

MINUTE VOLUME

28 JUNE 2023

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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 CONVENERS 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

MINUTE
of
EAST RENFREWSHIRE COUNCIL

Minute of special meeting held at 7.40pm 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; Gerry Mahon, Chief Officer (Legal and Procurement); Graeme Smith, Communications Manager; Vincent McCulloch, Community Council Liaison Officer; 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.

DECLARATIONS OF INTEREST

432. There were no declarations of interest intimated.

REVIEW OF COMMUNITY COUNCIL SCHEME OF ESTABLISHMENT

433. Under reference to the Minute of the special meeting of 14 December 2022 (Page 353, Item 284 refers), when it had been agreed to open up the Community Council Scheme of Establishment for a limited review relating to the complaints procedure and Code of Conduct, and to note the process to be followed for that review, including the need for further meetings of the Council, the Council considered a report by the Director of Business Operations and

Partnerships seeking approval of the draft revised Community Council Scheme of Establishment and associated Community Councillor Complaints Procedure, copies of which were appended to the report.

Having commented on the outcome of initial consultation with Elected Members thus far, the report provided a commentary on the proposed amendments and related issues. The way forward, in order to comply with the statutory requirements in relation to the amendment of the Scheme, including on consultation with the public and community councils was summarised.

In response to questions, the Community Council Liaison Officer confirmed that the selection of Councillors to sit on Complaints Panels would be subject to the area a complaint came from, clarifying that it was preferable not to ask an Elected Member to be involved when the matter concerned a Community Council they attended regularly. Instead Elected Members serving in another Ward would be approached to determine who was free to participate. Referring to the Community Council Liaison Officer's role in determining if a complaint should be referred to a Panel, he clarified that this would be done in discussion and agreement with the Community Council concerned, experience having shown that some Community Councils preferred some matters to be determined by a Panel.

He also confirmed that any decision reached by a Complaints Panel would be the final one and conclude the Complaints Procedure. The Chief Officer (Legal and Procurement) confirmed that this would not preclude anyone who was unhappy with the outcome seeking a judicial review.

Referring to Section 2.29 of the Code of Conduct for Community Councillors which referred to various forms harassment could take, Councillor O'Donnell commented that following discussion with the Monitoring Officer, consideration was being given to proposing a change to the reference made to unwelcome emails to strengthen the wording and make it more explicit what was being referred to.

The Council:-

- (a) approved for consultation, the draft revised Community Council Scheme of Establishment and associated Community Councillor Complaints Procedure; and
- (b) noted that public consultation would now take place, the results of which would be reported back to a future special meeting of the Council.

PROVOST

MINUTE
of
CABINET

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 27 April 2023.

Present:

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

Councillor O'Donnell, Leader, in the Chair

Attending:

Lorraine McMillan, Chief Executive; Caitriona McAuley, Director of Environment; Louise Pringle, Director of Business Operations and Partnerships; Phil Daws, Head of Environment (Strategic Services); Murray Husband, Head of Digital and Community Safety; Gillian McCarney, Head of Environment (Chief Planning Officer); Margaret McCrossan, Head of Accountancy (Chief Financial Officer)(*); Jamie Reid, Head of Communities and Transformation; Kathryn McCormack, HR Manager; Michael McKernan, Economic Development and Inclusive Growth Manager; Cathie Fraser, Information Security and Digital Risk Officer(*); John Burke, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

(*) indicates remote attendance

DECLARATIONS OF INTEREST

434. There were no declarations of interest intimated.

EQUALITY AND HUMAN RIGHTS MAINSTREAMING: PROGRESS REPORT 2023

435. The Cabinet considered a report by the Director of Business Operations and Partnerships on the Equality and Human Rights Mainstreaming Progress Report for 2023.

The Equality Act 2010 (Specific Duties)(Scotland) Regulations 2012 required the Council to publish a report every four years to provide an update on the mainstreaming of the equality duty, as well as providing information on employment information and equality outcomes, while also looking forward to the next 4 years.

Following a number of consultation and stakeholder engagement sessions, the East Renfrewshire Equality and Human Rights Mainstreaming report had been produced in April 2021.

At two-yearly intervals, the Council was also required to publish a report on the progress made to achieving equality outcomes it had set and progress towards making the General Equality Duty. This update report was attached as an appendix to the report.

In particular, the report highlighted the six new Equality Outcomes that had been set in the 2021 report and the full details, as well as information on progress made on those, was provided within the report.

Following discussion of various aspects of the report, including BAME and disabled issues, comparator data and domestic abuse figures, the Cabinet:

- (a) noted the duties of the Equality Act 2010 (Specific Duties)(Scotland) Regulations 2012; and
- (b) approved the content of the Equality and Human Rights Mainstreaming Progress report prior to publication.

DRAFT FOOD GROWING STRATEGY

436. The Cabinet considered a report by the Director of Environment on the Draft Food Growing Strategy.

Section 119 of the Community Empowerment (Scotland) Act 2015 placed a duty on local authorities to prepare a food growing strategy. The key requirements for such strategies was outlined in the report. It was further explained that Section 112 of the Act required the Council to take reasonable steps to provide sufficient allotments to keep waiting lists at no more than half the current number of allotments, and the Council was currently exceeding this number.

The Draft Food Growing Strategy, attached as Appendix A to the report, addressed this requirement by identifying 9 actions to support the identification of more land for growing purposes. The Strategy also indicated that community growing space was underdeveloped in East Renfrewshire and proposed measures to support the growth of community growing.

The Cabinet, in considering the report, outlined some areas that may be useful to develop growing spaces in their own areas and encouraged the development of the sites outlined in the Strategy.

Thereafter, the Cabinet:-

- (a) approved the Draft Food Growing Strategy for publication and consultation, as set out in Appendix A of the report; and
- (b) noted that the number of people on the waiting list for an allotment required the Council to take reasonable steps to provide sufficient allotments.

NO ONE LEFT BEHIND EMPLOYABILITY PROGRAMMES 2023/24

437. The Cabinet considered a report by the Director of Environment on the No One Left Behind (NOLB) funding awarded in East Renfrewshire in 2022/23 and seeking approval for the proposed programmes to be funded in 2023/24.

NOLB was a partnership approach between Scottish and Local Government to transforming employment support in Scotland, in operation since 2020. NOLB programmes had been a key strand of employability services in East Renfrewshire since its inception.

The report detailed schemes that had been set up with NOLB funding in 2022/23, as well as outlining proposals for programmes to be funded using the 2023/24 phase of funding. Two separate commitments had been made for 2023/24, All-Age Employability Support, and

Tackling Child Poverty. Details on the deployment of this funding were provided in the report, with further detail being provided in terms of the specific programmes being funded within the appendices to the report.

The Cabinet welcomed the funding and there followed a discussion on the specifics of how the funding was used to deliver outcomes for the people of East Renfrewshire and how those outcomes would be measured, being assured that progress was constantly monitored and reported back through the Child Poverty Action Group and Local Employability Partnership, which liaised with a wide range of partners.

Thereafter, the Cabinet:

- (a) noted the progress of projects funded in 2022/23 as detailed in Annex 1 to the report;
- (b) approved the projects outlined for 2023/24 in Appendix 2 to the report;
- (c) delegated to the Director of Environment to make adjustments to the proposals depending on the detailed costs of projects becoming available; and
- (d) noted that further reports would be submitted to the Cabinet in due course seeking approval for future projects.

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.

