

MINUTE
of
EAST RENFREWSHIRE COUNCIL

Minute of Meeting held at 7.00pm in the Council Chamber, Council Headquarters, Giffnock on 11 February 2016.

Provost Alastair Carmichael
Deputy Provost Betty Cunningham
Councillor Danny Devlin
Councillor Jim Fletcher (Leader)
Councillor Charlie Gilbert
Councillor Barbara Grant
Councillor Elaine Green
Councillor Kenny Hay
Councillor Alan Lafferty

Councillor Ian McAlpine
Councillor Gordon McCaskill
Councillor Stewart Miller
Councillor Mary Montague
Councillor Paul O’Kane
Councillor Ralph Robertson
Councillor Jim Swift
Councillor Vincent Waters

Provost Carmichael in the Chair

Attending:

Lorraine McMillan, Chief Executive; Caroline Innes, Deputy Chief Executive; Mhairi Shaw, Director of Education; Andy Cahill, Director of Environment; Julie Murray, Chief Officer – Health and Social Care Partnership; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Iain MacLean, Head of Environment (Planning, Economic Development and City Deal); Anthony McReavy, Chief Executive, East Renfrewshire Culture and Leisure Trust; Gillian McCarney, Planning and Building Standards Manager; Shona Fraser, Environmental Services Manager; Eamonn Daly, Democratic Services Manager; and Paul O’Neil, Committee Services Officer.

Apologies:

Councillors Tony Buchanan; Tommy Reilly; and Gordon Wallace.

DECLARATIONS OF INTEREST

1898. Provost Carmichael and Councillors Gilbert, Hay, and Montague declared a non-financial interest in respect of the item on the East Renfrewshire Culture and Leisure Trust Business Plan 2016/17 on the grounds that they were members of the Board of the East Renfrewshire Culture and Leisure Trust.

MINUTE OF PREVIOUS MEETING

1899. The Council considered the Minute of the meeting held on 16 December 2015.

Statements by Conveners - Local Government Financial Settlement

Under reference to the item on Statements by Conveners - Local Government Financial Settlement (Page 1728, Item 1853 refers), Councillor McCaskill stated that at the meeting he had referred to the Council's Budget meeting being delayed from February to a date in March and thought that his comments would have appeared in the Minute.

The Council approved the Minute of the meeting held on 16 December 2015, subject to the foregoing amendment.

MINUTES OF MEETINGS OF COMMITTEES

1900. The Council considered and approved the Minutes of the meetings of the undernoted, except as otherwise referred to in Items 1901 to 1904 below:-

- (a) Planning Applications Committee – 13 January 2016;
- (b) Local Review Body - 13 January 2016;
- (c) Audit and Scrutiny Committee – 21 January 2016;
- (d) Licensing Committee – 26 January 2016;
- (e) Cabinet - 28 January 2016;
- (f) Education Committee – 4 February 2016; and
- (g) Planning Applications Committee – 10 February 2016.

PLANNING APPLICATIONS COMMITTEE - 13 JANUARY 2016 - 2015/0660/TP – Erection of nursery/family centre building with enclosed playground at rear and formation of associated parking with vehicular access off Newford Grove at recreation ground south of Bonnyton house and north of Newford Grove, Clarkston by East Renfrewshire Council

1901. Under reference to the Minute of the meeting of 13 January 2016 (Page 1735, Item 1862(ii) refers), when the committee agreed that the application be approved, subject to the conditions detailed in the report, Councillor Miller stated that at the meeting he did not say that he was opposed to the development only that he was opposed to proposed access to the development site. He also questioned the accuracy of the comments attributed to Councillor O'Kane regarding the use of buses to/from the development site.

Provost Carmichael invited Councillor O'Kane to respond to Councillor Millers remarks. Councillor O'Kane stated that in relation to the use of buses it was not Council policy to bus children to pre-5 establishments.

Councillor Robertson commented on the information in the independent traffic assessment that had been carried out which highlighted that vehicles using the proposed access to the nursery would be able to travel at 24mph and expressed concern about this speed given that the maximum speed around schools was 'Twentys Plenty'. He also stated that the access proposed by the local residents of Newford Grove would only allow vehicles to travel at 17mph and sought clarification of what safety measures the Council would put in place to safeguard children attending the nursery.

