

MINUTE
of
CABINET

Minute of virtual meeting held at 10.00am on 4 March 2021.

Present:

Councillor Tony Buchanan (Leader)
Councillor Caroline Bamforth
Councillor Alan Lafferty

Councillor Colm Merrick
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); Louise Pringle, Head of Communities, Revenues and Change; Andy Corry, Head of Environment (Operations); Phil Daws, Head of Environment (Strategic Services); Gillian McCarney, Head of Environment (Chief Planning Officer); Alison Ballingall, Senior Revenues Manager; Joe Abrami, Principal Solicitor; Mark Waugh, Principal Accountant (Capital); and Paul O'Neil, Committee Services Officer.

Apology:

Councillor Danny Devlin.

DECLARATIONS OF INTEREST

1553. There were no declarations of interest intimated.

CHARGING FOR SERVICES 2021/22 - LICENSING

1554. The Cabinet considered a report by the Chief Officer – Legal and Procurement, seeking approval of proposed licensing fees and charges for 2021/22, details of which were appended to the report.

Whilst noting that the Council presently had a policy of accepting only wheelchair accessible vehicles as new taxi and private hire vehicles, the report explained that the policy was due for review and might require adjustment to remove private hire vehicles from this requirement due to numbers reaching adequate levels and the move towards ultra-low emission vehicles.

The report proposed that a financial incentive be offered to keep existing and encourage new wheelchair accessible vehicles in circulation should the policy be amended. In addition,

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a review of the cost of some business licences had highlighted a discrepancy with neighbouring local authorities and therefore it was proposed to discontinue having two levels of fees.

The Cabinet agreed to:-

- (a) alter charges for 2021/22 in accordance with the table in Appendix 1 to the report and noted that where an increase occurred, the increases were approximately 1.9% being the inflation rate advised by the Chief Accountant ;
- (b) reduce charges for Wheelchair Accessible Vehicles (WAVs) Licences for the purpose of encouraging the increased availability of these vehicles; and
- (c) removes the difference between business and employee rates for some licences.

DEBT MANAGEMENT FOR NON-DOMESTIC RATES, SUNDRY DEBT INCOME, HOUSING BENEFIT OVERPAYMENTS AND COUNCIL TAX REDUCTION ADJUSTMENT

1555. The Cabinet considered a report by the Deputy Chief Executive, seeking approval to write-off as irrecoverable sums associated with Non Domestic Rates, Sundry Debt income and Housing Benefit overpayments. Approval was also sought for Council Tax Reduction adjustments as a result of the new Council Tax and Benefits system implementation.

The report highlighted that the debts recommended for write-off had previously been included in bad debt provision and the adjustments already accounted for, and therefore the write offs/adjustments had no net impact on the revenue accounts of the Council.

The Cabinet agreed:-

- (a) approved the write-off of the following sums, totalling up to £143,736.05 without prejudice to subsequent recovery procedure:
 - Non Domestic Rates arrears totalling up to £47,419.54
 - Sundry debt income totalling up to £50,473.61
 - Housing Benefit Overpayments totalling up to £45,842.90;
- (b) approved the Council Tax Reduction adjustments of £23,958 in 2019/20 and £22,666 in 2020/21;
- (c) noted that a further report in relation to Council Tax arrears and historical Non Domestic rates arrears would be submitted to a future meeting during the course of 2021/22; and
- (d) noted that all sums written off/adjusted had been accounted for already.

ESTIMATED REVENUE BUDGET OUT-TURN 2020/21

1556. The Cabinet considered a report by the Chief Financial Officer, detailing the projected revenue budget out-turn for 2020/21 and providing details of the expected year-end variances together with summary cost information for each of the undernoted services as at 31 December 2020:-

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

Whilst noting that as at 31 December 2020, the estimated year-end position showed a net favourable variance on net expenditure of £1,718k based on current information and taking account of additional grant funding confirmed and anticipated to date, the report highlighted that for General Fund services the projected underspend was £1,814k and together with the projected shortfall in Council Tax collection of £450k the total forecast underspend on General Fund services was £1,364k.

The report indicated that the variance was made up of unfunded COVID pressures, £1,108k offset by managed underspends of £2,472k. This reflected a significant improvement on the position reported to the meeting of the Cabinet on 28 January 2021 and was due to various increases in anticipated grant funding, a substantial reduction in the shortfall forecast by East Renfrewshire Culture and Leisure Trust, a significant reduction in the projected PPE operational expenditure, and Directors continuing to avoid all non-essential spend as instructed by the Council. The report also sought approval for a number of service virements and operational budget adjustments, details of which were outlined in the report.

The report concluded by highlighting that a number of operational variances required management action to ensure that 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 probable out-turn position, agreed:-

- (a) to approve the service virements and operational adjustments as set out in the notes to the tables and note the significant reported improvement in the probable out-turn position;
- (b) to instruct departments to continue to avoid all non-essential spending;
- (c) that management action be taken to remedy any avoidable forecast overspends; and

- (d) that all departments continue to closely monitor their probable out-turn position.