UPDATE ON CYBER SECURITY

438. The Cabinet considered a report by the Director of Business Operations and Partnerships on the Council's position on Cyber Security.

The Cabinet:

- (a) noted the content of the report; and
- (b) noted that, at the end of the year, sufficient funds must be held in the insurance reserve to cover any expected costs of a cyber-incident.

CHAIR

MINUTE
of
APPEALS COMMITTEE

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 3 May 2023.

Present:

Councillor Andrew Anderson (Chair)
Councillor Colm Merrick

Councillor Katie Pragnell

Councillor Anderson in the Chair

Attending:

Jo Loudon, HR Business Partner; Gerry Mahon, Chief Officer, Legal and Procurement; John Burke, Committee Services Officer.

Apologies:

Councillors Danny Devlin and Gordon Wallace.

DECLARATIONS OF INTEREST

439. 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 following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A to the Act.

APPEAL AGAINST DISMISSAL – HSCP – 01/2023

440. Raymond Prior, Head of Children's Services and Criminal Justice, and Louise Brown, HR Business Partner, appeared on behalf of management.

The appellant appeared, accompanied by their union representative, Ms Karen Gordon, UNISON, in connection with the appeal.

Both parties made their submissions to the committee and were heard in answer to questions on their submissions, during which Gayle Smart, Senior Manager – Unscheduled

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Care and Intensive Services, joined the meeting as a witness for management. Ms Smart was heard in response to questions.

Thereafter both parties withdrew from the meeting.

Following consideration, both parties were recalled and advised by the Chair that the grounds of the appeal had not been substantiated and the appeal was not upheld.

CHAIR

MINUTE
of
CABINET

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 11 May 2023.

Present:

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

Councillor O'Donnell, Leader, in the Chair

Attending:

Caitriona McAuley, Director of Environment; Louise Pringle, Director of Business Operations and Partnerships; Mark Ratter, Director of Education; Lesley Bairden, Head of Finance and Resources, Health and Social Care Partnership; Phil Daws, Head of Environment (Strategic Services); Sharon Dick, Head of HR and Corporate Services; Gillian McCarney, Head of Environment (Chief Planning Officer); Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Jamie Reid, Head of Communities and Transformation; Julie Breslin, Strategy and Partnership Manager; Morag Brown, Strategic Services Senior Lead; John Buchanan, Operations Manager; Mary Docherty, Education Resources Senior Manager; John Burke, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

DECLARATIONS OF INTEREST

441. There were no declarations of interest intimated.

COVID RESERVE – REVIEW OF 2022/23 ALLOCATION AND PROPOSALS FOR 2023/24

442. The Cabinet considered a report by the Director of Business Operations and Partnerships on the progress of projects that were allocated COVID reserve funding in October 2022 and seeking approval for the allocation of a further £1.7m of non-recurring COVID recovery reserves, available in 2023/24, to help mitigate the four main harms of the pandemic.

The Scottish Government had released various streams of COVID-19 funding to local authorities to react to the emerging needs and challenges faced by residents, businesses and service provision.

A series of funding proposals had been agreed by Cabinet on 13 October 2022 (Page 229, Paragraph 172 refers) totalling nearly £1.7m over the financial years 2022/23 and 2023/24 to mitigate the impact of the pandemic. The fund was allocated with £1m for 2022/23 and the remaining £0.7m for 2023/24, with progress of the 2022/23 proposals monitored via a monthly, multi-agency working group on the Cost of Living and member/officer briefings were held in November 2022 and February 2023. The details of the full allocation of £1.7m, and a summary of the impact of the 2022/23 allocation, was provided in annex 1 to the report.

Proposals for the allocation of the 2023/24 funding were detailed in the report and members were asked to give their approval of those proposals.

Following discussion, the Cabinet:

- (a) noted the good progress made towards delivering proposals in 2022/23 from the allocation of £1,679,726m of COVID reserves in October 2022 to support recovery;
- (b) noted the details of the final tranche of COVID recovery reserves available in 2023/24, resulting from previous years' Scottish Government funding, to support pandemic recovery and renewal;
- (c) approved the strategic approach to support recovery under the following key areas, which were related to the 4 harms of the pandemic:
 - i. COVID-19 contingency for response
 - ii. Organisational recovery (Council and HSCP)
 - iii. Wellbeing support for vulnerable individuals
 - iv. Community recovery and capacity building
 - v. Financial advice and support to individuals
 - vi. Direct financial winter support to residents
- (d) approved the outline funding proposals, with allocations against the above key areas, totalling £1.7m;
- (e) delegated to the Director of Business Operations and Partnerships and Head of Accountancy (Chief Financial Officer), in consultation with the Leader of the Council to exercise flexibility in the terms of the proposals, to ensure most effective use of funding within the spirit of COVID recovery, capacity building and provision of support to the most vulnerable local people;
- (f) agreed that a report with more detailed winter-support proposals (within the funding envelope of £1.7m, unless underspends became available), be brought back to Cabinet for consideration in October 2023; and
- (g) noted that a final report outlining the actual spend and updating on delivery and impact of the proposals would be submitted to Cabinet in 2024.

LOCAL GOVERNMENT BENCHMARKING FRAMEWORK – 2021/22 PERFORMANCE

443. The Cabinet considered a report by the Chief Executive providing an update on the national Local Government Benchmarking Framework (LGBF) and presenting an overview of the Council's performance against the LGBF indicators for 2021/22.

The LGBF had been established and publicly reported by all Scottish councils as a statutory requirement since 2010/11. Four new measures had been included in the data set for 2021/22 and these were outlined in the report. It was also highlighted that data from some indicators had not been included at the time of reporting due to the lack of availability of that data.

A total of 105 measures were included in the full data set and the breakdown of those was provided. The data was collated by the Improvement Service and added to the National Benchmarking Report 2021/22.

A comprehensive breakdown of the performance information for each service area was listed in annex 1 to the report, and these were summarised within the report.

Members proceeded to have a full discussion over a range of topics, including the educational attainment gap, employability schemes, development of the road network, recycling and

climate change issues, as well as a wider discussion on the age of the data and when the impacts of current programmes could be expected to be shown in this data.

Following that discussion, the Cabinet:-

- (a) noted the Council's performance against the LGBF indicators and the intended action to be taken by departments to address performance issues; and
- (b) agreed that no specific aspects of the Council's performance were in need of improvement or further investigation.

DRAFT GAELIC LANGUAGE PLAN 2023-2028

444. The Cabinet considered a report by the Director of Business Operations and Partnerships on the production of the Council's second Gaelic Language Plan and to propose a draft plan for the purposes of public consultation.

The Gaelic Language (Scotland) Act 2005 provided an official framework for efforts to grow, preserve and sustain the Gaelic language and culture in Scotland. It stipulated that Bord na Gaidhlig should prepare a National Gaelic Language Plan every 5 years and, in partnership with other organisations and stakeholders, they would be responsible for carrying out the provisions of the Act.

Under Section 3 of the Act, they have the authority to issue a statutory notice to any relevant public authority, requiring it to prepare a Gaelic Language Plan, with the aim of raising the status and profile of Gaelic and creating a practical, sustainable opportunity for its use. East Renfrewshire Council had received such a notice on 5 April 2022, to inform that the Council's next edition of the Gaelic Language Plan was due on 1 October 2023.

The draft Gaelic Language Plan 2023-2028, which was attached as annex 1 to the report, had been a cross-departmental exercise, alongside East Renfrewshire Culture and Leisure (ERCL). ERCL's Senior Management Team had approved all actions relevant to their organisation at their meeting of 27 March 2023.

