

MINUTE VOLUME

1 MARCH 2023

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MINUTE
of
EAST RENFREWSHIRE COUNCIL

Minute of meeting held at 7.00pm in the Council Chamber, Council Headquarters, Giffnock on 14 December 2022.

Present:

Councillor Andrew Anderson	Councillor Chris Lunday
Councillor Caroline Bamforth	Councillor David Macdonald (*)
Councillor Tony Buchanan	Councillor Colm Merrick
Deputy Provost Kate Campbell	Provost Mary Montague
Councillor Angela Convery (*)	Councillor Andrew Morrison
Councillor Danny Devlin (*)	Councillor Owen O'Donnell (Leader)
Councillor Paul Edlin	Councillor Katie Pragnell
Councillor Annette Ireland	Councillor Gordon Wallace

Provost Montague in the Chair

Attending:

Lorraine McMillan, Chief Executive; Julie Murray, Chief Officer – Health and Social Care Partnership (*); Louise Pringle, Director of Business Operations and Partnerships; Mark Ratter, Director of Education; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Anthony McReavy, Chief Executive, East Renfrewshire Leisure and Culture Trust; Phil Daws, Head of Environment (Housing and Property Services); Gillian McCarney, Head of Environment (Chief Planning Officer); Gill Darbyshire, Chief Executive's Business Manager; Alison Ballingall, Senior Revenues Manager; John Adam, Project Manager (*); Eamonn Daly, Democratic Services Manager; John Burke, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Also Attending:

Iain Marley, Hub West Scotland (*).

(*) indicates remote attendance.

Apologies:

Councillors Betty Cunningham and Jim McLean.

DECLARATIONS OF INTEREST

264. There were no declarations of interest intimated.

Variation in Order of Business

In accordance with the terms of Standing Order 20, and with a view to making the most effective use of officers' time, Provost Montague agreed to vary the order of business in order to facilitate the conduct of the meeting.

EASTWOOD LEISURE CENTRE/THEATRE OPTIONS

265. The Council considered a report by the Chief Executive on the impact of construction cost inflation, energy price inflation and increased interest rates on a range of options with regard to the delivery of a new Eastwood Leisure Centre and Theatre.

Councillor O'Donnell introduced the report and indicated that the decision had been postponed at the meeting of the Council in October (Page 262, item 200 refers). Given the importance of the impact of the project on the Capital Plan, it was important to decide on a favoured option to allow the Head of Accountancy (Chief Financial Officer) to prepare the Capital Plan for approval in March 2023.

The report detailed the 6 options that were available to the Council in terms of progressing the matter. It was noted that the range of options went from a completely new build maintaining the original brief; new build with reduced specification to maintain the original approved cost; refurbishing the existing facility, retaining the facility and carrying out essential maintenance only.

Councillor O'Donnell stated that the current centre was at end of life and did not meet the needs of the growing population of the area. He further pointed out that following the COVID-19 pandemic and inflationary pressures, the costs of construction and energy had increased considerably. However, he also stated that the Council had a duty to provide for the health and wellbeing of residents and that consideration must be given to what would happen when the current centre could no longer operate.

Councillor Wallace expressed concerns that in his view the decision was being rushed and that it seemed that Option 2 in the report, which was to build a new centre and theatre but with reduced pool and games hall provision, was the only realistic option available. He also sought clarification if £40 million was a realistic cost to refurbish the current centre.

Iain Marley of Hub West responded that the refurbishment cost was difficult to quantify due to issues in dealing with old buildings and this came with greater risk. He also noted that the existing centre had an area of 4,800 square metres, whereas the new centre would have a far larger area at 7,500 square metres, allowing for more amenities to be included. He also pointed out that a new build facility would have a life of 50 to 60 years, whereas refurbishment would only offer a 30 year lifespan.

Councillor Anderson indicated that a refurbishment would also mean the centre being closed for a period of 3 years to enable all of the works to take place. It was also clarified that in respect of Option 2, this would see a smaller theatre and larger main auditorium compared to Option 1.

Councillor Buchanan expressed his view that Option 1 was the optimum choice but recognised the difficulties in delivering that with the increase in costs. The basis on which the estimated reduction in revenue due to a reduction in pool size from 50 metres to 25 metres was explained.

A discussion on levels of contingencies took place, these being set out in the report. It was clarified that if additional funds were required, it would require Council approval.

Responding to a question from Councillor McDonald on why there was no special meetings of the Council to discuss the matter before this meeting the Chief Executive pointed out that there had been a large number of reports and discussions that had taken place on the project over a number of years. However, the landscape had changed in terms of the energy costs and interest rates, and with inflation raising the cost from £55 million to £67 million.

Councillor Morrison asked if there was sufficient demand to make best use of the new centre and it was clarified that as well as increasing the floor space, the space would have higher intensity usage than the previous centre. Furthermore, a new centre would likely bring a rush of new visitors who wanted to see the new facility and what activities were available. It was also noted that there was currently a large waiting list for swimming lessons.

In conclusion, Councillor O'Donnell recognised some of the unease expressed by Members and stated that it had been appropriate to review the options before making a decision.

Thereafter, seconded by Councillor Anderson, Councillor O'Donnell proposed that Option 2 be selected, keeping the original budget approval of £55 million and deferring the start of construction for 2 years to allow further scrutiny and £5 million of revenue savings within years 2 and 3 of the original plan.

Councillor Buchanan stated that, while he agreed with the majority of the points raised by Councillor O'Donnell, he felt there was a risk in delaying for 2 years, as was the case with Option 2. On that basis Councillor Buchanan, seconded by Councillor Merrick, moved as an amendment that Option 2 be selected, but that work begin as soon as possible to deliver the new facility.

Thereafter, on the roll being called, Councillors Anderson, Campbell, Devlin, Edlin, Provost Montague, Morrison, O'Donnell, Pragnell and Wallace voted for the motion. Councillors Bamforth, Buchanan, Convery, Ireland, Lunday and Merrick voted for the amendment. Councillor McDonald abstained.

There being 9 votes for the motion and 6 for the amendment, with 1 abstention, the motion was declared carried.

PROVOST'S REMARKS – CITIZEN OF THE YEAR

266. The Provost advised the Council that Stan Esson had been named as East Renfrewshire's Citizen of the Year for his work with East Renfrewshire Foodbank in Lowndes Street, Barrhead. While Mr Esson had not been available to attend, the Provost would visit the foodbank to present him with his award.

The Council noted the position and that the Provost would pass on the Council's congratulations to him on presenting the award.

MINUTE OF MEETING OF COUNCIL – 26 OCTOBER 2022

267. The Council considered and approve the minute of the meeting held on 26 October 2022.

MINUTES OF MEETINGS FOR THE PERIOD 26 OCTOBER TO 13 DECEMBER 2022

268. The Council considered the meetings of the undernoted:-

- (a) Audit and Scrutiny Committee – 26 October 2022;
- (b) Full Council – 26 October 2022;
- (c) Appointments Committee – 7 November 2022;
- (d) Licensing Committee – 8 November 2022
- (e) Planning Applications Committee – 9 November 2022;
- (f) Local Review Body – 9 November 2022;
- (g) Cabinet – 10 November 2022;
- (h) Audit and Scrutiny Committee – 10 November 2022;
- (i) Education Committee – 17 November 2022;
- (j) Cabinet (Police and Fire) – 24 November 2022;
- (k) Cabinet – 1 December 2022;
- (l) Licensing Committee – 6 December 2022;
- (m) Planning Applications Committee – 7 December 2022;
- (n) Local Review Body – 7 December 2022; and
- (o) Education Committee – 8 December 2022.

The Democratic Services Manager noted comments from Councillor Ireland and Edlin that at the meeting of the Planning Applications Committee on 7 December 2022 they had expressed concerns about the reduction in meetings of the Planning Applications Committee but that these had not been recorded in the Minute.

The Democratic Services Manager reminded Members that Minutes were not a verbatim record of proceedings and clarified that the comments would be noted within the Minute for this meeting rather than as an amendment to the committee Minute. He also reminded Members that the meeting in question was recorded and Members' verbatim comments could be directly viewed in that way.

The Council approved the Minutes.

INTERIM TREASURY MANAGEMENT REPORT 2022-23

269. Under reference to the Minute of the meeting of the Audit and Scrutiny Committee of 10 November 2022 (Page 295, Item 230 refers), the Council considered a report by the Head of Accountancy (Chief Financial Officer) on treasury management activities for the first six months of 2022-23.

The Council:-

- (a) noted the Treasury Management Annual Report for 2022/23; and
- (b) approved the list of organisations at Appendix II for investment of surplus funds.

GENERAL FUND CAPITAL PROGRAMME

270. Under reference to the Minute of the meeting of the Cabinet of 1 December 2022 (Page 311, Item 242 refers), the Council considered a report by the Head of Accountancy (Chief Financial Officer) monitoring expenditure against the approved General Fund Capital Programme as at 30 September 2022 and recommending adjustments where possible.

Responding to a question from Councillor Ireland on the increase in ICT infrastructure projects and ICT general provision, the Head of Accountancy (Chief Financial Officer) confirmed that because work had been disrupted in the past few years due to the COVID-19 pandemic, a backlog of projects were being rolled forward to the current year. The 10 year Capital Plan would be set on 1 March 2023 and the levels would remain stable unless there was a proposal to increase the figure.

The Council approved the movements within the 2022/23 programme and noted the shortfall of £0.345m.

HOUSING CAPITAL PROGRAMME

271. Under reference to the Minute of the meeting of the Cabinet of 1 December 2022 (Page 312, Item 243 refers), the Council considered a joint report by the Head of Accountancy (Chief Financial Officer) and Director of Environment, monitoring income and expenditure as at 30 September 2022 against the approved Housing Capital Programme 2022/23, and recommending adjustments where required.

Councillor Ireland expressed concern that a central heating tender for 2 sheltered housing complexes had been delayed, asking which complexes would be affected and when the works would be carried out.

Councillor Devlin responded that he would give further information to Councillor Ireland on those matters in consultation with Housing Services, the Chief Executive confirming that residents would not be left without central heating and the works proposed were upgrades.

The Council agreed:-

- (a) that the revised level of borrowing required to support the programme from £9.965m to £11.465m, an increase of £1.5m about the level approved by Cabinet on 1 September 2022, be approved; and
- (b) that the current movements within the programme be approved.

STATEMENTS BY CONVENERS/REPRESENTATIVES ON JOINT BOARDS/COMMITTEES

272. The following statements were made:-

(a) Councillor Pragnell – Convener for Social Work and Health

Councillor Pragnell paid tribute to Dr Henry Stafford, a partner at Carolside Medical Centre who had served the Clarkston community for over a decade. She offered the condolences of all at the Council to his family at this sad time.

Councillor Pragnell then provided the Council with a summary of the matters discussed at the meeting of the Integration Joint Board on 23 November 2022.

She reported that at the meeting the annual report and accounts for 2021/22 were approved, following a very good report from Audit Scotland. The IJB had recognised that it had been a challenging and complex year and had passed on their thanks to the Council's Chief Financial Officer and wider Finance team.

The IJB's revenue monitoring report for the current year was presented, showing a potential overspend of £500k, which would be met from reserves. There had been discussion around concerns that front line services may be affected by savings required in the coming year. The Health and Social Care Partnership (HSCP) had committed to looking at service redesign where possible, however, it was clear that difficult choices may lie ahead.

A presentation had been given by the Head of Adult Services, Community and Wellbeing. It highlighted the Scottish Government's 8 priority areas and updated the IJB on the approach to each. In particular, the use of community resources to monitor and support those being discharged from hospitals was discussed.

Significant demand pressure in care at home services had been recorded. The service had a robust system for prioritising cases and was offering additional telecare solutions where appropriate. There were also wellbeing resources available for staff and a dedicated Staff Wellbeing Officer had been recruited to further improve use of those resources.

The IJB had endorsed the HSCP proposal to contact service users and their families to notify them of the current pressures and ask families to provide additional support where appropriate, letters were issued on 25 November 2022.

The HSCP Workforce Plan had been presented and the IJB had agreed that the Plan was well written and robust. There had been discussion around information available on the protected characteristics of the workforce. An update on the Plan would be presented to a future meeting of the IJB.

Finally, the IJB had received a presentation on the Alcohol and Drugs Partnership. HSCP were looking to secure accommodation to provide a recovery space without stigma.

(b) Councillor Anderson – Convener of East Renfrewshire Culture and Leisure Trust

Councillor Anderson reported that he had attended the Culture and Leisure Trust Board in his first meeting as a Board member, and provided a summary of the matters discussed at the Board.

The Board had considered the CLT draft business plan, which would come to the Council for approval in the new year. It had been noted that 89% of Scottish Trusts were at risk financially, with 69% currently discussing closure of facilities. Despite this, the East Renfrewshire CLT continued to perform well.

Attendance figures had shown that gym memberships were back to 97% of the pre-COVID figure, with leisure centre attendances at 95%, hall and school out of hours bookings at 106%, swimming lessons at 120% and community sports at 88%, despite the later reopening of the school estate. Councillor Anderson paid tribute to the hard work of staff in enabling these figures.

Libraries were at the forefront of the "warm and welcome spaces" initiative and a programme of activities had been developed over the winter period, as well as providing space for partners like the Money Advice and Rights Team (MART).

A vote of thanks had been given to Andy Allan, who had stepped down as the Independent Board Member. He had chaired the Audit and Risk Committee for the trust and Councillor Anderson hailed his excellent work in that role. A new Independent Board Member would now be recruited.

In conclusion, Councillor Anderson referred to the pantomime at Eastwood Park Theatre, which featured a large professional cast as well as Primary School children. Councillor Anderson outlined the excellent feedback that had been given on both the production and the venue.

PROVOST'S ENGAGEMENTS

273. The Council considered and noted a report by the Director of Business Operations and Partnerships, providing details of civic engagements attended and civic duties performed by Provost Montague since the meeting on 26 October 2022.

EAST RENFREWSHIRE PUBLIC ACCESS DEFIBRILLATOR STRATEGY

274. Under reference to the Minute of the meeting of the Council on 26 October 2022 (Page 263, Item 201 refers), when it had been agreed that officers be instructed to formulate a Council-wide strategy for the deployment and maintenance of public access defibrillators (PADs), and to lobby the Scottish Government to provide additional funding to allow it to partner with voluntary, charity, and community groups to implement this policy, the Council considered a report by the Chief Executive on the deployment and maintenance of Public Access Defibrillators (PADs), including the current position, current costs involved and the options of funding to support it.

Having provided some statistical information in relation to the benefits of defibrillators the report explained that 80 defibrillators were available in East Renfrewshire, with 62 PADs, available 24 hours a day. 26 of those were in Council buildings. The Council was working with partners to identify both funding and suitable locations for additional defibrillators.

The draft East Renfrewshire Council Public Access Defibrillator (PAD) Strategy 2022-2027 accompanied the report.

Commenting on the report, Councillor Pragnell noted that the Strategy called for the appointment of a Defibrillator Champion for the Council and, seconded by Councillor Anderson, nominated Provost Montague for this role.

Councillor Ireland welcomed the paper and thanked Councillors Lunday and Bamforth for their work on this issue in particular. She applauded Renfrewshire Council's approach where PADs were installed at all primary schools and would be installed at secondary schools where they were not already publicly available.

Provost Montague having indicated that the report and strategy was the culmination of work carried out by many people within the Council over a number of years, the Council agreed that:-

- (a) the East Renfrewshire Public Access Defibrillator Strategy 2022 – 2027 be approved;
- (b) the Council encourage the Scottish Government to provide additional funding to support the purchase, installation and maintenance of defibrillators across East Renfrewshire; and

- (c) Provost Montague be appointed as the Defibrillator Champion for East Renfrewshire.

COUNCIL TAX COLLECTION

275. Under reference to the Minute of the meeting of the Council held on 26 October 2022 (Page 267, Item 202 refers), when the Council approved a motion to investigate the changes implemented to East Renfrewshire Council's Council Tax collection and the capacity in East Renfrewshire to establish repayment instalment schedules and report back at this meeting, The Council considered a report by the Director of Business Operations and Partnerships on Council Tax Collection for East Renfrewshire Council and the process of Council Tax arrears recovery and mitigations in place to support those in financial hardship.

Councillor O'Donnell introduced the report and referred to the Council's 2 competing objectives of collecting Council Tax, which formed 18.3% of its budget, supporting the most vulnerable in the community.

Further mitigation actions had been suggested as a result of the investigation and it was also suggested that a Common Financial Framework be established to ensure that the Money Advice and Rights Team (MART) and Sheriff Officers were working to the same standard. In exceptional circumstances, recovery action could be paused and intervention could take place with MART or the Citizens' Advice Bureau.

Having heard the Director of Business Operations and Partnerships, in response to a question from Councillor Ireland, detail the mitigation measures that would be put into place, the Council:-

- (a) noted the steps of the debt recovery process for Council Tax;
- (b) noted the key supports already in place to support vulnerable customers experiencing Council Tax arrears, especially the role of MART and CAB in assisting customers; and
- (c) approved the suggested further mitigations for cases of exceptional financial hardship, recognising that there may be impact to deliverability of proposed savings if demand outstrips staff capacity or additional system development costs were incurred on a cost/benefit basis.

THE EAST RENFREWSHIRE COUNCIL (BUSBY)(ON-STREET)(WAITING AND LOADING) ORDER 2022

276. The Council considered a report by the Head of Environment (Chief Planning Officer) recommending that the Council approve the making and confirmation of "The East Renfrewshire Council (Busby) (On-Street) (Waiting and Loading) Order 2022".

The Council approved the making and confirmation of "The East Renfrewshire Council (Busby) (On-Street) (Waiting and Loading) Order 2022" and delegated to the Director of Environment the implementation of the Order in accordance with the associated statutory procedures.

