

MINUTE
of
EAST RENFREWSHIRE COUNCIL

Minute of Meeting held at 7.00pm in the Council Chamber, Council Headquarters, Giffnock on 20 April 2016.

Present:

Provost Alastair Carmichael	Councillor Gordon McCaskill
Councillor Tony Buchanan	Councillor Stewart Miller
Councillor Jim Fletcher (Leader)	Councillor Mary Montague
Councillor Charlie Gilbert	Councillor Tommy Reilly
Councillor Elaine Green	Councillor Ralph Robertson
Councillor Kenny Hay	Councillor Jim Swift
Councillor Alan Lafferty	Councillor Gordon Wallace
Councillor Ian McAlpine	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, HSCP; Gerry Mahon, Chief Officer – Legal and Procurement; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Andrew Corry, Head of Environment (Environmental Services and Roads); Shona Fraser, Environmental Services Manager; Gillian McCarney, Development Management and Building Standards Manager; Eamonn Daly, Democratic Services Manager; and Jennifer Graham, Committee Services Officer.

Apologies:

Deputy Provost Betty Cunningham; and Councillors Danny Devlin, Barbara Grant and Paul O’Kane.

DECLARATIONS OF INTEREST

2007. There were no declarations of interest intimated.

MINUTE OF PREVIOUS MEETING

2008. The Council considered and approved the Minute of the meeting held on 23 March 2016.

MINUTES OF MEETINGS OF COMMITTEES

2009. The Council considered and approved the Minutes of the meetings of the undernoted, except as otherwise referred to in Item 2010 below:-

- (a) Cabinet – 24 March 2016;
- (b) Education Committee – 31 March 2016;
- (c) Licensing Committee – 6 April 2016;
- (d) Planning Applications Committee – 6 April 2016;
- (g) Local Review Body – 6 April 2016;
- (h) Cabinet – 7 April 2016; and
- (i) Licensing Committee – 19 April 2016.

CABINET – 24 MARCH 2016 – LOCAL GOVERNMENT BENCHMARKING FRAMEWORK: 2014/15 PERFORMANCE

2010. Under reference to the Minute of the meeting of the Cabinet of 24 March 2016 (Page 1850, Item 1970 refers), when the Cabinet had noted the Council's performance against the Local Government Benchmarking Framework, Councillor Swift suggested that, although the Council's overall performance was very good, it would be useful if future Minutes could highlight any areas where performance was poor and how these would be addressed.

The comments made were noted.

GENERAL FUND CAPITAL PROGRAMME

2011. Under reference to the Minute of the meeting of the Cabinet of 24 March 2016 (Page 1851, Item 1972 refers), the Council considered a report by the Chief Executive, recommending adjustments to the 2015/16 General Fund Capital Programme in light of issues that had arisen since the programme had been approved.

The Council:-

- (a) approved the adjustments within the programme; and
- (b) noted that the shortfall of £24,000 would be managed and reported within the final accounts for the year.

HOUSING CAPITAL PROGRAMME

2012. Under reference to the Minute of the meeting of the Cabinet of 24 March 2016 (Page 1852, Item 1973 refers), the Council considered a report by the Chief Executive recommending adjustments to the 2015/16 Housing Capital Programme in light of issues that had arisen since the programme had been approved.

The Council:-

- (a) approved the movements within the programme; and
- (b) noted that the shortfall of £18,000 would be managed and reported within the final accounts for the year.

QUESTIONS TO CONVENERERS

2013. The Provost reminded Members that in terms of the provisions contained in standing Orders they could submit up to 2 written questions to Council meetings which would allow full responses to be prepared in advance of meetings, and he hoped that Members would take advantage of this facility.

The Council noted the comments.

STATEMENTS BY CONVENERERS

Eastwood Health and Care Centre

2014. Councillor Lafferty reported that the formal handover from the contractor would take place by the end of April 2016 and that the centre would be operational in summer 2016 with services and staff moving in during June/July 2016. He advised that, following discussion with Strathclyde Passenger Transport and colleagues in the Environment Department, a new bus route would be piloted to alleviate public concerns regarding transport to and from the centre. He further advised that it was anticipated that orientation visits would take place during May and members of the public would be involved in testing public facing facilities prior to the opening date.

