

MINUTE
of
CABINET

Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 4 December 2014.

Present:

Councillor Danny Devlin
Councillor Alan Lafferty
Councillor Ian McAlpine

Councillor Mary Montague
Councillor Paul O'Kane
Councillor Vincent Waters

Attending:

Lorraine McMillan, Chief Executive; Caroline Innes, Deputy Chief Executive; Julie Murray, Director of Community Health and Care Partnership; Andy Cahill, Director of Environment; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Louise Pringle, Head of Customer and Business Change Services; Ken McKinlay, Head of Education Services (Culture, Sport and Continuing Education); Mark Ratter, Education Senior Manager, Planning and Reporting; Phil Daws, Housing Services Manager; Jacqui Martin, Business Manager; Jamie Reid, Community Resources Manager; Jacqui McCusker, Senior Solicitor; and Paul O'Neil, Committee Services Officer.

Apologies:

Councillors Jim Fletcher (Leader); Tony Buchanan (Deputy Leader); and Elaine Green.

Chair

In the absence of the Leader and Deputy Leader, it was agreed that Councillor Lafferty would chair the meeting.

DECLARATIONS OF INTEREST

1305. There were no declarations of interest intimated.

JOINT CONSULTATIVE COMMITTEE (FIRST TIER)

1306. The Cabinet considered and noted the Minute of the meeting of the Joint Consultative Committee (First Tier) held on 9 October 2014, which forms Appendix 1 accompanying this Minute.

STRATEGIC MID-YEAR PERFORMANCE REPORT 2014/15

1307. The Cabinet considered a report by the Deputy Chief Executive, providing a summary of the performance of the Council and Community Planning Partnership at mid-year point for 2014/15 based on performance indicators in the Outcome Delivery Plan (2014/17) and Single Outcome Agreement (2014/15). Detailed performance results were attached as Annex 1 to the report and it was noted that those indicators that did not have a mid-year update were not included in the report and were listed in Annex 2. In addition, details of the improvement actions arising from the Performance and Accountability Review (PAR) meeting on 10 November 2014 were listed in Annex 3 to the report.

The report summarised a high level overview of East Renfrewshire Community Planning Partnership and the Council's performance at mid-year 2014/15. The information presented showed an overall positive picture and demonstrated progress towards achieving targets and realising outcomes for the community of East Renfrewshire. It was noted that overall, of the updated indicators with a target set, 75% of the indicators met or exceeded target. Furthermore, in the mid-year strategic report there were 110 performance indicators and of those with targets 80 had been achieved, 18 were yet to be achieved and 9 were off target. The remaining 3 indicators were for information only and did not have a target.

The report concluded by indicating that the Council continued to respond well to a range of challenging circumstances, deliver highly valued services and sought to achieve positive outcomes for local residents.

The Cabinet agreed to:-

- (a) approve the report as a summary of the Community Planning Partnership and Council's mid-year performance for 2014/14; and
- (b) note that the Community Planning Partnership performance had been discussed at the Performance and Accountability Review (PAR) meeting on 10 November 2014 and that the improvement actions arising from that meeting were listed in Annex 3 to the report.

CHARGING FOR SERVICES 2015/16 AND 2016/17

1308. 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 2015/16 and 2016/17. The report 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) Community Health and Care Partnership;
- (iv) Education Department; and
- (v) Environment Department.

The Cabinet agreed:-

- (a) that the results for charging for services reviews as detailed in the reports be approved;

- (b) that with respect to the Chief Executive's Office - Licensing, delegated powers be granted for a 12 month period to the Chief Officer (Legal and Procurement) or Principal Solicitor in consultation with the Chair and Vice Chair of the Licensing Committee to reduce taxi or taxi related licence fees and charges (if necessary and as directed by the Licensing Committee), to promote the use of wheelchair accessible vehicles for the purpose of meeting the Council's equality outcomes; and
- (c) to note that whilst the charges for Burial Grounds in the Environment Department remained unchanged, a report on these charges would be submitted to the meeting of the Cabinet on 29 January 2015.

GENERAL FUND CAPITAL PROGRAMME 2014/15

1309. The Cabinet considered a report by the Chief Executive, monitoring expenditure as at 11 November 2014 against the approved General Fund Capital Programme 2014/15, 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 £235,000 representing 1.3% 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 2014/15 be approved; and
- (b) note that the shortfall of £235,000 would be managed and reported on a regular basis.