PUBLIC HOLIDAY – KING'S CORONATION 2023

277. The Council considered a report by the Director of Business Operations and Partnerships seeking approval for the public holiday on Monday 8 May 2023 to mark the coronation of King Charles III.

Having heard the Director of Education confirm that, should the Council approve the report, an application would be made to close schools on the day of the public holiday, the Council agreed to treat Monday, 8 May 2023 as a public holiday for employees to mark the coronation of King Charles III.

CHANGE TO COUNCIL MEETING TIME

278. The Council considered a report by the Director of Business Operations and Partnerships proposing a change to the timing of those meetings of the Council that normally took place at 7pm.

Following a brief discussion on the accessibility of the meetings to members of the public, the Council agreed that those meetings of the Council that were scheduled to start at 7pm, instead be rescheduled to start at 5pm.

NOTICE OF MOTION – SINGLE-USE PLASTICS

279. In accordance with Standing Order 27, the following notice of motion had been submitted by Councillor Ireland, seconded by Councillor Macdonald.

There are very real concerns from East Renfrewshire residents around Climate Change in general and the use of single-use plastics in particular.

This Council resolves to work towards developing a robust strategy to make East Renfrewshire Council a 'single-use plastic free' authority and encourage East Renfrewshire Council's institutions, businesses, tenants and citizens to adopt similar measures.

Council will also engage with teachers and pupils in our Primary and Secondary schools on the climate change emergency and the actions which can be taken to tackle it, including which measures can be taken to remove the sale of water in plastic bottles from within our schools and replacing this with a more sustainable alternative.

Councillor Ireland pointed out the minor amendment to the second sentence of the motion in comparison to the one printed in the agenda. She also took a moment to praise the efforts of Emilia Hamilton who had been working to raise awareness of this with her local councillors and in her community.

In the absence of an amendment, the motion was declared carried.

NOTICE OF MOTION – SUPREME COURT DECISION OF 23 NOVEMBER 2022

280. In accordance with Standing Order 27, the following notice of motion had been submitted by Councillor Morrison, seconded by Councillor Wallace.

Council notes the decision of the Supreme Court of 23rd November 2022 stating there is no legal constitutional basis on which the Scottish Government can proceed with their planned re-run referendum on Scotland leaving the United Kingdom.

Council welcomes the certainty offered by this decision, noting recent discussions of the Council's Audit and Scrutiny Committee on the importance of 'horizon scanning' of possible risks to be added to the Council's Strategic Risk Register, following a recommendation by Audit Scotland on 7th April 2022.

Further, Council welcomes this opportunity for public funding, civil service and Scottish Government resources to now focus on public service improvement, enhancing the services provided by local councils, and in the true spirit of devolution, protecting the autonomy of local government in Scotland.

The Council welcomes stronger prospects for good faith cross-party working and better collaboration across all tiers of government in Scotland, to the benefit of all of our residents.

Councillor Merrick, seconded by Councillor Bamforth, moved an amendment in the following terms:-

Council notes the decision of the Supreme Court of 23rd November 2022.

Council therefore calls on Council Leader to write to UK Prime Minister and ask that they grant a section 30 order so that Scottish Democracy is respected and the will of the Scottish people is expressed.

Provost Montague then invited Councillor Morrison to speak to the terms of the motion.

Councillor Morrison referred to the effects of the COVID-19 and cost of living crisis on Scotland. He stated that, instead of dividing the people of Scotland, its governing institutions should be focused on more important priorities. In particular, he referred to a recent rejection of a planning application where one of the reasons given was that the inclusion of 6 additional houses to the area could cause issues for educational capacity in the area.

He stated that the proposed referendum on independence was the SNP's referendum, not the referendum of the Scottish people, and added that it was a distraction from the SNP's record in Scottish Government. While noting that the SNP had a mandate to govern due to the result of the Scottish Parliament elections in 2021, he stated his opinion that this was not a mandate for another referendum.

Having referred to the Audit Scotland recommendation that the Council conduct horizon scanning for potential risks, he believed that a second referendum would be a major risk to the Council, leading to a deep cut in resources due to the loss of pooling and sharing with the rest of the UK. He also indicated that the Scottish Government had underspent its budget by £2 billion and questioned the commitment of civil servants and government officials to pursuing independence rather than improving local government.

Having referred to comments by the Auditor General calling for more transparency and a more vigorous framework for Scottish Government financial interventions in what he referred to as "pet projects" of the SNP, Councillor Morrison concluded by calling for Members to take the opportunity to work together to fight for a better settlement for local authorities.

Councillor Wallace commended Councillor Morrison's comments and reiterated his willingness to second the motion.

In support of his amendment, Councillor Merrick pointed out that he believed the motion was not competent as there was a legal basis to proceed with a second referendum, which was a Section 30 order, as called for in his amendment. He indicated that there would be no rerun of the 2014 referendum as the landscape had changed utterly since that time.

Councillor Merrick referred to what he called the broken promises of the UK Government and that the Labour Party had pledged to "make Brexit work" and restated his belief that there was a clear mandate for an independence referendum. He stated that democracy could be delayed, but never denied. He believed that the more Scotland was denied a referendum, the more support for independence grew.

In conclusion, Councillor Merrick referred to the cost of living crisis, he stated the blame for this was on the policies of the UK government under the Conservative Party, particularly austerity policies. He commended his amendment to the Council.

In seconding the amendment, Councillor Bamforth indicated that she was bemused by the motion as there was still the legal process of a section 30 order by which a referendum could be secured. She referred to the Smith Commission, which stated that nothing in the report prevented Scotland from becoming an independent country if the Scottish people so chose. The question was on calling a referendum without a section 30 order.

Councillor Bamforth pointed out a number of recent polls which showed a majority of Scottish people now supported independence. She also criticised the management of UK finances under the Conservative Party and that they blamed the situation in Ukraine for all of the issues. She referred to Labour and Conservative politicians, in her view, working together in local government and said this made any notion of cross-party working meaningless and shallow.

In conclusion, Councillor Bamforth referred to mitigation spending by the Scottish Government to mitigate UK Government welfare cuts. She also pointed out that, in terms of the Council's Strategic Risk Register, Brexit remained a major risk while independence was not on the Register. She called for Councillors to support the amendment.

Councillor Ireland stated that she agreed that East Renfrewshire Council was collaborative, but that this collaboration was between Labour and the Conservatives. She also noted that the Audit and Scrutiny Committee did discuss horizon scanning in terms of the Strategic Risk Register. She stated that the Conservatives had tried on numerous occasions to add independence to the Register, but this had not happened. Risks would only be added to the Register when the Corporate Management Team deemed it appropriate and that it was not felt necessary to add independence to the Register at this time. In conclusion, she stated her belief that there was no union of equals, as shown by the Supreme Court decision, and supported the amendment.

Councillor Buchanan said that he felt it was strange to hear talk of collaboration on a motion that questioned everything he believed in. He felt that the motion was an attempt to deflect attention from the real issues caused by the UK Government, who were responsible for the economic crisis and the spike in energy prices. He listed a range of scandals, including Brexit, PPE contracts, ventilators and others as evidence of his belief that independence was necessary, rather than a major risk.

Councillor Lunday also supported the amendment and indicated that the SNP had won a number of elections and there was currently a majority in the Scottish Parliament who supported independence.

Councillor Macdonald stated that many of the people who voted to remain in the UK in 2014 were Europeans who felt lied to after Brexit and that a second referendum was now required, via a Section 30 order.

Councillor O'Donnell stated that he didn't believe that East Renfrewshire residents wanted the Council to spend any more time debating independence in the chamber and would prefer all parties to work together to deal with local priorities, such as the cost of living crisis and the educational attainment gap.

After hearing Councillors Edlin and Anderson support Councillor O'Donnell's comments and call for all parties to work together to deliver local priorities, Provost Montague invited Councillor Morrison to sum up his motion.

Councillor Morrison addressed some of the points raised in the debate, stating that people resident in Scotland had voted in 2014 to remain as part of the United Kingdom and that leaving the EU was not sufficient to trigger another referendum. He argued that the motion was competent as the finest legal minds in the United Kingdom had made the judgement to which it referred. He noted that 3 items on the agenda for this meeting were raised in conjunction with SNP members and indicated this was proof of collaboration within the Council and he would welcome more of the same. He called for Members to put people before politics.

Thereafter, on the roll being called, Councillors Anderson, Campbell, Devlin, Edlin, Provost Montague, Morrison, O'Donnell, Pragnell and Wallace voted for the motion. Councillors Bamforth, Buchanan, Convery, Ireland, Lunday, Macdonald and Merrick voted for the amendment.

There being 9 votes for the motion and 7 for the amendment, the motion was declared carried.

NOTICE OF MOTION – COUNCIL FUNDING

281. In accordance with Standing Order 27, the following notice of motion had been submitted by Councillor O'Donnell, seconded by Councillor Anderson.

East Renfrewshire Council is facing unprecedented cuts in budget funding over the next three financial years amounting to over £30m in the core Council budget with additional cuts facing the East Renfrewshire Health and Social Care Partnership (HSCP) of around £20m and East Renfrewshire Culture and Leisure Trust (ERCLT) of £2m. Council acknowledges that this scale of cuts will undoubtedly result in significant job losses and reduction in services to our residents including Education, Social Care and the Environment.

Council notes that no one in the Council wants to implement this level of cuts but the Council and its officers have no choice but to produce a legally balanced budget. Council further acknowledges that the Council is efficiently managed and controlled as evidenced by Audit Scotland and the results of the Local Authority Benchmarking review where East Renfrewshire is consistently shown to be a top council performer particularly with respect to Education and the East Renfrewshire Health and Social Care Partnership being recognised as one of the best performing Partnerships in Scotland.

In simple terms, this level of cuts is down to a flat cash budget settlement from the Scottish Government when inflation is currently at 11.1% and unlikely to approach close to 2% over the period of this 3 year budget cycle. Council notes that this settlement continues the trend of less than inflationary budget settlements over the last 15 years which makes this year's budget savings targets much harder to deliver.

Council supports and agrees with COSLA's negotiating and budget lobbying position with the Scottish Government as agreed on 25th November and in particular:

- *Seeking a meeting of Political Group Leaders with the Deputy First Minister to impress on the Scottish Government the seriousness of the financial situation facing Local Government;*
- *Seeking a meeting of Political Group Leaders with local government trade union representatives to discuss a joint approach to budget lobbying and the protection of local public services; and*
- *COSLA officers to work up a detailed case for budget ask based on the need for £1bn+ additional funding to sustain vital local services.*

Council asks for the Chief Executive to write to the Scottish Government, demanding a fairer budget settlement for East Renfrewshire that takes account of inflationary pressures, the impact of local government cuts on job losses and local service delivery, and the consequential recessionary impact, not just in the local East Renfrewshire economy, but across Scotland nationally.

Councillor Lunday, seconded by Councillor Buchanan, moved an amendment in the following terms:-

Council supports and agrees with COSLA's negotiating and budget lobbying position with the Scottish Government as agreed on 25th November.

Council notes the Scottish Government are not responsible for UK inflationary pressures.

Council instructs the Leader to write to the UK PM to seek a fairer block grant for Scotland's government so that Scottish councils are not penalised by decisions taken far from Scotland.

Provost Montague invited Councillor O'Donnell to speak to the terms of the motion.

Councillor O'Donnell stated that he was disappointed that there was an amendment to the motion as it was an opportunity for the whole Council to give a strong message to residents that they would resist the budget cuts. He felt that opportunity was now lost. He outlined the history of cuts to local government funding, with £30m of additional cuts to the Council, £20m for the Health and Social Care Partnership and £2m for the East Renfrewshire Culture and Leisure Trust. He pointed out that the scale of the cuts made it difficult to protect any service and put the Council's proud standing as one of the best performing councils in Scotland at risk.

He believed that the Scottish Government had made a conscious decision to offer a flat cash 3 year settlement. He pointed out that 72% of the Council's budget came from the Scottish Government grant, with only 18% from Council Tax. He welcomed the support of all Council leaders in COSLA, stating that the support cut across party lines.

In conclusion, Councillor O'Donnell noted that the Scottish Government continued to choose to reduce budgets for local government while centrally funded initiatives continued to bloat and referred to the Auditor General's comments that more transparency was needed around those projects.

In seconding the motion, Councillor Anderson stated his belief that no Councillor should accept cuts to local government. He noted that £80m of cuts had been implemented since 2015, while the Institute of Fiscal Studies had reported that the block grant to the Scottish Government was now higher than in 2010. He believed that the reduction in jobs and services as a result of the proposed cuts would be a disaster and a result of decisions made in Scotland.

Councillor Lunday stated that he felt it was right for the Council to call for more funding. However, he believed that the motion omitted the root cause of the issues, which was real-terms cuts in the Scottish Government budget by the UK Government. He stated that the Scottish Government had shown it was willing to work with Trade Unions to prevent strikes, unlike the UK Government. He also criticised what he believed was a lack of opposition from the Labour Party in Westminster.

In conclusion, he stated that despite the amount of natural resources produced by Scotland, people were freezing in the winter. He reiterated that he agreed with the substance of the motion to call for additional funding, however he felt it was disingenuous to disregard the role of the UK Government in bringing about the cuts.

Councillor Buchanan remarked that he was disappointed with Councillor O'Donnell's suggestion that there was not agreement across the chamber to call for more funding. He reiterated Councillor Lunday's point that while he didn't agree with everything the Scottish Government did, he believed that the UK Government had responsibility for both the decline in funding to devolved administrations and the inflationary pressures that exacerbated the scale of the funding crisis.

Following a clarification from Provost Montague that there was no coalition administration in East Renfrewshire Council, and that it was a minority Labour administration, Councillor Bamforth stated that this was an obfuscation. She indicated that the UK Government were to blame and the Labour Administration was unwilling to take responsibility for cuts they had to make and so were passing responsibility to the Scottish Government. She referred to 37% of cuts to English councils and that there was a £3.2bn Barnett shortfall to come in 2023, according to Unison. She highlighted that this was against a backdrop of a number of scandals where money was lost to fraud and PPE contracts during COVID lockdown. She concluded that despite protesting against the Conservative Party, Labour councillors were willing to vote alongside them.

Councillor Wallace felt it was depressing to hear the comments around the chamber. He stated that it was not easy for Labour or the Conservatives to try to work together on such matters and stated that he would support the motion.

Councillor Merrick stated that he agreed with the substance of the motion, but merely questioned the lack of blame attributed to the UK Government. He reiterated the point that councils across the UK would be hit by cuts and this wasn't because of the Scottish Government.

Councillor Morrison pointed out the £2bn underspend by the Scottish Government reported by Audit Scotland and that Scotland was the most highly taxed part of the UK. He indicated that the Scottish Government had spent more on Prestwick Airport than the whole East Renfrewshire Council deficit and this showed that the Scottish Government had the wrong priorities.

Provost Montague called for Councillor O'Donnell to sum up the debate.

In summing up, Councillor O'Donnell stated that the £1.5bn Barnett consequentials did not cover inflation, adding that it would be interesting to see if any of that funding was passed on at all. He felt that the language on obfuscation was unhelpful, and that residents would like to see a united front from their Council to resist cuts. He felt that the real obfuscation was from SNP councillors refusing to criticise the Scottish Government. While the UK Government did have a role to play, the Scottish Government were the Council's paymasters, and it was they who should receive the Council's representations on the funding. In conclusion, he called for members to support Council officers in their efforts to set a balanced budget and East Renfrewshire residents, looking for a unified front.

Thereafter, on the roll being called, Councillors Anderson, Campbell, Devlin, Edlin, Provost Montague, Morrison, O'Donnell, Pragnell and Wallace voted for the motion. Councillors Bamforth, Buchanan, Convery, Ireland, Lunday, Macdonald and Merrick voted for the amendment.

There being 9 votes for the motion and 7 for the amendment, the motion was declared carried.

SEASON'S GREETINGS

282. This being the last meeting of the Council prior to Christmas, Provost Montague wished all councillors the compliments of season and was joined by Councillor O'Donnell in thanking staff for their contribution over the year.

PROVOST

MINUTE
of
EAST RENFREWSHIRE COUNCIL

Minute of special meeting held at 11.05pm in the Council Chamber, Council Headquarters, Giffnock on 14 December 2022.

Present:

Councillor Andrew Anderson	Councillor David Macdonald (*)
Councillor Caroline Bamforth	Councillor Colm Merrick
Councillor Tony Buchanan	Provost Mary Montague
Councillor Kate Campbell	Councillor Andrew Morrison
Councillor Angela Convery (*)	Councillor Owen O'Donnell (Leader)
Councillor Paul Edlin	Councillor Katie Pragnell
Councillor Annette Ireland	Councillor Gordon Wallace
Councillor Chris Lunday	

Provost Montague in the Chair

(*) indicates remote attendance.

Attending:

Lorraine McMillan, Chief Executive; Louise Pringle, Director of Business Operations and Partnerships; Eamonn Daly, Democratic Services Manager; John Burke, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Apologies:

Councillors Betty Cunningham, Danny Devlin and Jim McLean.

DECLARATIONS OF INTEREST

283. There were no declarations of interest intimated.

REVIEW OF COMMUNITY COUNCIL SCHEME OF ESTABLISHMENT

284. The Council considered a report by the Director of Business Operations and Partnerships seeking approval to commence a limited review of the Community Council Scheme of Establishment in relation to the complaints procedure and Code of Conduct.

The Democratic Services Manager outlined the detail in the report highlighting to Elected Members that subject to approval, a revised version of the Scheme would be issued to Elected Members to seek their views. Thereafter a revised version would be brought to a future special meeting for approval and thereafter a public consultation would take place. The appendix to the report set out the process and timeline for conducting the review.

Councillor Ireland having welcomed the report, sought clarification in relation to limiting the scope of the review and asked that if only a limited review were to take place, would that then preclude further changes from being made to other parts of the Scheme of Establishment.