Furthermore, Bord na Gaidhlig operated a Gaelic Plans Fund, to which applications could be made to support any initiatives with resource limitations, up to a maximum of £25,000, to cover up to 80% of the costs of any project relating the Gaelic Language Plan. East Renfrewshire Council had submitted an application to the Fund for the purpose of developing capacity in terms of the Council's internal Gaelic Language skills. 25 members of staff had responded positively to a survey, expressing an interest in Gaelic awareness training. If successful, these sessions would be offered to interested staff between August 2023 and August 2024.

The timeline for submission of the Plan, if approved, was outlined. With consultation on the draft Plan proposed to begin on 15 May, with a 26 June deadline, submission to Cabinet for approval on 7 September and final submission by 30 September.

Thereafter, the Cabinet:

- (a) noted that East Renfrewshire Council was required to produce a Gaelic Language Plan for 2023-2028 by 1 October 2023, under statutory powers delegated to Bord na Gaidhlig by the Scottish Government;
- (b) approved the draft Gaelic Language Plan, attached as annex 1 to the report, as the basis of mandatory consultation on the plan;

- (c) noted the decision to apply for external funding for the purposes of offering Gaelic Awareness training to interested staff; and
- (d) approved the timeline and process for the Plan outlined in the report.

REQUEST FOR APPROVAL FOR DIRECT BID TO OSIRIS EDUCATIONAL WOODHALL SPA LIMITED

445. The Cabinet considered a report by the Director of Education seeking approval to award a negotiated contract without call for competition to a direct bid with Osiris Educational Woodhall Spa Limited for the provision of professional learning and development services across the education department at an estimated annual cost of £50,000 for a 48 month period, with a total value of £200,000.

The Council's Devolved School Management Scheme empowered head teachers and heads of centre to make key decisions regarding the best use of resources to ensure the highest level of experiences and outcomes for learners. However, those decisions had to comply with legislation and the financial regulations of the Council, including being mindful of the potential impact of decisions made at individual school level on wider contractual and financial obligations of the Council.

Osiris were used to provide specific professional learning and development programmes aimed at teachers and school leaders who were seeking to embed the latest research in how to further understand, evaluate and maximise their impact on learning, based on Professor John Hattie's research into what works best in schools to improve learning and progress. A number of secondary head teachers had engaged with these programmes in the past and given positive evaluations and expressed a desire to procure further services from Osiris, subject to budget availability.

Given that Osiris were the only UK company able to deliver those programmes, it had been determined that the most appropriate procurement route going forward would be a direct award to Osiris, with planned spend over the next 4 years at approximately £50,000 per annum. It was indicated that the initial spend in 2023/24 would be £100,000 as some schools wished to follow up professional learning programmes which commenced during the 2022/23 academic session.

While such a contract usually required competition, Regulation 33 of the Public Contracts (Scotland) Regulations 2015 provided various circumstances where competition was not required and contracts could be entered by direct negotiation. In the present case, the proprietary nature of the services provided by Osiris was considered to meet that standard, as there was no reasonable alternative to provide this training.

The Cabinet approved a direct purchase under Regulation 33(1)(b)(ii) of the Public Contracts (Scotland) Regulations 2015 from Osiris Educational Woodhall Spa Limited for the provision of professional learning and development at a total cost of £200,000 across the duration of the contract.

EXTERNAL WALL INSULATION CONTRACT VARIATION

446. The Cabinet considered a report by the Director of Environment on a breach of Contract Standing Orders, and a request that the required variation be approved by Cabinet retrospectively

Local authorities were required to ensure that their housing stock met Scottish Housing Quality Standard (SHQS) and Energy Efficiency Standard for Social Housing (EESH) targets. As part of this, the Council operated a Roof and Render Renewal programme.

The Council had procured a one-year contract via tender exercise for external wall and roof insulation. Previously, tenders had been issued with a request that contractors provide a cost per property, however, in 2021/22, the project was tendered using a Bill of Quantities. This was a new methodology to the service. The tender included a new PAS 2035 standard for retrofitting dwellings for improved energy efficiency since 27 January 2022. The requirements of this standard were detailed in the report.

The contract had subsequently been awarded to Procast Building Contractors on 6 December 2021, with a contract value of £1,790,350. It was expected to run for 36 weeks, with completion in August 2022.

Out of the three tenders returned, this was considered to provide the most economically advantageous tender after technical and commercial evaluation.

As of 23 March 2023, the work certified had totalled £2,063,700, with the final account still to be settled and estimated to be around £2.2m, an overspend of £409,650 (23% of contract value). This had been reported to Cabinet on 1 December 2022 (Page 312, Paragraph 243 refers) as part of the Housing Capital Programme update.

Contact Standing Order 14 stated that the contact value may, if necessary, be routinely extended by a sum of no more than 15% (in the case of contracts for works), provided the appropriate authorisation route was complied with. It further stated that all variations greater than £100,000 must be reported to Cabinet for approval prior to variation being instructed. In this instance, the Contact Standing Orders were not complied with as the required approval to vary the contract was not sought and obtained in advance from Cabinet.

The report went on to outline the errors that had occurred, leading to the breach of Contract Standing Orders. A review of procedures and working practices had been undertaken. In particular, more regular monitoring of contract spending against budget would be carried out to ensure that prompt, appropriate action could be taken to identify any potential issues, and a range of control checks had been implemented. Additional staffing resources had also been sought to increase capacity for additional contract scrutiny and monitoring, with training on the Contract Standing Orders to be delivered to staff.

The Chief Executive had referred the matter to the Chief Auditor for review and a report had been prepared with several recommendations.

There followed an intensive discussion where members of Cabinet asked questions of the Head of Environment (Strategic Services) on the issues arising and the actions put in place to reduce the likelihood of a reoccurrence.

Thereafter, the Cabinet noted the breach in Contract Standing Orders and approved that the required variation be approved by Cabinet retrospectively.

GET TO ZERO ACTION PLAN

447. The Cabinet considered a report by the Director of Environment on the draft East Renfrewshire Council Get to Zero Action Plan and a proposed public consultation.

The Council had declared a climate emergency in October 2021 and Cabinet had agreed a Get to Zero Ambition Statement in November 2021 (Page 1706, Paragraph 1817 refers). This committed the Council to completing a Get to Zero Action Plan (GTZAP) setting out how the

Council would meet its legislative requirements under the Climate Change (Emissions Reduction Targets)(Scotland) Act 2019. The Council was now in a position to put the GTZAP and related Environmental Report to public consultation.

A draft GTZAP, Environmental Report and proposed consultation questions had been prepared and were provided in the appendices to the report. An overview of the content of the GTZAP, associated Environmental Report and the consultation was provided within the report.

The Cabinet:

- (a) approved the draft Get to Zero Action Plan and related Environmental Report for public consultation for a period of 6 weeks; and
- (b) noted that a final Get to Zero Action Plan would be presented to Cabinet in November 2023 for formal approval

CHAIR

MINUTE
of
AUDIT and SCRUTINY COMMITTEE

Minute of meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 11 May 2023.

Present:

Councillor Andrew Morrison (Chair)
Councillor Tony Buchanan (Vice-Chair)(*)
Councillor Paul Edlin

Councillor Annette Ireland
Councillor Gordon Wallace

(*) indicates remote attendance.

