

MINUTE
of
EAST RENFREWSHIRE COUNCIL

Minute of meeting held at 5.00pm in the Council Chamber, Council Headquarters, Giffnock on 26 April 2023.

Present:

Councillor Andrew Anderson	Councillor David Macdonald (*)
Councillor Caroline Bamforth	Councillor Jim McLean
Councillor Tony Buchanan	Councillor Colm Merrick
Deputy Provost Kate Campbell	Provost Mary Montague
Councillor Angela Convery	Councillor Andrew Morrison
Councillor Betty Cunningham (*)	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

Attending:

Lorraine McMillan, Chief Executive; Louise Pringle, Director of Business Operations and Partnerships; Mark Ratter, Director of Education; Caitriona McAuley, Director of Environment; Julie Murray, Chief Officer - Health and Social Care Partnership; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Andy Corry, Head of Environment (Operations); Gillian McCarney, Head of Environment (Chief Planning Officer); Julie Nicol, Planning and Building Standards Manager; Suzanne Conlin, Senior Housing Manager; Graeme Smith, Communications Manager; Colin Sweeney, Democratic Services Manager; Linda Hutchison, Senior Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Apology:

Councillor Danny Devlin.

(*) indicates remote attendance at some or all of the meeting.

DECLARATIONS OF INTEREST

417. 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.

MINUTE OF MEETING OF THE COUNCIL HELD ON 1 MARCH 2023

418. The Council considered and approved the Minute of the meeting held on 1 March 2023.

MINUTES OF MEETINGS OF COMMITTEES

419. The Council considered and approved the Minutes of the meetings of the undernoted, except as otherwise referred to in Item 420 below:-

- (a) Cabinet – 2 March 2023;
- (b) Appointments Committee – 2 March 2023;
- (c) Civic Hospitality Committee – 8 March 2023;
- (d) Licensing Committee – 14 March 2023;
- (e) Cabinet – 23 March 2023;
- (f) Audit and Scrutiny Committee – 30 March 2023;
- (g) Planning Applications Committee – 5 April 2023;
- (h) Local Review Body – 5 April 2023;
- (i) Licensing Committee – 11 April 2023;
- (j) Cabinet – 13 April 2023;
- (k) Education Committee – 20 April 2023; and
- (l) Appointments Committee – 25 April 2023.

CABINET – 23 MARCH 2023 – DEBT RECOVERY POLICY

420. Under reference to the Minute of the meeting of the Cabinet of 23 March 2023 (Page 448, Item 381 refers), when it had been agreed to approve the revised Debt Recovery Policy for charges administered by the Revenue Service, the Director of Business Operations and Partnerships explained that, contrary to the Minute, the Council did share data with debt collection agencies to the extent required to enable Sheriff Officers to collect debt on behalf of the Council in line with the Policy, but did not share data with or sell data to credit reference agencies.

It was agreed to approve the Minute, subject to the amendment referred to above.

GENERAL FUND CAPITAL PROGRAMME

421. Under reference to the Minute of the meeting of the Cabinet of 2 March 2023 (Page 436, Item 368 refers), when it had been agreed to recommend to the Council that the proposed adjustments to the General Fund Capital Programme be approved, the Council considered a report by the Head of Accountancy (Chief Financial Officer), recommending adjustments to the Programme as at 31 December 2022 in light of developments that had arisen since the Programme had been approved.

In response to Councillor Ireland, the Head of Accountancy (Chief Financial Officer) confirmed that the Capital Programme 2023-24 to 2032-33 approved on 1 March 2023 had already taken account of changes to projects that were not progressing as intended originally and as discussed by the Corporate Asset Management Group. She clarified that any further changes required in response to additional pressures identified would be reflected in subsequent reports on the Programme submitted to the Cabinet.

Also in response to Councillor Ireland, the Head of Environment (Operations) confirmed that the provision of £866k for replacing the environment fleet covered a wide range of vehicles,

and undertook to send her a detailed list of these. The Director of Environment also undertook to provide further clarification to her on the Clarkston traffic management improvements to be done, the expenditure planned on the Barrhead Foundry, and the availability of funds to repair the saunas and steam rooms at both the Foundry and Eastwood Leisure Centre and related timescales for this work.

The Council noted:-

- (a) that the Head of Environment (Operations) would provide a list of the environment vehicles to be replaced to Councillor Ireland;
- (b) that the Director of Environment would provide further clarification to Councillor Ireland on the Clarkston traffic management improvements, the expenditure planned on Barrhead Foundry, and the availability of funds to repair the saunas and steam rooms at both the Foundry and Eastwood Leisure Centre and related timescales for this work;
- (c) and approved the movements within the Programme; and
- (d) the shortfall of £0.272m and that income and expenditure on the Programme would be managed and reported within the final Accounts for the year.

HOUSING CAPITAL PROGRAMME

422. Under reference to the Minute of the meeting of the Cabinet of 2 March 2023 (Page 437, Item 369 refers), when it had been agreed to recommend to the Council that the proposed adjustments to the Housing Capital Programme be approved, the Council considered a joint report by the Head of Accountancy (Chief Financial Officer) and Director of Environment, monitoring expenditure as at 31 December 2022 against the approved 2022/23 Programme.

The Council noted:-

- (a) and approved the current movements within the Programme; and
- (b) the shortfall of £0.103m and that income and expenditure on the Programme would be managed and reported within the final Accounts for the year.

STATEMENTS BY CONVENER AND REPRESENTATIVES ON JOINT BODIES AND COMMITTEES

423. The following statement was made:-

- (a) **Councillor Anderson – Convener for Education, Equalities, Culture and Leisure**

Referring to work the East Renfrewshire Culture and Leisure Trust (ERCLT) had been doing to rebuild following the COVID-19 pandemic, Councillor Anderson expressed delight that all key commercial business areas had exceeded pre-COVID levels. He confirmed that gym and fitness membership was continuing to grow to a record level, and that the theatre was continuing to build its reputation and profile, referring to three recent sell-out shows performed there.

