

MINUTE
of
EAST RENFREWSHIRE COUNCIL

Minute of Meeting held at 7.00pm in the Council Chamber, Council Headquarters, Giffnock, on 13 September 2017.

Present:

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

Provost Fletcher in the Chair

Attending:

Lorraine McMillan, Chief Executive; Caroline Innes, Deputy 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; Candy Millard, Head of Strategic Services; Eamonn Daly, Democratic Services Manager; and Paul O’Neil, Committee Services Officer.

Apology:

Councillor Alan Lafferty.

DECLARATIONS OF INTEREST

124. There were no declarations of interest intimated.

MINUTE OF PREVIOUS MEETING

125. The Council considered and approved the Minute of the meeting held on 28 June 2017.

MINUTES OF MEETINGS OF COMMITTEES

126. The Council considered and approved the Minutes of the meetings of the undernoted, except as otherwise referred to in Items 127 and 128 below:-

- (a) Planning Applications Committee – 9 August 2017;
- (b) Local Review Body – 9 August 2017;
- (c) Civic Hospitality Committee – 15 August 2017;
- (d) Licensing Committee – 15 August 2017;
- (e) Cabinet - 17 August 2017;
- (f) Audit and Scrutiny Committee – 17 August 2017;
- (g) Social Work Complaints Review Committee – 22 August 2017;
- (h) Education Committee – 24 August 2017;
- (i) Cabinet – 31 August 2017;
- (j) Planning Applications Committee – 6 September 2017; and
- (k) Local Review Body – 6 September 2017.

AUDIT AND SCRUTINY COMMITTEE – 17 AUGUST 2017 - INTEGRATION JOINT BOARD PERFORMANCE AND AUDIT COMMITTEE – INVITATION TO CO-OPT MEMBER OF AUDIT AND SCRUTINY COMMITTEE

127. Under reference to the Minute of the meeting of the Audit and Scrutiny Committee of 17 August 2017 (Page 92, Item 100 refers) when the committee agreed **to recommend to the Council** that Councillor Grant be appointed as the co-optee and that Councillor Ireland be appointed as substitute, the Council approved the appointments.

CABINET – 31 AUGUST 2017 – END YEAR PERFORMANCE REPORTS 2016/17

128. Under reference to the Minute of the meeting of the Cabinet of 31 August 2017 (Page 104, Item 113 refers), when the Cabinet approved the End Year Performance Reports as summaries of the Corporate and Community Services Department and the East Renfrewshire Culture and Leisure Trust End-Year performance for 2016/17, Councillor Grant sought clarification whether the Council would be taking steps to address the problems identified in East Renfrewshire Culture and Leisure Trust's buildings timeously to ensure that this did not result in the loss of revenue to the Trust as a consequence.

In reply, Councillor Merrick confirmed that discussions had taken place with the Head of Environment (Strategic Services) to take forward these matters.

The Council noted the position.

NOTICE OF MOTION

129. In accordance with Standing Order 25, the following Notice of Motion had been submitted by Councillor Miller seconded by Councillor Swift.

“East Renfrewshire Council recognises that the Scottish Government has presided over falling levels of literacy and numeracy in schools across Scotland.

East Renfrewshire Council spends more and does more than other Councils to support the education of our young people.

This reflects local choices and all that is best in democracy.

East Renfrewshire should do what is necessary to retain control over our schools and not let them pass to a failing Scotland Government's unelected QANGO”.

At this stage, Provost Fletcher invited Councillor Swift to speak to the terms of his motion.

Councillor Swift began by referring to the falling levels of literacy and numeracy in schools across Scotland. Whilst highlighting that the levels in these subjects were falling against other countries and indeed in Scotland, he indicated that the annual Scottish survey of literacy and numeracy had seen a year on year decline since 2011 and had now been cancelled by the Scottish Government. He emphasised that Scotland had its worst ever set of international results last year in the 3 areas of science, maths and literacy.