HOUSING CAPITAL PROGRAMME 2014/15

1310. The Cabinet considered a report by the Chief Executive, monitoring expenditure as at 11 November 2014 against the approved Housing Capital Programme 2014/15 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 £164,000 representing 3.4% of the resources available was within manageable limits. It was noted that included in the programme was the sum of £328,000 for the purchase of additional properties as approved at the meeting of the Cabinet on 2 October 2014.

The Cabinet agreed to:-

- (a) **recommend to the Council** that the movements within the Housing Capital Programme 2014/15 be approved; and
- (b) note that the shortfall of £164,000 would be managed and reported on a regular basis.

REVENUE BUDGET MONITORING

1311. The Cabinet considered a report by the Chief Executive, providing details of the position in respect of the undernoted revenue budgets for the period to 10 October 2014 and making recommendations in respect of the variances which had been identified during this period:-

- (i) Objective and Subjective Summaries;
- (ii) Education;
- (iii) Community Health and Care Partnership;
- (iv) Environment;
- (v) Environment – Support;
- (vi) Corporate and Community – Community Resources;
- (vii) Corporate and Community – Support;
- (viii) Chief Executive's Office;
- (ix) Other Expenditure and Income and Other Housing; and
- (x) Housing Revenue Account.

The report highlighted that some adjustments had been made to the budgets since they had been approved earlier in the year and in terms of the overall budget performance, the current operational underspend of £3,330,100 was largely due to timing issues with the underlying real underspend of £839,200 (or 0.8%) of the profiled budget for the period. It was noted that a significant element of the underspend lay within Education and would therefore be available for virement under Devolved School Management arrangements.

Whilst noting that the provisions of the Local Government in Scotland Act 2003 placed a statutory requirement on significant trading operations to achieve a break even position over a rolling 3 year period, the report indicated that none of the Council's services fell within the definition of a significant trading operation.

The report concluded by indicating that 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 unnecessarily.

The Cabinet, having noted the current financial position at this time, agreed that all service departments:-

- (a) currently showing an overspend position take action to ensure that expenditure was within budget at year end; and
- (b) ensure that effective control and measurement of agreed operational efficiencies were undertaken on a continuous basis.

REVISED RISK MANAGEMENT STRATEGY

1312. Under reference to the Minute of the meeting of the Audit and Scrutiny Committee of 13 November (Page 1222, Item 1288 refers), the Cabinet considered a report by the Chief Executive, seeking approval of the reviewed Risk Management Strategy. A copy of the revised strategy was appended to the report.

Whilst noting that as part of the Council's corporate governance arrangements it was required to have effective systems to manage risks in place, the report highlighted that the Council was exposed to risk both in terms of threats to service provision and from the

potential of lost opportunities. Consequently, it was essential that the Council could demonstrate to its residents that it was fully considering the implications of risk as it delivered services for the benefit of the community.

The report highlighted that the current Risk Management Strategy was last updated in 2008 and since that time the format of the strategy had been improved. Details of the main changes to the strategy were outlined in the report.

The Cabinet approved the revised Risk Management Strategy.

YOUNG PERSONS' SERVICES ANNUAL REPORT 2014

1313. The Cabinet considered a report by the Deputy Chief Executive, advising of the performance of Young Persons Services during the 2013/14 school year. A copy of the annual report was appended to the report.

The Cabinet noted the performance of the Young Persons' Services during the 2013/14 school year and the areas for improvement that would be worked on over the coming year.

AUTHORISATION OF TRADING STANDARDS SCOTLAND OFFICERS WITHIN EAST RENFREWSHIRE

1314. The Cabinet considered a report by the Director of Environment, advising of the establishment of a Scotland-wide Trading Standards team, Trading Standards Scotland (TSS), forming part of COSLA. The report sought approval of the proposed mechanisms for delegating the Council's functions and powers under Trading Standards and Consumer Protection legislation to Trading Standards Scotland staff.

The report provided details of the establishment of a national Trading Standards Scotland team that would work in conjunction with local authority services and would also take on national and cross border work, together with crimes of a specialist nature including illegal money lending and "e" crime.