Regarding sports and physical activity, Councillor Anderson highlighted that March had been a significant month for ERCL, with the Active Schools Team organising two major competitions. Supported by volunteers from Giffnock North Athletics Club, over 650 primary and secondary pupils from 19 primary schools and 7 secondary schools had participated in the cross country championships in Rouken Glen Park. Furthermore, 550 participants had demonstrated various dance styles to a very high standard at the annual Dance Championships held at Eastwood High School Sports Centre, with over 20 local primary schools, 7 high schools and Isobel Mair School having participated. He congratulated all participants and thanked the Active Schools Team, teachers, coaches and parents who had given up their time to be involved.

Councillor Anderson also reported that, during the spring holiday period, the Active Schools and Community Sports Teams had delivered highly sought after activity and sport camps at Barrhead High School and Eastwood High School respectively, all available spaces having been booked and 325 children and young people having been involved in over 20 sports and activities. He paid tribute to the Trust and the Council's coaches, support staff and volunteers who had strived to ensure a fun, safe and enjoyable experience for all attendees.

Regarding library and information services, it was reported that *Open More*, which had been piloted at Clarkston Library in 2019 to allow customer access to it during evenings when no staff were present but then suspended due to COVID-19, had been reintroduced there. This gave users access for an additional 27 hours per week, allowing the self-service issue and return of books and access to PCs, study space and a warm and welcome place. It was aimed to launch *Open More* to the wider library community in May 2023.

Reference was also made to improvements made to, and some refurbishment of, Mearns Library. This work included working with Enable Scotland to make the space more neuro-diverse friendly, and the purchase of a sensory magic carpet for the children's library area, an aim being to encourage families with young children to stay for longer.

He concluded that a strong picture had been presented.

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

Councillor Pragnell reported that the Chief Financial Officer (CFO) of the Integration Joint Board (IJB) had set out the proposed budget for 2023/24 at its meeting in March. The IJB had acknowledged that the budget had been the most difficult one it had needed to consider as related risks were significant, this being broadly in line with the challenges facing other IJBs and partner bodies. Risks discussed had included managing and containing new demand for services and prescribing, but the budget had been approved after assurances had been provided that the Health and Social Care Partnership (HSCP) could meet its statutory duties.

Councillor Pragnell clarified that budget contributions from both partners met Scottish Government requirements, including on pay award funding from the Council, but that against current cost pressures of £10.34m, a gap of £7.06m remained. Therefore the HSCP was working on savings proposals, including the implementation of the Supporting People Framework approved by the IJB in March, which set out eligibility criteria for social care services.

Having referred to related discussions on the importance of communication, training and partnership working and the potential impact on unpaid carers, Councillor Pragnell stressed that a lot of change was required at pace, confirming that Elected Members had received a related briefing.

At the IJB meeting, the CFO had also presented a 2022/23 revenue budget monitoring report, projecting an overspend of just under £0.3m to be met from reserves. All costs were continuing to be monitored and the IJB would consider the provisional outturn for the year in June.

The IJB had also received an update on the Joint Inspection of Adult Support and Protection underway by the Care Inspectorate, the purpose of which was to seek assurances that adults at risk of harm were supported and protected by existing national and local arrangements. It was confirmed that the final report was expected at the end of June.

The IJB had welcomed co-production activity outlined in the Equalities and Human Rights Mainstreaming Report, the establishment of an Equality Working Group and planned training, whilst noting required culture change to fully embed equality practices. Continuation of equalities outcomes for the next two years had been agreed.

A detailed report had also been presented on unaccompanied asylum seeking children and the Ukrainian resettlement scheme, reflecting that the latter was working well and that 93 Ukrainian guests were based in East Renfrewshire. Regarding the National Transfer Scheme for unaccompanied asylum seeking children, the IJB had noted support provided and the financial impact of the Scheme due to a funding shortfall from the Home Office. It was explained that the Scottish Government and Home Office were being lobbied on this through COSLA and other bodies, that the expected profile of unaccompanied children could give rise to new cost pressures in 2023/24, that the scheme had implications for housing and education services, and that an update would be shared with Cabinet in due course.

The IJB had also received an update on, and supported, the Specialist Children's Services realignment, bringing Child and Adolescent Mental Health Services and Specialist Community Paediatrics Teams together under a single management structure hosted by East Dunbartonshire HSCP. The IJB had been reassured that local services and initiatives would not be impacted.

The IJB had extended thanks to Deirdre McCormick and Amina Khan at their last meeting as IJB Members, recognised the contribution the former Democratic Services Manager, Eamonn Daly, had made to the establishment and operation of the IJB, and endorsed his successor, Colin Sweeney, as the new Standards Commission Officer.

The Council noted the statements.

PROVOST'S ENGAGEMENTS

424. The Council considered 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 previous meeting on 1 March 2023.

Provost Montague thanked Deputy Provost Campbell for deputising for her at the grand opening of the Community Enterprise Hub in Barrhead on 4 April, and paid tribute to James McVitie, former Head Teacher of St Ninian's High School, for his contribution to Education Services, the moving funeral for whom she and others had had the privilege of attending.

The Council noted the report.

DRAFT OUTCOME DELIVERY PLAN AND FAIRER EAST RENFREWSHIRE PLAN FOR 2023-2024

425. Under reference to the Minute of the meeting of 3 March 2022 (Page 1819, Item 1913 refers), when it had been agreed to note various issues regarding Vision for the Future and agreed to recommit to refreshing it to take account of various challenges and opportunities ahead as work alongside partners and communities continued to shape and progress East Renfrewshire's post-pandemic recovery and renewal; and to approve the use of outputs of the budget engagement, Citizens' Panel and humanitarian research to inform future strategic planning, the Council considered a report by the Chief Executive requesting consideration of the one-year Draft Outcome Delivery Plan (ODP) and Fairer East Ren (FER) Plan 2023-24. These Plans included key planned activities for meeting the Council's outcomes, indicators to measure success and contributions from the HSCP and ERCLT.