GENERAL FUND CAPITAL PROGRAMME 2020/21

1557. The Cabinet considered a report by the Chief Financial Officer, monitoring expenditure as at 31 December 2020 against the approved General Fund Capital Programme 2020/21 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 £425,000 which represented 1.35% of the resources available was within manageable limits. Detailed explanations of the reasons for the major movements within the programme were outlined in the report.

The Chief Financial Officer referred to the previous report submitted to the Cabinet on 26 November 2020, when it was noted that no capital receipts would be assumed in the current year's General Fund capital programme as their timings were uncertain. However since the publication of the papers for the meeting capital receipts of £1.96m had been secured and it was proposed that it be recommended to the Council that these should be applied under fiscal flexibility powers granted to councils by the Scottish Government to help address anticipated unfunded COVID pressures arising in 2020/21 and 2021/22, with any unspent elements being reallocated to support the Council's capital plans from 1 April 2022.

The Cabinet agreed to:-

- (a) **recommend to the Council** that the movements within the General Fund Capital Programme 2020/21 be approved;
- (b) approve the revision of maintenance work plans to address priority areas in respect of ventilation works within existing resources;
- (c) note the shortfall of £425,000 and that income and expenditure on the programme would be managed and reported on a regular basis; and
- (d) **recommend to the Council** that £1.96m of capital receipts generated in the current year should be applied under fiscal flexibility powers to help address anticipated unfunded COVID pressures arising in 2020/21 and 2021/22, with any unspent elements being reallocated to support the Council's capital plans from 1 April 2022.

HOUSING CAPITAL PROGRAMME 2020/21

1558. The Cabinet considered a joint report by the Chief Financial Officer and Director of Environment, monitoring expenditure as at 31 December 2020 against the approved Housing Capital Programme 2020/21 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 £135,000 which represented 1.9% of the resources available was within manageable limits.

The Cabinet agreed to:-

- (a) **recommend to the Council** that the movements within the Housing Capital Programme 2020/21 be approved; and
- (b) note that the shortfall of £135,000 and that income and expenditure on the programme would be managed and reported on a regular basis.

TRADING UNDER BEST VALUE

1559. The Cabinet considered a report by the Chief Financial Officer, requesting that consideration be given to the classification of Council activities in terms of trading operations as defined by the Local Government in Scotland Act 2003 and as modified in June 2013 by the Local Authority (Scotland) Accounts Advisory Committee (LASAAC). Details of the review of services that had been undertaken; a summary of trading operations and the criteria used to determine if they were “significant” were appended to the report.

The report explained that in terms of the Local Government in Scotland Act 2003, the Council was required to consider its trading operations on an annual basis and determine those which should be regarded as “significant”. Having noted the criteria that required to be met for a trading operation to be considered as “significant” and a further test of significance that required to be taken into account, the report explained that having taken these conditions into account, the result of the review for 2019/20 was that the Council had no Significant Trading Operations.

The Cabinet noted that in terms of the Local Government in Scotland Act 2003 that there were no trading services operated by the Council that should be classified as “significant”.

AUTHORISATION TO SIGN LEASES ON BEHALF OF THE COUNCIL FOR THE LET OF HOUSES

1560. The Cabinet considered a report by the Director of Environment, seeking approval for the amendment of the Scheme of Delegated Functions in relation to approving additional officers to sign tenancy agreements to permit the Council to let homes.

The Cabinet approved the addition of the following officers to the list of those already authorised to sign tenancy agreements for the let of houses:

- (a) Repairs Delivery Manager;
- (b) Assistant Repairs Delivery Manager;
- (c) Lead Officer (Strategy Improvement & Support); and
- (d) Lead Officer (Property & Capital).

CLIMATE CHANGE STRATEGY AND ACTION PLAN UPDATE

1561. The Cabinet considered a report by the Director of Environment, providing an update on the proposed actions to be undertaken in 2021 to permit the Council to publish a Climate Change Strategy and Action Plan and contribute towards Scotland’s ambition to reduce emissions of all greenhouse gases to ‘net-zero’ by 2045 at the latest.

Whilst noting that the Council’s current policy framework and activities would not achieve the Scottish Government’s target to be carbon neutral by 2040 or achieve net-zero for

greenhouse gas emissions by 2045, the report explained that it was not enough for the Council alone to change its behaviours as its residents and businesses also required to respond. Details of the Council's approach to reducing emissions from its own activities were outlined in the report it being noted that the role of residents and businesses would be the subject of a report to a future meeting of the Cabinet.

The report explained that there was a requirement to establish accurate baseline data for the Council's greenhouse gas emissions and to have a robust system of measurement in order to track progress. Furthermore, the foundation of the Council's new Climate Change Strategy would be to define clear baselines and to fully understand what action was required to bridge the gap from what current policy delivered in terms of carbon reductions and what needed to change to reach 'net zero'.

