

MINUTE
of
CABINET

Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 1 December 2016.

Present:

Councillor Jim Fletcher (Leader)	Councillor Ian McAlpine
Councillor Tony Buchanan (Deputy Leader)	Councillor Mary Montague
Councillor Elaine Green	Councillor Vincent Waters
Councillor Alan Lafferty	

Councillor Fletcher, Leader, in the Chair

Attending:

Lorraine McMillan, Chief Executive; Caroline Innes, Deputy Chief Executive; Andy Cahill, Director of Environment; Margaret McCrossan, Head of Accountancy; Phil Daws, Head of Environment (Strategic Services); Sharon Beattie, Head of HR, Customer and Communications; Linda Wilson, Customer Services Manager; Andrew Tweedie, Senior Environment Officer; Heather Layton, Young Persons Services Team Leader; Joe Abrami, Principal Solicitor; and Paul O'Neil, Committee Services Officer.

Apology:

Councillor Danny Devlin.

DECLARATIONS OF INTEREST

2291. There were no declarations of interest intimated.

OPENING REMARKS

2292. Councillor Waters advised that Rouken Glen Park had been voted the best park in the United Kingdom at the Fields in Trust Annual Awards event held on 30 November 2016.

The Cabinet noted the position.

JOINT CONSULTATIVE COMMITTEE (FIRST TIER)

2293. The Cabinet considered and noted the Minute of the meeting of the Joint Consultative Committee (First Tier) held on 22 September 2016, which forms Appendix 1 accompanying this Minute.

CUSTOMER SERVICES OPENING HOURS

2294. The Cabinet considered a report by the Deputy Chief Executive, providing details of a review that had been carried out of the opening hours of the Customer Service centres and seeking approval to changes in the opening hours of the centres to reflect the Council's drive to encourage more customers to access services online.

The report explained that Customer First had been established in 2001 comprising two service centres operating from 8.00am to 6.00pm in the Council Headquarters in Giffnock and Barrhead together with a telephone contact centre handling all calls. Customer contact was also managed via online requests and email.

However, the report highlighted that as part of the Council's drive to encourage more of the Council's customers to access Council services online, a review had taken place of the opening hours. The report highlighted that as a result of the outcome of the review it was proposed to reduce the opening hours of the Customer Service centres at the Council's Headquarters in Giffnock and Barrhead from 8.00am to 6.00pm to 8.45am to 4.45pm from 1 April 2017.

The report concluded by highlighting that Customer Services currently offered a number of services online to the customer and through a number of development activities looked to provide the best customer service possible using the most efficient channels. Given that there was relatively low demand in both service centres between 8.00am to 8.45am and 4.45pm to 6.00pm this supported the proposal to change the opening hours albeit it was acknowledged that there would be some customer impact.

The Cabinet approved the change to opening hours in the Customer Service centres in the Council's Headquarters at Giffnock and Barrhead from 8.00am to 6.00pm to 8.45am to 4.45pm from 1 April 2017 acknowledging the expected impact.

YOUNG PERSON'S SERVICES ANNUAL REPORT

2295. The Cabinet considered a report by the Deputy Chief Executive, providing details of the performance of the Young Persons Services during the 2015/16 school year.

The Cabinet having viewed a video of the work of the Young Persons Services Team:-

- (a) noted the performance of the Young Persons Services during the 2015/16 school year; and
- (b) agreed the areas for improvement that would be worked on over the coming year.

CHARGING FOR SERVICES 2017/18

2296. 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 2017/18.

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 2017/18 in accordance with the table set out in Appendix 1 to the report and note that the increases were approximately 2.6% in line with inflation over the intervening period;
 - (ii) to introduce an all-inclusive fee for taxi and private hire taxi licences to include items previously charged separately; and
 - (iii) to continue with no cost licences for wheelchair accessible vehicles.
- (b) that the results of the charging for services reviews as detailed in the reports for the Corporate and Community Services, Education, and Environment Departments be approved; and
- (c) Health and Social Care Partnership:-
 - (i) to note the update on charging within the Health and Social Care Partnership as outlined in the report;
 - (ii) to note the proposal to extend the implementation timescale as detailed in the report; and
 - (iii) the 3% increase on current charges for implementation from 1 April 2017.

GENERAL FUND CAPITAL PROGRAMME 2016/17

2297. The Cabinet considered a report by the Chief Financial Officer, monitoring expenditure as at 2 November 2016 against the approved General Fund Capital Programme 2016/17 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 £268,000 representing 0.6% of the resources available was within manageable limits.

The Cabinet agreed to:-

- (a) **recommend to the Council** that the proposed adjustments to the General Fund Capital Programme 2016/17 be approved; and

- (b) note that the shortfall of £268,000 would be managed and reported on a regular basis.