In response, the Democratic Services Manager confirmed the process for conducting the limited review. He explained that if during the public consultation there were suggested changes in relation to other parts of the Scheme these could be considered and a decision made on whether to make further revisions to the draft Scheme. In the event it was decided to make further changes over and above those included in the draft Scheme issued for consultation, a further consultation would have to take place as those changes wouldn't have been considered as part of the draft Scheme approved for consultation. He confirmed that this would extend the length of time for the review to be carried out.

The Council:-

- (a) agreed to open up the Community Council Scheme of Establishment for a limited review relating to the complaints procedure and the Code of Conduct; and
- (b) noted the process to be followed for the review of the Scheme, including the need for further meetings of the Council.

PROVOST

MINUTE
of
AUDIT & SCRUTINY COMMITTEE

Minute of meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 19 January 2023.

Present:

Councillor Andrew Morrison (Chair)	Councillor David Macdonald (*)
Councillor Tony Buchanan (Vice Chair)	Provost Mary Montague (*)
Councillor Annette Ireland	Councillor Gordon Wallace (*)

Councillor Morrison in the Chair

(*) indicates remote attendance

Attending:

Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Michelle Blair, Chief Auditor; Gill Darbyshire, Chief Executive's Business Manager; Linda Hutchison, Clerk to the Committee; and Liona Allison, Assistant Committee Services Officer.

Also Attending:

Rob Jones, Ernst and Young.

Apology:

Councillor Paul Edlin.

DECLARATIONS OF INTEREST

285. There were no declarations of interest intimated.

CHAIR'S REPORT

286. The following matters were raised during the Chair's report:-

(i) Meeting Between Chair and External Audit

Under reference to the Minute of the meeting of 10 November (Page 294, Item 228 refers), when it had been noted that the Chair was scheduled to meet with the new External Auditor, the Chair confirmed that at that meeting which had taken place on 1 December, the work of the committee since he had become Chair had been discussed. He commended the professionalism and expertise of the new External Audit Team.

(ii) Contacting Internal Audit

Having referred to various discussions at the committee on Internal Audit related matters over the preceding months, the Chair reminded Members that, despite the time constraints on the Internal Audit service due to unfilled vacancies within it, this should not dissuade them from contacting the section if there were issues it was considered useful to raise, as already highlighted by the Chief Auditor herself on various previous occasions. The Chair confirmed that there was time earmarked in the Internal Audit Plan for the section to deal with issues on an ad hoc basis using contingency time if required, and that he knew those in the section would be happy to discuss any issues members had both at formal meetings and otherwise.

The committee noted the report.

REVISED RISK MANAGEMENT STRATEGY 2023-25 AND RISK MANAGEMENT FRAMEWORK 2023-25

287. The committee considered a report by the Chief Executive highlighting that, as part of its corporate governance arrangements, the Council required to have effective systems in place to manage risks.

The report explained that the revised Risk Management Strategy 2023 – 2025 and associated Risk Management Framework covering the same time frame, copies of which were appended to the report as Appendices 1 and 2 respectively, enabled the Council to deliver advanced risk practice by setting out its long-term aims on incorporating risk within service plans and everyday working, and encouraging the use of joint risk registers where possible for projects and partnerships. The Risk Management Strategy set out a number of objectives as part of a long-term commitment, was an inherent part of good management and governance principles, and had been revised to ensure the approach adopted to risk management within the Council continued to meet its needs. Having commented on issues associated with risk appetite, the report explained that the Council's approach to date had been to minimise its exposure to reputational, compliance and financial risk, whilst accepting and encouraging an increased degree of risk in pursuit of innovation and improved outcomes. It was recognised that its appetite for risk varied according to the activity undertaken, that acceptance of risk was subject to ensuring that potential benefits and risks were fully understood before developments were authorised, and that there was a need to have appropriate measures established to mitigate risk. Clarification was provided on the Council's current appetite for risk across its activities.

It was confirmed that the associated Risk Management Framework developed set out in detail the Council's approach to risk management and would support implementation of the Strategy in practical terms for anyone undertaking this work, regardless of the area in which they worked across the Council.

The Chief Executive's Business Manager referred to key aspects of the report during which she confirmed that the Strategy was based on supporting the Council's five capabilities. She explained that there had been plans to update it previously, but that this work had been delayed due to COVID and other associated priorities. It was confirmed that the Strategy was considerably shorter than the previous version, in a large part due to a decision taken to move a range on information within it previously to the Framework, and that the risk appetite information in the Strategy was the same as in the previous version.

On a related issue, she confirmed that Members had been invited to attend Risk Management training on 9 March.

In response to Councillor Ireland, the Chief Executive's Business Manager undertook to seek further clarification from the Environment Department on the approach being taken regarding the Climate Change Impact Assessment and Strategy, including on whether or not there were any plans for a climate change risk and impact assessment to be developed for East Renfrewshire, to enable feedback on this to be provided. Also in response to Councillor Ireland, the Head of Accountancy (Chief Financial Officer) explained that the most prudent target was to keep the level of the Non-Earmarked General Fund Reserve at 4% of annual budgeted net revenue expenditure, the minimum level considered acceptable to provide some flexibility around 2%.

In response to Councillor Morrison, the Head of Accountancy (Chief Financial Officer) commented on the Council's current appetite for risk across its activities during which she provided examples of issues on which no level of risk was considered tolerable, and those where some tolerance was regarded appropriate. Councillor Wallace suggested that it would be useful if future such reports included examples of typical risks to help illustrate the Council's appetite for risk across various types of issues. Councillor Macdonald expressed the view that the levels of appetite for risk documented were not fully accurate in some respects, referring for example to some of the financial challenges facing the Council and related decisions being taken which could cause reputational damage.

The committee agreed:-

- (a) that feedback be provided to appropriate senior officers on the comments made at the meeting on the revised Risk Management Strategy and Risk Management Framework;
- (b) that further clarification be sought from the Environment Department on the approach being taken regarding the Climate Change Impact Assessment and Strategy, including if there were any plans for a climate change risk and impact assessment to be developed for East Renfrewshire, to enable feedback on this to be provided;
- (c) that it would be useful if future reports on the Risk Management Strategy and Framework included examples of typical risks to help illustrate the Council's appetite for these across various types of issues; and
- (d) otherwise, **to recommend to the Cabinet** that the Revised Risk Management Strategy 2023 – 2025 and associated Framework be approved.

AUDIT AND SCRUTINY COMMITTEE WORKPLAN 2022/23

288. Under reference to the Minute of the meeting of 23 June 2022 (Page 65, Item 43 refers), when the committee had approved its 2022/23 Annual Work Plan to the extent it had been developed, and noted that an update on implementation would be submitted to a future meeting, the committee considered a report by the Clerk providing an update on progress made.

The report explained that the 2022/23 plan was a live document, development of which continued throughout the year, and included reference to recurring reports considered every year, such as on treasury management, Internal Audit work and risk management. An updated version of the 2022/23 plan was attached as Appendix 1 to the report, referring to progress thus far on various issues and related matters, including the position on national and local external audit reports which had been or were to be published during the current financial year, to the extent the position on this was known.

The committee, having heard the Clerk highlight key aspects of the report:-

- (a) agreed that development and implementation of the 2022/23 Work Plan continue, and that a further report on performance against it be submitted to a future meeting; and
- (b) otherwise, noted performance against the 2022/23 Annual Work Plan thus far.

CHAIR

MINUTE
of
CABINET

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 26 January 2023.

Present:

Councillor Owen O'Donnell (Leader)	Councillor Danny Devlin
Councillor Andrew Anderson	Councillor Katie Pragnell

Councillor O'Donnell in the Chair

Attending:

Lorraine McMillan, Chief Executive; Louise Pringle, Director of Business Operations and Partnerships; Caitriona McAuley, Director of Environment; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Alison Ballingall, Senior Revenues Manager; Andy Corry, Head of Environment (Operations); Phil Daws, Head of Environment (Strategic Services); Jane Corrie, Roads Senior Manager; Mary Docherty, Education Resources Senior Manager; Isabelle Hopkins, Data Management Project Officer; Julie Nicol, Planning and Building Standards Manager; Paul Parsons, Principal Accountant (Capital); John Burke, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

(*) indicates remote attendance.

DECLARATIONS OF INTEREST

289. There were no declarations of interest intimated.

ESTIMATED REVENUE BUDGET OUTTURN 2022-23

290. The Cabinet considered a report by the Head of Accountancy (Chief Financial Officer), detailing the projected revenue budget outturn for 2022/23 and providing details of the expected year-end variances together with summary cost information for each of the undernoted services as at 31 October 2022 and subsequent assessment of pressures arising from COVID-19.

- (i) Education Department;
- (ii) Contribution to Integration Joint Board;
- (iii) Environment Department;
- (iv) Environment Department – Support;
- (v) Business Operations and Partnerships
- (vi) Business Operations and Partnerships – Support Services;
- (vii) Chief Executive's Office;
- (viii) Other Expenditure;
- (ix) Integration Joint Board (IJB) Contribution/Health and Social Care Partnership (HSCP); and
- (x) Housing Revenue Account (HRA).

The Head of Accountancy (Chief Financial Officer), advised that on the basis of the information, and taking account of forecast Council Tax collection, a year end operational overspend of £0.498m, or 0.2% of the annual budget, was forecast on General Fund services. After adjusting for the HRA, which was funded from rents, the underlying position on departmental budgets was a forecast overspend of £0.389m. The reasons for departmental variances were set out in the report. She outlined that this figure was an improvement of £0.734m from the previous report and reflected departments' efforts to avoid non-essential spending.

It was further outlined that major variances related to unusually high inflationary pressures, particularly impacting on utility and transport prices, as well as contracts where annual payments were directly linked to inflation.

The above figures reflected that £4.4m of ongoing COVID-19 pressures would be covered by using earmarked grant awarded to the Council.

It was explained that the forecast position could still be subject to significant change, for example, if the current year teachers' pay award was settled at a higher level than anticipated or COVID-19 pressures increased.

In addition, the report sought approval for a number of service virements and operational budget adjustments, details of which were outlined. Directors would continue to closely monitor and manage budgets and ensure that spending up to budget levels did not take place.

Discussion took place around savings initiatives within education and the fee for charging electric vehicles, with information provided on those matters.

Thereafter the Cabinet:-

- (a) noted the continued financial pressures on operational services arising from the COVID-19 pandemic and that it was expected to cover those from the COVID grant reserve;
- (b) noted the forecast underlying General Fund operational overspend of £0.389m, together with the HRA operational overspend of £0.109m;
- (c) approved service virements and operational adjustments as set out in the notes to the tables accompanying the report and noted the reported probably out-turn position; and
- (d) noted that all departments would continue to closely monitor and manage their budgets and ensure that spending up to operational budget levels did not take place.

SCHOOL MEAL DEBT WRITE-OFF

291. The Cabinet considered a report by the Director of Education which sought approval to write-off as irrecoverable sums associated with school meal debt.

It was reported that universal free school meal provision was in place for all pupils in P1 to P5 within primary schools, with further rollout to P6 and P7 pupils expected during the remainder of the current parliamentary term. Younger children also received free meals while accessing their statutory 1,140 hours of free early learning and childcare. Outwith that provision, entitlement was based on parental eligibility for certain benefits, such as Universal Credit.

Discretionary free school meals could also be approved by the Education Department based on local knowledge and information passed on by Head Teachers.

Aberlour Children's Charity had called upon both the Scottish Government and local authorities to agree a debt amnesty for all outstanding school meal debt. It was estimated that some 25,000 children in Scotland were in some level of school meal debt due to their families being unable to afford to pay.

An examination of Parent Pay debt reports up to the end of November 2022 had taken place and showed that the total school meal pupil debt within East Renfrewshire stood at £42,922.58. Around 85% of the individual balances related to debts of £20 or less, which were considered uneconomical to pursue.

Details were provided on the current debt management procedures in relation to school meal debt and Members were reassured that no withdrawal of service was made in respect of school meal debt, ensuring that all children continued to receive a school meal without stigma.

Going forward, subject to national policy developments, further recommendations around school meal debt would be brought to the Cabinet for consideration.

The Cabinet:-

- (a) approved the write off of the following sums, totalling up to £42,922.58 without prejudice to subsequent recovery procedure:
 - historical debt relating to pupils who had since left the relevant school, totalling £26,333
 - current pupil debt, totalling up to £16,589.58; and
- (b) noted that procedures to deal with school meal debt would be updated to reflect national good practice principles for management of school meal debt, which were being developed.

DEBT MANAGEMENT – WRITE-OFF OF IRRECOVERABLE FORMER TENANT RENTS AND COURT EXPENSES

292. The Cabinet considered a report by the Director of Environment which sought approval to write-off former tenant rent and court expenses debt that could not be recovered through the debt collection process.

The Head of Environment (Strategic Services) outlined the proposed write-off sums and that the debts recommended for write-off had previously been included in bad debt provision. Therefore, the write-off had no net impact on the revenue accounts of the Council. He acknowledged that these could be pursued and recovered in future if additional information and opportunities arose.

Having heard from the Head of Environment (Strategic Services), the Cabinet: -

- (a) approved the write-off sum up to the value of £238,467.35 of former tenant irrecoverable rents and court expenses whilst acknowledging these can be pursued and recovered in future should additional information and opportunities arise;

- (b) noted that £198,526.61 of this amount is written off against the Housing Revenue Account (HRA) and the remaining £39,940.74 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 will have no net impact on the Council's accounts as provision has been made for the debt, in full, in previous years.

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

293. The Cabinet considered a report by the Director of Business Operations and Partnerships which sought approval to write-off as irrecoverable sums associated with Council Tax, Non-Domestic Rates, sundry debt income and Housing Benefit overpayments. The debts recommended for write-off had previously been included in bad debt provision and, therefore, the write-off had no net impact on the revenue accounts of the Council.

The Senior Revenues Manager advised that every effort had been made to recover these sums and the decision to seek write-off was not taken lightly or without due case. Should any future avenue become available by which to recover those monies, any decision taken by Cabinet would not prevent such opportunities being pursued, hence the recommendation of write-offs "up to" said amounts.

The Senior Revenues Manager outlined the proposed write-off sums and advised that these were in accordance with the Council's Debt Recovery Policy.

The Cabinet:-

- (a) approved the write off of the following sums, totalling up to £491,277.58 without prejudice to subsequent recovery procedure:
 - Council Tax arrears totalling up to £221,327.80
 - Non Domestic rates arrears totalling up to £204,460.71
 - Sundry debt income totalling up to £14,214.10
 - Housing Benefit Overpayments totalling up to £51,274.97;
- (b) noted that the write-off of those sums would have no net impact on the Council's accounts as provision had been made for the debt, in full, in previous years; and
- (c) noted that Water and Sewerage charges totalling up to £74,881.78 were also being written off in discussion with Scottish Water.

ADDITION TO CHARGING FOR SERVICES 2023/24

294. Under reference to the Minute of the meeting of the Cabinet of 1 December 2022 (Page 315, Item 247 refers), when the Cabinet approved various changes to the Council's charges for services, and agreed to delay a decision on charges for garden waste permits, noting that a report on the Garden Waste Scheme would be brought to Cabinet in January 2023 and could include consideration of charges for Service 33 – Garden Waste Permits, the Cabinet considered a report by the Director of Environment on the Garden Waste Scheme and Garden Waste Permits.

The Head of Environment (Operations) explained that the main objective of charging for services was to, where possible, ensure that the actual full cost to the department was recovered. This built on the report of the Audit and Scrutiny Committee of 21 November 2019, Income Generation and Commercialisation (Page 1025, Item 1108 refers).

It was proposed that, due to above inflation rises in processing costs, gate fees and the rise in fuel costs, a garden waste permit was increased from £40 to £60 per annum. This would, if sufficient participants continued with the scheme, generate revenue that would support the full cost of recovery of the Garden Waste Scheme and also generate a small amount of additional income.

It was further proposed that the current service be enhanced by allowing residents to purchase an additional bin for garden waste, with a limit of 5,000 bins being set for operational reasons. This would have a one off cost of £60, including delivery and would require an additional permit to be purchased at £60 per annum.

The Head of Environment (Operations) clarified that this decision could not be delayed until the Council's budget meeting on 1 March 2023 and the reasons for this were set out in the report.

Having heard from the Head of Environment (Operations) on the proposed charges and the status of composting services, the Cabinet agreed:-

- (a) an increase in the charge for the Garden Waste Permit 2023/2024 from £40 to £60; and
- (b) the introduction of a new charge for an additional garden waste container for participating households of £60 for an additional permit; plus £60 to cover the cost of a new container including delivery.

SALE OF HS 0 VEHICLE REGISTRATION

295. The Cabinet considered a report by the Director of Business Operations and Partnerships regarding the proposed sale of the Council's HS 0 vehicle registration.

The registration had been in the ownership of the Council since the time of Eastwood District Council. However, it was now expected that the sale of the registration could raise a significant sum. It was proposed that, to protect the Council's interests, an appropriate reserve would be set in consultation with the dealer taking the sale forward.

Following a brief discussion, the Cabinet agreed:-

- (a) to approve the sale of the HS 0 vehicle registration; and
- (b) that it delegated to the Director of Business Operations and Partnerships to agree a suitable reserve figure for the sale.

LETTINGS POLICY REVIEW

296. The Cabinet considered a report by the Director of Environment seeking approval for a reviewed Lettings Policy for council housing. A copy of the revised policy accompanied the report.

The report outlined the terms of the existing Lettings Policy, however, the Head of Environment (Strategic Services) pointed out that there had been unprecedented demand for Council Housing in East Renfrewshire, including increased demand for homeless accommodation. The number of homeless presentations, as compared to previous years, was detailed in the report.

- The report went on to detail the proposed changes following review of the current policy, to better address the needs of those seeking council housing in East Renfrewshire.