Whilst noting that in order to be fully effective in their role, the Trading Standards Scotland team needed to be properly authorised, the report proposed that each Local Authority use section 56(1) of the Local Government (Scotland) Act 1973 to delegate relevant trading standards legislation to the Chief Officer of Trading Standards Scotland. This would allow that officer to have the ability to delegate further the functions of each authority to all Trading Standards Scotland staff.

The report concluded by highlighting that TSS needed to have delegated enforcement powers to be able to legally conduct investigations within East Renfrewshire when the need arose. The most efficient method of doing so was to permit the Chief Officer of TSS to have powers to authorise officers appropriately.

The Cabinet approved:-

- (a) the proposed mechanisms for delegating the Council's functions and powers under Trading Standards and Consumer Protection legislation to Trading Standards Scotland staff; and

- (b) the proposed changes to the Council's scheme of delegation to give effect to the necessary delegation of functions and powers to Trading Standards Scotland, details of which were appended to the report.

HOUSING SERVICES TENANT SURVEY 2014

1315. The Cabinet considered a report by the Director of Environment, providing details of the results of the Housing Services Tenant Survey 2014.

The report explained that the Scottish Social Housing Charter (SSHC) required all social landlords to undertake a tenants' survey at least once every 3 years, it being noted that Housing Services had undertaken two previous surveys in 2010 and 2012.

Whilst noting that a total of 501 tenants had taken part in the survey during the field work period between 18 August and 22 September 2014, the report provided details of customer satisfaction against a range of indicators. Details of the results of the 2014 survey were outlined in the report together with a comparison of the results against the 2012 survey and the Scottish average for each indicator.

The report concluded by highlighting that the survey had shown significant improvements in tenant satisfaction across all of Housing Services and had also identified areas for improvement which would be fed into the Housing Services Improvement Plan.

The Cabinet noted the key areas where improvement had been achieved and also those areas required for future improvement.

STRATEGIC HOUSING INVESTMENT PLAN 2015-20

1316. The Cabinet considered a report by the Director of Environment, seeking homologation of the action taken in submitting the Strategic Housing Investment Plan (SHIP) 2015/16 to 2019/20 to the Scottish Government. A copy of the SHIP was appended to the report.

The report explained that the Scottish Government required all councils to prepare a Strategic Housing Investment Plan (SHIP) which set out in detail the Council's affordable housing investment priorities for the coming 5 years. The investment proposals for the development of new affordable housing in the SHIP 2015/16 to 2019/2010 were outlined in the report.

It was noted that there were likely to be challenges associated with delivering the programme, given historic project slippage and over programming. However, these issues would be mitigated as far as possible by monitoring delivery of the agreed programme, and identifying land and other projects going forward which could address the shortfall of affordable homes in East Renfrewshire.

The Cabinet:-

- (a) approved the East Renfrewshire Strategic Housing Investment Plan 2015/16 – 2019/2020 and homologated the action taken by the Director of Environment in submitting it to the Scottish Government for review on 28 November 2014; and

- (b) noted that a further report would be submitted to a future meeting of the Cabinet in relation to resulting Strategic Local Programme Agreement (SLPA) with the Scottish Government which would confirm the programme of housing projects to be funded locally over the next 3 years.

VEHICLE EMISSIONS TESTING AND FIXED PENALTY NOTICES FOR IDLING VEHICLES

1317. The Cabinet considered a report by the Director of Environment, seeking approval of the introduction of roadside vehicle emissions tests and fixed penalty notices for the drivers of vehicles which failed emissions limits and drivers who allowed their vehicles to idle.

The report highlighted that the Council had been granted designation by the Scottish Government to carry out roadside emission checks together with a proposal to introduce fixed penalty notices for idling vehicles. The proposals would use the Council's recent designation to complement its existing local air quality management work and help to raise awareness of the impact of traffic on local roads.

Whilst noting that only police officers had the power to stop vehicles and that all checks would be carried out in conjunction with Police Scotland, the report highlighted that any driver failing the emissions check would be served with a fixed penalty notice which would be waived where the driver provided evidence that they had had their vehicle serviced within 14 days of being stopped and that the emissions now complied with the standards.

The cost of the roadside vehicle checks and associated advertising would be covered by Scottish Government funding which had been provided for this specific purpose. In this connection, the Council had been granted £2,917 and this would cover the cost of hiring the staff and equipment from Glasgow City Council and local advertising of the initiative.