HOUSING CAPITAL PROGRAMME 2016/17

2298. The Cabinet considered a joint report by the Chief Financial Officer and Director of Environment, monitoring expenditure as at 2 November 2016 against the approved Housing Capital Programme 2016/17 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 £20,000 representing 0.4% 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 2016/17 be approved; and
- (b) note that the shortfall of £20,000 would be managed and reported on a regular basis.

EAST RENFREWSHIRE COUNCIL CLIMATE CHANGE REPORT 2015/16

2299. The Cabinet considered a report by the Director of Environment, seeking approval of the Council's 2015/16 Climate Change Report for submission to Scottish Ministers, a copy of which was appended to the report.

The report explained that the Climate Change (Scotland) Act 2009 placed a range of duties on public bodies, including local authorities, to take action to mitigate against the impact of climate change. Furthermore, the Climate Change (Duties of Public Bodies; Reporting Requirements) (Scotland) Order 2015 came into force on 23 November 2015. The statutory instrument placed a duty on public bodies to prepare a report, annually, in relation to compliance with the climate change duties and that the Council had prepared the appropriate report in accordance with the terms of the legislation.

The report concluded by highlighting that in terms of climate change mitigation, the Council continued to perform well. A priority during 2017/18 would be to ensure that internal reporting arrangements/methodology in relation to environmental sustainability reporting took account of the new arrangements required by the new legislation. These changes would be incorporated into the revised Environmental Sustainability Strategy and Action Plan as an action being taken during 2017/18.

The Cabinet approved the Council's 2015/16 Climate Change Report for submission to Scottish Ministers.

SCOTTISH GOVERNMENT'S CAPITAL ACCELERATION PROGRAMME 2016/17

2300. The Cabinet considered a report by the Director of Environment, providing details of the Council's successful application to the Scottish Government's Capital Acceleration

Programme which would be used to fit up to 106 new central heating installations in Council housing stock. The report also sought approval of an exemption from the Council's tendering procedures in order that the contract to carry out the supply and installation of the central heating systems could be awarded.

The report explained that on 9 November 2016, the Council had received a formal offer of £318,000 of grant funding from the Scottish Government for 106 central heating installations. However, it was noted that a condition of the grant funding was that a claim for the grant could only be made once all the works were completed and invoiced, and that all claims required to be submitted by 31 March 2017. Furthermore, any works not completed, invoiced and claimed by that date would have to be self-funded by the Council.

The report explained that due to the extremely tight timetable for the grant application and award through the Scottish Government, approval was being sought for an exemption from the Council's Standing Orders Relating to Contracts in accordance with clause 15(ii) to award the contract for the supply and installation of the 106 central heating systems to Mitie Facilities Management Limited it being noted that the contractor was already executing similar work for the Council.

The Cabinet:-

- (a) noted the Council's successful application to the Scottish Government's Capital Acceleration Programme 2016/17 which would give the Council access to up to £318,000 of funding to provide up to 106 new central heating installations in Council housing; and
- (b) approved an exemption from tendering procedures in accordance with clause 15(ii) of the Council's Standing Orders Relating to Contracts to allow a contract to be awarded to Mitie Facilities Management Limited, in respect of the supply and installation of central heating to up to 106 dwellings.

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 LAND ADJOINING 2 GLEN SHEE AVENUE, NEILSTON

2301. The Cabinet considered a report by the Director of Environment, seeking approval to the proposed sale of Council land to the owner of the adjoining residential property at 2 Glen Shee Avenue, Neilston.

The Cabinet approved the sale of land to the owner of 2 Glen Shee Avenue, Neilston as detailed in the report.

MINUTE

of

JOINT CONSULTATIVE COMMITTEE (FIRST TIER)

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 22 September 2016.

Present:

Councillor Jim Fletcher
Councillor Gordon McCaskill

Councillor Ralph Robertson

Union Representatives:

Mr John Guidi (SSTA)
Mr Mark Kirkland (UNISON)
Mr Steven Larkin (UNISON)
Mr Gordon Lees (UNISON)

Mr Joe Lynch (UNISON)
Mr Des Morris (EIS)
Mr James O'Connell (UNITE)
Mr John Rodger (EIS)

Attending:

Caroline Innes, Deputy Chief Executive; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Sharon Beattie, Head of HR, Customer and Communications; Phil Daws, Head of Environment (Housing and Property Services); Frank White, Head of Health and Community Care; Hugh Friel, Senior HR Officer; Lisa Gregson, HR Business Partner; and Linda Hutchison, Senior Committee Services Officer.

Councillor Fletcher in the Chair

Apologies:

Councillor Ian McAlpine; Mr Martin Doran (GMB); and Mr Brian Dunigan (UNITE).