It was noted that a consultation on the changes to the policy had taken place to which 191 responses were received. Overall, the responses had been supportive of the changes, but many applicants expressed frustration with the lack of available social housing.

Having heard from the Head of Environment (Strategic Services) on the various reasons for the high level of demand for council housing and, in particular, homeless accommodation, the Cabinet:-

- (a) noted the current unprecedented demand for council housing in East Renfrewshire Council, in particular the increase in homelessness; and
- (b) approved the proposed changes to the Lettings Policy.

CORPORATE ASSET MANAGEMENT PLAN 2023-2028

297. The Cabinet considered a report by the Director of Environment on the new hierarchal approach to Asset Management within the Council and introducing an updated Corporate Asset Management Plan (CAMP) 2023-2028 to replace older versions.

The CAMP sat above all other asset management plans in the new hierarchy and outlined the Council's strategic vision for operating and maintaining physical assets. The report outlined all of the Asset Management Plans that sat within the suite of plans produced by the Council.

The Head of Environment (Strategic Services) introduced the CAMP 2023-2028 and gave a section by section breakdown to Members of the various changes within it from previous iterations. A full copy of the CAMP 2023-2028 was attached as an appendix to the report.

Following a brief discussion on those changes, the Cabinet approved the Corporate Asset Management Plan 2023-2028.

FLEET ASSET MANAGEMENT PLAN 2023-2028

298. The Cabinet considered a report by the Director of Environment seeking approval for the updated Fleet Asset Management Plan (FAMP) 2023-2028.

The FAMP had been updated to fit into the hierarchy of the Corporate Asset Management Plan and outlined the work being undertaken by the Council in relation to fleet management across the area.

It was noted that the FAMP, which was attached as an appendix to the report, was a live document which would be updated on a 2 yearly basis.

The Head of Environment (Operations) having detailed the main points of the new FAMP to Members and provide detail on the training that would be given to staff in relation to maintenance of fleet assets, the Cabinet approved the Fleet Asset Management Plan 2023-2028.

OPEN SPACES ASSET MANAGEMENT PLAN 2023-2028

299. The Cabinet considered a report by the Director of Environment seeking approval for the updated Open Spaces Asset Management Plan (OSAMP) 2023-2028.

The OSAMP had been updated to fit into the hierarchy of the Corporate Asset Management Plan and outlined the work being undertaken by the Council in relation to the management of open spaces across its area.

The OSAMP, which was attached as an appendix to the report, was a live document which would be updated on a 2 yearly basis.

Having heard the Head of Environment (Operations) give further detail on the inclusion of cycle lanes and the use of Sustrans funding, the Cabinet approved the Open Space Asset Management Plan 2023-2028.

CARBON EMISSIONS REPORT 2021-22

300. Under reference to the Minute of the meeting of the Cabinet on 27 January 2022 (Page 1759, Item 1871 refers), the Cabinet considered a report by the Director of Environment, which provided information on the 2021-22 carbon emissions from the Council's operations and outlined how that information would inform the Get to Zero Action Plan. A full breakdown of East Renfrewshire Council's emissions was attached as an appendix to the report.

The Head of Environment (Strategic Services) outlined that each year's figures were being measured against the baseline year of 2019/20, which was established in the previous report to Cabinet on 27 January 2022. Updated guidance had made minor changes to the scope boundaries in 2021/22 compared with those used in the previous report. Any changes as a result of this had been reflected in previous years' figures to ensure consistency and accurate comparison.

The report outlined that the greatest source of Council carbon emissions was from buildings, with a number of reductions being detailed. In particular, waste management had decreased by 85% from the baseline figure.

The Head of Environment (Strategic Services) detailed the range of figures in the report to Members and explained that possible future actions to be taken to further reduce the Council's emissions would be proposed in the Council's Get to Zero Action Plan.

Having heard the Head of Environment (Strategic Services) discuss the achievements and challenges of the long term targets on carbon emissions, the Cabinet noted the Council's carbon emissions for 2021/22.

THE EAST RENFREWSHIRE COUNCIL (A726 GLASGOW SOUTHERN ORBITAL, MAIDENHILL)(PROHIBITION OF DRIVING AND PEDESTRIAN ACCESS) ORDER 2023

301. The Cabinet considered a report by the Director of Environment seeking approval for the making and confirmation of the East Renfrewshire Council (A726 Glasgow Southern Orbital, Maidenhill)(Prohibition of Driving and Pedestrian Access) Order 2023.

The Cabinet:-

- (a) approved the making and confirmation of the East Renfrewshire Council (A726 Glasgow Southern Orbital, Maidenhill)(Prohibition of Driving and Pedestrian Access) Order 2033; and
- (b) delegated to the Director of Environment the implementation of the Order in accordance with the associated statutory procedures.

THE EAST RENFREWSHIRE COUNCIL (A726 GLASGOW SOUTHERN ORBITAL, NEWTON MEARNS – MAIDENHILL JUNCTION)(NO ENTRY) ORDER 2023

302. The Cabinet considered a report by the Director of Environment seeking approval for the making and confirmation of the East Renfrewshire Council (A726 Glasgow Southern Orbital, Newton Mearns)(No Entry) Order 2023.

The Cabinet:-

- (a) approved the making and confirmation of the East Renfrewshire Council (A726 Glasgow Southern Orbital, Newton Mearns)(No Entry) Order 2023; and
- (b) delegated to the Director of Environment the implementation of the Order in accordance with the associated statutory procedures.

THE EAST RENFREWSHIRE COUNCIL (A726 GLASGOW SOUTHERN ORBITAL, MAIDENHILL)(DESIGNATION OF PROTECTED ROADS) NOTICE 2023

303. The Cabinet considered a report by the Director of Environment seeking approval for the making and confirmation of the East Renfrewshire Council (A726 Glasgow Southern Orbital, Maidenhill)(Designation of Protected Roads) Notice 2023.

The Cabinet:-

- (a) approved the making and confirmation of the East Renfrewshire Council (A726 Glasgow Southern Orbital, Maidenhill)(Designation of Protected Roads) Notice 2023; and
- (b) delegated to the Director of Environment the implementation of the Notice in accordance with the associated statutory procedures.

MINUTE
of
PLANNING APPLICATIONS COMMITTEE

Minute of meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 30 January 2023.

Present:

Councillor Paul Edlin
Councillor Annette Ireland

Provost Mary Montague
Councillor Andrew Morrison

Attending:

Julie Nicol, Planning and Building Standards Manager; Alan Pepler, Principal Planner (Development Management); Karen Barrie, Principal Strategy Officer (Affordable Housing and Development Contributions Lead); Joe McCaig, Head of Education Services (Performance and Provision); Emma Pickard, Data Analyst; Eamonn Daly, Democratic Services Manager; John Burke, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

DECLARATIONS OF INTEREST

304. There were no declarations of interest intimated.

APPOINTMENT OF CHAIR

305. In the absence of the Chair and Vice Chair, it was explained that it was necessary for the committee to appoint a chair from those Members present, and in response to Councillor Morrison the Committee Services Officer clarified why it would not be appropriate for Councillor Edlin to automatically resume the role of Chair from the meeting on 7 December 2022.

Thereafter, Councillor Ireland seconded by Provost Montague moved that Provost Montague be appointed Chair. Councillor Morrison seconded by Councillor Edlin moved that Councillor Edlin be appointed Chair.

On a vote being taken 2 Members voted for Provost Montague and 2 Members voted for Councillor Edlin. There being an equality of votes, in accordance with Standing Order 36(d) as the matter related to the appointment of a member of the council to a particular office, the matter was determined by cutting the cards.

The Democratic Services Officer explained the procedure and thereafter conducted the card cutting exercise which resulted in Provost Montague being appointed as Chair.

Provost Montague in the Chair

APPLICATION FOR PLANNING PERMISSION

306. Under reference to the Minute of the meeting of the Planning Applications Committee of 7 December 2022 (Page 326, Item 256(ii) refers), the committee considered a report by the Director of Environment, on an application for planning permission for the erection of five new-build dwellings following the demolition of the existing riding school buildings; with the retention of the existing dwellinghouse, at Hazelden Riding School, Hazelden road, Newton Mearns.

The Principal Planner (Development Management) referred to the discussions that had taken place at the previous meeting and provided an update, advising members that a further representation had been received following the previous meeting. The contents of the representation were outlined.

The Head of Education Services (Performance and Provision) was then heard on how the Education Department, in conjunction with the Planning Service, calculated projected pupil numbers in schools, in response to question from Councillor Elected Members on how the proposed development may impact on school capacity on those schools in the catchment area.

The Planning and Building Standards Manager also commented on the cumulative impact of such small developments and was heard on the work being taken forward in terms of the development of Local Development Plan 3 (LDP3) in relation to education provision.

The Principal Strategy Officer (Affordable Housing and Development Contributions Lead) and Planning and Building Standards Manager were heard on the process for the inclusion of new housing sites in LDP and the work that would take place with other services to ensure appropriate infrastructure was in place to support new development.

It was also clarified that the “in principle” nature of the application meant that there was insufficient information available to allow officers to accurately determine the impact on education provision.

Officers were then heard in response to questions on the operational status of the business; the greenbelt designation of the site in the current Local Development Plan, and why the proposal did not comply with current policies; the benefits of submitting detailed rather than “in principle” applications; and the differences in planning terms between the current and proposed uses of the site.

Information was also provided in relation to the impact on trees at and around the site; potential tree loss on the site; the non-listed status of the coach house on the site and the Council’s position in the absence of any objections to its demolition from the West of Scotland Archaeology Service; and the factors that would be taken into account in calculating the level of developer contributions to be paid through a Section 75 legal agreement were the application to be granted.

Discussion then followed in the course of which the proposed demolition of the buildings currently in use by the riding school was confirmed it also being clarified that as the current application was “in principle” a further detailed application would need to be submitted and approved before works could start.

Reference was made to the history of applications on the site and that it was confirmed that there was nothing to prevent further applications for development on the site to be submitted in future.

Further comment having been made on the additional information provided at the meeting, and having heard further from Members, the committee agreed that the application be refused for the reasons as outlined in the report.

CHAIR

MINUTE
of
EDUCATION COMMITTEE

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 2 February 2023.

Present:

Councillor Andrew Anderson (Chair)	Councillor Katie Pragnell (Vice Chair)
Councillor Tony Buchanan (*)	Dr Frank Angell
Councillor Kate Campbell	Ms Fiona Gilchrist
Councillor Colm Merrick (*)	Ms Dorothy Graham
Councillor Owen O'Donnell	Mr Des Morris

Councillor Anderson in the Chair

(*) indicates remote attendance

Attending:

Mark Ratter, Director of Education; Janice Collins, Head of Education Services (Quality Improvement); Joe McCaig, Head of Education Services (Performance and Provision); Siobhan McColgan, Head of Education Services (Equality and Equity); Graeme Hay, Education Senior Manager (Leading Business Change); Tracy Morton, Education Senior Manager (Developing People); John Burke, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Also Present:

Gerard Curley, Head Teacher, Neilston Primary School and Madras Family Centre.

DECLARATIONS OF INTEREST

307. There were no declarations of interest intimated.

PRESENTATION TO PUPILS IN RECOGNITION OF OUTSTANDING SQA AWARDS

308. Councillor Anderson made a statement on the outstanding SQA awards attained by many young people in East Renfrewshire. In particular, he highlighted the dedication of the young people, their parents and carers, and school staff in supporting them during the difficult pandemic period, highlighting a number of initiatives carried out in East Renfrewshire's schools to assist young people with their examinations.

It had been intended to present an award to some young people in person, however this had not been possible. Instead, the Chair gave mention to a number of East Renfrewshire young people who had either achieved the highest grade in Scotland or, in some cases, a 100% score in a particular examination.

The committee expressed their congratulations to the young people on their exceptional achievement.

PRESENTATION TO FACILITIES MANAGEMENT CLEANING SERVICE IN RECOGNITION OF BEST PERFORMER UK APSE AWARD

309. Councillor Anderson made a statement in recognition of the success of the Facilities Management Cleaning Team who had been recognised by the Association of Public Services Excellence (APSE) as the best performing team in the UK.

Each year, APSE gathered information on all public bodies to benchmark performance across a number of areas. They gave awards to celebrate best practice in particular fields and the Facilities Management Cleaning team, following an extensive review, were so recognised by APSE. APSE would develop a case study of the team's practice to share throughout the UK and members of the team had already been involved in sharing practice with partners across the country.

The team was present and received the congratulations of the committee.

EDUCATION SCOTLAND REPORTS ON MADRAS FAMILY CENTRE AND NEILSTON PRIMARY SCHOOL

310. The committee considered a report by the Director of Education informing members of the reports produced by Education Scotland following their inspections of Madras Family Centre and Neilston Primary School. It was noted that, as these institutions had the same Head Teacher, the reports were being considered concurrently.

Both inspections had been carried out in October 2022 and Education Scotland had evaluated four quality indicators and provided short reports which detailed the strengths and areas for improvement, both of which were attached as appendices to the report.

The Head of Education (Quality Improvement) explained that, with respect to the Madras Family Centre, three of the aspects of the work there were found to be good, namely: leadership of change; learning, teaching and assessment; and raising attainment and achievement. Ensuring wellbeing, equality and inclusion had been found to be very good.

The Head of Education (Quality Improvement) went on to explain that, with respect to Neilston Primary School, three of the aspects of the work there were found to be good, namely: leadership of change; teaching and assessment; and raising attainment and achievement. Ensuring wellbeing, equality and inclusion was judged to be very good.

The particular strengths and areas for improvement for each establishment were detailed in the report and action plans had been drafted to address the agreed areas for improvement. The Quality Improvement Service would work closely with the leadership team to support the implementation of those plans.

Education Scotland would make no further reports in connection with the inspection of Madras Family Centre and Neilston Primary School. However, the Quality Improvement Service would revisit the centre and school within 2 years of the date of publication to review the impact of the improvement plans in addressing the agreed areas for improvement and to provide a progress report to parents and carers.

Mr Curley, Head Teacher, thanked the committee for the opportunity to address the meeting and explained that he was very happy with the report, and particularly pleased that the school's strong commitment to inclusion and equity had been recognised. He reflected that the report had been achieved through the hard work and commitment of the entire school community and paid tribute to all of his staff and partners, as well as the pupils, parents and carers, for their contributions.

Having thanked the Head Teacher and his senior management team for a good report, the committee agreed to:-

- (a) note the contents of the Education Scotland reports on Madras Family Centre and Neilston Primary School; and
- (b) approve the family centre and school's action plans to address the agreed areas for improvement.

DRAFT STANDARDS AND QUALITY REPORT 2021-2022

311. The committee considered a report by the Director of Education on the proposed contents of the Education Department's annual Standards and Quality Report for school session 2021-2022.

The Head of Education (Quality Improvement) noted that under the terms of the Standards in Scotland's Schools etc Act 2000, education authorities had a duty to produce and publish a Local Improvement Plan, which detailed how the authority and its schools and services would continuously improve. A Standards and Quality Report based on the Plan would also be produced, detailing how the authority had sought and achieved improvements in provision.

The draft Standards and Quality Report, a copy of which was attached as an appendix to the report, reflected the three key themes of the Education Department's vision statement, *"Everyone Attaining, Everyone Achieving through Excellent Experiences"*. It provided evidence of the progress the department, Early Learning and Childcare (ELC) settings and schools had made in supporting all learners, with particular focus on inequalities of outcome. It also set out the improvements made towards the national priorities as set out in the National Improvement Framework.

A self-evaluation exercise had been undertaken which informed the draft report. It helped to outline the next steps to be taken and fed into the Local Improvement Plan. It also took into consideration the continued challenges, with relation to the COVID-19 pandemic, that had been faced by the people in East Renfrewshire. Despite those challenges, the report highlighted very good and excellent standards and practice achieved by the department, its schools and services.

The Head of Education Services (Quality Improvement) outlined the range of methods used to gather data and evidence to produce the report. She also referred to the highlights detailed in the report, including senior phase attainment, vocational achievements and the quality of learning and teaching and assessment in ELC settings and schools

Responding to questions from Councillors Campbell and Wallace regarding anti-bullying measures and recorded instances of bullying, the Head of Education Services (Equality and Equity) pointed out that a trauma informed view was taken of those incidents and supports put in place for both children, with proactive strategies to prevent future bullying behaviour, including consequences for the child carrying out the bullying. Follow up actions involving school psychologists also took place. The Head of Education Services (Equality and Equity) also indicated she was happy to discuss a particular incident that had been raised by Councillor Campbell with her outside of the meeting.

The Head of Education Services (Quality Improvement), in response to a question from Councillor O'Donnell, also explained a range of factors that had influenced attendance decline, particularly with the culture of attendance having been disrupted by lockdown, and less expensive holidays available during term time. She further explained that, in past years, there was no obvious gender trend in terms of attendance and exclusion rates, however the department constantly analysed and reviewed this information, to enable them to continue to target resources where they were most needed. In terms of exclusion, she highlighted that support was considered on an individual basis.

Following a brief discussion where members congratulated the department on the report, the committee agreed to:-

- (a) note the content of the annual Standards and Quality Report; and
- (b) ask the Director of Education to make any amendments and take the necessary steps to produce and issue copies of the report for stakeholders.

DRAFT LOCAL IMPROVEMENT PLAN 2023-2026

312. The committee considered a report by the Director of Education seeking approval for the Education Department's draft Local Improvement Plan 2023-2026. A copy of the plan was attached as an appendix to the report.

The Head of Education Services (Quality Improvement) explained that the plan was designed to give an indication of the department's key areas for improvement over the next three years and was updated annually to take account of changing priorities. Areas of improvement were outlined and priorities developed through self-evaluation and information gathered through external evaluations and the implementation of the plan. The draft took account of the current national priority areas, including the National Improvement Framework (NIF) and was informed by East Renfrewshire's Community Plan. Cognisance had also been taken of the Fairer East Ren Plan and Locality Plans, the department's contributions to the Council's Outcome Delivery Plan 2022 – 2023, and the department's strategy Advancing Excellence and Equity in Education in East Renfrewshire.