The Council noted the position.

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

2015. Provost Carmichael intimated that no statements had been received.

PROVOST'S ENGAGEMENTS

2016. The Council considered a report by the Deputy Chief Executive, providing details of civic engagements attended and civic duties performed by Provost Carmichael since the last meeting.

Having heard Provost Carmichael thank Deputy Provost Cunningham and the Provost's secretary for organising the recent Senior Citizens' Spring Concert in the Glasgow City Hotel, the Council noted the report.

EAST RENFREWSHIRE INTEGRATION JOINT BOARD

2017. The Council considered a report by the Chief Executive providing clarification on the responsibilities of the new East Renfrewshire Integration Joint Board (IJB) and the relationship between the Council and the IJB.

It was reported that the new model for integrated health and social services had been in place for several months and was working well. Differences between the former CHCP Committee and the IJB were highlighted and it was reported that the IJB had a wider range of powers delegated to it compared to the former CHCP Committee. The IJB was a Community Planning Partner in its own right and was a standalone organisation with its own Board and

autonomy over its budget and actions. Reference was made to the financial affairs of the IJB; the role of Chief Officers; Strategic Planning; and Performance Scrutiny and Management.

In response to questions, the Chief Officer HSCP advised that the first of three planned reports on health and social care integration had been published by Audit Scotland and had been submitted to the IJB Performance and Audit Committee. She advised that audit reports would also be submitted to the Council's Audit & Scrutiny Committee for information in future. She clarified that detailed guidance on financial reporting was awaited from the Scottish Government and that a report on this would be issued to the Council in June.

The Council noted that:-

- (a) the IJB/HSCP would build on the track record of East Renfrewshire for the integrated delivery of Health and Social Care services; and
- (b) the IJB/HSCP would provide the Council with annual plans and performance reports to allow the Council to review performance.

CONTRACT STANDING ORDERS - REVISION

2018. The Council considered a report by the Chief Officer – Legal and Procurement seeking approval of revised Contract Standing Orders (CSOs) in light of a number of legislative and procedural changes in public procurement.

The report explained that a full tender process was currently required where the value of the procurement was in excess of £50,000 irrespective of whether the contract was for goods and services, or works. As the current thresholds were impacting on the ability of services to attract a breadth of bidders and hampering the Council's ability to provide best value, it was proposed that the thresholds be adjusted for both works contracts and those for goods and services. Reference was made to a number of recent legal changes to the procurement regime and changes to procurement processes and how they impact the Council. It was also reported that a review of the Council's Financial Regulations was being progressed and these would require to be reconciled with the revised standing orders in due course. If there were any inconsistencies between the two documents it was proposed that the revised standing orders would take precedence.

In response to questions, the Chief Officer – Legal and Procurement advised that these changes reflected processes already in place at a national and European level.

The Council agreed that:-

- (a) the current draft of the revised Contract Standing Orders be approved;
- (b) they replace the existing Contract Standing Orders with immediate effect; and
- (c) pending conclusion of the review of the Council's current Financial Regulations, in the event of conflict the Contract Standing Orders would take precedence.

CLYDE VALLEY RESIDUAL WASTE CONTRACT - AUTHORITY TO SIGN INTER-AUTHORITY AGREEMENT AND ENTER INTO CONTRACT WITH PREFERRED BIDDER

2019. Under reference to the Minute of the Meeting of 16 September 2015 (Page 1604, Item 1718 refers), when selection of the preferred bidder for the Clyde Valley Residential Waste Project was approved, the Council considered a report by the Director of Environment providing an update on the Clyde Valley Residual Waste Project and seeking authority to enter into a Post-Contract Inter-Authority Agreement with four councils and for North Lanarkshire Council as Lead Authority to enter into a contract with Viridor Clyde Valley Limited (Viridor).

The report explained that Viridor were appointed as the Preferred Bidder on 8 October 2015 and a Final Business Case had been prepared showing that the benefits predicted in the Outline Business Case had been achieved and that the costs following the tender process would be less than those predicted. Further information was provided on the Final Business Case and the Inter-Authority Agreement (IAA) highlighting that the IAA was a legally binding document outlining the commencement, duration and termination of the contract; duties of the Lead Authority and other authorities; and Council liability, amongst other things.