APPOINTMENT OF VICE CHAIR

1. Under reference to the Minute of the meeting of 19 May 2016 (Item 6 refers) when it had been noted that Mr Munro, the current Vice-Chair, was retiring, it was proposed and agreed that Mr Des Morris be appointed as Vice Chair.

MINUTE OF PREVIOUS MEETING

2. The committee considered and approved as a correct record the Minute of the meeting held on 19 May 2016 subject to the deletion of the first sentence of Paragraph 2 of Item 4 on the Health and Safety Committee.

ONGOING BUDGET ENGAGEMENT PROCESS

3. Under reference to the Minute of the meeting of 19 May 2016 (Item 2 refers) when the position on the ongoing budget engagement process had been noted, Mr Lynch outlined related Trade Union (TU) concerns on the current level of engagement. He referred to TU members' concerns about their future employment, arguing that more transparent and meaningful discussions with the TUs were necessary on proposed savings and associated staff implications and requesting a written, general overview of the potential impact on staff whilst acknowledging the need for appropriate confidentiality to be maintained.

Councillor Fletcher stated that he could only comment as far as he was able to, that the budget discussions remained ongoing with many still at officer level, and that no firm decisions could yet be taken as the level of funds available in future remained unclear. Having referred to discussions at COSLA, he added that the Scottish Government Cabinet Secretary for Finance and Constitution had clarified that future funding for local authorities and other services would remain unknown until after the Chancellor of the Exchequer had made his Autumn Statement. Councillor Fletcher anticipated a difficult financial settlement for local authorities as they were not one of the Scottish Government's priority areas.

The Head of HR, Customer and Communications referred to a commitment already given to share appropriate budget information at second tier Joint Consultative Committee (JCC) meetings from September 2016 and a forthcoming TU/management meeting in October when the TUs could outline their concerns enabling them to be relayed to the Budget Strategy Group. In response, Mr Lynch referred to challenges encountered by the TUs reconciling various pieces of information provided at the second tier meetings, reiterating that a written paper overviewing the general position would be useful.

Councillor Fletcher, supported by the Deputy Chief Executive, undertook to ascertain what information on impact of savings on staff could be provided for the meeting in October. The Deputy Chief Executive also referred to the importance of the second tier JCC discussions proceeding and concluding through which feedback could be gathered and collated, adding that the position on some staffing issues was still unknown. Mr Lynch acknowledged that information provided at this stage would be indicative, but referred to the value TUs attached to having an overarching view of discussions which helped with liaison with their stewards.

Councillor McCaskill referred to the Scottish Government's plan to direct resources raised locally through adjustment of Council Tax bands to education initiatives across the country, suggesting that the legality of this be explored because it was unlikely that benefits in education realised locally would equate to the funds raised through East Renfrewshire. Councillor Fletcher and Councillor Robertson referred to the new Council Tax banding arrangements and related issues and financial implications. Having stated that he also considered it unlikely that the scale of funds redistributed to East Renfrewshire would equate to that raised locally, Councillor Fletcher summarised what the Council was permitted to do in terms of raising Council Tax levels which was subject to a 3% cap in 2017/18. The Head of Accountancy explained further how it was anticipated that the funds under discussion on addressing the educational attainment gap would be generated and used, clarifying that final confirmation was awaited. Having heard Mr Lynch refer to the need to manage related expectations, Councillor Fletcher commented that he thought it likely that some local residents living in properties in Council Tax bands E and above would not yet be aware of the scale of the Council Tax increase they were facing or of the related financial implications locally at a time of reduced services linked to austerity.

The committee noted:-

- (a) that the staffing implications of the proposed savings would be collated for submission to the TU/Management meeting in October as far as it was possible to do so; and
- (b) otherwise, the position and comments made.

POTENTIAL SALE OF BONNYTON HOUSE

4. Mr Larkin raised concerns about the lack of detailed information provided to the TUs on the potential sale of Bonnyton House. He clarified that they had been told there was a single preferred bidder, but that a request for further details of the provider, to enable them to pursue their due diligence checks such as on employee terms and conditions, would be met only when received in writing. He explained that no response had yet been received to their written request, that staff at Bonnyton House had various concerns including on their future pension arrangements, and that the lack of information itself was causing concern.

Councillor Fletcher clarified that elected Members had not yet had information on the detailed bids submitted, but that it had been reported to the HSCP Integration Joint Board that there were two preferred bidders, one of which would become the single preferred bidder. Having emphasised that withholding information was linked to maintaining commercial confidentiality not concerns about the providers, he stressed the Council's wish to ensure service quality at the facility remained high and that the terms and conditions of staff transferring to the new provider were as good as possible. He also referred to expectations that staff pension arrangements would be good under the Transfer of Undertakings (Protection on Employment)(TUPE) Regulations and related future discussions and explained further why a report to be submitted to the Cabinet soon on Bonnyton House had to be considered on a private and confidential basis.