The Plan had a clear focus on improving outcomes for all learners, in line with the Standards in Scotland's Schools etc Act 2000. The plan also set out how the department would address inequalities of outcome that existed for different equity groups and how it would achieve the priorities associated with the NIF. The timescale for the implementation of the plan was over school sessions 2023-2024 to 2025-2026 and the department would continue to report on progress made with the plan through the annual Standards and Quality Report.

Councillor Pragnell raised an issue where changes in staffing at some schools had made parent engagement difficult, indicating her view that parental engagement was key in

addressing many of the priorities of the plan. The Head of Education Services (Equality and Equity) agreed with this and indicated that a number of strategies and technologies were being employed to improve parental engagement.

Following a discussion on securing further funding to allow the work detailed in the Standards and Quality report to continue, the committee agreed to approve the draft Local Improvement Plan 2023-2026.

EDUCATION RESPONSE TO “LET’S TALK SCOTTISH EDUCATION”

313. The committee considered a report by the Director of Education on the contents of the Education Department’s response to the Scottish Government Consultation on the national curriculum, which was attached as appendix 2 to the report.

“Let’s Talk Scottish Education” had launched on 21 September 2022 and was intended to help create a compelling and consensual vision for the future of education in Scotland. A report was scheduled to be published in spring 2023.

Formal consultation had taken place prior to submitting the response and the full range of stakeholders involved and were detailed in appendix 1 of the report.

Having clarified that the response had been submitted, Councillor Wallace raised his concern that there was no mention of critical thinking within the response. However, it was pointed out that there were themes included in the response which would require critical thinking. The Director of Education, in summing up the discussion, noted that critical thinking was one a number of key skills vital to education and that Curriculum for Excellence did expect the development of those skills.

It was further noted that the views of members who had participated in the consultation had been fully reflected within the response.

Thereafter, the committee agreed to note the contents of the Education Department’s response to the Scottish Government’s Consultation on the national curriculum.

EAST RENFREWSHIRE COUNCIL RESPONSE TO THE SCOTTISH GOVERNMENT’S CONSULTATION ON THE TRANSFER OF EDUCATION APPEAL COMMITTEES TO THE SCOTTISH TRIBUNALS SERVICE

314. The committee considered a report by the Director of Education seeking approval of the proposed Council response to the Scottish Government’s consultation on the transfer of the functions of education appeal committees to the Scottish Tribunals Service.

It was noted that the Education (Scotland) Act 1980 allowed parents/carers of school age children to make a written request for a school place at any school. This request, if refused, could be appealed.

The popularity of East Renfrewshire’s schools meant that the Education Authority received a significant number of school placing request applications, disproportionate to its size as a local authority, with appeals being dealt with locally by an Education Appeals Committee.

The Tribunals (Scotland) Act 2014 had created a new two tier structure for devolved tribunals and, as part of that, Education Appeals Committees were listed as one of the tribunals which

would be included. This would see the transfer of appeals hearings from local authorities (at stage 1) and Sheriff Courts (at stage 2) to a similar structured two tier appeal process managed by the Scottish Tribunals Service.

The Scottish Government had published a consultation in November 2022, with a proposal to transfer the appeal committees to the Scottish Tribunals Service as provided for by the 2014 Act. If approved, the process would require secondary legislation to be put in place and was expected to take at least 18 to 24 months to complete.

The consultation had a closing date of 6 February 2023 and a range of stakeholders had been consulted on their views on the proposed changes. This included a cross-party meeting of elected members.

The Head of Education Services (Performance and Provision) highlighted key areas of the response which he felt was robust and reflected the views gathered from stakeholders in the consultation exercise.

Councillor O'Donnell expressed his wish that a particular wording be added to the response relating to how few appeals were overturned following review through the current appeals process. He highlighted the years of experience and understanding of local processes that existed in the current system. The Head of Education Services (Performance and Provision) agreed that this would be a useful inclusion.

There being general support, the committee agreed to approve the Council's response to the Scottish Government's consultation on the transfer of the functions of education appeal committees to the Scottish Tribunals Service, with the addition of the additional comments proposed by Councillor O'Donnell.

CHAIR

MINUTE
of
AUDIT & SCRUTINY COMMITTEE

Minute of meeting held at 1.00pm in the Council Chamber, Council Headquarters, Giffnock on 8 February 2023.

Present:

Councillor Andrew Morrison (Chair)	Councillor David Macdonald (*)
Councillor Tony Buchanan (Vice Chair) (*)	Provost Mary Montague
Councillor Paul Edlin	Councillor Gordon Wallace
Councillor Annette Ireland	

Councillor Morrison in the Chair

(*) indicates remote attendance

Attending:

Caitriona McAuley, Director of Environment; Andy Corry, Head of Environment (Operations); Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Michelle Blair, Chief Auditor; Linda Hutchison, Clerk to the Committee; Eamonn Daly, Democratic Services Manager; and Liona Allison, Assistant Committee Services Officer.

Also Attending:

Councillors Jim Mclean and Owen O'Donnell; and Grace Scanlin, Ernst and Young.

DECLARATIONS OF INTEREST

315. There were no declarations of interest intimated.

ADDITION TO CHARGING FOR SERVICES 2023/24

316. Under reference to the Minute of the meeting of the Cabinet held on 26 January 2023, the committee considered a report by the Clerk regarding the Cabinet's decision to increase the charge for a garden waste permit in 2023/24 from £40 to £60, and to introduce a new charge for an additional garden waste container for participating households of £60 for an additional permit; plus £60 to cover the cost of the new container, including delivery.

The Cabinet's decision had been called in in terms of agreed procedures.

Councillor Morrison welcomed to the meeting Councillor McLean, the principal signatory to the call-in and Councillor O'Donnell who was attending the meeting as a substitute for the Convener, Councillor Devlin, who was unavailable.

Councillor McLean was then heard in amplification of the call-in of the Cabinet decision, in the course of which he referred to the main objective of charging for services in the department, as being where possible to ensure the costs of delivering the service were recovered.

He referred to the lack of a breakdown of the costs of delivering the garden waste uplift service in the paper considered by the Cabinet, and to the lack of clarity over the overall costs associated with the garden waste and food waste elements of the service.

Having commented on the uncertainty of the results of the consultation exercise regarding the service, Councillor McLean then referred to current and projected income figures based on both an increase in charges and an increase in uptake, questioning the assumptions that had been made in the projected uptake figure.

Councillor McLean then made comparisons between the charges levied by the Council and those levied by other Scottish local authorities.

He highlighted the potential for residents to not renew their permit and use grey bins for disposal of garden waste due to the increased cost, and also to the potential for increased fly tipping. He acknowledged that the Council had difficult spending decisions to make, but suggested that there was no firm evidence around the number of residents who would renew their permits and that overall the increase of 50% based on the information provided to Cabinet so far was not justified and would place an unfair burden on service users.

Councillor O'Donnell was then heard further on the Cabinet decision. Welcoming the opportunity to clarify the Cabinet's decision he began by apologising for any confusion that may have arisen from the report, and that he hoped to clarify those issues raised in the call-in notice and the further matters referred to by Councillor McLean in his statement.

Councillor O'Donnell was then heard on the background to the proposals, and to the difficult financial situation facing the Council, with £30 million of savings to be achieved over the next 3 years and there being a need for the Council to make tough decisions to balance the budget whilst maintaining service levels.

He referred to the origin of the proposals and to the opportunity already available to opposition councillors to express concerns prior to the call-in.

Reference was also made to the recommendation of the committee in 2019 to develop proposals to generate new income or maximise potential from existing arrangements from various initiatives, including garden waste collection.

Councillor O'Donnell was then heard further on the rationale for the proposed charge, explaining that collection of garden waste was a non-statutory service. He clarified that it was not a profit generating proposal, but that the aim was to reduce the net cost of service provision. He reminded Members that the service was discretionary and that residents had the choice of whether or not to participate, but clarified that in the event residents did decide to opt out their food waste would continue to be collected at no additional cost. Further, he referred to the success of the current service and the value placed on it by residents and to the number of households participating in the scheme.

Thereafter a financial analysis of the costs of the service for 2022/23 and projected costs for 2023/24 was circulated, Councillor O'Donnell being heard in further explanation. It was noted that the analysis showed that the total direct cost of the service was expected to increase by £350,000 from 2022/23 to 2023/24. Reasons for the increase were explained.

It was noted that the increased charge would result in a reduction in the cost of the scheme of approximately £180,000 from 2022/23 to 2023/24 the net cost reducing from just over £610,000 to just under £430,000. Were the charges to remain unchanged the projected service cost would be £889,000.

With the introduction of a second bin charge the net cost was projected to reduce to £314.6k. Whilst this was an improvement of some £300,000 on the previous year, it demonstrated that the service remained loss-making.

Referring to fairness of the charges, Councillor O'Donnell suggested that it would be unfair for the costs of the service to be borne by all Council Tax payers and that the increase equated to £1.20 per week for a pickup, an increase of 40p per week. He also referred to arrangements that local residents were able to make to mitigate increased costs. This included sharing bins, self-composting and using recycling centres.

Councillor O'Donnell then commented on the arrangements in place in other councils, highlighting that service costs and frequency were being reviewed nationally, with some councils considering withdrawing the garden waste service altogether.

Having explained that the introduction of the option to purchase a second bin had been in response to public demand, Councillor O'Donnell commented on the implications of a lower charge. This included the need for the savings to be found from elsewhere in the Council as well as the possibility of a Council Tax increase. He then commented on the implications of a delay in the introduction of any new charges explaining this was why the proposal had been considered by Cabinet in January rather than waiting until the budget meeting of the Council in March.

Concluding, Councillor O'Donnell explained that the proposal was reasonable and balanced; offered good value; fulfilled the spirit and ambition of the committee's own recommendations on income generation; and helped to address the Council's budget savings challenge.

Councillor Morrison then invited contributions from members of the committee.

Councillor Wallace referred to discussions at Cabinet which suggested that the garden waste service operated at a profit. However the information provided at this meeting suggested this was not the case and he sought clarification.

In reply, Councillor O'Donnell acknowledged that the position regarding the service had been inaccurately described at Cabinet and that it was not operating at a profit. This was confirmed by the Head of Environment (Operations) who acknowledged the error he had made in his description of service income as profit and apologised to the committee for this.

Councillor Wallace referred to the discussions and explanations that had been given at Cabinet and that it was his view the Cabinet had been presented with inadequate information. He suggested that if the additional information and explanations provided at this meeting had been presented to the Cabinet initially the call-in may not have been necessary.

The Head of Accountancy (Chief Financial Officer) was heard, in the course of which she acknowledged that the difference between profit and a contribution to costs had not been made clear at the Cabinet and confirmed that charges were a contribution to costs. She also clarified that the initial financial information presented to Cabinet did not include an apportionment of the food/garden waste costs. This had now been included in the information tabled at the meeting.

Councillor Morrison then referred to different accounting methods that could be used in establishing service costs and enquired how the financial information presented would change if a decision was taken by the Council to discontinue the garden waste service entirely, as this should then make it possible to identify the cost of the service in isolation.

In reply the Head of Accountancy (Chief Financial Officer) explained why in practical terms this would be a difficult exercise to undertake, referring in particular to the costs of the Council's fleet of refuse vehicles and how these costs would remain regardless of whether the garden waste service was discontinued. The Head of Environment (operations) was also heard on some of the challenges in identifying accurately the service costs of collecting garden waste only.

Further comments having been made on the number of brown bins being collected and Councillor O'Donnell having clarified the projected increases over the next 2 years, Councillor Macdonald referred to the public concerns he was aware of regarding the increase in charges, and particularly the potential for further sizeable increases over future years. He suggested that the increase may discourage people from using the service leading to people putting garden waste in their grey bins, and also referred to the possibility of increased fly tipping.

Having referred to the potential reduction in the environmental benefits of garden and food waste being mixed if fewer people used the service, Councillor Macdonald sought assurances that going forward there would not be such sizeable year on year increases in charges.

The Director of Environment was then heard in reply, explaining why as the Council did not have any certainty on future financial settlements from the Scottish Government it would not be possible to give the assurances on charging that Councillor Macdonald was seeking.

The director acknowledged the concerns expressed at the increase however suggested that the initial report and additional information provided demonstrated that the service still provided value for money and that, as an optional service, people could choose to make other arrangements if they felt the service was no longer affordable.

The Head of Accountancy (Chief Financial Officer) then outlined current and future anticipated financial settlements, and confirmed at this stage it was only possible to set a one year budget. However she clarified that any future proposed changes to the charges would be subject to the Council's annual Charging for Services process, referring to the circumstances which had led to consideration of the charges being deferred this year. Councillor O'Donnell confirmed that any future proposals to alter the charges would be scrutinised by Cabinet as part of the Charging for Services process.

Councillor Buchanan welcomed the additional information that had been provided and suggested that it was unfortunate it had not been available at the time the matter was considered by the Cabinet. He outlined the history of the introduction of the charges and how this tied in with the committee's own suggestion that the Council should look at ways in which to generate income. Further, he referred to the increasing charges the Council was being faced with in relation to waste disposal. He highlighted that despite the introduction of the charge the number of people who signed up to the service was significant and also referred to other benefits such as the reduction in fly tipping and also the ability to retain more frequent waste collections. Councillor Buchanan also clarified that there were still gate fees for garden waste and so associated charges that the Council had to deal with in terms of disposal were incurred.

Councillor Buchanan concluded by acknowledging that providing the service was not simply a money making exercise but that the charges were a way of offsetting the cost of service provision. He also referred to the potential impact of reducing the service on jobs within the Environment Department.

In response to Councillor Buchanan's comments regarding potential job losses, the Chair invited the Head of Environment (Operations) to quantify this if possible. In reply the Head of Environment (Operations) explained it would be difficult to provide an accurate figure without proper analysis. However an initial estimate may be approximately 8 people.

Discussion then took place on how staff costs had been attributed, and how it wasn't possible to use the costs for the current model to project costs for a new model as there were a number of factors that would be different.

Provost Montague then commented on the proposals and whilst she acknowledged the reference to profit made at the Cabinet meeting, the director had clearly concluded that income did not meet the costs of the service. She also referred to local government funding in general and how this made it difficult to be able to give the type of long-term assurance regarding charges being sought by Councillor Macdonald. She also reminded the committee that this related to a non-statutory service. The Council was facing difficult financial times in relation to the delivery of statutory services and any change to the Cabinet proposals could not be viewed in isolation from the Council's overall financial position.

Councillor Edlin then commented expressing his disappointment that the information tabled had not been made available sooner. He sought clarification of how the 80/20 split between garden and food waste costs had been calculated. He emphasised that in his view there was no question that the service should continue. However because of the financial hardship being experienced by many residents the proposed increase was too much and may increase the potential for fly-tipping. He also commented on the capital costs that had been factored in to the calculations.

Responding to Councillor Edlin, the Head of Environment (Operations) explained that the 80/20 split was provided by SEPA and was based on returns submitted to SEPA by all local authorities. In relation to increased fly-tipping, he explained that whilst it was right to recognise the possibility of this, there had been no evidence of this happening in the past when service changes were introduced.

Furthermore, in response to questions from Councillor Morrison on potential maximum increases in charges, the Head of Environment (Operations) explained that any increases had to factor in charges that were outwith the Council's control such as increased gate fees for landfill waste.

The Head of Accountancy (Chief Financial Officer) then provided further information on capital charges in relation to refuse vehicles and how these were factored into the service cost. It was clarified that future costs of electric powered vehicles may be more expensive, but the capital costs included in the analysis related to the current fleet.

Councillor Macdonald referred to the Council's changing financial position from when the charges were first introduced. He clarified that he had no objection in principle to charges for services. However he explained that many people, such as those with disabilities or people with no personal transport may be unable to use the alternative facilities offered by the Council. In addition, he referred to the increased possibility of residents turning to private service providers, not all of which might operate within the law.

In reply the Head of Environment (Operations) acknowledged that residents' individual circumstances would vary, and that the service would work with people to achieve a satisfactory outcome where possible. He also referred to the earlier comments made about residents pooling and sharing to help mitigate costs.

Councillor Morrison then referred to the 48 respondents to the Council's budget consultation who had suggested the Council should consider increasing charges and/or altering the waste collection cycle. He noted a significantly higher number of comments expressing discontent on the increase in a local paper and questioned if there was a threshold below which the sample could not be considered to be significant.

In reply, the Director of Environment clarified that almost 1800 people had responded to the consultation with over 50.6% agreeing or strongly agreeing with service charges. The 48 respondents had been those who had used a free text section of the questionnaire who had made suggestions for change. In addition, responding to further questions from Councillor Wallace she clarified that there had been no proposed charge included in the consultation and that based on the information available it was not possible to establish how many of the 48 respondents used the service at present. Councillor Wallace suggested in light of that it was not possible to establish if the public considered a 50% increase in the permit charge acceptable.

Thereafter, responding to Councillor Morrison, the Head of Environment (Operations) explained the basis on which £40 had been agreed as the initial permit cost.

Councillor Ireland was then heard. She began by expressing concerns about the level of the proposed increase but also expressed concerns about the effect of no increase on the service. She highlighted that the charges in other areas referred to earlier by Councillor McLean were the current charges, and whether other authorities were looking to introduce or raise charges was not known.

Councillor Ireland then sought further information of how the 80/20 garden/food waste split was calculated. Furthermore, she sought clarification of the consequences for the Environment Department if an amount less than the proposed £20 increase in the permit charge was finally approved.

Councillor Edlin then commented on the proposed increase. He indicated that he was not opposed to an increase in the charge, but that in the current financial climate he was opposed to the level of the increase agreed by Cabinet, suggesting that an increase to something like £45 would be more appropriate.