Attending:

Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Alison Ballingall, Senior Revenues Manager; Michelle Blair, Chief Auditor; Linda Hutchison, Clerk to the Committee; Colin Wright, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Also Attending:

Grace Scanlon, Ernst and Young(*).

Apologies:

Provost Mary Montague and Councillor David Macdonald.

DECLARATIONS OF INTEREST

448. There were no declarations of interest intimated.

CHAIR'S REPORT – WHISTLEBLOWING ARRANGEMENTS ETC.

449. Under reference to the Minute of the meeting of 29 September 2022 (Page 206, Item 159 refers), when a number of fraud related matters had been considered and it had been agreed to pursue publicity regarding the Council's whistleblowing arrangements, which was in line with one of the Committee's self-evaluation recommendations and would help raise the Committee's profile, Councillor Morrison reported that, with the assistance of the Communications Team, a News article had recently been published on the intranet to highlight these, as well as the Anti-Fraud, Bribery and Theft Strategy and Anti-Money Laundering Policy, which were all in place to protect the Council against malpractice through fraud and corrupt practice. As the article reflected, it was considered more important than ever that employees remained vigilant to the Council's policies and ensured these were followed at all times to avoid any issues of non-compliance arising.

The Committee noted the report.

CONSULTANCY EXPENDITURE AND RELATED LOG

450. Under reference to the Minute of the meeting of 23 June 2022 (Page 62, Item 38 refers), when the Committee had noted a report on the log maintained regarding the appointment of consultants for the 2021/22 financial year and that further such reports would be submitted after the end of each financial year, the Committee considered a report by the Clerk referring to discussions by the Committee thus far on such expenditure, and providing feedback on consultancy expenditure for the 2022/23 financial year. A copy of the log was appended to the report, which was also published on the corporate procurement section of the Council's website.

Councillor Morrison, supported by Councillor Ireland, proposed that for further ease of review it be requested that the log be modified slightly in future to confirm both the total annual cost and total annual net cost of consultancy to the Council.

During further discussion, Councillor Ireland sought clarification if any consultancy costs listed in the log for Eastwood Leisure Centre might require to be repeated as the project had been delayed. The Head of Accountancy (Chief Financial Officer) intimated that information on this would require to be sought from the Property and Technical Services section.

Also in response to Councillor Ireland, the Head of Accountancy (Chief Financial Officer) stated that she thought a report on the retention of either the Council Headquarters building or the Office at Speirsbridge for office accommodation would be considered by the Cabinet shortly, but that the exact timeframe for this needed to be confirmed.

Further discussion took place on the threshold of £10,000 set for allowing directors to appoint consultants and whether there were instances in 2022/23 of consultancy costs for the same work being broken down, resulting in the cost of each element falling under threshold. The Head of Accountancy (Chief Financial Officer) undertook to seek clarification on this from departments.

The Committee agreed:-

- (a) that the Head of Accountancy (Chief Financial Officer), in liaison with Property and Technical Services, seek and provide further clarification to the Clerk, for circulation to Members of the Committee, on whether or not any consultancy costs listed in the log for Eastwood Leisure Centre might require to be repeated;
- (b) that the Head of Accountancy (Chief Financial Officer) confirm the timeframe for submitting the next report to Cabinet on the retention of the Council Headquarters building or the Office at Speirsbridge for office accommodation to the Clerk for circulation to Members of the Committee;
- (c) that the Head of Accountancy (Chief Financial Officer) seek and provide further clarification to the Clerk, for circulation to Members of the Committee, on whether or not there were any instances in 2022/23 of consultancy costs for the same work being broken down by departments resulting in the costs of each element being under the £10,000 threshold for approval by directors;
- (d) for further ease of review, to request that the Consultancy Log be modified slightly in future to confirm the total annual cost and total annual net cost of consultancy to the Council; and

- (e) otherwise, to note that the next report on such expenditure would be submitted to the Committee after the end of the 2023/24 financial year.

NATIONAL EXTERNAL AUDIT REPORT - RESOURCING THE BENEFIT SERVICE

451. The Committee considered a report by the Clerk on the publication in February 2023 of a report by the Accounts Commission entitled *Resourcing the Benefit Service – A Thematic Study*, regarding which, under the Committee's specialisation arrangements, Councillor Macdonald was leading the review of this report. The Director of Business Operations and Partnerships had been asked to provide comments and a copy of her feedback was appended to the report.

High level comments were provided on the Council's position on issues raised in the Audit Scotland report, including the recommendations made. It was recognised that there had been many changes to the Council's benefits services, with the remit of this service having expanded to carry out further financial assessments. The report commented on the significant increases in workload since 2020/21 due to the COVID-19 pandemic and cost of living crisis. In addition, the implementation of the new Council Tax and Benefits System had had a substantial impact on performance during 2020/21 and 2021/22, with the issues involved now resolved and processing times having improved.

It was highlighted that the cost of living crisis was continuing to impact on residents, with mitigation and support being provided wherever possible. The new ICT system was providing a platform to drive modernisation, automation, process improvement and change, allowing the Council's Benefits teams to continue to deliver improved performance and meet customers' expectations.

During discussion on processing times reported for new Housing Benefit/Council Tax Reduction claims and whether or not the Council's ranking of 32nd in Scotland was up to date, it was confirmed that the situation had changed considerably and that, as of 31 March 2023, the processing time was 20.8 days, which compared well to the UK average of 20 days. The time of 4.2 days, as at 31 March 2023, for processing changes of circumstances was considerably better than the UK average of 8 days.

It was confirmed that the unique, local issue that had resulted in the Council being placed 32nd in 2021/22 for processing both new claims and changes of circumstances had been the change in the system used to process claims, the related teething problems having now settled down. The Senior Revenues Manager confirmed that other factors linked to the wider economic situation, such as the cost of living crisis, had impacted on Housing Benefit overpayments recovery, confirming the extent to which improvements had been made on this.

Further in response to questions from Councillor Ireland on the number of posts not being filled to fulfil cost reduction targets, and the cost and terms of the external contract in place to provide increased resilience, the Senior Revenues Manager stated that information on the former should be available in due course. The resiliency contract was for a period of up to 2 years and had been approved as part of the Welfare Contingency Funding for an amount of up to £49,999.

The Committee noted the report and related comments made.

INTERNAL AUDIT PLAN PROGRESS REPORT 2022/23 – IMPLEMENTATION PROGRESS - JANUARY TO MARCH 2023

452. The Committee considered a report by the Chief Auditor regarding progress made on the implementation of the 2022-23 Internal Audit Plan from 1 January to 31 March 2023. It

was confirmed that seven audit reports in relation to planned 2022-23 audit work had been completed in quarter 4, information on which was provided. Details of reports prepared 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. One new request for assistance had been dealt with using contingency time during the quarter which related to a loss of goods and cash totalling approximately £600 from council premises. A report had been issued detailing controls that needed to be improved to reduce the risk of future losses and the incident had been reported to Police Scotland.

The Chief Auditor referred to key aspects of the report, during which she referred to areas identified for improvement on ordering and certification. She also highlighted work carried out on a significant contract overspend on which, as recommended, a report had been submitted to the Cabinet earlier in the day. The Chief Auditor also commented on further work completed in relation to payroll on behalf of the Trust through which an issue regarding the incorrect calculation of national insurance had been identified affecting both the Trust and the Council on which a number of recommendations had been made, adding that some outstanding concerns on this remained which could be mentioned in the Internal Audit Annual Report, if not resolved before then.