Whilst noting that the Council would be engaging the services of a consultant to provide a baseline for carbon emissions using best practice methodology and tools, the report indicated that the outputs of the exercise would provide a breakdown of core emission sources from all Council buildings, fleet and operations, including waste management, as a minimum; and their percentage contribution to the Council's total emissions. This exercise would identify which priority areas required action and inform the Council's next steps.

The report also proposed that the concept of 'carbon budgeting' be explored as a key instrument for driving better environmental performance highlighting that this approach was supported by the UK Climate Change Committee and the Scottish Government and would be the subject of a report to a future meeting of the Cabinet. Details of the definition of a carbon budget were outlined in the report.

Whilst noting that the Council proposed to make use of 'what good looks like' as a framework for the development of a Climate Change Strategy and Action Plan, the report highlighted that the actions outlined in the report were the first steps of a journey that would take over twenty years. However, the long time frame should not be seen as a reason to delay what is essential action. These proposed actions would see the Council by the end of the calendar year to begin to draft a meaningful climate strategy action plan.

The Cabinet noted:

- (a) the requirement to establish accurate baseline data for the Council's greenhouse gas emissions and a robust system of measurement in order to track progress;
- (b) the intention to explore the use of carbon budgeting as a key instrument for driving better environmental performance; and
- (c) the use of 'what good looks like' as a framework for the development of a Climate Change Strategy and Action Plan.

CROOKFUR PLAYING FIELDS: LEASE BY ST CADOC'S YOUTH CLUB

1562. The Cabinet considered a report by the Director of Environment, providing details of a request from St Cadoc's Youth Club to lease an area of the Council-owned Crookfur playing fields.

Whilst noting that the club had recently approached the Council seeking to lease a piece of land at Crookfur Playing Fields to develop as a home ground, the report stated that the Council could allow the club to take on these playing fields at Crookfur with little impact on

other clubs and which could potentially release other venues currently used by the club to be used by other smaller clubs.

The report explained that the proposal from the club was to firstly take responsibility for operating and maintaining the two grass pitches at Crookfur. Thereafter, the club would develop these pitches at its own expense and subject to planning permission seek to build two artificial pitches and associated changing facilities over a period of time. However, this would dependent on the club's ability to raise funds and maintain a sustainable business model.

The Council would require the club to sign a long-term lease agreement to take over and be responsible for all aspects of maintaining and operating the area of Crookfur park as detailed in the plan attached to the report. The initial proposal regarding the rental for the site was £1 per annum in order that the club's funds could be directed to the future development of the facility. However, any decision to offer such a lease at less than market value would require to be justified and evidenced in accordance with the terms of the Disposal of Land By Local Authorities (Scotland) Regulations 2010.

The report highlighted that should the proposal be agreed it was intended that the changing room lets at Crookfur Pavilion along with any associated income would be transferred from the Council (currently administered through the Environment Department) to East Renfrewshire Culture and Leisure Trust which should help compensate for any potential income stream losses from any other venues that the club currently hired from the Trust such as the pitch at Eastwood High School, although this was considered unlikely. It was assumed that the changing rooms would be rented to St Cadoc's Youth Club for a substantial part of the 25 year lease.

The Cabinet:

- (a) noted the proposal to grant a 25 year lease of an area of the Crookfur Playing Fields to St Cadoc's Youth Club; and
- (b) instructed the Director of Environment to undertake the necessary advertisement process in respect of such a proposal and in due course to bring a further report to Cabinet advising of the terms of any objections received in response to the advertisement.

PROPOSALS FOR CHARGES FOR NON-STATUTORY PLANNING SERVICES

1563. The Cabinet considered and approved a report by the Director of Environment, seeking approval to introduce charges for some non-statutory planning services. Accompanying the report was an appendix setting out the proposed charges across the following range of services:-

- Charges for planning pre-application advice
- Planning Non-Material Variation Charges
- Administration charges for planning applications submitted in paper form
- Charges for Street naming and numbering

WRITE-OFF OF IRRECOVERABLE FORMER TENANT RENTS

1564. Under reference to the Minute of the meeting of the Cabinet of 26 January 2017 (Page 2197, Item 2361 refers), when the new rent arrears policy had been approved, the

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Cabinet considered a report by the Director of Environment, seeking approval to write-off former tenant rental debt which could not be recovered through the debt collection process.

The Cabinet:-

- (a) approved the write-off sum up to the value of £190,267.67 of former tenant irrecoverable rents & court expenses whilst acknowledging these could be pursued and recovered in future should additional information and opportunities arise;
- (b) noted that £165,087.27 of this amount is written off against the Housing Revenue Account (HRA) and the remaining £25,182.40 is written off against the Non HRA as this was accrued by homeless households placed in temporary accommodation; and
- (c) noted that the write-off of these historic unrecoverable debts would have no net impact on the Council's accounts as provision had been made for the debt, in full, in previous years.

CHAIR