Referring to the fact that less affluent students in Scotland did much worse than their more affluent counterparts and were much less likely to go university than young people in England, Councillor Swift explained that such students did use colleges as the vehicle to education to increase their wealth and social mobility although the Scottish Government had cut 150,000 college places. Whilst remarking that Scotland's brightest pupils were now a year behind in science compared to 10 years ago, he expressed concern that the Scottish Government proposed to take control of Education away from the Council and pass it to an unelectable quango. He emphasised that the Council spent more than 50% of its budget on education, a decision that was based on local choices and priorities and which had cross party support. He also highlighted that pupils performance in Scotland was falling behind England, Wales and Ireland where in the past Scotland was ahead of these countries. He drew a comparison between the Programme for International Student Assessment (PISA) scores and Higher Grades between 2000 and 2015 highlighting in 2000 the Pisa scores were 8.6% higher for Maths and 6.7% higher for English in 2000 yet in 2015, 15% more students passed English Higher and 10% more passed Maths Higher questioning how lower scores could be reconciled with increasing pass rates.

Councillor Swift also indicated that it appeared that the Scottish Government proposed to centralise Education along with other areas it had taken from local government control in recent years such as Planning, Social Care, Police and the Fire Service. He stated that these services were now not performing as well than they were 10 years ago. Concluding his remarks, he moved that the Council should resist the proposal being put forward by the Scottish Government.

In seconding the motion Councillor Miller acknowledged that the Council had the best Education service in Scotland and that as the motion stated the Council should do what is necessary to retain control over its schools rather than let them pass to a failing Scottish Government's unelected quango.

Councillor O'Kane, seconded by Councillor Merrick, moved an amendment in the following terms:-

That the wording in the motion following "East Renfrewshire Council recognises...." be deleted and replaced with:-

".....the debate in the Scottish Parliament on 28th June 2017 on Education Governance Review Next Steps in which the Scottish Conservatives voted to support Scottish Government reforms to education governance;

Notes that Liz Smith MSP (Education Spokesperson) and the Scottish Conservative Party have consistently stated that they do not believe that the reforms "go far enough";

Is deeply concerned by the Scottish Conservatives desire to see so called 'free' schools completely autonomous of Council control set up in Scotland;

Is proud of the record of Administrations in the previous 10 Years which have invested in and supported East Renfrewshire schools to ensure they remain the best in the country;

Acknowledges the cross party consensus at COSLA and City Region level to find ways to collaborate whilst maintaining local democratic accountability;

And notes that the paper before the Council this evening regarding City Region collaboration sets out a sensible and positive way to achieve this.”

Councillor O’Kane was heard in support of his amendment in the course of which he stated that he found it strange that this motion was before the Council given that there was a substantial report on the Glasgow City Region Education Improvement Collaborative which was to be considered later at the meeting. He stated that this set out both the Council’s approach and those of its partner councils in the City Region its response to the very issue of Education governance. He indicated that before the summer recess in the Scottish Parliament the Scottish Conservatives had supported changes to school governance which the Conservative Group now appear to criticise in their motion.

Whilst remarking that the Scottish Conservatives had argued in Parliament that the reforms were not far reaching enough and schools and Head Teachers should be able to ignore the significant amount of directives issued by local government and even opt out of local control if they so wished, Councillor O’Kane sought clarification how the Scottish Conservative party policy of supporting reform co-related with the terms of the motion which proposed that the Council should maintain local democratic accountability and retain control over the Council’s schools. Referring to his role as Convener for Education and Equalities, he stated that he was aware of how valued the support of the Council’s Education Department was within school communities and in his opinion, the Council must work to ensure that local accountability and support remained.

Whilst acknowledging the challenges that existed across Scotland in terms of educational attainment, Councillor O’Kane highlighted that there was broad party consensus that more collaboration amongst local authorities could be a good thing as this would allow the sharing of information and ideas and pooling training and support where appropriate. He also indicated that the Council was already playing a leading role in regional collaboration in terms of the West Partnership and Northern Alliance. Having met with the Cabinet Secretary, Mr John Swinney recently with the Director of Education, he had advised Mr Swinney that the Council was willing to support collaboration on the basis that it should be led by local government and not imposed by the Scottish Government. Concluding his remarks, he emphasised the importance of investing in and protecting Council schools and retaining local democratic accountability and decision making.