The Cabinet approved the introduction of roadside vehicle emissions tests and fixed penalty notices for the driver of vehicles which failed emissions limits and drivers who allowed their vehicles to idle.

CHAIR

MINUTE

of

JOINT CONSULTATIVE COMMITTEE (FIRST TIER)

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 9 October 2014.

Present:

Councillor Jim Fletcher
Councillor Charlie Gilbert

Councillor Ralph Robertson

Union Representatives:

Mr Alan Cameron (UNITE)
Ms Tracey Dalling (UNISON)
Mr Steven Larkin (UNISON)
Mr Gordon Lees (UNISON)

Mr William McShane (UCATT)
Mr Alan Munro (EIS)
Mr Alan Scott (UNISON)

Councillor Fletcher in Chair

Attending:

Caroline Innes, Deputy Chief Executive; Julie Murray, Director of Community Health and Care Partnership; Marie Shaw, Director of Education; Louise Pringle, Head of Customer and Business Change Services; Iain MacLean, Head of Environment (Planning, Property and Regeneration); Sharon Beattie, Human Resources Manager; Barbara Clark, Chief Accountant; Phil Daws, Housing Services Manager; and Linda Hutchison, Senior Committee Services Officer.

Apologies:

Mr Paul Bennett (UCATT); Mr John Guidi (SSTA); and Fiona Shannon (EIS).

MINUTE OF PREVIOUS MEETING

1. The committee considered and approved as a correct record the Minute of the meeting held on 30 January 2014.

POTENTIAL MOVE TO LEISURE TRUST

2. Mr Larkin requested an update on the potential establishment of a Leisure Trust, related information provided to Members thus far and the extent to which the final position had been determined.

Councillor Fletcher emphasised that no formal decision to establish a Trust had been taken, clarifying that the proposal remained under consideration as part of budget discussions given potential savings and that, if the option was not pursued, alternative savings would

need to be found. Having confirmed that all departments had been asked to identify possible savings and how challenging that was, Councillor Fletcher referred to the forthcoming public consultation event on budget proposals scheduled for November. He added that if the Trust proposals did not receive the required support or if suitable alternative proposals were put forward, the position on these could be considered further. He reiterated that future years would be very challenging financially, stressing that the Council was trying to be as open as possible about this. He also reported it was likely that in February the Council would consider budget proposals for the remainder of the Administration, approval of which would though be subject to anticipated levels of funding from The Scottish Government being forthcoming in future.

Mr Larkin summarised Unison's concerns about the proposed Trust, including in terms of loss of accountability linked to it operating outwith the Council's direct public control; how some Trusts established elsewhere had operated; projected long term savings; and a lack of assurances for staff on management arrangements, also seeking a commitment that the Council would retain services. Having commented on other issues including TUPE protection for staff transferring to a Trust; commercial pressures it would face; and potential for the public to consider the Council at fault if the Trust did not deliver services in a way considered acceptable to them, Mr Larkin expressed hope that Members would be candid with the public on the financial position it faced, the potential implication of cuts and where control would rest if a Trust was established. He argued that recent Council investment in sport and leisure facilities would effectively be given away if a Trust was established. Mr Larkin also commented that if the Trust opted not to continue to deliver some services which the Council needed to provide, it would fall to the authority to resume responsibility for these which was an argument in favour of retaining them in the first place. He urged Members to reflect carefully on their responsibilities and the full implications of the proposal.

Having acknowledged the comments, Councillor Fletcher referred to various issues including the benefits of the charitable status the Trust would have, plans to ensure those appointed to the Board would have required expertise, elected Member representation on the Board and potential for the Trust to further develop services and increase footfall through innovation. He emphasised that the Trust would not have ability to close services, adding that the Council would not transfer loss making facilities but rather determine their future itself. Referring to the establishment or potential establishment of Trusts by some other authorities, he reported that employee terms and conditions had been maintained in many and that Trust status arguably offered some additional protection to staff because the Trust would not face the need to make the same level of savings in future the Council might have to face. He stressed that Members were fully aware of the potential ramifications of progressing the proposal, wished to ensure that establishment of the Board reflected best practice, and that there were savings for the authority attached to establishing a Trust.