Councillor Morrison reminded the committee that the call-in did stipulate an alternative whereby any increase should be contained within the current rate of inflation.

Thereafter Councillor O'Donnell set out the financial implications of no increase in the charge which would mean not generating the anticipated £460,000 additional income. This figure would vary depending on the level of additional charge levied. In relation to consequences, Councillor O'Donnell explained that the impact would be across the Council as a whole, with efforts needing to be made to make up the difference through further savings across all departments and services. He referred to the ongoing budget process and that it would be very difficult to identify savings of that magnitude. Secondly, the other alternative was to increase Council Tax by between 0.5% and 1% to fund the gap. He highlighted that this approach meant people being asked to pay more in Council Tax to subsidise a service they may not use.

Responding to Councillor Edlin, Councillor O'Donnell clarified the shortfall in the event a charge of £45 was levied and that his earlier comments about the need to identify savings or increase Council Tax still applied. In addition, referring to earlier comments by Councillor Macdonald on views on potential levels of charge, Provost Montague reminded Members that a reduced charge could not be considered in isolation but needed to take into account the need to make up the shortfall in other ways such as reduced services, increases in other charges or Council Tax increases.

Responding to earlier comments by Councillor O'Donnell regarding the ability of non-administration councillors to raise concerns, Councillor Wallace stated that he had made the Leader of the Council aware in December of possible concerns around the charges and yet the Cabinet had agreed the proposals. He also stated that he understood one of the reasons for delaying the report was to obtain the results of the consultation. However in the absence of seeking views on a specific level of increase he questioned the benefit of that approach. Regarding the timing issue now faced in terms of the budget, he suggested that based on the lack of universal support when the charges were first introduced, officers should have realised this would be a controversial issue. He reminded the committee that the charges had been introduced at a time when there was a freeze on Council Tax increases so it was prudent to look at options for generating revenue. He commended the Environment Department for identifying an area of operation where sufficient resource was already in place to deliver a service for which a charge could be made.

He suggested that in his view increasing the charge was being seen as an easy option and that he remained unconvinced with the financial information presented. He added that increasing the charge by 50% put an unfair burden on those already paying a significant sum for this service. He acknowledged that the impact of cuts may need to be spread across everyone that paid Council Tax and not just service users.

Councillor Macdonald again encouraged fellow Members to share thoughts on an appropriate level of increase. He acknowledged that any figure below that agreed by the Cabinet would have budgetary impacts, but it was then incumbent on councillors to identify alternative funding streams, for example reviewing the charge for bulk uplifts.

Councillor Morrison having reminded the committee that the call-in notice contained proposed parameters for an increased charge, Councillor Ireland was heard further. Whilst she supported the principle of commercialisation, she emphasised the need for the well-being of residents to be taken into account in any plans to raise charges or introduce new ones. In this regard she sought an assurance that the proposed increase was to cover the cost of the service and not to generate a profit.

In response to the earlier question on the 80/20 split, the Director of Environment assured councillors of the reliability of the figures that were produced by SEPA based on the returns submitted by local authorities. In relation to costings she explained that the figures provided were based on the model in use and demonstrated that the full cost of the brown bin service was not recovered from the income generated and so the service was not making a profit. She accepted that more information could have been provided in the original Cabinet report and this would be taken into account in future papers. The Head of Accountancy (Chief Financial Officer) confirmed the financial position regarding the garden waste service.

Councillor Wallace referred to the establishment of the Cabinet system including the call-in arrangements. He emphasised the importance of the reports being presented to Cabinet containing as much information as possible. This would ensure that in most cases non-Cabinet members could be confident in the decisions being made without the need for further call-in.

Responding, Councillor O'Donnell accepted the point made about the need for comprehensive information and that this was already being addressed by officers.

Councillor Morrison then summarised the position to date and clarified that there did not appear to be any opposition to the proposal to the £60 fee for a new bin and associated delivery. The issue was the increase in the cost of the annual permit and he sought views of Members on this matter.

Councillor Wallace then referred to the committee's role in scrutinising charges for non-statutory services. The cost of these services needed to be covered and it was in his view not necessarily appropriate for non-users of the service to subsidise it through increased Council Tax. He suggested that the mixed collection method made it very challenging to accurately separate costs of garden and food waste collection. He suggested that other options to increasing charges, such as reduced services might be an option but that if the intention was to maintain current collection frequency in his view an inflationary increase was appropriate.

In response to Provost Montague it was clarified that in the event the committee was minded to agree with the Cabinet's decision any potential increases thereafter would be considered on an annual basis as part of the Council's Charging for Services process.

Councillor Morrison then suggested that there appeared to be more members of the committee who were of the view that the proposed increase agreed by Cabinet should not be supported. He supplemented this by suggesting that in his view it was unreasonable to expect the same level of subscription to the service were the charge to be increased by 50%.

Further discussion then took place on the process for the committee to reach a decision where it was clarified that this should be in two stages. Firstly the committee needed to decide whether or not to accept the Cabinet decision, with it being implemented if it was the latter. If the decision was not to agree with the Cabinet, the next stage was for the committee to recommend an alternative proposal to be presented to Cabinet

Councillor Buchanan, seconded by Provost Montague moved that the committee agree with the decision of the Cabinet.

Councillor Morrison seconded by Councillor Wallace moved as an amendment that the committee do not agree with the decision of the Cabinet.

On a vote being taken Councillors Buchanan, Ireland and Provost Montague voted for the motion. Councillors Edlin, Macdonald, Morrison and Wallace voted for the amendment.

The committee having decided not to agree to the Cabinet decision, it then moved to consider an alternative proposal to be presented to Cabinet.

Councillor Edlin seconded by Councillor Wallace proposed that the cost of a garden waste permit be increased from £40 to £45 and that the system for setting the garden waste charges in future be reviewed with a view to related recommendations being submitted to the appropriate body in due course.

Councillor Macdonald moved as an amendment that the Cabinet be presented with a further paper on the costings of a reduced garden waste service to operate from mid-March to October each year, with the addition of a Christmas tree uplift in January.

In the absence of a seconder the amendment fell.

There being no further amendments the committee agreed to support the introduction of a £60 charge for the purchase and delivery of a second brown bin by residents, but that the cost of an annual garden waste permit be increased from £40 to £45 and that the system for setting the garden waste charges in future be reviewed with a view to related recommendations being submitted to the appropriate body in due course

MINUTE
of
CABINET
(POLICE & FIRE)

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 9 February 2023.

Present:

Councillor Owen O'Donnell (Leader)
Councillor Andrew Anderson
Councillor Caroline Bamforth

Councillor Katie Pragnell (Vice Chair)
Councillor Gordon Wallace(*)

Councillor O'Donnell in the Chair

Attending:

Lorraine McMillan, Chief Executive; Louise Pringle, Director of Business Operations and Partnerships; Murray Husband, Head of Digital and Community Safety; Eamonn Daly, Democratic Services Manager and Liona Allison, Assistant Committee Services Officer.

Also Attending:

Superintendent Patrick Murphy (Operations Superintendent); Chief Inspector Graeme Gallie, (Area Commander); Police Scotland; Area Commander David McCarrey; and Group Commander Alan Coughtrie, Scottish Fire and Rescue Service.

DECLARATIONS OF INTEREST

317. There were no declarations of interest intimated.

POLICE SCOTLAND – PERFORMANCE REPORT - QUARTER 3 - 2022-23

318. The Cabinet considered a report by the Divisional Commander, Police Scotland, providing details of the performance of the police over the third quarter of 2022-23. The report also provided statistical information in relation to various categories of crimes and offences committed during the reported period together with comparative statistics for the corresponding period in 2021-22.

Introducing the report Superintendent Murphy reported that it had been a demanding period with a re-emergence of more traditional types of crime post-COVID. He explained that his role was to provide operational support to Chief Inspector Gallie and his local team of officers. He highlighted the areas of focus contained in the report and referred to some recent supports provided locally to tackle these areas.

He referred in particular to larger scale events that took place during the quarter, such as football matches, and to the impact these had on policing locally, as it was often necessary to divert resources. He also referred to the return to normality over the festive period both in respect of shopping levels and events taking place.

Thereafter he paid tribute to the work of Chief Inspector Gallie and his team in keeping the residents of East Renfrewshire safe.

In concluding Superintendent Murphy offered condolences on behalf of Police Scotland to Scottish Fire and Rescue Service colleagues for the tragic loss of firefighter Barry Martin who lost his life tackling the recent blaze at the former Jenner's Store in Edinburgh.

Chief Inspector Gallie then reported on the performance of the police against the five local policing priorities contained in the East Renfrewshire Policing Plan 2020-23. Prior to making his report, Chief Inspector Gallie echoed the comments made by Superintendent Murphy in relation to firefighter Barry Martin.

On referring to the report, he recognised the significant impact acquisitive crime and in particular theft by housebreaking, had on communities, and advised that for acquisitive crime, the number of homes broken into (including attempts) was 31. The year to date total of 92 was 26% lower than the 5 year average but up 21% on last year. He explained that tackling acquisitive crime had been a priority with significant resources both locally and nationally dedicated to enhance prevention and bring offenders to justice. This had recently delivered significant success which will be reflected in the final report in Quarter 4. It was noted that this was not just an East Renfrewshire issue and the police were working with partners across the UK to share information, intelligence and best practise.

As an update he advised that a number of arrests had been made in January and this information would be contained in the Quarter 4 report.

In respect of crimes of dishonesty, it was reported that crimes of this type had slowed in growth, down from a 30% increase last quarter to a 21% increase for the year and remained in line with the 5 year average. Motor vehicle crime was down compared to the previous year and the 3 and 5 year averages. It was noted that 77 motor vehicle crimes had been recorded in the year, with there being an equal split between thefts from and theft of motor vehicles. Theft by shoplifting continued to climb with 26 more offences than last quarter. However the festive campaign contributed to slowing this increase over the Christmas period.

In relation to public protection, it was noted that there had been 83 Sexual Crimes recorded for this reporting period. Whilst this was an increase of 18 offences compared to last year, it remained below the 3 and 5 year average. 33% of offences had been successfully detected. It was noted that there was a developing trend in offences relating to online sexual extortion taking place. This could be orchestrated from anywhere in the world and have a significant impact on the victims.

Regarding domestic abuse incidents, Chief inspector Gallie reported that 409 domestic incidents had been recorded in the current year, and that in 40% of these incidents a crime was established. Where a crime was established, all opportunities to gather evidence were exhausted, with a 50% detection rate for domestic abuse related crime. He also provided information in relation to the aftercare provided to victims, including the notification to victims of any bail conditions imposed by the courts.

In relation to drug dealing and use it was noted that during the reporting period there had been 103 recorded drug crimes. Of these offences 96 resulted in a crime detection. Since the last report as presented, through working with the community and through effective intelligence gathering the recording of offences in relation to the supply of drugs, including possession with intent to supply had increased significantly from 4 to 10.

Commenting on violent crime, Chief Inspector Gallie reported that serious assaults currently sat at 14 for this year, 30% lower than the previous year. There had been 55 non-sexual crimes of violence recorded this year, up from 46 for the same period the previous year. Although this is a small increase of 9, the police remained focused on this area, delivering a successful detection rate of 46%. It was noted that crimes relating to threats and extortion had increased to 16, a 33% increase on the previous year.

In terms of antisocial behaviour and disorder, the continuing downward trend in calls was noted with a decrease of 20% on this year compared to the previous year. There had been 25 fire-raising this year which was currently below the 5 and 3 year average.

Chief Inspector Gallie referred to the lasting impact anti-social behaviour could have on individuals, communities and business, and explained some of the partnership work the police did to tackle this. Reference was made in particular to proactive policing, with targeted stop searches having a 30% success rate. The total number of crimes involving an offensive or bladed weapon were down by 20% on the 3 year average with a successful detection rate of 50%. It was acknowledged that policing alone would not deliver against antisocial behaviour, and it was only through working with partners that long-term success would be achieved.

Chief Inspector Gallie concluded by giving some examples of the work being done in East Renfrewshire by officers of Police Scotland on all of the areas of focus covered. This included the first East Renfrewshire Action on Alcohol conference, organised by Inspector Michelle Grant. This event brought together Elected Members, partner organisations, retailers, schools and young people to examine and discuss the impacts of alcohol on the people of East Renfrewshire. Details of some of the positive work that had taken place following the conference were provided.

There followed a question and answer session in the course of which Chief Inspector Gallie responded to a number of questions and provided clarification on a range of operational issues within East Renfrewshire and the crime statistics recorded in the report. These included the return of officers to community council meetings; cycle lanes on Ayr Road; housebreaking; vaping sales; the impact of the cost of living crisis on crime figures; the successful Action on Alcohol conference; tackling online sexual extortion; firearms; and drug possession and supply amongst others.

The Cabinet noted the report.

POLICE SCOTLAND – EAST RENFREWSHIRE LOCAL POLICING PLAN 2023-26

319. The Cabinet considered a report by the Divisional Commander, Police Scotland, on the East Renfrewshire Local Policing Plan 2023-26. The plan set out the local policing priorities for East Renfrewshire over the period of the plan, highlighting the outcomes the police aimed to achieve over that period.

The Democratic Services Manager clarified the process for the plan's consideration at the

full Council meeting on 1 March, following which' having heard Councillor O'Donnell welcome the plan but refer to the financial challenges facing both the police and councils may impact on the ability to maintain current levels of joined up working between partner organisation, the Cabinet:-

- (a) noted the report;
- (b) agreed that it be remitted to Council for consideration.

FIREFIGHTER BARRY MARTIN

320. Before considering the report from Scottish Fire and Rescue Service, Councillor O'Donnell referred to the tragic loss of firefighter Barry Martin and on behalf of the Council offered condolences to the service for their loss of a colleague. He explained that Provost Montague had formally written to the Interim Chief Fire Officer on behalf of the Council.

SCOTTISH FIRE AND RESCUE SERVICE (SFRS) PERFORMANCE REPORT FOR THE THIRD QUARTER OF 2022-23

321. The Cabinet considered a report by the Group Commander, Scottish Fire and Rescue Service (SFRS), providing details of the performance of SFRS in East Renfrewshire during the third quarter of 2022-23 against the key priorities in their local plan.

Introducing the report Area Commander McCarrey referred to the difficult times for the service following the tragic loss of a colleague and thanked both the officers from Police Scotland and Councillor O'Donnell for their kind words.

In terms of the report it was highlighted that it included the traditional bonfire night and he expressed thanks to all partners for their help and preventative work which had contributed to low levels of operational demand.

Concluding his introduction he referred to positive developments in relation to ongoing industrial action. Whilst a lot of work had been carried out in developing resilience arrangements he was hopeful these would not be required.

Group Commander Coughtrie then reported on the performance of SFRS on performance over quarter 3.

Prior to commenting on the information contained in the report, Group Commander Coughtrie provided an update on the situation regarding changes to the handling of Unwanted Fire Alarm Signals (UFAS). This included the appointment of a UFAS Reduction Officer for the area who would work with the UFAS Champions in stations to identify areas where further support was necessary in relation to premises with high UFAS activity. He outlined the changes to handling UFAS to be implemented from 1 July clarifying that these would apply to commercial premises and other premises such as factories, offices shops and leisure centres.

The changes would reduce unnecessary callouts, free up operational capacity for other duties such as community engagement and also save money with the cost of every unnecessary callout being approximately £1,900. It was clarified that the policy changes would not apply to sleeping premises, such as hospitals, care homes, hotels or domestic dwellings.

Group Commander Coughtrie prefaced his remarks on the report by commenting on some of the engagement activity that had taken place and equipment supplied during the quarter. This included 25 community activities by the community action team and 65 by operational crews. 278 fires safety visits were carried out, 116 in premises identified as high risk with 121 smoke detectors being fitted.

In relation to accidental dwelling fires a 45% increase on the year on year figure was reported. However this was against a low figure for the same period the previous year and was an actual increase from 11 to 16 and the 3 year figure showed a reduction of 8%. It was noted that cooking was the main contributor. It was noted that detection was present in 100% of premises and activated in 91%. Details of some of the ongoing community work that took place was provided, with the high engagement rates in East Renfrewshire being noted.

Group Commander Coughtrie reported that the figures in relation to unintentional injury and harm were disappointing, seeing increases in both the year-on-year and 3 year average figures. However it was clarified that 50% of activity related to assisting other organisations gain access to property.

Deliberate fire setting also showed a disappointing 42% (19 to 27) increase. However the previous year had been a historic low and the 3 year average showed an 18% reduction overall. He clarified that the vast majority were secondary fires involving refuse containers and grassland.

Non-domestic fire safety also showed a 40% increase (5 to 7) from the previous year but with a 6% reduction on the 3 year average. Details of the incidents were provided.

Group Commander Coughtrie concluded by providing information in relation to UFAS. The year on year decrease was encouraging, however there had been a slight increase in the 3 year average. It was noted that the majority were in educational facilities with the main causes being accidental, system faults and cooking. The impact of poor maintenance was also highlighted.

There followed a question and answer session in the course of which officers McCarrey and Coughtrie responded to a number of questions and comments on a range of issues recorded in the report. These included supporting the vulnerable; working with the HSCP; work in schools; tackling deliberate fire setting; community engagement and community initiatives; reasons for differences in alarm installation and activation rates; and the work of the UFAS officer, amongst other things.

Thereafter the Cabinet agreed to note the report.

CHAIR

MINUTE
of
LICENSING COMMITTEE

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock, on 14 February 2023.

Present:

Councillor Paul Edlin (Chair)
Provost Mary Montague

Councillor David Macdonald
Councillor Andrew Morrison

Councillor Edlin in the Chair

Attending:

Gerry Mahon, Chief Officer - Legal & Procurement; Brian Kilpatrick, Civic Government Enforcement Officer; Jennifer Graham, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Also Attending:

Inspector Gareth Griffiths, Police Scotland.