In reply, the Planning and Building Standards Manager stated that the speeds referred to by Councillor Robertson were the actual speeds of vehicles that were measured as part of the independent traffic assessment.

Provost Carmichael suggested that the Planning and Building Standards Manager provide details of the information Councillor Robertson had requested after the meeting.

The Council agreed to approve the Minute of the meeting of 13 January 2016, subject to the foregoing amendments.

PLANNING APPLICATIONS COMMITTEE - 13 JANUARY 2016 - 2015/0619/TP – Installation of artificial grass multi-use pitch (1 x rugby pitch or 3 x 7-a-side football pitches) with erection of eight 15 metre high floodlights and 1.1 metre high fencing at Glasgow Hutchesons Aloysians Rugby Club, 84 Braidholm Road, Giffnock by Glasgow Hutchesons Aloysians RFC

1902. Under reference to the Minute of the meeting of 13 January 2016 (Page 1734, Item 1862(i) refers), when the committee agreed that the application be approved, subject to the condition detailed in the report, Councillor Robertson sought clarification regarding the likely light spillage arising from the proposed development and what a level of 5 Lux was equivalent to. He stated that at the meeting officers were unable to provide a definitive answer to this question. In the absence of this information, he questioned why a decision on the application could be made when it was not clear whether a level of 5 Lux was equivalent to a candle light or a football stadium floodlight.

In reply, the Planning and Building Standards Manager explained that the committee had been advised that a level of 5 Lux was comparable to a domestic lightbulb, in the course of which she gave the definition of a 'Lux'.

The Council noted the position.

AUDIT AND SCRUTINY COMMITTEE - 21 JANUARY 2016 – PAYMENT TO CARE PROVIDERS

1903. Under reference to the Minute of the meeting of 21 January 2016 (Page 1743, Item 1869 refers), when the committee agreed amongst other things to consider what, if any, further action it wished to take on the issue in due course, Councillor Swift emphasised that the report considered by the committee had highlighted a range of failures with internal controls within the Community Health and Care Partnership and whilst he had noted that a new financial system had been introduced to improve the processing of payments in the future, sought clarification as to what the Council had learned from the terms of the report.

In reply, Councillor McAlpine stated that whilst it was disappointing that the situation had arisen in the first place, one of the actions taken by management to address the situation was to introduce the CareFirst Finance system which would improve the ways in which payments would be processed in the future. He also outlined the benefits of the system and explained that social work finance was now being run on this system in other councils.

The Head of Accountancy also explained that a range of improvement actions were identified by management which included the introduction of the new financial system; a restructuring of the whole finance team at the Health and Social Care Partnership; the appointment of a new Chief Financial Officer at the Health and Social Care Integration Joint Board; and an increased emphasis in the Corporate Training Plan on digital skills, particularly in the use of Excel software.

Councillor Fletcher highlighted that the Cabinet had considered a number of reports in respect of the issue in the course of which he reassured the Council that measures had been put in place to address the issues that had been raised and these had been approved by the Cabinet.

Councillor Grant highlighted that the Audit and Scrutiny Committee had not concluded its investigation into the matter and that there were questions still to be answered in the course of which Councillor Miller whilst acknowledging the measures that had been introduced, requesting information on what action had been taken by the Council to recover the funds that had been overpaid.

In reply, the Head of Accountancy stated that as reported to the Audit and Scrutiny Committee, a sum of £1.4million had been overpaid by the Council to service providers of which only £50,000 was outstanding. She stated that discussions were ongoing with service providers regarding the recovery of the outstanding monies.

The Council noted the position.

CABINET – 28 JANUARY 2016 – FUTURE OF COMMUNITY ENGAGEMENT ARRANGEMENTS IN EAST RENFREWSHIRE

1904. Under reference to the Minute of the meeting of 28 January 2016 (Page 1758, Item 1879 refers), when the Cabinet having noted the impact and requirements of the Community Empowerment (Scotland) Act 2015, agreed amongst other things that a framework for participation requests would be developed by the end of March 2016 as part of the new framework outlined in the report, Councillor Swift sought clarification whether the Council had sought external advice on this matter given that in his opinion it appeared to have ignored legal advice it received in the past in the relation to the consultation exercise conducted with regard to the Establishment of the New Scheme of Administration for Community Councils.