The Head of Health and Community Care commented that, subject to the appointment of the preferred bidder, the provider had already agreed to meet TU representatives and staff to discuss concerns. Having also referred to information already provided through the Staff Forum and efforts made to provide the TUs and staff with as much information as possible, he clarified that it was anticipated that the preferred bidder could be made known to the TUs within days. Mr Larkin commented that this was reassuring, adding that the TUs had not known why the submission of the report to the Cabinet had been delayed to October. The Head of Health and Community Care apologised for any lack of clarification on this on his part.

Mr Lynch referred to the new employer's obligations under TUPE Regulations to negotiate with the TUs on appropriate issues, but commented that TUs' preference was to pursue their own due diligence checks prior to the preferred bidder being decided. He clarified that information on the financial agreement was not being sought, just the bidder's name. He also referred to staff concerns about not having access to the Local Government Pension Scheme (LGPS) for their future service and inconsistent information passed to the TUs, requesting that these concerns be recorded.

Councillor Fletcher apologised for any inconsistency of approach, reiterating that information would be provided as soon as it could be. He highlighted that the Council expected the preferred bidder to be a good and proper employer, in the interests of both residents and staff, who would respect TUPE provisions, adding that related work was ongoing. Mr Lynch requested that this be recorded in the Minute also.

Councillor Robertson highlighted that pension entitlement accrued under the LGPS was protected and the possibility of the future pension provisions being superior to that scheme. Mr Lynch stated that he hoped that the terms and conditions of staff in future would equal or exceed the current ones, emphasising the importance of the Council asking adequate questions about these, especially given the importance the new provider would attach to maximising profitability. Councillor Fletcher clarified that all Members had access to reports submitted to the Cabinet and could raise any questions they considered appropriate either at the formal meeting and otherwise. In reply to Mr O'Connell whose view was that the new provider should guarantee staff terms and conditions which were at least as good as their current ones and referred to the lack of opportunity the TUs had had to discuss these, Councillor Fletcher referred to discussions on these that would form part of the standard negotiations on the contract.

Mr Lynch highlighted the TUs' expectation that staff based at Bonnyton House would not be redeployed at any other facilities owned by the new provider and emphasised the importance of TU recognition to protect rights. The Head of Health and Community Care clarified that when the way forward had been determined by the Cabinet shortly, the TUs would be involved in detailed discussions on issues such as protecting the rights of staff. He also referred to the potential to expand the facility and the expectation that the new employer would not wish to lose valuable staff.

Mr Lees referred to the importance of communication, inconsistent information on the sale and future of Bonnyton House to staff and residents which had caused stress amongst some staff on their future and the value of establishing a future timetable of staff meetings to ensure the TUs could attend. The Head of Health and Community Care commented that any inconsistency had not been intentional and that he anticipated that a meeting timetable could be provided after the Cabinet meeting. Having heard Mr Lynch add that this would help with future planning and address concerns about information being provided on a piecemeal basis, the Head of Health and Community Care reiterated that efforts had been made to keep employees up to date, referring to various meetings convened whilst acknowledging the need to address concerns held about the current approach.

The committee, having heard Councillor Fletcher acknowledge the sensitivities attached to the sale of Bonnyton House and refer to the importance the Council attached to the best outcome for staff and residents, noted:-

- (a) that the Head of Health and Community Care would provide a written briefing for staff, including future meeting dates, as soon as possible following the submission of the report on Bonnyton House to the Cabinet in the near future; and
- (b) otherwise, the position and comments made.

HEALTH AND SAFETY COMMITTEE

5. The committee considered the Minute of the meeting of the Council's Health and Safety Committee held on 27 April 2016.

In reply to Councillor McCaskill who highlighted reference within the Minute to incidents of violence towards staff based in the Education Department, related information provided to a recent meeting of the Education Committee including on incidents associated with those with additional support needs and related issues, the Head of Environment (Housing and Property Services) undertook to seek and provide further clarification to Councillor McCaskill

after the meeting on levels of violence in that department compared to others. Councillor Fletcher referred to the value of inclusion in education, but also the importance of staff welfare.

The committee noted:-

- (a) that the Head of Environment (Housing and Property Services) would provide further clarification on the issues raised by Councillor McCaskill after the meeting; and
- (b) otherwise, the Minute.

DATE OF NEXT MEETING

6. The committee noted that the next meeting was scheduled to take place on Thursday, 19 January 2017.