In response to questions the Head of Environment (Environmental Services and Roads) advised that it was normal for this type of design and build contract to be entered into for a 25 year period and that this had been agreed following considerable consultation and negotiation with appropriate parties.

Following discussion the Council agreed to:-

- (a) approve the Final Business Case;
- (b) authorise the Chief Officer – Legal and Procurement to sign the Post-Contract Inter-Authority Agreement for the joint provision of Residual Waste Treatment and Disposal Services on behalf of East Renfrewshire Council;
- (c) authorise the Project Leader to agree such amendments to the draft Project Agreement and the draft Parent Company Guarantee as considered necessary to achieve Financial Close, including any adjustments to the draft Payment Mechanism for Foreign Exchange as agreed in the Financial Close Protocol and any adjustments required to reflect any post-tender changes in the First Employee List;
- (d) delegate authority to the Head of Environment (Environmental Services and Roads) to agree such minor amendments to the Post-Contract Inter-Authority Agreement as may be required;
- (e) authorise the Chief Executive (or authorised delegate), to execute, (in the presence of a witness), the finalised version of each of:
 - the Project Agreement with (Viridor Clyde Valley Limited);
 - the Parent Company Guarantee from Viridor Limited;
 - the Post-Contract Inter-Authority Agreement;
 - a Certificate pursuant to the Local Government (Contracts) Act 1997 in respect of the Project Agreement;
 - any other ancillary documentation reasonably required in relation to the Project.
 (all subject to the Inter-Authority Agreement being executed by the other Partner Councils)

INTRODUCTION OF OFF-STREET PARKING CHARGES

2020. The Council considered a report by the Director of Environment seeking approval for Roads and Transportation Services to prepare and advertise a Traffic Regulation Order to introduce off-street parking charges.

The report referred to the competing demands locally for parking between shoppers, residents, workers and commuting residents and that recent reviews of Traffic Regulation Orders had sought to control the turnover of on-street spaces. It was reported that management of off-street car parks was split between Roads and Transportation Services and other service departments, and that some were also jointly owned with third parties including Network Rail. It was highlighted that the management of the turnover of spaces within car parks could only effectively be controlled by the introduction of parking charges which could only be achieved through the promotion of a Traffic Regulation Order. Proposals for the introduction of parking charges at a number of off-street car parks were provided including the reasons why these locations had been chosen. It was also proposed that some investment to attain the industry quality standard "Park Mark" would be required including for general repairs, lighting, lining, signing and CCTV.

In response to questions, the Environmental Services Manager advised that many factors had been taken into account when deciding which car parks would be suitable for charging including location and size, and further discussion would also be required with partners including Network Rail prior to finalising charging decisions. She added that this was the first stage of the process as the Order, if approved, would allow an informed debate to take place regarding charges for parking. Further discussion took place on the suitability, or otherwise, of some car parks for charging, following which the Director of Environment highlighted that charging was not being considered in order to generate income but to enable parking problems to be managed more effectively.

Following discussion, the Council agreed to approve the preparation and advertisement of a Traffic Regulation Order in accordance with the statutory procedures to introduce off-street parking charges in selected Council operated off-street car parks.

EAST RENFREWSHIRE LOCAL ACCESS FORUM

2021. The Council considered a report by the Director of Environment seeking approval for the dissolution of the East Renfrewshire Local Access in its present form and agreement to establish a new, more representative Local Access Forum.

The report referred to the establishment of the Local Access Forum and the Land Reform (Scotland) legislation which set out of the function of Local Access Forums. It was reported that attendance, productivity and the effectiveness of the Local Access Forum had diminished over time and it was considered appropriate to renew and refresh membership of the Forum. A number of local groups had indicated that they would wish to become involved in a newly developed Local Access Forum and it was proposed that a new Forum be established using Scottish Natural Heritage guidance. It was further proposed that the core group would be established following a formal nomination process and the Council would actively seek nominations through direct contact with the four main groups of stakeholders.

Following discussion, the Council agreed:-

- (a) to the dissolution of the current East Renfrewshire Local Access Forum; and

- (b) that the Director of Environment make arrangements to establish a new Local Access Forum.

PROVOST