Councillor Merrick was heard in support of the amendment in the course of which he stated that the terms of the motion failed to recognise the outstanding success and achievements over a long period of time of the Education service and the continuous improvement it had made.

Councillor Aitken responded to Councillor Merrick’s comments where he indicated that Councillor Miller in his earlier remarks had acknowledged the outstanding success of the Council’s Education service. He stated that the Conservative group was concerned that given that the Council had a ‘centre of excellence’ in terms of Education provision what was being proposed by the Scottish Government would result in the Council giving away control of the service to an unelected quango. He questioned why the Council would wish to do this when at present it spent over 50% of its budget on Education and questioned what percentage of this spend it would have in the future once the quango was operational. Concluding his remarks, he remarked that he did not think the proposal was a good thing.

In response to Councillor Swift’s earlier comments, Councillor Buchanan stated that the Council would not be giving up control of the service and the proposal would be about sharing the Council’s expertise with other councils.

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

Councillor Swift stated that he had a number of concerns about the proposed quango one of which was the future recruitment of staff given that there was no detail as to how this would be achieved. He indicated that giving Head Teachers more powers was a good thing and that a one size did not fit all. Concluding his remarks, he emphasised that one of the reasons why people moved into East Renfrewshire was the fact it offered a good Education service.

At this stage, on a vote being taken 8 members voted for the motion and 9 members voted for the amendment. The amendment was accordingly declared carried and it was agreed that:-

“East Renfrewshire Council recognises the debate in the Scottish Parliament on 28th June 2017 on Education Governance Review Next Steps in which the Scottish Conservatives voted to support Scottish Government reforms to education governance;

Notes that Liz Smith MSP (Education Spokesperson and the Scottish Conservative Party have consistently stated that they do not believe that the reforms “go far enough”;

Is deeply concerned by the Scottish Conservatives desire to see so called ‘free’ schools completely autonomous of Council control set up in Scotland;

Is proud of the record of Administrations in the previous 10 Years which have invested in and supported East Renfrewshire schools to ensure they remain the best in the country;

Acknowledges the cross party consensus at COSLA and City Region level to find ways to collaborate whilst maintaining local democratic accountability;

And notes that the paper before the Council this evening regarding City Region collaboration sets out a sensible and positive way to achieve this.”

PROVOST’S ENGAGEMENTS

130. 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 last meeting.

STATEMENTS BY CONVENER

131. The following statement was made:-

Councillor Bamforth reported on the last meeting of the Health and Social Care Partnership (HSCP) Integration Joint Board on 16 August at which a presentation had been given by colleagues in the third sector regarding changes to learning disability day services and how partnership working through the Care Collective was helping the Council prepare for its new Carer’s duties. She indicated that other matters discussed included the introduction of a new Family Wellbeing Service to support children and young people who had mental and emotional concerns. Concluding her remarks, she stated that the next meeting of the HSCP Integration Joint Board would be held on 27 September.

The Council noted the position.

STATEMENTS BY REPRESENTATIVES ON JOINT BOARDS/COMMITTEES

132. Provost Fletcher intimated that no statements had been received.

AUDIT AND SCRUTINY COMMITTEE – APPOINTMENT OF REPLACEMENT MEMBER

133. The Council considered a report by the Deputy Chief Executive, seeking the appointment of a new member to serve on the Audit and Scrutiny Committee following the resignation of Councillor Swift.

The Council agreed that Councillor Gilbert be appointed as the new member to serve on the Audit and Scrutiny Committee.

BARRHEAD HOUSING ASSOCIATION – NOMINATION OF REPLACEMENT CO-OPTED MEMBER

134. The Council considered a report by the Deputy Chief Executive, seeking nominations for a new co-opted member to the Board of Barrhead Housing Association following the withdrawal from the post of Councillor Convery.

The Council agreed that Councillor Ireland replace Councillor Convery as the co-opted member on the Barrhead Housing Association Board.