The Director of Education referred to Trade Union involvement in a Steering Group established to consider Trust issues, adding that the Group was aware of the Board related proposals referred to by Councillor Fletcher and had discussed other matters including the transfer of employees. More generally she commented that ability to scrutinise the Trust's arrangements would not be lost if a Trust was established as accountability would be monitored including through the Cabinet, clarifying that it was the management of services that would transfer. Mr Cameron referred to the recent invitation UNITE had received and accepted to join the Steering Group.

In response to Mr Cameron, Councillor Fletcher confirmed that the potential composition of the Board was being examined and that this included considering models successful elsewhere, including an arrangement in East Dunbartonshire. Having stated he would welcome views on Board related issues, Mr Cameron undertook to provide feedback on what was considered best practice and otherwise elsewhere.

Referring to the Steering Group, Mr Lees welcomed the opportunity to participate in its discussions, adding that he was committed to this work but also to seeking assurances on issues. In response to a further comment he made that the projected Trust related savings were not particularly significant in the context of the Council's overall budget, Councillor Fletcher stressed the challenges of identifying savings at all, referred to the contribution the Trust could make to delivering savings, and confirmed that external consultants had only been engaged when considered necessary to help progress the proposals and to complement the work of officers in-house. The total spend projected on consultants was confirmed. Councillor Fletcher highlighted that if a Trust was to be established, associated preparations needed to start at an early date.

In response to Mr Lees, Councillor Fletcher commented on information made available to Members of both the Administration and Opposition on the proposals in the interests of transparency. In response to Mr Scott, Councillor Robertson and Councillor Gilbert expressed support for the proposed Trust, subject to savings and other benefits being as anticipated. Councillor Robertson added that revenue, footfall and service quality could potentially exceed the good standards already achieved and referred to the importance of balancing improvements, savings and jobs issues when considering the best way forward.

Mr Lees expressed concern that transformation programme work on sport and leisure services was progressing at the same time the Trust proposals were under consideration, suggesting it would be preferable to implement the transformation proposals first and gauge their success in advance of a Trust proposal being considered. Councillor Fletcher explained why it was considered prudent to proceed as planned.

The committee noted the position and comments made.

UNISON ETHICAL CARE CHARTER

3. Mr Scott referred to consideration by the CHCP of the adoption of the UNISON Ethical Care Charter, seeking confirmation that it had not been considered affordable. He asked if it could be adopted as part of other care related changes.

The Director of the CHCP, supported by Councillor Fletcher, confirmed that implementation costs were estimated to be at least £165,000, adding that much of the Charter's content was considered commendable and reflected current local practice but that financial pressures prevented its wholesale adoption at present. Mr Scott asked why a commitment to adhere to the terms of the Charter could not be secured from contractors through tenders and proposed that the Trade Union Management Group reconsider the position on the Charter to determine if potential barriers to its adoption could be overcome. Having heard Ms Dalling on contract compliance issues, Councillor Fletcher reiterated the support that existed for adopting as much of the Charter's terms as possible and affordable following which the Director of the CHCP stated that she would be delighted to work further with the Trade Unions to see if implementation barriers could be overcome. Regarding the contract issue raised, she added that she understood there to be procurement related legalities that might be difficult to surmount. Representatives of the Trade Unions supported further consideration of the Charter and expressed a willingness to contribute to related discussions.

The committee noted the position and that the matter could be considered further as suggested.

COUNCIL HEALTH AND SAFETY COMMITTEE

4. There were submitted the Minutes of the Council's Health and Safety Committee held on 22 January, 26 March and 23 July 2014.

In reply to Mr Munro who sought an update on the violent warning marker (VWM) scheme, Mr Murray confirmed that recently the initiative had been discussed and the system updated, that VWM co-ordinators were in place and that a review of those listed on the VWM register was underway. Approximately eight people were listed on it at present subject to three individuals being removed from the scheme shortly as anticipated. Mr Murray confirmed that no further individuals had been added to the list during the last three months and that the list was subject to periodic review, clarifying that any incident reported was considered in a stringent and auditable way. The Head of Environment added that a report on the number of those monitored under the scheme could be submitted to the Health and Safety Committee on a quarterly basis. This was considered helpful.

The committee noted the position and that statistics on those registered under the VWM scheme would be submitted to the Health and Safety Committee quarterly.

DATE OF NEXT MEETING

5. The committee noted that the next meeting was scheduled to take place on 21 January 2015.