The report clarified that the Community Plan set out the Community Planning Partnership's (CPP) vision for East Renfrewshire's communities, and incorporated FER (the Local Outcome Improvement Plan), required under the Community Empowerment Act, which focused on tackling inequalities and closing the gap between communities. Reference was also made to the ODP, the Council's contribution in partnership with the HSCP and ERCLT to the shared outcomes in the Community Plan with the additional organisational outcomes of Customer, Efficiency and People; and Vision for the Future, the longer-term strategy, which complemented the Community Plan and presented how it would deliver the long-term ambitions of it.

Having reported that a CPP workshop had been held in October 2022 and that it had been agreed to align the Community Plan more to Vision for the Future, placing a focus on people and place, the report also commented on a Vision for the Future workshop with the CMT and Budget Strategy Group (BSG) in March 2023 to explore the ambitions and vision for the Council for the next 10-15 years. It was clarified that further details of this work would be submitted to the Council in June, and that the Vision would be further shaped by engagement with community planning partners, networks and groups throughout 2023.

The report outlined why one-year updates to both the ODP and FER plans had been prepared since 2020, and why this approach was continuing to enable the Council's and partners' longer-term strategy to be reviewed. It was explained that in the past few years the forward-looking plan had been aligned with the annual performance reports presented to the Council each June, that the Vision for the Future strategy would be presented to the Council in June, and why, in order to focus fully on the Council's longer-term strategic vision at the April meeting, it had been agreed to submit the ODP and FER one-year operational plans. Consequently departments and partners had completed a light touch update on key activities as presented in the Annexes to the report without graphs on progress against targets, as this trend data was unavailable until the end of April. This information, financial information and an updated contextual narrative, were to be added prior to publication of the plans on the Council's website.

The shared outcomes across both the ODP and FER plans reflected the Council's strategic priority areas to improve outcomes for early years and vulnerable young people; learning, life

and work; economy and the environment; safe, supportive communities; and older people and people with long term conditions which, together with associated intermediate outcomes, remained. Details of proposed changes to the critical activities required to achieve these outcomes, mainly in the ODP, were provided. Performance against the targets in the ODP would be recorded and monitored; and data would be scrutinised as part of the Council's mid and end year performance reporting arrangements and discussed at Directors' review meetings with the Chief Executive. Performance regarding FER plans would be recorded and monitored, with data scrutinised at the CPP Board in autumn 2023. The current Equality, Fairness and Rights Impact Assessment for the ODP and FER plans would be reviewed and updated as required to cover the 2023-24 period.

Councillor Morrison referred to the reorganisation of specialist children's services and concerns he had received from constituents regarding delays arising from COVID-19 for child and adolescent mental health services, seeking an update on recruitment in this field. The Chief Officer-HSCP acknowledged there had been a slight delay on recruitment linked to the transfer of the service to East Dunbartonshire, but confirmed this was now underway and that more contingency should exist to address waiting times under the new arrangements.

In response to Councillor Ireland who expressed concern regarding the omission of some important, detailed information in the report, including graphs and updates on targets which she considered essential to scrutinise and assess progress, and also in response to Councillor O'Donnell who also referred to their importance for scrutiny, the Director of Business Operations and Partnerships clarified that the purpose of submitting the report to this meeting had been to focus on Vision for the future and the wider strategic plan close to the start of the financial year. She assured Elected Members that more detailed performance information would be included in the report to be submitted to the Council in June.

The Council:-

- (a) approved the content of the ODP 2023-24 and the FERP 2023-24 Plan; and
- (b) noted that these were both one-year operational plans while the Council undertook a focused period of longer-term strategic planning.

NATIONAL PLANNING FRAMEWORK 4 (NPF4)

426. Under reference to the Minute of the meeting of 3 March 2022 (Page 1818, Item 1913 refers), when it had been agreed to note the publication of the draft National Planning Framework 4 (NPF4) and timescale for related consultation, and also to approve the Council's formal response to the consultation for submission to the Scottish Government, the Council considered a report by the Director of Environment commenting on the formal adoption by Scottish Ministers of NPF4 on 13 February 2023, the related implications for the Council's current and emerging Local Development Plans (LDPs), and the subsequent effect on the consideration of applications for planning permission.

The report referred to the ongoing and substantial transformation of the Planning System in Scotland; highlighted the extent to which the context for preparing the Council's next LDP (LDP3) under the Planning (Scotland) Act 2019 had changed; and explained that future LDPs required to be reviewed every 10 years. The position on various related issues and implications, including consultation, was outlined. The Scottish Government's expectation was that every planning authority in Scotland would have a new style LDP in place within around 5 years of the new Development Plan Regulations coming into force, the publication of which were programmed for spring 2023.

NPF4, a long-term plan (up to 2045) for Scotland, retained most of the overarching principles expressed in the earlier draft, but the layout, order and policy detail had been substantially amended to address concerns raised, with policies now grouped under three rather than four themes. Having confirmed that NPF4 now held an enhanced status and had become a formal part of the development plan for East Renfrewshire, the report outlined the position on a range of related issues and implications, including transitional arrangements for the new development plan system, the publication of new Development Plan Guidance and a range of related issues. Whilst commenting in more detail and on how NPF4 would inform the Council's next LPD amongst other strategies and plans, the report confirmed that policies within it were intended particularly for use in determining planning applications through the Development Management process. Reference was made to the structure of NPF4 in more detail, the relationship between it and the Council's LDP2 on which analysis had been provided, and related delivery and resource issues and implications for the Planning Service, which included that there was a significant resource gap due to a lack of dedicated specialisms.