DECLARATIONS OF INTEREST

322. There were no declarations of interest intimated.

Resolution to Exclude Press and Public

At this point in the meeting, on the motion of the Chair, the committee 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 remaining items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 6 and 14 of Part 1 of Schedule 7A to the Act.

PRIVATE HIRE DRIVER'S LICENCE – APPLICATION FOR RENEWAL

323. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Private Hire Driver's Licence (Agenda Item 3 refers).

The applicant was present together with his representative.

Inspector Griffiths representing the Chief Constable, who had made a representation in respect of the application, was also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the representation by the Chief Constable.

Inspector Griffiths was heard in respect of the representation by the Chief Constable and in response to questions from Members.

The applicant was then heard in respect of the application and in response to questions from Members.

The committee agreed to a short adjournment to consider the matter.

On reconvening, the committee, having taken account of the submission made by the applicant, his previous conviction, its seriousness and relevance to the licence being applied for, and also having taken account of the representation by the Chief Constable, agreed that the license be renewed for a period of 3 years, subject to standard terms and conditions.

PRIVATE HIRE DRIVER'S LICENCE – APPLICATION FOR RENEWAL

324. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Private Hire Driver's Licence (Agenda Item 4 refers).

The applicant was present.

Inspector Griffiths representing the Chief Constable, who had made an objection in respect of the application, was also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable.

Inspector Griffiths was heard in respect of the objection by the Chief Constable and in response to questions from Members.

The applicant was then heard in respect of the application and in response to questions from Members.

The committee, having taken account of the submission made by the applicant, his previous convictions, their seriousness and relevance to the licence being applied for, and also having taken account of the objection by the Chief Constable, agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of such a licence by virtue of his previous convictions.

PRIVATE HIRE DRIVER'S LICENCE – APPLICATION FOR GRANT

325. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Driver's Licence (Agenda Item 5 refers).

The applicant, having been invited to attend, was not present.

Inspector Griffiths representing the Chief Constable, who had made an out of time objection in respect of the application, was present.

The committee agreed to continue consideration of the application to the next meeting to allow the applicant to make a personal appearance.

PRIVATE HIRE DRIVER'S LICENCE – APPLICATION FOR RENEWAL

326. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Private Hire Driver's Licence (Agenda Item 6 refers).

The applicant was present together with his wife.

Inspector Griffiths representing the Chief Constable, who had made an out of time objection in respect of the application, was also present.

The report explained that in determining the application it would be for the committee to decide if it wished to consider the out of time objection submitted by the Chief Constable and, if so, what weight it wished to attach to the objection and its relevance to the type of licence being applied for.

Having heard from the applicant on why he did not want the late objection to be considered and following a short adjournment, the committee agreed to consider the out of time objection and copies were provided to Members.

Inspector Griffiths was heard in respect of the objection submitted by the Chief Constable.

The applicant was then heard in respect of the application.

The committee agreed to a short adjournment to consider the matter.

On reconvening, the committee agreed to continue consideration of the application to a future meeting to allow a decision on the pending court action to be made.

CHAIR

MINUTE
of
PLANNING APPLICATIONS COMMITTEE

Minute of meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 15 February 2023.

Present:

Councillor Betty Cunningham (Chair)	Councillor Chris Lunday
Councillor Jim McLean (Vice Chair)	Provost Mary Montague
Councillor Paul Edlin	Councillor Andrew Morrison(*)

Councillor McLean in the Chair

Attending:

Julie Nicol, Planning and Building Standards Manager(*); Alan Pepler, Principal Planner (Development Management); Eamonn Daly, Democratic Services Manager; John Burke, Committee Services Officer; Jennifer Graham, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

(*) indicates remote attendance.

Apology:

Councillor Annette Ireland.

DECLARATIONS OF INTEREST

327. There were no declarations of interest intimated.

ROLE OF CHAIR

328. The Vice Chair advised that he would be acting as Chair for the meeting with the assent of the Chair. The Committee noted the position.

APPLICATION FOR PLANNING PERMISSION

329. The committee considered a report by the Director of Environment, on application 2022/0570/TP, seeking permission for the erection on 18 garages, including refuse/recycling stores and resident parking (adjacent to existing garages) within the rear of courtyards of existing apartment block development on land to the rear of Alexander Avenue, Eaglesham.

The Principal Planner (Development Management) was heard further on the report, in the course of which he summarised the 32 objections that had been received.

He provided further information on the relevant planning policies and assessments. In particular, it was noted that the application was contrary to policies D1 and D2 of the adopted East Renfrewshire Local Development Plan 2 and Policies 14 and 15 of the National Planning Framework 4 as it would lead to the loss of amenity open space associated with the adjacent flatted developments and give rise to an intensification of use within the remaining amenity open space and access lanes to the detriment of the character of the area and to residential amenity. The proposal was also contrary to policies D1 and D2 of the adopted East Renfrewshire Local Development Plan 2 as it would result in a significant intensification of use for the area and the likely displacement of car parking onto the adjacent public road network, to the detriment of public road safety and to the detriment of safety of the existing users of the site.

In the course of discussion, concern was expressed regarding the development, in particular the roads access to the site and loss of parking.

Thereafter, the committee agreed that the application be refused for the reasons as set out in the report.

CHAIR

MINUTE
of
LOCAL REVIEW BODY

Minute of meeting held at 2.30pm in the Council Chamber, Council Headquarters, Giffnock on 15 February 2023.

Present:

Councillor Jim McLean (Vice-Chair)
Councillor Paul Edlin

Councillor Chris Lunday
Provost Mary Montague

Councillor McLean in the Chair

Attending:

Mark Brand, Planning Adviser; Gerry Mahon, Chief Officer (Legal and Procurement); Eamonn Daly, Democratic Services Manager; John Burke, Committee Services Officer; Jennifer Graham, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Apologies:

Councillors Betty Cunningham (Chair), Annette Ireland and Andrew Morrison.

DECLARATIONS OF INTEREST

330. There were no declarations of interest intimated.

The Vice Chair advised that site visits had been held prior to the meeting.

NOTICE OF REVIEW – REVIEW 2023/01 – EXTERNAL ALTERATIONS AND CHANGE OF USE OF FORMER SOCIAL CLUB TO COMMERCIAL UNITS COMPRISING A RETAIL UNIT (CLASS 1) 2 HOT FOOD TAKEAWAY UNITS (SUI GENERIS) AND A CLASS 2 UNIT. ALTERATIONS TO CAR PARKING LAYOUT AND ACCESS. THE COLUMBA CLUB, 69 DARNLEY ROAD, BARRHEAD, G78 1TA (REF NO:- 2021/0911/TP).

331. The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Mr Zubair Malik against the decision taken by officers to refuse planning permission in respect external alterations and change of use of former social club to commercial units comprising a retail unit (class 1 2 hot food takeaway units (sui generis) and a class 2 unit, alterations to car parking layout and access at the Columba Club, 69 Darnley Road, Barrhead.

The decision had been made in accordance with the Council's Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended.

The Local Review Body, having considered the information previously circulated, agreed that it had sufficient information to determine the review without further procedure.

The Planning Adviser outlined the planning application and reasons for refusal as determined by the Appointed Officer in the decision notice and the grounds for review.

The Planning Adviser further outlined proposed additional conditions to be attached to any consent in the event the Local Review Body overturned the decision of the Appointed Officer and granted planning permission.

Full discussion followed. In particular, in relation to the conditions suggested by the Planning Adviser, and possible further conditions that could be applied in respect of road safety and the felling of trees on the site.

Following the discussion, and having heard from both the Planning Adviser and the Democratic Services Manager, the Local Review Body agreed to continue consideration of the review to a future meeting to allow the suggested conditions on road safety and the felling of trees to be investigated by the appropriate officers.

CHAIR

MINUTE
of
CABINET

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 23 February 2023.

Present:

Councillor Owen O'Donnell (Leader)	Councillor Danny Devlin
Councillor Andrew Anderson	Councillor Katie Pragnell

Councillor Owen O'Donnell, Leader, in the Chair

Attending:

Lorraine McMillan, Chief Executive; Caitriona McAuley, Director of Environment; Margaret McCrossan, Head of Accountancy (Chief Financial Officer)(*); Gill Darbyshire, Chief Executive's Business Manager; Andy Corry, Head of Environment (Operations); Phil Daws, Head of Environment (Strategic Services); Jane Corrie, Roads Senior Manager; Eamonn Daly, Democratic Services Manager; John Burke, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

(*) indicates remote attendance.

Also attending:

Councillor Andrew Morrison (Chair, Audit & Scrutiny Committee).

DECLARATIONS OF INTEREST

332. There were no declarations of interest intimated.

Variation in Order of Business

In accordance with the terms of Standing Order 20, the Chair agreed to vary the order of business in order to facilitate the conduct of the meeting.

ADDITION TO CHARGING FOR SERVICES 2023/24 – OUTCOME OF CALL-IN DISCUSSIONS

333. Under reference to the Minute of the meeting of the Audit and Scrutiny Committee held on 8 February 2023 (page 377, item 316 refers) the Cabinet considered a report on the deliberations of the Audit & Scrutiny Committee on the Cabinet's decision regarding the addition to charging for services 2023/24.

Councillor Morrison, Chair of the committee, outlined the reasons for the submission of a call-in request in terms of the matter, which were detailed in the report. Councillor Morrison also

set out the points raised in support of the Cabinet decision, which were also detailed in the report, as well as the substance of the discussion which took place among the members and officers present.

Councillor Morrison clarified that the decision taken by the Audit & Scrutiny Committee in respect of this matter had been a majority decision, with 4 Councillors voting to propose an amendment to Cabinet and 3 to allow Cabinet's decision to stand as previously agreed.

The focus of the Audit & Scrutiny Committee's discussion had been around the proposed charge of £60 for a garden waste permit, rather than the charge of £60 for delivering a second garden waste container, which had been accepted by the committee.

In conclusion, Councillor Morrison stated the committee's proposal that the charge for the Garden Waste Permit 2023/24 be increased by £5, to £45; and that the system for setting the garden waste charges in future be reviewed with a view to related recommendations being submitted to the appropriate body in due course.

Councillor O'Donnell thanked Councillor Morrison for his attendance and his contribution to the discussions on the matter. He stated that on reflection, Cabinet agreed that the initial proposed increase for a Garden Waste Permit had been too high. However, it was also felt that the proposed £5 increase was too little and placed an undue financial burden on the Council for provision of the service. Therefore, he suggested that the charge be increased by £10 to £50. Further, he suggested that no additional review take place as it was considered that the existing review process was sufficient to allow adequate scope for these matters to be considered in future.

Thereafter, the Cabinet agreed to **recommend to Council that:-**

- (a) the charge for the Garden Waste Permit 2023/2024 be increased from £40 to £50; and
- (d) the system for setting the garden waste charges in future not be subject to review outside of the existing arrangements for reviewing service charges.

REVISED RISK MANAGEMENT STRATEGY 2023 – 2025 AND RISK MANAGEMENT FRAMEWORK 2023 – 2025

334. The Cabinet considered a report by the Chief Executive highlighting that, as part of its corporate governance arrangements, the Council required to have effective systems in place to manage risks.

The report explained that the revised Risk Management Strategy 2023 – 2025 and associated Risk Management Framework covering the same time frame, copies of which were appended to the report as Appendices 1 and 2 respectively, enabled the Council to deliver advanced risk practice by setting out its long-term aims on incorporating risk within service plans and everyday working, and encouraging the use of joint risk registers where possible for projects and partnerships. The Risk Management Strategy set out a number of objectives as part of a long-term commitment, was an inherent part of good management and governance principles, and had been revised to ensure the approach adopted to risk management within the Council continued to meet its needs. Having commented on issues associated with risk appetite, the report explained that the Council's approach to date had been to minimise its exposure to reputational, compliance and financial risk, whilst accepting and encouraging an increased degree of risk in pursuit of innovation and improved outcomes. It was recognised that its appetite for risk varied according to the activity undertaken, that acceptance of risk was subject

to ensuring that potential benefits and risks were fully understood before developments were authorised, and that there was a need to have appropriate measures established to mitigate risk. Clarification was provided on the Council's current appetite for risk across its activities.

It was confirmed that the associated Risk Management Framework developed set out in detail the Council's approach to risk management and would support implementation of the Strategy in practical terms for anyone undertaking this work, regardless of the area in which they worked across the Council.

The Chief Executive's Business Manager referred to key aspects of the report during which she confirmed that the Strategy was based on supporting the Council's five capabilities. She explained that there had been plans to update it previously, but that this work had been delayed due to COVID-19 and other associated priorities. It was confirmed that the Strategy was considerably shorter than the previous version, in a large part due to a decision taken to move a range on information within it previously to the Framework, and that the risk appetite information in the Strategy was the same as in the previous version.

On a related issue, she confirmed that Members had been invited to attend Risk Management training on 9 March.

The Cabinet heard from the Chief Executive's Business Manager on the risk appetite scale, in particular around the ranges of risk placed on certain issues.

Following that discussion, Councillor O'Donnell proposed that the Strategy and associated Framework be approved. However, referring to the risk appetite level set for reputational risk, asked that Audit & Scrutiny Committee review that risk appetite, with a report on the outcome of their review being brought back to a future meeting of Cabinet for consideration.

Thereafter the Cabinet:-

- (a) agreed that the Audit & Scrutiny Committee be invited to review the risk appetite in relation to reputational risk and, following that review, a further report be brought to Cabinet; and
- (b) approved the Risk Management Strategy 2023 – 2025 and associated Risk Management Framework 2023 – 2025.

EASTWOOD CHANGING VILLAGE: UPDATE ON PROJECT PROGRESS AND INCREASED COSTS

335. The Cabinet considered a report by the Director of Environment on the Eastwood High School Changing Village project, which sought approval for additional funds to be allocated to the project to meet unanticipated costs and support project completion.

The project comprised internal alteration and refurbishment to improve poolside changing facilities situated in Eastwood High School, providing a modern changing village layout similar to other public pools. This work had been deemed essential as the current facilities were inadequate in terms of disability access.

The project had initially been allocated a budget of £452,000, however, the tender returned at £749,307.14 which, including internal fees and third party costs, brought the overall projected cost to £854,000. In order to accept the lowest tender, additional funds were identified and approved and the tender was accepted on 23 May 2022, with work commencing on 3 August 2022.

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The project had subsequently encountered a number of delaying factors, which were detailed in the report. Therefore, additional funding of £250,000 was required to allow the completion of the planned works. The Head of Accountancy (Chief Financial Officer) had been notified and would update the capital plan accordingly and notify Council.

It was explained that, if approved, the facility would be expected to re-open for swimming lessons after the Easter school break.

The Head of Environment (Strategic Services) was heard in response to questions regarding the project, in particular around the risks and issues associated with conducting destructive surveys on buildings to be refurbished. Further, he explained that it may be worth considering the level of contingencies included in project funding in future for such projects.

Thereafter, the Cabinet:-

- (a) noted the update provided on the improvements to Eastwood High School Changing Village project;
- (b) approved variation of the contract under section 14 of contract standing orders; and
- (c) noted the revised date for completion of the project.

THE EAST RENFREWSHIRE COUNCIL (GREENLAW ROAD, NEWTON MEARNs)(ON-STREET WAITING) ORDER 2023

336. The Cabinet considered a report by the Director of Environment seeking approval for the making and confirmation of the East Renfrewshire Council (Greenlaw Road, Newton Mearns)(On-Street Waiting) Order 2023.

The Cabinet:-

- (a) approved the making and confirmation of the East Renfrewshire Council (Greenlaw Road, Newton Mearns)(On-Street Waiting) Order 2023; and
- (b) delegated to the Director of Environment the implementation of the Order in accordance with the associated statutory procedures.

THE EAST RENFREWSHIRE COUNCIL (DISABLED PERSONS' PARKING PLACES)(ON-STREET) ORDER 2020 (AMENDMENT NO.1)

337. The Cabinet considered a report by the Director of Environment seeking approval for the making and confirmation of the East Renfrewshire Council (Disabled Persons' Parking Places)(On-Street) Order 2020 (Amendment No. 1).

The Roads Senior Manager was heard in response to questions about the removal of certain disabled bays, which were being removed as the residents who required them had moved to another area. She also confirmed the situation with parking, waiting and loading restrictions on Fenwick Road, Giffnock, clarifying that blue badge holders were exempt from "no waiting" orders, but not exempt from "no waiting or loading" orders.

Further discussion took place on the resolution to the objection received, noting that Elected Members had also received further representations against this objection. It was clarified that the granting of the Order would not preclude the Cabinet from amending it in future or issuing

separate Orders as required in respect of any future discussions that could take place between the objectors and the local Community Council. If any such discussions took place, it was agreed that a further report could be brought to Cabinet at that time to facilitate a resolution to the situation.

Thereafter, the Cabinet:-

- (a) approved the making and confirmation of the East Renfrewshire Council (Disabled Persons' Parking Places)(On-Street) Order 2020 (Amendment No.1); and
- (b) delegated to the Director of Environment the implementation of the Order in accordance with the associated statutory procedures.

CHAIR

MINUTE
of
AUDIT & SCRUTINY COMMITTEE

Minute of meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 23 February 2023.

Present:

Councillor Andrew Morrison (Chair)
Councillor Paul Edlin (*)

Councillor Annette Ireland
Councillor David Macdonald

Councillor Morrison in the Chair

(*) indicates remote attendance

Attending:

Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Phil Daws, Head of Environment (Strategic Services); Michelle Blair, Chief Auditor; Barbara Clark, Chief Accountant; Linda Hutchison, Clerk to the Committee; Jennifer Graham, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Apologies:

Provost Mary Montague; and Councillors Tony Buchanan (Vice Chair) and Gordon Wallace.