ANNUAL STATEMENT ON THE ADEQUACY OF INTERNAL CONTROLS

135. Under reference to the Minute of the meeting of the Audit and Scrutiny Committee of 17 August 2017 (Page 90, Item 97 refers), when it had been agreed to approve the Annual Statement on the Adequacy of Internal Controls and submit it to the Council, the Council considered a report from the Audit and Scrutiny Committee regarding the Statement.

Councillor Miller, Chair of the Audit and Scrutiny Committee referred to the terms of the annual statement in the course of which he indicated that the committee received regular progress reports and updates from the Chief Auditor on the work of Internal Audit. He advised that the 2016/17 statement concluded that it was the opinion of the Chief Auditor that reasonable assurance could be placed upon the adequacy and effectiveness of the Council's internal control system for the year to 31 March 2017 except for the Creditors section where there were two areas of control weakness identified. Firstly, the Creditors team had been subjected to a fraudulent request for a change of supplier's bank details and as a result of the usual checks not being carried out the bank details were amended resulting in two subsequent valid invoices being paid using fraudulent bank details.

Whilst noting that the Council was fortunate insofar as the bank had identified an anomaly within the payment and the Council was given a full refund of the amount paid of £2.3 million, Councillor Miller explained that the committee was concerned that no information about the mistake had been given to any councillors. He suggested that as the local government elections were taking place in May 2017 this could have been considered by some to be an election issue and therefore could have been seen as officers deliberately skewing election results. In view of the foregoing, he stated that should something similar arise in the future that the political group leaders should be informed.

Councillor Miller also referred to another area where controls had failed and this being in relation to the checking for duplicate invoices prior to payments being made. He advised that a full update had been given to the committee on 17 August including details of the recovery

action taken. He also advised that the Head of Business Change and Revenues would be submitting a further update on the invoice payment process to the committee in 6 months' time. One further area of concern for the committee was that there were no qualified accountants working in the Creditors section.

Concluding his remarks, Councillor Miller thanked his predecessor Councillor Wallace for the work he and his committee had carried out over the past 8 years. He also thanked the Chief Auditor and the Clerk to the committee for all their continued work associated with the operation of the committee.

In respect to Councillor Miller's comments about the Audit and Scrutiny Committee's request for information being made available to the political group leaders, Councillor Wallace stated that a similar request for this type of information had been made when he was Chair of the committee. He referred to a situation about a year ago involving overpayments to care providers highlighting that the only reason the committee had been made aware of the issue at that time was because the matter had been reported in the papers. He also expressed concern about the Council's poor performance in processing invoices. Concluding his remarks, he hoped that the Audit and Scrutiny Committee would give this issue some consideration in the future.

As a new member of the Audit and Scrutiny Committee, Provost Fletcher confirmed that there had been considerable discussions on this matter at the meeting in the course of which he acknowledged that the performance for the paying of invoices last year was poor although it had dramatically improved and he thanked the staff involved in achieving the improvement.

Councillor Buchanan acknowledged that mistakes had been made in the invoice payments process which had been challenging for some time highlighting that it had been identified in the relevant performance reports. He thanked the Members of the Audit and Scrutiny Committee for their oversight in this area, particularly in recent months. Concluding his remarks, he also referred to the significant improvement in the processing of invoices over the past year.

Councillor Swift referred to Councillor Wallace's earlier comments about information being made available to Elected Members and sought clarification as to who told Councillor Wallace when he was the Chair of the Audit and Scrutiny Committee that this information would be forthcoming and secondly who decided that the information would not forthcoming before the local government elections.

Councillor Wallace having suggested that the information Councillor Swift was looking for would be found in the relevant Minutes, Councillor Swift sought clarification who had taken the decision not to release the information to Elected Members

In reply, Provost Fletcher suggested that Councillor Swift take the matter up with the Chief Executive following the meeting which he agreed to do.

The Council agreed to note the terms of the report.

GLASGOW CITY REGION EDUCATION IMPROVEMENT COLLABORATIVE

136. The Council considered a joint report by the Chief Executive and Director of Education, seeking approval for the involvement of the Council in the governance structure approved by the Glasgow City Region Cabinet and the recommendations detailed in the

report entitled 'Glasgow City Region Education Improvement Collaborative – Collaboration to Deliver Excellence and Equity in Education'. A copy of the paper was appended to the report.