It was concluded that the full implications of NPF4 for the preparation of LDP3 were not yet clear. Regulations laid before the Scottish Parliament in March 2023 to support the new approach to LPDs were due to come into force on 19 May 2023, but critical supporting guidance remained to be issued. A further report would be submitted to the Council for consideration when there was clarity on these matters. NPF4 would be a critical document in shaping the spatial strategy for Scotland for over 20 years and East Renfrewshire's emerging LDP3. Emphasis was welcomed on the commitment to tackling the climate crisis, to minimise emissions and to enhance biodiversity; and to place-based approaches, especially by embedding the 20-minute neighbourhood approach.

In response to issues raised by Councillor Wallace on 20-minute neighbourhoods, carbon credit schemes and related conspiracy theories on restrictions of movement, the Head of Environment (Chief Planning Planning) confirmed that it was only when the Economic Development Team had been consulting on place issues that it had become apparent that there was a group that held a different view on what such a neighbourhood would be. There was now awareness of this issue, which was being considered and would need to be dealt with appropriately during future consultations.

Councillor Ireland welcomed the report, emphasis on partnership working, references to local place plans, and environmental and community focussed provisions within NPF4. In response to questions from her on how work on local place plans would be taken forward, what form that would take and, more generally, if training would be made available for members of the Planning Applications Committee, the Planning and Building Standards Manager clarified that Scottish Government Guidance on local place plans was awaited, but that there would be correspondence with the community shortly on how to become involved in their development and how related support could be provided. She confirmed that training for all Elected Members on NPF4 and the new style LDP would be provided.

Whilst referring to confrontation between council officers and residents on 20-minute neighbourhoods in Oxfordshire, Councillor Bamforth commented that concerning problems had arisen there, attributing this to the circulation of misinformation and conflation of this and congestion issues which were separate matters. She expressed her support to officers in East Renfrewshire on such neighbourhoods, referring to the importance of not conflating issues.

Councillor Edlin referred to a recent presentation on this issue at The Avenue Shopping Centre at which he had been besieged by some constituents who had become very upset and stressed about some suggestions made. Having attributed some of that to misunderstandings, he disagreed with some aspects of the approach taken at the event, citing an example of information presented on the potential to reduce car parking provision to encourage active travel which he felt should not have been provided as it was. Having commended officers for

their work, he also highlighted the need for a more circumspect approach at times regarding the presentation of information.

Councillor O'Donnell welcomed the report, acknowledging the extensive associated work of officers thus far and required in future. Regarding future engagement planned with Elected Members on the implications of NPF4 for the LDP and wider Council strategies, he referred to the importance of such briefings given implications for managing new developments in future. He reported that he had spoken to the Scottish Minister for Local Government Empowerment and Planning earlier in the day on the issues that had arisen on 20 minute neighbourhoods and the need for better communication on issues such as these and the implications for individuals. He stressed the importance of avoiding conspiracy theories generating, of Elected Members being clear on the factual position on issues, of consultation on LDP3, of residents determining what a 20-minute neighbourhood would be and, more generally, of Elected Members getting appropriate training on these issues, including the use of appropriate language.

The Chief Executive depicted 20-minute neighbourhoods as a group of concepts contributing to a sense of community and access to amenities on a daily basis, these being issues Elected Members had reported being raised with them. She added that they should reflect what communities themselves wanted and their differing ideas, referring to the importance of talking to and reflecting the views and wishes of many residents when determining the way forward, and revisiting work on town centres consulted on previously. She highlighted the value of focussing on such issues, rather than terminology, and of trying to reach an acceptable consensus which NPF4 could assist with in terms of its focus on place.

Councillor Morrison welcomed the level of partnership working associated with NPF4. He expressed the view that it had become apparent, following the formulation of LDP2, that there had been insufficient consideration given to primary care provision in Neilston, which had grown in size since and now lacked sufficient GP capacity and a means of that being addressed, which undermined the concept of neighbourhood. The Planning and Building Standards Manager commented on the importance of gathering evidence, and of an infrastructure first approach under the new arrangements, which would include working with the HSCP, other departments and stakeholders. Regarding primary care provision, she confirmed there was an opportunity through the Development Contributions Policy to draw down contributions for physical infrastructure for such provision, which was being actively considered. GP provision had been considered when LDP2 was formulated but it was highlighted that circumstances can change.

The Council noted:-

- (a) the adoption of National Planning Framework 4 (NPF4) by Scottish Ministers on 13 February 2023 and the subsequent effect on the consideration of applications for planning permission;
- (b) that NPF4 would form part of the Council's Development Plan alongside the adopted LDP2;
- (c) the policy framework (Appendix A to the report) which would be used to guide planning decisions; and
- (d) that the full implications of the new Development Plan Regulations, and the more detailed steps for preparing LDP3, would be reported to Council in due course for consideration.

LOCAL DEVELOPMENT PLAN SUPPLEMENTARY GUIDANCE – AFFORDABLE HOUSING; DEVELOPMENT CONTRIBUTIONS; GREEN NETWORK AND HOUSEHOLDER DESIGN

427. The Council considered a report by the Director of Environment, providing an update on progress regarding Local Development Plan 2 (LDP2) Supplementary Guidance documents and seeking approval to submit 3 statutory documents to Scottish Ministers for adoption.

Having confirmed the purpose and status of Supplementary Guidance in relation to the LDP and as a tool in the Development Management process, and referred to associated legislative issues, the report explained that local authorities could continue to prepare and adopt such Guidance associated with LDPs until 31 March 2025, with any adopted treated as forming part of the development plan for the area to which the LDP related. Further to the adoption of various Supplementary Guidance documents alongside LDP1 in June 2015, the subsequent adoption of LDP2 and the commencement of a review of the existing Supplementary Guidance, following consultation the report put forward proposals regarding the adoption of such Guidance in relation to LDP2 on Affordable Housing, the Green Network and Development Contributions, copies of all of which were appended to the report. A Householder Design Guide (a copy of which was also appended to the report) had also been consulted upon. This was non-statutory and would not form part of the adopted LDP2, but would be a material consideration in the determination of planning applications.