DECLARATIONS OF INTEREST

338. There were no declarations of interest intimated.

CHAIR'S REPORT

339. The following matters were raised during the Chair's report:-

Meetings with External Audit

- (i) Under reference to the Minute of the meeting of 19 January (Page 355, Item 286(i) refers), when the committee had noted that a meeting had taken place between the Chair and the new External Auditor, the Chair advised that further meetings between them had been arranged in March, June and September in advance of various key reports being submitted to the committee.

Having also referred to correspondence sent to members of the committee by the Clerk regarding a proposed training, familiarisation and development session with the External Audit Team on 30 March, Councillor Morrison sought clarification if the date was unsuitable for any of the Members present.

(ii) Revised Risk Management Strategy 2023-25 and Risk Management Framework 2023-25

Under reference to the Minute of the meeting of 19 January (Page 356, Item 287 refers) when, further to discussions on the Revised Risk Management Strategy 2023-25 and Risk Management Framework 2023-25, the committee had agreed that further clarification be sought from the Environment Department on the approach being taken regarding the Climate Change Impact Assessment and Strategy, including if there were any plans for a climate change risk and impact assessment to be developed for East Renfrewshire, the Chair confirmed that feedback on this would be considered later in the meeting when feedback on the National External Audit Reports on *Addressing Climate Change in Scotland* and *Scotland's Councils' Approach to Addressing Climate Change* would be discussed.

He further advised that when the Cabinet had considered the Revised Risk Management Strategy 2023-25 and associated Framework earlier that day, it had been agreed that the Audit and Scrutiny Committee be invited to review the Council's risk appetite in relation to reputational risk and, following that review, submit a further report to Cabinet.

The committee noted:-

- (a) that the Chair was scheduled to meet the External Auditor in March, June and September in advance of various key reports being submitted to the committee;
- (b) that a short training, familiarisation and development session was being arranged between members of the committee and the External Auditor on 30 March;
- (c) that issues relating to the Climate Change Impact Assessment and Strategy would be considered later in the meeting;
- (d) that the Cabinet had invited the Audit and Scrutiny Committee to review the Council's risk appetite in relation to reputational risk and, following that review, to submit a further report to Cabinet; and
- (e) otherwise, the report.

TREASURY MANAGEMENT STRATEGY 2023/24

340. Under reference to the Minute of the meeting of 10 November 2022 (Page 295, Item 230 refers), when, having considered a report on treasury management activities for the first six months of 2022/23 it had been agreed to recommend to the Council approval of organisations for the investment of surplus funds, the committee considered a report by the Head of Accountancy (Chief Financial Officer) explaining that, in line with the Chartered Institute of Public Finance and Accountancy (CIPFA) Treasury Management Code of Practice 2021, the Audit & Scrutiny Committee was responsible for ensuring effective scrutiny of the Council's treasury management strategy and policies.

In accordance with that requirement, a copy of the Treasury Management Strategy Report for 2023/24 was attached to the report for consideration in advance of its submission to the Council. It was highlighted that the figures within the report had been compiled on the basis of the latest available information, but that these may be subject to significant change, particularly as the outcome of the Council's £90m Learning Estate Improvement Programme (LEIP) bid was not yet known.

The Strategy Report included a proposal to amend treasury management practices in accordance with Annex F accompanying the report which listed organisations approved for the investment of surplus funds, in respect of which information was provided on related issues such as credit ratings and limits. It was also proposed that a policy on the repayment of loans fund advances, as specified in Section 3.4 of the report, be approved.

The Chief Accountant confirmed that the report was similar to previous years subject to a few amendments. She reported that a policy on environmental, social and governance factors had been included at Appendix G which explained how the Council would take these into account when making investments. A new Prudential Indicator (PI), the Liability Benchmark, had also been included depicting the amount of outstanding loan debt the Council needed to fund its existing debt liabilities.

The Chief Accountant confirmed that, from a borrowing or investment perspective, the approach remained as before, with the rest of the report concentrating on the Council's Borrowing and Investment Strategies, and setting out parameters that helped monitor both. To allow borrowing to be controlled, PIs had been set up which monitored permissible borrowing and allowed this to be compared against actual gross debt. The Chief Accountant highlighted plans to use the Council's reserve balances temporarily rather than fully funding capital expenditure by external borrowing, this being considered prudent and cost effective taking account of not only the cost of borrowing until it was used, but also the possibility of Capital Programme slippage. Having explained that the PIs had been set using the Council's 2023/24 Capital Programme, she confirmed that any movement in the Programme would affect how well the limits set could be adhered to; that indicators could require to be reviewed when the outcome of the LEIP bid was known; and that mid-year and year-end reports would be provided on this.

Having clarified that it remained the case that the primary objectives of the investment strategy were security and liquidity, the Chief Accountant referred to the types of investments that could be made as set out in Annexes D and E to the report respectively and associated risks; the proposed list of investors itemised in Annex F; and related monitoring arrangements. Reference was also made to a range of economic background information within the report which provided contextual information on the United Kingdom and global economic situation.

Having referred to treasury management training provided to Elected Members in 2022, the Chief Accountant confirmed that she would be happy to arrange further such training for Elected Members if that would be useful at any point, requests for which should be made through the Clerk.

In response to questions, the Chief Accountant quantified the financial benefit to the Council of the Scottish Government now providing fiscal flexibility to enable debt to be repaid over the lifetime of assets, and confirmed that the Council's treasury advisors were as confident as they could be on interest rate projections. The Head of Accountancy (Chief Financial Officer) confirmed that the Council did not place reliance on the advice of a sole group of treasury management advisors, but rather considered a range of issues as would be commented on further in a report on Financial Planning 2023/29 to be considered by the Council on 1 March. She added that there was broad agreement on interest rate projections from various sources.

It was confirmed that clarification had been sought on when the outcome of the LEIP bid would be known, but that no feedback had been provided thus far. It was also confirmed that the new liability benchmarking indicator excluded Private Finance Initiative figures.

The committee agreed:-

- (a) **to recommend to the Council** that the Treasury Management Strategy for 2023/24 be approved, including the Prudential and Treasury Indicators and the amended list of organisations for investment of surplus funds in accordance with Annex F to the report;
- (b) **to recommend to the Council** that the policy on the repayment of loans fund advances as specified in Section 3.4 of the report be approved;
- (c) **to recommend to the Council** that the forms of investment instruments for use as permitted investments be approved in accordance with Annex D to the report;
- (d) to note that a report on Financial Planning 2023/29 was due to be considered by the Council on 1 March;
- (e) to note that further training on treasury management issues could be arranged by the Chief Accountant, any requests for which should be made through the Clerk; and
- (f) otherwise, to note the report and related comments made.

NATIONAL EXTERNAL AUDIT REPORTS – ADDRESSING CLIMATE CHANGE IN SCOTLAND AND SCOTLAND’S COUNCILS’ APPROACH TO ADDRESSING CLIMATE CHANGE

341. The committee considered a report by the Clerk on the publication by Audit Scotland of a report entitled *Addressing Climate Change in Scotland* and a report by the Accounts Commission on *Scotland’s Councils’ Approach to Addressing Climate Change*, published in March 2022 and September 2022 respectively, regarding which, under the committee’s specialisation arrangements, Councillor Ireland was leading the review of these reports. The Head of Environment (Strategic Services) had been asked to provide comments and a copy of his feedback was attached to the report. The report provided further clarification on the approach being taken regarding the Climate Change Impact Assessment and Strategy (Item 406(ii) above refers).

The report referred to work progressed by the Audit and Scrutiny Committee on climate change in 2020 and related reports; the Council’s approach to climate change, including the declaration by it of a climate emergency in October 2021; approval of the Get to Zero Ambition Statement in November 2021; approval of the Climate Change Impact Assessment process in June 2022; and agreement to set a target to achieve net-zero carbon emissions by 2045 for both direct and indirect emissions. The position on progress thus far was summarised which included a reduction of emissions through implementation of the Clyde Valley Residual Waste Contract; improvements to utilities; and changes to street lighting. Although good progress had been made in reducing emissions through the Clyde Valley Waste Partnership, further reductions from this contract were not expected in view of the gains already achieved.

Further information was provided on climate change targets in the course of which it was explained that, if the current trajectory of reductions continued, the Council would not meet

the 2045 target for net zero carbon emissions. Additional step-change was therefore required, this being a situation that was not unique to East Renfrewshire. Although no interim targets had been set by the Council, the Scottish Government had set a national interim target of 75% reduction by 2030 and 90% reduction by 2040, from a baseline year of 1990.

Having referred to key areas in relation to which the Council was required or expected to make significant change to its future plans and operations, the report clarified that many of these targets were currently non-statutory and described as 'policy expectations' for the time being. It was highlighted that should these targets become statutory, such as in relation to social housing, it could be that additional funding would be made available.

Whilst commenting on a range of related challenges, the report explained that many recommendations made by the Accounts Commission required investment of financial and non-financial resources. Whilst the Council could work to estimate and define costs, its ability to deliver a number of the recommendations and the draft Get to Zero Action Plan (GTZAP) was significantly diminished given current budgetary constraints and other challenges such as in relation to new technology development and market design, regulation and planning, procurement and market readiness, availability of quality data, and fairness and equality. For example, reference was made to the scope and scale of change required to the Council's buildings alone and how the pace of related work needed to be increased, with, for example, there being similar other challenges in relation to vehicles.

It was concluded that the Council had made progress to improve responses to the climate change challenge, but that it remained very challenging for it to meet net-zero related targets due to the lack of a national policy framework, route map and funding constraints. Other local authorities faced the same challenges and the country, as a whole, was 'off-track' to meeting its interim net-zero target of 75% reduction by 2030. Transformational change was required across all areas of Council and community activity and needed to start now if targets were to be met. It was emphasised that much of the action required would need to be delivered at a national and regional level, with local councils fulfilling a partnership and delivery role.

In reviewing the Accounts Commission recommendations on action to be taken by councils, there were a number of areas where the Council was performing well but gaps also existed. These would be addressed, as far as possible, in the forthcoming GTZAP but additional funding and joint working with other local authorities and partners would be necessary in order to fulfil recommendations and delivery of the plan. The GTZAP would identify funding requirements as far as possible.

Whilst highlighting key aspects of the report, the Head of Environment (Strategic Services) cited examples of the types of work required on the Council's current school estate to improve energy efficiency, referring to the financial and logistical challenges associated with retrofitting buildings. He also referred to changes being made to reports submitted to committees and revenue and capital funding related forms in the interests of pursuing the Get to Zero agenda. He added that further scrutiny by Audit Scotland was anticipated in the progress being made by local authorities on addressing climate change issues.

In response to questions from Councillor Ireland, the Head of Environment (Strategic Services) confirmed that the Council's draft GTZAP was expected to be issued for public consultation in April/May 2023, although the length of the consultation period was still to be determined. Following receipt of responses, a report would be submitted to the Cabinet as soon as possible thereafter. Regarding procurement, he referred to the scale of annual expenditure on this across the Council as a whole, the need for further work to be done on procurement issues, but also the need for caution to ensure that any related changes made were manageable and robust, adding that this was an area of work where a national framework would be valuable.

In the context of the Council's current financial situation, Councillor Edlin expressed serious concerns regarding the level of capital expenditure required to enable climate change targets to be met, commenting that he did not consider the level of expenditure at all feasible without further financial resources being made available. The Head of Environment (Strategic Services) concurred that related costs could be substantial and that additional capital investment would be needed.

In response to Councillor Edlin who referred to the costs of retro-fitting buildings, and Councillor Morrison who highlighted the cost of replacing vehicles to address climate change issues, the Head of Environment (Strategic Services) commented that it was hoped and expected that, as more suppliers entered the market to provide carbon neutral goods and services, the costs of these would reduce in future, but it remained to be determined if they would reduce sufficiently and become more affordable. He explained that the costs involved would be very substantial, but that it was very challenging to quantify the net costs of all the Get to Zero work accurately at present, such as that required on buildings for example when related survey work still required to be undertaken. He added that a further factor to consider on net Get to Zero costs was that work was required on buildings between now and 2038 irrespective of the Get to Zero agenda.

Responding to Councillor Morrison, he further commented that it did not appear to be the case that new government funding would be made available to meet the costs of expenditure required, but that it was needed by local authorities if they were expected to address Get to Zero targets. Having confirmed that many of the targets set were non-statutory at present, he expressed hope that, if legal statutory requirements needed to be met in future, additional funding would become available.

In response to further questions from Councillor Ireland, the Head of Environment (Strategic Services) advised that the Climate Change Impact Assessment had only recently been introduced and would take some time to become fully embedded in mainstream working practices across the Council. He added that related scrutiny at Council, Cabinet and the Audit and Scrutiny Committee for example was helpful, and that the introduction of a climate change risk assessment for East Renfrewshire could be considered if felt beneficial, but that work would be required to ensure that a meaningful approach to this was adopted, not just one that required a tick box approach to be taken which he considered insufficient. He undertook to consider this further.

Also in response to Councillor Ireland, he referred to the importance of working with local communities and neighbouring authorities to develop solutions to climate change issues, confirmed that some local climate groups had started to be established in summer 2022 to work with community councils on which further progress would be useful, and commented that consideration was also being given to placing some focus on green issues as part of the participatory budgeting process. He added that any suggestions from Elected Members on how such approaches could be rolled out successfully would be welcomed.

Councillor Morrison referred to the report and to the sources of the Council's carbon emissions, 80% of which came from gas and electricity use. Having highlighted that any electricity used by the Council came from wholly renewable sources, he sought the views of the Head of Environment (Strategic Services) on the Council being obliged to use the power generation that goes into the national grid as a measurement of its supply, which did not seem appropriate to him. The Head of Environment (Strategic Services) acknowledged the issue being raised, reported that he was not aware of the proportion of electricity used in the United Kingdom or Scotland that came from renewable sources, but added that if everyone living in Scotland for example moved to a renewable tariff, it could be argued that no one was using

electricity that was not generated from renewable sources. However, the market was not currently supplying wholly renewable energy at present. Councillor Morrison highlighted that the only way the Council could address this was to use less electricity or generate its own.

Councillor Morrison referred to the energy efficiency of the Council's social housing and highlighted reference in a report, to be considered at the forthcoming meeting of the Cabinet, to the fact that only essential energy efficiency works were being progressed with less urgent works deferred while management awaited revised energy efficiency guidance from the Scottish Government. In response to a question from him on when the guidance would be forthcoming, in the interests of both energy efficiency and the cost of living, the Head of Environment (Strategic Services) confirmed that local authorities had been required to achieve Energy Efficiency in Social Housing (EESH) which most achieved, with work now moving to EESH2. He highlighted that achieving carbon neutral standards for new buildings was relatively easy and inexpensive, but that doing so for existing housing required retrofitting which was more challenging, especially when there was shared ownership of a property. He explained that from a social housing service perspective the only source of income to pay for such work was rental income, increases in which would impact on the cost of living of tenants. He confirmed that this issue was the subject of on-going discussions with the Scottish Government, but it remained unknown when they would be concluded.

In response to Councillor Ireland, the Head of Environment (Strategic Services) confirmed that he was not aware of any plans to establish a climate change committee or board locally as some other Councils had done. He did not consider them unhelpful, but was not sure how beneficial that would be locally given that there was already a sufficient range of formal bodies at which climate change related issues could be raised to complement more informal discussions undertaken.

The committee noted:-

- (a) the assessment of progress made to date with respect to the Council's action on addressing climate change matters;
- (b) that making progress would be challenging due to the lack of a detailed national policy framework, route plan and uncertainty on funding; and that a national step-change would be required to facilitate successful delivery of the draft Get to Zero Action Plan at a local level;
- (c) that local authorities would be subject to greater scrutiny by Audit Scotland in terms of action against climate change; and
- (d) otherwise, the report and related comments made.

INTERNAL AUDIT PLAN 2022/23 – IMPLEMENTATION PROGRESS – OCTOBER TO DECEMBER 2022

342. The committee considered a report by the Chief Auditor regarding progress made on the implementation of the 2022-23 Internal Audit Plan from 1 October to 31 December 2022. It was confirmed that three audit reports in relation to planned 2022-23 audit work had been completed in quarter 3, information on which was provided. Details of reports which were carried out as part of the 2022-23 plan, on which responses had been received since the previous progress report had been submitted, were also provided.

Reference was made to the quarterly performance indicators (PIs) for the section. On the basis of the current resources within the section, it was proposed that six audits be deleted from the 2022/23 plan and be reconsidered as part of future audit plans. The report also confirmed that there had been three new requests for assistance dealt with using contingency time, which had not resulted in a financial loss to the Council.

The Chief Auditor referred to key aspects of the report, during which she confirmed that two reports issued in the quarter relating to planned 2022-23 audit work were follow-up reports which had already been circulated to members of the committee. Further comments on both were provided. Regarding the use of contingency time, she highlighted that one of the issues looked at concerned a contract on which there had been a significant overspend, and another related to an investigation of a payroll anomaly which had come to light while some payroll work on behalf of the Culture and Leisure Trust had been undertaken. She summarised the outcome of both and the related action to be taken.

Having confirmed that two vacancies remained in the Internal Audit section, she explained that, whilst this remained the case, it was proposed that six audits be deleted from the 2022/23 plan to be reconsidered as part of future audit plans. This would allow priority to be given to completing audits which would provide the most overall assurance on system controls.

In response to Councillor Morrison, the Chief Auditor confirmed why it had been proposed to delete two Education audits from the plan. She clarified that payroll, which constituted most of the Education budget, was covered in payroll audits and that other issues that would have been the focus of work did not generally impact on the assurance statement.

The committee agreed:-

- (a) to approve the amended Internal Audit Strategic Plan for 2022/23;
- (b) not to seek any of the reports issued during the quarter at this stage; and
- (c) otherwise, to note the report and related comments made.

CHAIR