In reply, the Deputy Chief Executive explained that the framework was being developed at present and that the Council would consider its response to the obligations outlined in the Community Empowerment (Scotland) Act 2015 at the appropriate time.

Referring to his earlier remarks, Councillor Swift requested that Members of the Council should be given information on such matters.

The Council noted the position.

PROVOST ENGAGEMENTS

1905. The Council considered and noted a report by the Deputy Chief Executive, providing details of civic engagements attended and civic duties performed by Provost Carmichael since the last meeting.

STATEMENTS BY CONVENERs

1906. The following statements were made:-

(i) Health and Social Care Integration Joint Board

Councillor Lafferty advised that in advance of the meeting of the Health and Social Care Integration Joint Board that was due to take place on 17 February, the Chief Financial Officer of the Health and Social Care Partnership had given Members of the Integration Joint Board a presentation on developing the Integration Joint Board's financial strategy, including an update on the set aside budget for hospital services and how this would be calculated. He also advised that at this meeting the governance structures of the IJB had been agreed and

he was grateful of the advice he had received from the Council's Chief Internal Auditor and Democratic Services Manager.

Concluding his remarks, he advised that the new Eastwood Health and Care Centre should be operational by June 2016.

(ii) COSLA – Scottish Local Government Pensions Advisory Board

Councillor McAlpine stated that he had been appointed to serve on COSLA's newly established Scottish Local Government Pensions Advisory Board. He explained that this forum would be looking at all 12 pension schemes operating throughout Scotland, including the Strathclyde Pension Fund, to ensure that the funds had sufficient resources to safeguard local authority pensions.

The Council noted the terms of the statements.

STATEMENTS BY REPRESENTATIVES ON JOINT BOARDS/COMMITTEES AND COMMUNITY JUSTICE AUTHORITY

1907. Provost Carmichael intimated that no statements had been received.

EAST RENFREWSHIRE CULTURE AND LEISURE TRUST 2016/17 BUSINESS PLAN 2016/17

1908. The Council considered a report by the Director of Education, seeking approval of the East Renfrewshire Culture and Leisure Trust (ERCL) 2016/17 Business Plan.

The report provided background information regarding the establishment of the Trust, highlighting that a business plan process was outlined in the Services Agreement between the Trust and the Council which vested the Trust with the assets to deliver culture and leisure services on behalf of the Council. The agreement determined amongst other things that an annual business plan be presented to the Council not less than 3 months before the beginning of the financial year.

Details of the key purposes of the Plan were outlined in the report, and it was noted that the first Plan gave a clear strategic direction that was in accordance with the Council's strategies and was supported by detailed operational plans which delivered the Council's objectives under the Single Outcome Agreement (SOA), the report explained that the Plan would guide the work of the Trust and its staff to deliver high quality services to the residents and communities of East Renfrewshire. The budget figures for the Trust had been set prior to its launch, especially in sports venues, although these had been revised in the light of more detailed analysis of actual year on year performance to arrive at a budget position reflecting current and projected income and spend.

Councillor Swift referred to the terms of the Services Agreement between the Trust and the Council and to the requirement that the annual business plan should be presented to the Council not less than 3 months before the beginning of the financial year. He noted that the timescale had not been complied with and requested that in future, the Trust submit the Plan in accordance with the agreed timescale. In reply, the Director of Education stated that arrangements would be made to comply with this timescale in the future.

Councillor Robertson referred to the construction of the new David Lloyd Leisure Centre at Deaconsbank, and sought clarification about the likely impact this facility would have on the revenue stream of the Culture and Leisure Trust.

In reply, the Chief Executive, East Renfrewshire Culture and Leisure Trust acknowledged that the new facility would have an impact on the revenue stream of the Trust. However, he advised that steps had been taken to attract more customers the Trust's gym facilities by offering discounted prices.

Whilst welcoming the term of the report, Councillor O'Kane indicated that as the Council's Budget Meeting had been postponed until March, he proposed an amendment to the recommendation in the report to the effect that the Culture and Leisure Trust's proposed budget for 2016/17 be approved, subject to the Council approving its budget at the meeting on 9 March. This was agreed.

In reply to a question by Councillor Miller as to whether Her Majesty's Revenues and Customs (HMRC) considered Trusts to be a means of evading tax, the Head of Accountancy explained that HMRC did not view the establishment of charitable Trusts as a vehicle for tax evasion as they were legally constituted to recover VAT.