Having referred to an unnecessary charge incurred by the Council at one stage linked to a nursery project for holding plant belonging to a contractor on Council land as a result of the pandemic, given the overspend in relation to the external wall insulation and roofing contract, Councillor Wallace asked if there was a need to be concerned regarding the procurement approach adopted regarding other contracts, and also expressed concern regarding the payroll issue identified. The Chief Auditor confirmed that further time had been set aside in the Internal Audit Plan for other work on contracts, that the full audit report on the wall insulation and roofing contract could be circulated to the Committee on request, and that further Internal Audit work on payroll would also be done during the current year. Councillor Morrison stressed the need for all payroll work to be completely correct.

During further discussion on the wall insulation and roofing contract and the importance of the underlying tender work being correct, such as in terms of quantities to ensure the best contractor was appointed, Elected Members were informed by the Head of Accountancy (Chief Financial Officer) that the matters raised at the Committee had also been aired and addressed at the Cabinet, including whether the Council could demonstrate that Best Value had been achieved. The Cabinet had been informed that an exercise had been completed comparing the East Renfrewshire contract with contracts of a similar nature in other Councils, the result having confirmed that Best Value had been demonstrated. In response to Councillor Morrison, the Chief Auditor confirmed that Scotland Excel had not been used for the contract under discussion, that one of the recommendations made had been to use Scotland Excel in future, and that although there had been benchmarking on the costs used per property that did not mean that the same contractor would have necessarily been awarded the contract in terms of the quantities involved.

Councillor Ireland, supported by Councillor Wallace, also expressed concern that it appeared that a robust approach had not been taken in this case when assurances had been given on other contracts when the budget was being discussed, citing examples of Internal Audit's findings. She asked what key items had been omitted from the tender documentation, for further clarification on the remedies being pursued, and if any other work was ongoing on procurement across the Housing Service.

Having undertaken to circulate the full report on the wall insulation and roofing contract in the interests of clarity, the Chief Auditor further intimated that she was unable to comment on any other contracts, but that Internal Audit would be looking at and reporting on further contracts in future.

During related discussion, Councillor Wallace, supported by Councillor Morrison, raised the possibility of the Committee considering the issues raised by the report more closely, welcoming the circulation of the Internal Audit report for detailed review in the first instance to inform the way forward, which could include asking the Chief Auditor to consider further work using time set aside in her Plan for Contingency. The Head of Accountancy (Chief Financial Officer) referred to comments made at the Cabinet meeting by the Head of Environment (Strategic Services) on improvements being made to procedures, factors that had contributed to what had happened such as regarding staffing, challenges recruiting officers such as quantity surveyors, and a backlog of work that had needed to be dealt with due to COVID-19 as well as other projects. The need to tighten up procedures had been accepted. In response to Councillor Morrison, the Chief Auditor referred to a general lack of financial monitoring regarding the contract. Whilst referring more generally to the loss of internal expertise through redundancies for example, the possible increased use of consultants instead in future, and staffing pressures faced internally, Councillor Wallace expressed the view that several issues could need to be explored further.

In response to Councillor Edlin who suggested it may be appropriate to call a special meeting of the Committee to address these issues, it was proposed that it would be more appropriate to review the detailed report at this stage and determine if any further action would be required thereafter. Councillor Morrison added that this would also allow members of the Committee time to review the proceedings at the Cabinet meeting earlier in the day.

Following further deliberations, the Committee agreed:-

- (a) that the Internal Audit report on the *Review of the External Wall Insulation and Roofing Contract* be sent to the Clerk for circulation to Members of the Committee for their review in the first instance with a view to them determining if any further action required to be taken on contract related issues raised within it;
- (b) further to (a) above, to note that time was already allocated within the 2023/24 Internal Audit Plan to consider some other contracts issues and also for contingency work if required; and
- (c) otherwise, to note the report and related comments made.

AUDIT AND SCRUTINY COMMITTEE 2022/23 AND 2023/24 WORK PLAN

453. Under reference to the Minute of the meeting of 19 January (Page 357, Item 288 refers), when it had been 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, the Committee considered a report by the Clerk providing an update on the 2022/23 Work Plan and related performance, and seeking approval of the 2023/24 Work Plan to the extent it had been developed thus far. A copy of the updated 2021/22 Work Plan and proposed 2022/23 Plan formed Appendices 1 and 2 to the report.

It was confirmed that such Plans helped the Committee schedule and prioritise its work over the course of each year. The report explained that development of such Plans continued throughout the year, and included reference to recurring reports considered every year, such as on treasury management, Internal Audit work and risk management.

The Committee agreed:-

- (a) to note performance against the Committee's 2022/23 Annual Work Plan;

- (b) to approve the 2023/24 Annual Work Plan, to the extent it had been developed thus far;
- (c) that the development of the 2023/24 Work Plan continue, with an update to be submitted to a future meeting; and
- (d) to note that progress made delivering the 2023/24 Work Plan would be reviewed in due course, with a progress report submitted to a future meeting.

CHAIR

MINUTE
of
LICENSING COMMITTEE

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock, on 16 May 2023.

Present:

Councillor Paul Edlin (Chair)
Provost Mary Montague

Councillor David Macdonald (*)
Councillor Andrew Morrison

Councillor Edlin in the Chair

(*) indicates remote attendance

Attending:

Jacqui McCusker, Senior Solicitor; Brian Kilpatrick, Civic Government Enforcement Officer; John Burke, Committee Services Officer; and Colin Wright, Committee Services Officer

Also Attending:

Chief Inspector Graeme Gallie and Inspector Griffiths, Police Scotland.

Apology:

Councillor Angela Convery (Vice Chair).

DECLARATIONS OF INTEREST

454. There were no declarations of interest intimated.

TAXI FARES REVIEW

455. The Committee considered a report by the Chief Officer – Legal and Procurement to consider the commencement of the taxi fares review process.

The Civic Government (Scotland) Act 1982 (“the Act”) provided that the licensing authority must fix scales for the fares and other charges made in the connection with the hire of a taxi or with the arrangements for its hire and to thereafter review such scales periodically ie every 18 months.

East Renfrewshire currently licenced a total of 38 taxis. Anecdotal evidence received from these operators suggested that the costs of running a taxi had increased significantly during the life of the current scales. It was noted that the scales set maximum fares and charges and

it was always possible for a taxi operator to charge less if the licence holder wanted to. It was further noted that the tariff applied solely to taxis, not private hire cars.

Following discussion, the Committee acknowledged the effect the cost of living crisis was having on the industry and it was further confirmed that these were maximum price increases and drivers may choose not to pass on the full increased cost. After a brief discussion, the Committee agreed:

- (a) to authorise the Chief Officer (Legal and Procurement) to commence consultation on the taxi fare review by inviting the views of taxi operators; and
- (b) to authorise the Chief Officer (Legal and Procurement) to thereafter prepare a report for the Committee's further consideration recommending proposed new scales based on any such representations received.

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.

TAXI DRIVER'S LICENCE – REQUEST FOR SUSPENSION

456. The Committee considered a report by the Chief Officer – Legal and Procurement in relation to a request for suspension of a Taxi Driver's Licence on the grounds that the applicant was no longer a fit and proper person to be the holder of such a licence and that carrying on of the activity to which the licence related was likely to cause threat to public safety in terms of Paragraphs 11(1), 11(2)(a) and 11(2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 by virtue of the circumstances outlined in the letter from the Chief Constable. (Agenda Item 4 refers).