The updated Guidance reflected the revised policies set out in LDP2 and other relevant national and regional policy updates, the most significant being the updated policy framework and direction set out in NPF4, with no major changes of approach or methodology proposed. 28 days after the Supplementary Guidance, together with a statement setting out the publicity measures undertaken was submitted to Scottish Ministers together with the representations summary and responses, the Council would be permitted to adopt the Guidance unless directed otherwise by Ministers. The position on a related Equality, Fairness and Rights Impact Assessment and a Strategic Environmental Assessment was summarised.

Councillor Ireland and Councillor McLean thanked officers for their work on the Guidance and for reflecting within it views expressed during related consultation. Thereafter, further to the discussions earlier in the meeting on training for all Elected Members on NPF4 and the new style LDP, Councillor O'Donnell commented that it would be useful to give some time during the training on these to technical guidance such as this and to deliver some of the training prior to the summer recess. The Planning and Building Standards Manager confirmed it was planned to do so and to schedule further sessions as necessary.

The Council:-

- (a) approved the proposed responses and recommendations to representations;
- (b) approved the submission of the Affordable Housing, Development Contributions and Green Network Finalised Supplementary Guidance to Scottish Ministers for adoption as attached in Appendices 1, 2 and 3 to the report;
- (c) approved the publication of the non-statutory Householder Design Planning Guidance as attached in Appendix 4 to the report; and
- (d) authorised the Director of Environment to approve any minor inconsequential changes to the documents, in line with Council policy, prior to submission to Scottish Ministers.

CAPELRIG HOUSE CAPITAL PROJECT - UPDATE

428. The Council considered a joint report by the Director of Environment and Head of Public Protection and Children's Services (Chief Social Work Officer (CSWO)) referring to a delay in progressing the proposed pioneering project "Childs House for Healing" in partnership with Children 1st at Capelrig House, and seeking approval of an increase in the financial contribution sought.

Having outlined the background to the report following the Council's agreement in February 2021 to enter into a 25 year lease with Children 1st to develop Scotland's first Barnahus, which was a joint initiative between Children 1st, East Renfrewshire HSCP and the Council, the report explained the aim to create a centre for excellence to develop practice to be shared nationally so that no child victim or witness ever had to endure long delays to secure safety, care, justice and recovery. A range of related issues were commented on, including that the Council, HSCP and Children 1st considered this an excellent opportunity to be at the forefront of a step change in the delivery of children's support services within the UK, and that the East Renfrewshire led Scottish Child Interview Model had been recognised as sector leading, with there being a desire to continue to build on that track record of success and knowledge.

The report summarised why the project had been delayed, including due to COVID-19 and a tender return greater than the available financial provision. Reference was made to the initial and current estimated costs for the full project, the costs to be met by the Council and Children 1st for external and internal works respectively, and the Council's estimated costs of £1.2m against the total current estimated cost of the full project of approximately £2.3m. It was now felt appropriate to increase contingency provision to approximately 20% of the likely tender price, and proposed to retender the work required which, if approved, was expected to be completed by June 2023 with a view to the Council's works being completed by December.

Having referred to various issues regarding the lease, it was confirmed that following an appraisal of the proposal and taking account of benefits and dis-benefits, officers were satisfied that related requirements were met. The responsibilities of the tenant, Children 1st, were outlined, and it was confirmed that there would be an ongoing revenue obligation for the Council estimated to be £25k per annum given the historic nature of the building, in addition to which there would be a future requirement for capital provision for any replacement roofs or windows and other necessary works. Despite this change, the proposed lease was felt to be value for money, and the Council's requirement to maintain the Grade A listed building to represent Best Value.

Whilst approval obtained by Children 1st for a 19 year 364 day lease was not consistent with current Council policy, approval granted by the Council prior to April 2022 and the decision to lease Capelrig House to Children 1st predated that policy, with Legal Services having confirmed that the full Council had sufficient standing to approve the derogation from it.

Whilst supporting the project, Councillor Bamforth queried some costs and sought clarity on income opportunities. The Chief Executive explained why the project costs were not split 50:50, clarifying that both parties' costs had increased by approximately the same amount and referring to the potential Scotland wide and international interest in this Strathclyde North partnership project. The Director of Environment clarified which costs the Council required to cover, confirming that Children 1st would cover the fitting out costs, the estimated final cost of which had been provided. She added that the generation of potential income would be a matter for Children 1st, which would be running the facility on behalf of the partnership and considered the project to be a demonstrator which others would visit to learn, potentially generating income to help cover running costs. The Chief Executive explained that, as a charity, Children 1st needed to generate funds, many of which were likely to be in the form of grants.

The Chief Officer-HSCP added that, since the report had been written, the Scottish Government had created a Board to look at developing this initiative further and asked partnerships to come forward as pathfinders, in response to which the North Strathclyde Partnership, which the Council was part of, might be able to secure additional funding, including possibly capital funding.

Councillor Wallace commended the project, but expressed concerns regarding the increased total cost given that the level set originally in 2021 had been deemed to be the worst case scenario, and the low level of financial provision made initially for contingency during the previous Administration, seeking assurances that higher contingency provision would be set in future for similar projects. Having referred to general discussions with him on contingency provision for projects which was normally set between 5% and 20% of the total cost, the Chief Executive highlighted that she briefed all councillors on emerging issues with projects, and that not many projects involved old buildings such as Capelrig House. She reported that 5% was often the correct level of contingency, such as for a new building, but that she had been encouraging management teams to consider higher levels, including for older buildings, to reflect high levels of inflation such as at present for example which impacted on costs. She added that since the project had been approved initially, some issues had come to light that had been unknown then which required additional work to be undertaken, and commented that it was sometimes possible to reduce contingency provision when a project was closer to completion. Councillor Wallace thanked her for the assurances provided.