Having noted the earlier remarks regarding the discounted prices being offered to access the Trust's gym facilities, Councillor McAlpine enquired whether similar reductions would apply to the cost of hiring community halls.

In reply, the Chief Executive, East Renfrewshire Culture and Leisure Trust stated that those charges had been increased in line with the report on 'Fees and Charges' that had been approved at the meeting of the Cabinet on 3 December 2015. However, consideration would be given to these charges in the future.

The Council approved:-

- (a) the proposed business plan for 2016/17; and
- (b) the proposed budget for 2016/17, subject to the approval of the Council's budget at the meeting on 9 March 2016.

PROPOSED GLASGOW AND THE CLYDE VALLEY STRATEGIC DEVELOPMENT PLAN

1909. The Council considered a report by the Director of Environment, advising of the publication of the proposed Glasgow and the Clyde Valley Strategic Development Plan, and the implications for the Council and Local Development Plan 2.

The report explained that the Glasgow and the Clyde Valley Strategic Planning Authority (now known as "Clydeplan") published its Proposed Plan, Environmental Report and associated technical and background reports on Monday 18 January 2016 for a 6 week consultation period ending on Monday 29 February 2016.

Whilst noting that the Proposed Strategic Development Plan was an important stage in replacing the current Strategic Development Plan (SDP), which was approved by Scottish Ministers in May 2012, the report explained that Strategic Development Plans focussed on the key land use and development issues that crossed planning authority boundaries. The Proposed Strategic Development Plan had been prepared through the joint working arrangements of the Clydeplan Team and the 8 councils within the Glasgow and the Clyde Valley region.

The report provided an overview of the Clydeplan Proposed Strategic Development Plan highlighting that the proposed Strategic Development Plan formed an important stage in the preparation of the Strategic Development Plan for the Clydeplan area. Consequently, the Council's Local Development Plan 2 would need to conform with the approved Strategic Development Plan and would apply a local interpretation of its vision and strategy.

The Council noted the publication of the proposed Glasgow and the Clyde Valley Strategic Development Plan and its implications for the Council and Local Development Plan 2.

THE EAST RENFREWSHIRE COUNCIL (B764 MOOR ROAD, EAGLESHAM)(30 MPH SPEED LIMIT) ORDER 2016

1910. The Council considered a report by the Director of Environment, seeking approval of the making and confirmation of the East Renfrewshire Council (B764 Moor Road, Eaglesham)(30mph Speed Limit) Order 2016. A plan showing the extent of the proposed 30 mph speed limit was appended to the report.

In reply to a question by Councillor Miller as to whether the B764 Moor Road would return to a 2 lane carriageway, the Environmental Services Manager stated that there were no plans for this to happen in the course of which she highlighted that the cycle lane on the road was an advisory lane and the number of accidents on the road was not significant. She further advised that the road was used mainly by local traffic or those visiting the Whitelee Wind Farm Visitor Centre.

The Council:

- (a) approved the making and confirmation of the East Renfrewshire Council (B764 Moor Road, Eaglesham)(30mph Speed Limit) Order 2016; and
- (b) agreed that delegated authority be granted to the Director of Environment to implement the Order in accordance with the associated statutory procedures.

SPECIAL MEETING OF THE COUNCIL

1911. The Council considered a report by the Chief Executive, advising of the Local Government Financial Settlement on offer from the Scottish Government and seeking homologation of the action taken by the Leader of the Council in submitting the Council's response to the settlement to the Deputy First Minister by the agreed deadline date.

The report also sought approval to convene a Special Meeting of the Council to consider the Revenue Estimates of income and expenditure as the basis for the Council Tax declaration for 2016/17 and indicative estimates of income and expenditure for the financial year 2017/18; the 8-year General Fund Capital Programme; HRA Estimates and 5-year Housing Capital Plan and the 2016/17 Treasury Management Strategic/Prudential Indicators.

The Council:-

- (a) agreed that a Special Meeting of the Council be held on Wednesday, 9 March at 10.00am in the Council Chamber to consider those matters outlined in the report; and

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- (b) homologated the action taken by the Leader of the Council in writing to the Deputy First Minister by the deadline, accepting the deal on offer, in principle, in relation to the financial settlement for local government.

PROVOST