The licensee was present along with his wife.

Chief Inspector Gallie and Inspector Griffiths representing the Chief Constable, who had requested the suspension, were also present.

Inspector Griffiths was heard in respect of the request for suspension submitted by the Chief Constable.

The applicant was then heard in respect of the request for suspension.

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 convictions, their seriousness and relevance to the licence being applied for, and also having taken account of the request for suspension by the Chief Constable, agreed not to fully suspend the Licence, but to suspend it for a period of one month and to reinstate the licence after this period.

TAXI OPERATOR'S LICENCE – APPLICATION FOR RENEWAL

457. The Committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Taxi Operator's Licence. (Agenda Item 5 refers).

The applicant was present along with his wife.

Chief Inspector Gallie and Inspector Griffiths representing the Chief Constable, who had made an out of time objection in respect of the application, were 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.

The applicant had no objection to the late objection being considered and the Committee agreed to consider the out of time objection. Copies were provided to all Members present.

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, 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 to approve the application for renewal of the taxi operator's licence.

PRIVATE HIRE DRIVER'S LICENCE – APPLICATION FOR GRANT

458. The Committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Taxi Driver's Licence. (Agenda Item 6 refers).

The applicant was not present and the Committee agreed to consider the application in his absence.

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

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

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.

MINUTE
of
APPOINTMENTS COMMITTEE

Minute of meeting held at 8.45am in Eastwood House, Eastwood Park, Giffnock on 17 May 2023.

Present:

Councillor Andrew Anderson
Councillor Tony Buchanan
Provost Mary Montague

Councillor Gordon Wallace
Councillor Owen O'Donnell

Councillor O'Donnell in the Chair

Attending:

Sharon Dick, Head of HR and Corporate Services; Annemarie O'Donnell, Chief Executive (Glasgow City Council) and Catriona Mackie, Specialist Advisor (Aspen People Ltd).

DECLARATIONS OF INTEREST

459. 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 following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A to the Act.

CHIEF EXECUTIVE

460. Under reference to the Minute of the meeting of 25 April (Page 479, Item 416 refers), the committee proceeded to interview 4 of the shortlisted candidates who had been selected for interview following the assessment centre exercise that had taken place.

Having conducted the interviews the committee, after discussion, agreed to offer the post to Steven Quinn, Director of Children's Services, Renfrewshire Council.

CHAIR

MINUTE
of
CABINET

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 1 June 2023.

Present:

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

Councillor O'Donnell, Leader, in the Chair

Attending:

Lorraine McMillan, Chief Executive; Caitriona McAuley, Director of Environment; Phil Daws, Head of Environment (Strategic Services); Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Jane Corrie, Roads Senior Manager; Michael McKernan, Economic Development and Inclusive Growth Manager; John Burke, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Apology:

Councillor Danny Devlin

DECLARATIONS OF INTEREST

461. There were no declarations of interest intimated.

REGENERATION CAPITAL GRANT BID 2024/25

462. The Cabinet considered a report by the Director of Environment on a funding bid to the Scottish Government's Regeneration Capital Grant Fund (RCGF) 2024/25 for the refurbishment of Robertson Street Business Units, Barrhead.

The RCGF, delivered in partnership with COSLA and local government, supports locally developed, place based regeneration projects that involved local communities. It is funded by the Scottish Government and is open to applications from local authorities and Clyde Gateway. Applicants could bid for grants from an available fund of £25m as part of a two-stage application process.

Applications for stage one were open for projects ready to be delivered during the 2024/2025 financial year, with a closing date for applications of 21 June 2023.

A competitive bidding process is involved, with applications subject to scrutiny by an independent RCGF Investment Panel, which made the final recommendations on projects to be funded. The assessment process was outlined in the report.

It was proposed that a project, Robertson Street Business Hub in Barrhead, would be submitted for consideration. The project was fully detailed in the report, with consultations

having taken place with the local community and Business Gateway East Renfrewshire, which had been supportive and useful in developing the proposals.

A discussion then took place around the potential to improve networking in the site as part of the plans, the demand for use of the proposed units and the energy rating of the proposed units.

Following that discussion, the Cabinet:

- (a) approved the bid for submission to the Scottish Government's Regeneration Capital Grant Fund 2024/25; and
- (b) noted that further reports would be submitted to Cabinet providing an update on the progress of the bid.

**THE EAST RENFREWSHIRE COUNCIL, OAKBANK DRIVE, BARRHEAD
(REDETERMINATION OF MEANS OF EXERCISE OF PUBLIC RIGHT OF PASSAGE)
ORDER 2023**

463. The Cabinet considered a report by the Director of Environment seeking approval for the making and confirmation of the East Renfrewshire Council, Oakbank Drive, Barrhead (Redetermination of Means of Exercise of Public Right of Passage) Order 2023.

The Cabinet noted the content of the report, approved and confirmed the making of the East Renfrewshire Council, Oakbank Drive, Barrhead (Redetermination of Means of Exercise of Public Right of Passage) Order 2023 and delegated to the Director of Environment the implementation of the Order in accordance with the associated statutory procedures.

THE EAST RENFREWSHIRE COUNCIL (NETHERLEE & STAMPERLAND)(ON-STREET)(WAITING AND LOADING) ORDER 2023

464. The Cabinet considered a report by the Director of Environment seeking approval for the making and confirmation of the East Renfrewshire Council (Netherlee & Stamperland)(On-Street)(Waiting and Loading) Order 2023.

The Cabinet noted the content of the report, approved and confirmed the making of the East Renfrewshire Council (Netherlee & Stamperland)(On-Street)(Waiting and Loading) Order 2023.

CHAIR

MINUTE
of
APPEALS COMMITTEE

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 5 June 2023.

Present:

Councillor Andrew Anderson (Chair)
Councillor Colm Merrick

Councillor Katie Pragnell

Councillor Anderson in the Chair

Attending:

Kathryn McCormack, HR Manager; Gerry Mahon, Chief Officer, Legal and Procurement; John Burke, Committee Services Officer.

Apologies:

Councillors Danny Devlin and Gordon Wallace.

DECLARATIONS OF INTEREST

465. 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 following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A to the Act.

APPEAL AGAINST DISMISSAL – HSCP – 02/2023

466. Lee McLaughlin, Head of Adult Services, Community and Wellbeing, and Jaqueline Hart, HR Case Team Leader, appeared on behalf of management.

The appellant appeared in connection with the appeal.

Both parties made their submissions to the committee and were heard in answer to questions on their submissions.

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Thereafter both parties withdrew from the meeting.

Following consideration, both parties were recalled and advised by the Chair that the grounds of the appeal had not been substantiated and the appeal was not upheld.

CHAIR

MINUTE
of
PLANNING APPLICATIONS COMMITTEE

Minute of meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 7th June 2023.

Present:

Councillor Betty Cunningham
Councillor Paul Edlin
Councillor Annette Ireland

Councillor Chris Lunday
Councillor Jim McLean (Vice Chair)
Councillor Andrew Morrison

Councillor Cunningham in the Chair

Attending:

Julie Nicol, Planning and Building Standards Manager; Alan Pepler, Principal Planner (Development Management); John Drugan, Senior Planner; Ian Walker, Senior Planner; John Burke, Committee Services Officer; and Jennifer Graham, Assistant Committee Services Officer.

Apologies:

Provost Mary Montague.