The Council:-

- (a) noted the delays to the project and the reasons for this;
- (b) noted that the previously agreed provision of £418k from the General Fund Capital Programme was insufficient;
- (c) approved the proposed increase in financial provision within the General Fund Capital Programme from £418k to £1.2m;
- (d) approved the use of the unallocated balance on the additional capital resource reported to Cabinet on 2 March 2023 of £437k to partly support this increase; and
- (e) authorised the Director of Environment and Head of Accountancy (Chief Financial Officer) to manage the £345k budget shortfall within current capital resources during 2023/24 and report the measures taken to achieve this within the quarterly capital monitoring reports.

MANAGEMENT RULES – CEMETERIES AND BURIAL GROUNDS

429. The Council considered a report by the Director of Environment seeking permission to advertise proposed Cemetery/Burial Ground Management Rules to regulate the conduct/behaviour of persons attending these East Renfrewshire facilities, and to consult with, and seek the views of, members of the public in East Renfrewshire as required by legislation. Conditions relating to the purchase/sale of lairs were not appropriate to be contained within this document, and were therefore contained within a separate Terms and Conditions document. A copy of the proposals was appended to the report, as was a list of burial grounds.

Having summarised related legislative requirements regarding the introduction of the Management Rules under the terms of the Civic Government (Scotland) 1982, the report clarified that they would replace those in place previously which would expire. It was proposed,

in the absence of objections, to introduce the Management Rules without submitting a further report to the Council. The introduction of the Rules would ensure that expectations were clear to those visiting such areas and provide the Council with suitable recourse should those Rules be breached.

The Council:-

- (a) agreed, by virtue of the powers conferred on it by the Civic Government (Scotland) Act 1982, that the Council introduce Management Rules for East Renfrewshire Cemeteries/Burial Grounds, as set out in Appendix A to the report;
- (b) agreed that the Council's proposals to make the Rules be advertised in accordance with the provisions of said Act and, if no objections were received, that authority be given to the Director of Environment to proceed to make the said Rules; and
- (c) noted that if objections were received, then a further report containing details of the objections would be prepared which would allow the Council an opportunity to consider the objections and also allow the objector the opportunity to be heard by the Council before authority was given to make the Rules.

MANAGEMENT RULES – PARKS AND OPEN SPACES

430. The Council considered a report by the Director of Environment seeking permission to advertise proposed revised Parks/Open Spaces Management Rules to regulate the conduct/behaviour of persons attending East Renfrewshire facilities, and to consult with, and seek the views of, members of the public in East Renfrewshire as required by legislation. A copy of the proposals was appended to the report.

Having summarised related legislative requirements regarding the introduction of the Management Rules under the terms of the Civic Government (Scotland) 1982, the report clarified that they would replace those in place previously which would expire. It was proposed, in the absence of objections, to introduce the Management Rules without submitting a further report to the Council. The introduction of the Rules would ensure that expectations were clear to those visiting such areas and provide the Council with suitable recourse should those Rules be breached.

The Council:-

- (a) agreed, by virtue of the powers conferred on it by the Civic Government (Scotland) Act 1982, that the Council update its Management Rules for East Renfrewshire Parks and Open Spaces, as set out in Appendix A to the report;
- (b) agreed that the Council's proposals to make the Rules be advertised in accordance with the provisions of said Act and, if no objections were received, that authority be given to the Director of Environment to proceed to make the said Rules; and
- (c) noted that if objections were received then a further report containing details of the objections would be prepared which would allow the Council an opportunity to consider the objections and allow the objector the opportunity to be heard by the Council before authority was given to make the Rules.

NOTICE OF MOTION – DISPOSABLE VAPES

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

“East Renfrewshire Council notes the very serious and damaging environmental impacts of disposable vapes and recognizes an increase in these electronic devices being discarded in communities and public spaces across the East Renfrewshire council area.

Notes that disposable vapes contain a range of precious materials, including lithium and copper which can be collected if recycled in a safe and appropriate manner but are designed in a manner that does not allow for them to be disassembled and their recyclable materials separated. Council also considers there is heightened risk of damage to infrastructure due to the potential combustion of batteries contained in the devices both at Council run facilities and within communities.

Further anticipates the publication of the Scottish Government's urgent review into the environmental impact of disposable vapes, currently being undertaken by Zero Waste Scotland.

In light of the serious nature of these concerns, Council instructs the Chief Executive and the leader of East Renfrewshire Council to write on behalf of East Renfrewshire Council, to Lorna Slater MSP, Scottish Government Minister for Green Skills, Circular Economy and Biodiversity, Michael Matheson MSP, Cabinet Secretary for NHS Recovery, Health and Social Care and Chief Executive of Zero Waste Scotland, Ian Gulland, conveying Council's view that a ban on the sale of so-called "disposable" vapes be introduced in Scotland as soon as practicably possible.”

Councillor Edlin, seconded by Councillor Morrison, moved an amendment in the following terms:-

Council notes the role of e-cigarettes in assisting existing smokers to quit smoking combustible cigarettes, and current advice from the National Health Service that “nicotine vaping is substantially less harmful than smoking, and is one of the most effective tools for quitting smoking”.

Council further notes the view of the British Medical Association that “there is growing consensus that using an e-cigarette is substantially safer than smoking tobacco”, balanced with “the need to minimise risk of uptake by never-smokers”.