The report explained that the attached paper set out the work of the West Partnership within the context of the Glasgow City Region City Deal, reflecting the coherence of the same eight local authorities and linking education to the region's economic growth and the development of employability skills.

Furthermore, it was noted that it set out the way forward for the West Partnership, renaming it the Glasgow City Region Education Improvement Collaborative and setting out proposed governance arrangements, which would ensure local democratic accountability for education functions and how the eight local authorities would draw on the expertise and strengths in each local authority to raise attainment and achievement through three key areas. These were noted as Early Learning and Childcare; Improvement; and Learner Journey.

Whilst explaining that the paper was considered and approved at the last Glasgow City Region Cabinet on 15 August 2017 with the recommendation that each Council area should endorse its decision through its own local governance arrangements, the report emphasised that notwithstanding the proposed new arrangements, the Council would remain accountable and responsible for the delivery of education in the Council area.

Councillor Macdonald sought clarification as to who would set Education policy in terms of the proposal and whether those appointed as Members of the proposed Glasgow City Region Education Committee would receive any remuneration.

In reply, Provost Fletcher stated that he was not aware of any proposed remuneration being paid in the course of which Councillor O'Kane outlined the objectives of the proposed Collaborative which he indicated was about sharing experience and best practice amongst those councils who would be involved and reiterated that no remuneration would be paid.

The Director of Education was heard in response to Councillor Macdonald's questions and advised that as detailed in the report the Council would remain and be responsible for the delivery of education in the Council area. She also reiterated that no remuneration would be paid and referred to the benefits of the proposal to the Council.

Councillor Wallace commented that the Council had a superb Education service and he was concerned that the proposal would result in the erosion of the service highlighting that the proposed governance structure showed that the Council's Education Committee was further removed from where the decisions would be made. He also expressed concern that in his opinion most of the Council's budget would be committed to other council areas.

Councillor Buchanan made reference to the operation of the West Partnership and the benefits to the Council of being involved in the proposal. He also emphasised that the proposed collaborative would not take anything away from the Council in terms of Education provision and that the proposal would secure Education for the future.

The Council approved:-

- (a) the involvement of the Council in the governance structure approved by the Glasgow City Region Cabinet which would ensure local democratic accountability for education functions whilst maximising the benefits of collaboration; and

- (b) the recommendations in the paper appended to the report that they be taken forward with updates being provided regularly to the Council's Education Committee.

EAST RENFREWSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP ANNUAL PERFORMANCE REPORT

137. The Council considered a report by the Chief Officer - Health and Social Care Partnership, providing details of the end of year performance report 2016/17 for the Health and Social Care Partnership in accordance with the requirements of the Public Bodies (Joint Working)(Scotland) Act 2014. A copy of the performance report was appended to the report.

Whilst noting that the information was set out under the National Health and Wellbeing Outcomes as well as those for Criminal Justice and Children and Families, the report explained that each section had an overview of national performance indicators, Council indicators and NHS Greater Glasgow and Clyde (NHSGGC) indicators. It was noted that wherever possible performance had been compared against Scottish national performance, as required in the national guidance.

The report concluded by indicating that the annual performance report was the first performance report for East Renfrewshire Health and Social Care Partnership and provided a comparison of health and social care partnership performance against that of Scotland and acted as a baseline for future years. It was noted that overall the report gave a positive picture of performance both in achieving outcomes and in following the integrated planning and delivery principles.

The Council noted the contents of the East Renfrewshire Health and Social Care Partnership Annual Performance Report 2016/17.

AMENDMENT TO SCHEME OF ADMINISTRATION

138. The Council considered a report by the Deputy Chief Executive, seeking approval for an amendment to the Council's Scheme of Administration in relation to the Education Appeals Committee.

The Council approved that the Scheme of Administration be amended for the Education Appeals Committee to include appeals with regard to the Education (Scotland) Act 2016 in relation to requests for assessment of demand for Gaelic Medium Education.

PROVOST