DECLARATIONS OF INTEREST

467. There were no declarations of interest intimated.

APPLICATIONS FOR PLANNING PERMISSION

468. The Committee considered reports by the Director of Environment on applications for planning permission requiring consideration by the Committee.

It was agreed that the applications be determined as indicated at Appendix 1 accompanying this Minute, particular reference being made to the following:-

- (i) 2018/0490/TP – Erection of 50 metre high wind turbine (to hub height) with formation of access road and siting of control building (renewal of previous planning permission 2014/0558/TP).

The Principal Planner (Development Management) was heard further on the report, in the course of which he summarised the 10 objections that had been received.

He provided further information on the relevant planning policies and assessments and stated that the proposal was considered to generally comply with the terms of the development plan, including NPF4 and LDP2. The proposal fully complied with NPF4, in particular Policy 11 which

set out key mitigation considerations in terms of wind energy developments. In terms of LDP2 there were no conflicts with any policies.

In the course of discussion, it was established that the Planning Service had reviewed the conditions, particularly in terms of noise, and were satisfied that they protected the local community.

Thereafter, the Committee agreed to approve planning permission, subject to the conditions identified in the report.

- (ii) 2019/0788/TP – Erection of residential development (comprising 80 dwellinghouses and 10 flats) with associated access roads, landscaping and SUDS (Major) (Amended Drawings) at land at Kirkton Road, Neilston, East Renfrewshire.

In the course of discussion, the Planning and Building Standards Manager confirmed that matters of local access to services had been considered as part of the application and although there were known to be GP availability issues in the area, this was not a consideration for the Planning Service when deciding whether to grant planning permission. The development was considered to be compliant with both NPF4 and LDP2.

It was further confirmed that electrical vehicle charging points were now a statutory requirement under the Building (Scotland) Regulations and the conditions attached did include provision for play facilities as well as electrical vehicle charging.

Thereafter, the Committee agreed to approve planning permission, subject to the conditions identified in the report.

Councillor Morrison, having moved to refuse planning permission, but failed to receive a seconder, asked that his dissent be recorded.

- (iii) 2022/0574/TP – Erection of 1.5 storey dwelling with parking and amenity space at land east of 64 Brackenrig Crescent, Eaglesham, East Renfrewshire.

The Principal Planner (Development Management) was heard further on the report, in the course of which he summarised the 24 objections that had been received.

He provided further information on the relevant planning policies and assessments and stated that the proposal was considered to not comply with NPF4 and LDP2 due to the loss of amenity and biodiversity value. The applicant had not provided any analysis of the ecological impact of the development. Furthermore, the proposal had an unusual garden space, which did not comply with established standards of garden size.

In the course of discussion, the members expressed broad agreement with the conclusions laid out in the report.

Thereafter, the Committee agreed to approve planning permission, refuse planning permission for the reasons outlined in the report.

APPEALS DECISIONS

469. The Committee considered a report by the Director of Environment on planning appeal decisions that had been issued by the Scottish Government's Planning and Environmental Appeals Division (DPEA).

Each decision was fully detailed in the report and the Planning and Building Standards Manager responded to members' questions in terms of pertinent issues surrounding the appeals process and if any further right of appeal was possible. The Planning and Building Standards Manager confirmed that no further right of appeal was possible following these decisions.

Thereafter, the Committee noted the report.

SECTION 33A NOTICE REQUIRING THE SUBMISSION OF A RETROSPECTIVE PLANNING APPLICATION FOR OUTBUILDINGS AND A FENCE ERECTED AT 29 EAST KILBRIDE ROAD, BUSBY, G76 8JY

470. The Committee considered a report by the Director of Environment on a request to authorise the service of a notice under Section 33A of the Town and Country Planning (Scotland) Act 1997 in relation to development that had already taken place without the appropriate planning permission at 29 East Kilbride Road, Busby, G76 8JY.

The Planning Service had received a complaint in relation to the erection of an outbuilding being erected within garden ground associated with 29 East Kilbride Road, Busby, in March 2023. The matter had been investigated and a site visit was carried out on 16 March 2023. The details of what was observed in the site visit were provided in the report.

The landowner had been advised that planning permission was required for the outbuilding and a retrospective application had been submitted on 17 March 2023 then subsequently withdrawn on 18 March 2023 as the landowner was of the view that the outbuilding fell within permitted development.

Further works had since taken place and an e-mail had been sent to the landowner on 31 March 2023 advising that formal action would be considered if an application was not submitted before Friday 14 April 2023. The landowner declined to submit an application and confirmed that he was taking legal advice on the matter.

Further complaints had been received from nearby residents and a site visit on 9 May 2023 confirmed that a timber fence, approximately 2m in height, had been erected at the front of the property which also required retrospective planning permission.

During the course of discussions, it was confirmed that, in the event of significant further objections to the planning application, once submitted, the application would come before the Planning Applications Committee for decision.

Thereafter, the Committee agreed to authorise the service of a Section 33A notice requiring the submission of retrospective planning application in terms of the Town and Country Planning (Scotland) Act 1997 for the erection of outbuildings and a fence within the garden ground associated with the property at 29 East Kilbride Road, Busby, G76 8JY.

CHAIR

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997**

Draft index of applications under the above acts to be considered by Planning Applications Committee
on 7th June 2023.

Reference No: 2018/0490/TP

Ward: 2

Applicant:

Harelaw Wind Turbine Ltd
15 Pitreavie Court
Queensferry Court
Dunfermline
UK
KY11 8UU

Agent:

Maura McCormack
39 Dunipace Crescent
Dunfermline
Scotland
KY12 7LZ

Site: Site 120M Southeast Of Commore Bridge Kingston Road Neilston East Renfrewshire

Description: Erection of 50 metre high wind turbine (to hub height) with formation of access road and siting of control building (renewal of previous planning permission 2014/0558/TP)

Please click [here](#) for further information on this application

Reference No: 2019/0788/TP

Ward: 2

Applicant:

Dawn Homes Limited
220 West George Street
Glasgow
Scotland
G2 2PG

Agent:

Jewitt & Wilkie Limited
38 New City Road
Glasgow
Scotland
G4 9JT

Site: Land At Kirkton Road Neilston East Renfrewshire

Description: Erection of residential development (comprising 80 dwellinghouses and 10 flats) with associated access roads, landscaping and SUDS (major) (amended drawings).

Please click [here](#) for further information on this application

Reference No: 2022/0574/TP

Ward: 5

Applicant:

Mr Alexander McCabe
37 Thornly Park Avenue
Paisley
Scotland
PA2 7SE

Agent:

Site: Land East Of 64 Brackenrig Crescent Eaglesham East Renfrewshire

Description: Erection of 1.5 storey dwelling with parking and amenity space.

Please click [here](#) for further information on this application

MINUTE
of
LOCAL REVIEW BODY

Minute of meeting held at 2.50pm in the Council Chamber, Council Headquarters, Giffnock on 7 June 2023.

Present:

Councillor Betty Cunningham
Councillor Paul Edlin
Councillor Annette Ireland

Councillor Chris Lunday
Councillor Andrew Morrison

Councillor Cunningham in the Chair

Attending:

Mark Brand, Planning Adviser; Gerry Mahon, Chief Officer (Legal and Procurement); John Burke, Committee Services Officer; and Jennifer Graham, Committee Services Officer.

Apologies:

Councillor Jim McLean, Provost Mary Montague.