There is an urgent need to use all of the measures at our disposal as a local authority, including partnership working with agencies such as Police Scotland, to eradicate the illegal sale of tobacco (including e-cigarettes and disposable vaping products) to people who are underage within East Renfrewshire through increased enforcement, strict penalties and measures such as test-purchasing.

We also call for more effective enforcement measures, including potential action against retailers, to prevent littering of vaping products and associated packaging which is detrimental to the environment and the general amenity of our neighbourhoods.

Finally, Council further notes the forthcoming publication of the Scottish Government's urgent review into the environmental impact of disposable e-cigarettes currently being undertaken by Zero Waste Scotland, to aid Council in making an informed decision on

the most appropriate manner to treat such waste in the most environmentally friendly manner possible.

Adjournment

Having heard Provost Montague, the Council agreed to a brief adjournment to allow Members to consider the terms of the amendment.

On reconvening, Provost Montague invited Councillor Macdonald to speak to the terms of the motion.

Councillor Macdonald paid tribute to Laura Young, a native of Newton Mearns and Duke of Edinburgh's Award winning climate activist, environmental scientist and ethical influencer, who had alerted him to the environmental effects of single use disposable vapes. Having reported that in 2022 she had begun a PhD as a Hydro Nations Scholar in climate resilience work, and referred to other ways in which she pursued issues, he commented that she prompted people at all levels of politics to discuss key issues affecting the natural environment. She had asked him to consider moving the motion and he had felt compelled to act.

He cited five other councils, including Glasgow City and Renfrewshire, which had carried similar motions, referred to the various political affiliations of those who had supported them considered the motion to be apolitical, and encouraged a free vote on the issue. He expressed hope that the motion could be carried in open collaboration, sending a clear message that a ban on these single use devices, which were harming the natural environment and littering streets, pathways and rural areas, was supported.

Councillor Macdonald confirmed that disposable vapes were single use, electronic devices made from metals such as copper and aluminium with a vessel of flavoured liquid with nicotine of different strengths and a lithium ion battery, generally encased in a plastic shell. He stated that many users incorrectly threw used ones in general refuse bins rather than properly returning them to retailers for disposal, with a majority simply dropped on the ground. He referred to research that had revealed that discarded vapes were contributing to the UK's fastest growing waste stream, with over 155k tonnes of electrical waste thrown away annually. Councillor Macdonald regarded the half a billion vapes bought annually to be part of a growing UK phenomenon, with almost a fifth of UK adults having bought a single use vape or a rechargeable or rechargeable one with a single use chamber. Research had identified that single use vapes were particularly problematic, that nearly 167.5m were bought annually, that over 50% were thrown away compared to an average of 33% for all vapes, and that they were amongst the most popular. Material Focus had said 37% of people who bought vapes in the last year had bought a single use one, with this increasing to 52% for 18-34 year olds.

Councillor Macdonald highlighted that vapes contained various materials which, when thrown away, were lost forever, with lithium inside the battery being a key hidden material, each single use vape containing on average 0.15g of lithium, and over 1.3m single use vapes being thrown away weekly. The 10 tonnes of lithium involved a year equated to that inside 1,200 electric vehicle batteries. They also had dangerous combustive and explosive capabilities, because the batteries within them potentially caused fires if punctured, endangering the public and waste truck operatives, such as if they were punctured in a recycling lorry during the waste and recycling process, also costing councils millions of pound. Councillor Macdonald also highlighted significant dangers to council infrastructure, reporting for example a sharp rise in plumbing problems in schools due to vapes being flushed in toilets, significantly increasing maintenance, repair and cleaning costs.

Whilst litter picking, he had collected 23 disposable vapes in one 400m stretch of a residential road, stressing the potential for young children or dogs to be injured by fragments of crushed vapes which could also significantly damage car tyres. He highlighted that the potential for a

damaged lithium ion battery to explode was why it was a legal requirement to carry them in hand luggage in aircraft, and that if a disposable vape was crushed, cut or mowed by a council worker or put in a bin lorry compactor the related implications could be serious.

Councillor Macdonald expressed the view that those who discarded vapes cared little about the environment or public safety, with vapes turning up on walkways and road gutters as well as parks, rural walkways and nature reserves. He regarded this as a failure of the current Waste and Electronic Equipment Regulations surrounding their disposal, of those who manufactured the devices, and of retailers who were currently legally required to provide collection bins but were not all doing so.

He also considered the way such products were marketed to be a public health concern, referring to how they were purposefully wrapped in bright colours, given names such as Draco and came in appealing flavours, commenting that young people were the key target and that the lower price of disposable single use vapes was a further issue. Having argued that the colourful packaging was attractive to young children who were being groomed to become future vapers, he reported that 90% of young people under 25 had not smoked cigarettes prior to vaping, referring to them as the newest generation of nicotine addicts.

In conclusion, he stated that there were many reasons why a ban was appropriate, that he had spoken about the environmental and health implications, and that by passing this motion the Council would raise awareness locally of the negative effects that single use disposable vapes had and inform the public of many things they may not have been fully aware of before.

Seconding the motion, Councillor Ireland thanked both Laura Young and Councillor Macdonald for raising this issue, highlighted cross party support for similar motions in other Councils, and welcomed the Scottish Government review. Whilst acknowledging that vapes could help people stop smoking, she had been unaware of the increased use of single use vapes compared to refillable ones, adding that vaping was the fastest growing alternative to smoking. She highlighted the impact of their use on the environment, the incorrect disposal of many and high level of waste generated from them, adding that the scale of use of single use vapes could not be justified when children were targeted. Having referred to a 7-fold increase in the use of single use vapes by 7-11 year olds, she referred to their susceptibility to the marketing approach adopted, expressing concern that a new generation could be addicted to nicotine and that their use was equivalent to 25 cigarettes per day.

