hope

that the upskilling of staff would mean that more work like this could be carried out by staff in future, that the use of consultants was not a decision that was taken lightly and careful consideration was always given to whether such action was necessary.

The committee noted the information.

HEALTH AND SAFETY COMMITTEE

5. The committee took up consideration of the Minutes of the meetings of the Council's Health and Safety Committee held on 26 January and 27 April 2017.

Mr Morris referred to the discussions at both meetings regarding the Accident and Incident Reporting System (AIRS), and to the possibility of a campaign to promote the use of the system. He explained that similar discussions had taken place at the most recent Health and Safety Committee meeting on 6 September, that the EIS was supportive of the use of the system and that more generally the trade unions would be keen to participate in any promotional campaign for the system.

In response to a question from Mr Doran on lone working, the Head of Environment undertook to establish the status of the lone working report and advise him accordingly.

The committee noted the Minutes and the additional information.

DATE OF NEXT MEETING

6. The committee noted that the next meeting was scheduled to take place on Thursday, 18 January 2018.