In support of his amendment, Councillor Edlin considered its wording self-explanatory, referring to the health dangers of smoking and the reduction in deaths associated with vaping compared to smoking, the latter causing many cancers. Whilst acknowledging the concerns expressed regarding their disposal, he did not consider the marketing approach used to be an argument in favour of banning single use vapes, adding that it was arguable also that some rechargeable vapes were less easy to use and therefore more dangerous. He sought support for the amendment in the interests of reducing deaths.

Councillor Morrison referred to contact he had had with Laura Young since earlier in the year, expressed sympathy for the essence of the motion, but referred to a need to balance legitimate environmental concerns with irrefutable clinical evidence and advice that vaping was substantially less harmful than smoking and very helpful to those trying to stop smoking. He acknowledged many of the points raised on this emerging issue, including on recycling, enforcement and under age sales of vapes and welcomed related debate. However he referred to information on the NHS website on vaping products, two out of three of which were disposable ones, arguing that they had a role to play because they were cheaper and removed barriers to entry, particularly for those from more deprived backgrounds. He suggested there were other measures that could be taken, rather than a complete ban of single use vapes,

given their clinical worth, such as banning flavours other than those that mimicked tobacco smoking as the Netherlands was introducing. He considered an outright ban a last resort.

He welcomed the UK Government's statement of intent to consider legislation impacting on the vaping sector and the forthcoming publication of the report by Zero Waste Scotland, given the need to maximise recycling. He also argued that the reusable products were not necessarily a safer option as they required the storage and use of a very toxic liquid, stating he could understand why some opted to use single use vapes instead.

Councillor McLean referred to the need to regulate the use of vapes more effectively and keep them out of the hands of school children. He referred to the use of marketing funds of tobacco firms to entice new people to use vapes creating a habit, peer pressure and the flavours used being key drivers also. He agreed that vaping had a role to play to help people stop smoking, supporting education on their use not a ban and consequences for those involved in under age sales.

Referring to comments on potential action against retailers in the amendment, Councillor Bamforth expressed the view that it would be impossible to tell which retailers products had been bought from to enable enforcement action to be taken such as on under age sales or the proper disposal of items, especially give pressures the police and community wardens were already under. She did not dispute the potential health benefits of vapes compared to smoking referred to by Councillor Edlin, but did not consider the appealing flavours promoted for vapes to be directed at adults or those who wanted to stop smoking. She supported the points made by Councillor Macdonald on the dangerous and unsafe disposal of disposable vapes, adding that she did not consider the motion to be against vaping, but rather the single use ones.

Councillor Wallace agreed there was a need to tackle the environmental impact of single use vapes, but did not think anyone who had lost someone to smoking could support a complete ban given their benefits.

Councillor O'Donnell thanked Laura Young for a very effective campaign on raising the environmental impact of single use vapes which it was accepted was an issue. He thanked Councillor Macdonald for raising the motion focussed on environmental concerns, and for the debate stimulated. He also welcomed the health and ill health prevention issues raised by Councillor Edlin and Councillor Morrison to broaden the debate. He felt reference to the access of children to these devices had been omitted from the motion, this being an issue over which the Council had more control, such as through Trading Standards and work with Police Scotland.

Referring to the complexity of the matter, he suggested that if those who had proposed the motion had reached out to other parties to find a consensus on wording that could have been supported by everyone, there could have been a better outcome to the debate. He added that the amendment tackled supply to under age users who also littered, which were matters more in the Council's control, adding that the Zero Waste Scotland report remained to be published.

In response to him and Provost Montague, the Democratic Services Manager confirmed that it was not possible to submit a further amendment at this late stage in the debate.

In accordance with the terms of Standing Order 35, Councillor Anderson, seconded by Councillor Pragnell, moved that the question be now put.

On the roll being called, Provost Montague and Councillors Anderson, Bamforth, Campbell, Cunningham, Edlin, McLean, Morrison, O'Donnell, Pragnell and Wallace voted for the motion

Councillors Buchanan, Convery, Ireland, Lunday, Macdonald and Merrick voted against the motion. Accordingly, the motion was declared carried and Provost Montague invited Councillor Macdonald to sum up.

Councillor Macdonald stated he was embarrassed and ashamed regarding what he had witnessed during the debate and the lack of collaboration on a very simple, apolitical issue in his view. Having commented that such motions had been supported in other Councils, including by some Conservative Elected Members, he emphasised he had not suggested banning all vapes, as their use to help quit smoking was recognised. He stressed that the motion was focussing only on the waste created by disposable vapes being littered across East Renfrewshire, arguing that this would grow to epidemic proportions and that it would be left to Councils, including East Renfrewshire, to clear them up appropriately which would be difficult as they could not be swept up by machine or put in bin lorries, neither of which would be permitted. He argued for collaboration across all Scottish councils. Referring to a comment made by Councillor Edlin, he said that chocolate wrappers were not dangerous or sharp as vapes or broken parts of them potentially were.

He did not consider the main issue to be under age children buying vapes and littering, which he accepted there was an element of, expressing the view that the majority of discarded vapes were purchased legally. He stressed that the current Regulations were not operating adequately, such as to ensure that retailers were adhering to their legal responsibility to provide deposit banks for vape disposal. He questioned if it was to be left to litter pickers to clean these up from their communities due to restrictions on local authorities doing so. He concluded that the status quo was not working, and argued that higher priced reusable vapes would not be dropped to the same extent given their higher price point. He urged everyone to support the motion and vote freely, irrespective of their Group Leaders' view.

On the roll being called Councillors Bamforth, Buchanan, Convery, Ireland, Lunday, Macdonald and Merrick voted for the motion

Provost Montague and Councillors Anderson, Campbell, Cunningham, Edlin, McLean, Morrison, O'Donnell and Wallace voted for the amendment.

Councillor Pragnell abstained.

There being 7 votes for the motion, 9 for the amendment, and 1 abstention, the amendment was declared carried.

PROVOST