DECLARATIONS OF INTEREST

471. There were no declarations of interest intimated.

NOTICE OF REVIEW – REVIEW 2023/02 – ERECTION OF DWELLINGHOUSE AND ASSOCIATED CAR PARKING AT SITE ADJACENT EAST OF 137 MEARNS ROAD, CLARKSTON (REF NO:- 2021/0944/TP).

472. The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Edzell Holdings Ltd against the decision taken by officers to refuse planning permission in respect of the erection of a dwellinghouse and associated car parking at a site adjacent east of 137 Mearns Road, Clarkston.

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.

Discussion took place, particularly around the location of the site and the impact on local biodiversity.

Following the discussion, the Local Review Body agreed to uphold the Appointed Officer's decision to refuse planning permission as set out in the decision notice of 28 November 2022.

NOTICE OF REVIEW – REVIEW 2023/03 – ALTERATIONS AND INCREASE OF HEIGHT OF ROOF TO FORM GABLE END; INSTALLATION OF SIDE DORMER WINDOWS; FORMATION OF PITCHED ROOF OVER EXISTING FRONT DORMER AT 57 NETHERHILL AVENUE, NETHERLEE, G44 3XF (REF NO:- 2022/0687/TP).

473. The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted Mr David Grant against the decision taken by officers to refuse planning permission in respect of alterations and increase of height of roof to form gable end; installation of side dormer windows; formation of pitched roof over existing front dormer at 57 Netherhill Avenue, Netherlee, G44 3XF..

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.

Discussion took place, particularly around similar alterations to other properties in the area that had been observed during the site visit.

Following the discussion, and having heard from both the Planning Adviser and the Chief Officer (Legal and Procurement), the Local Review Body agreed that the Appointed Officer's decision, as set out in the decision notice of 26 January 2023 be overturned and planning permission approved, subject to the conditions outlined in the report.

NOTICE OF REVIEW – REVIEW 2023/04 – CHANGE OF USE FROM CLASS 3 TO CLASS 3 SUI GENERIS FOR SHOP AT 196 CROSS ARTHURLIE STREET, BARRHEAD, G71 1EY (REF NO:- 2022/0505/TP)

474. The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Mrs Amy Li against the decision taken by officers to refuse planning permission in respect of a change of use from class 3 to class 3 sui generis for a shop at 196 Cross Arthurlie Street, Barrhead, G71 1EY.

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, were advised that the applicant had requested that a hearing be held to consider the review.

Having given due consideration to the matter, the Local Review Body agreed that it had sufficient information to determine the review without further procedure or a hearing.

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.

Discussion took place, particularly around the location of the site and the impact on local amenity.

Following the discussion, Councillor Edlin, seconded by Councillor Morrison moved that the decision of the Appointed Officer, as set out in the decision notice of 7 December 2022, be overturned and planning permission be granted subject to the conditions outlined in the report. Councillor Ireland, seconded by Councillor Lunday moved as an amendment that it be agreed to uphold the Appointed Officer's decision to refuse planning permission as set out in the decision notice of 7 December 2022.

On a vote being taken by a show of hands, 2 members voted for the motion and 3 for the amendment, which was declared carried.

Therefore, the Local Review Body agreed to uphold the Appointed Officer's decision to refuse planning permission as set out in the decision notice of 7 December 2022.

CHAIR

MINUTE
of
EDUCATION COMMITTEE

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 8 June 2023.

Present:

Councillor Andrew Anderson (Chair)
Councillor Kate Campbell
Councillor Danny Devlin
Councillor Colm Merrick (*)
Councillor Owen O'Donnell

Councillor Katie Pragnell (Vice Chair)
Dr Frank Angell
Ms Fiona Gilchrist
Ms Dorothy Graham

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); Colin Wright, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Also Attending:

Gillian Friel, Head Teacher, Braidbar Primary School and Nursery Class.

Apologies:

Councillor Gordon Wallace and Mr Des Morris.

DECLARATIONS OF INTEREST

475. There were no declarations of interest intimated.

EDUCATION SCOTLAND REPORT ON BRAIDBAR PRIMARY SCHOOL AND NURSERY CLASS

476. Members considered a report by the Director of Education on the outcome of the Braidbar Primary School and Nursery Class inspection by a team from Education Scotland in March 2023. The inspection covered key aspects of the work of the school and nursery class and identified particular strengths and areas for improvement, using the Education Scotland

six-point scale and the self-evaluation frameworks. The full report was attached at Appendix 1, with Appendix 2 detailing the action plan to address the agreed areas for improvement.

During discussion, Members praised the high levels of attainment achieved by the school and nursery and they were generally impressed by the report. The Head Teacher intimated that the success had been possible due to the effective partnerships between children, families and staff and the Committee congratulated the staff and pupils on the outcome of the report. Discussion followed on the areas suggested for improvement and a question was asked as to whether the outcomes set for the school for the future were achievable. In response the Head of Education Services (Quality Improvement) confirmed they were confident that with the continuation of the joint work between the staff at the school, pupils and parents, then the areas for improvement were attainable. There was also praise for the overall results from the school, particularly since 41% of the student population had English as an additional language.

Following further discussion, the Committee agreed to:

- (a) note the contents of the Education Scotland report on Braidbar Primary School and Nursery Class; and
- (b) approve the action plan to address the agreed areas for improvement.

DRAFT NUMERACY AND MATHEMATICS STRATEGY 2023-26

477. The Committee considered a report by the Director of Education which sought elected member approval for the Numeracy and Mathematics Strategy Refresh 2023 - 2026. The National Improvement Framework (NIF), amongst other things, outlined a commitment to ensure that every child and young person achieved the highest standards in literacy and numeracy and that this was in line with East Renfrewshire Council's own focus on the importance of numeracy and mathematics as set out in the Local Improvement Plan 2023-2026, which built on the need to develop life skills in line with good practice.

There was discussion on whether the targets could be achieved, given the pandemic. Whilst the impact of the pandemic was acknowledged, there was a general consensus that we should now be focussing on what that gap looks like and target our energy to address this. The target to eliminate the poverty attainment gap was particularly welcomed and although it was acknowledged that this was an ambitious aim, we have to make sure that the additional resource in terms of PEF and SEF is having an impact. The opportunities for parent participation were discussed, including the introduction of video resources and other mechanisms of support.

Following discussion, the Committee agreed that:

- (a) the draft Numeracy and Mathematics Strategy, be approved; and
- (b) the Director of Education report back to the Education Committee on the impact of its implementation.

HOME TO SCHOOL TRANSPORT POLICY

478. Under reference to the Minute of the meeting of 3 February 2022 (Page 476, Item 412 refers) when it was agreed that the Director of Education would report on the non-statutory consultation on the Home to School Transport Policy, the Committee considered a report by

the Director of Education on the introduction of the new Home to School Transport policy, following the completion of the consultation exercise. It was reported that there had been a good response to the consultation exercise. Appendix 1 contained the online questions, with Appendix 2 the Home to School Transport Policy from June 2023. Information was provided on the legislative basis on which school transport required to be granted, including the distances from home to school. Several aspects were highlighted, including the continuing concern over the length of time pupils spent in vehicles. Elected Members were also informed of specific incidents which had been addressed.

During discussion, Councillor Devlin expressed his concern over the proposed removal of transport from a route in Barrhead from September, which he believed was particularly busy in relation to the constant flow of traffic involved. In response, it was clarified that the health and safety team had advised that this would no longer be required due to a new crossing point which had been installed in the area. However, the Director of Education would ask health and safety colleagues to review this assessment and he would report back to Councillor Devlin in due course.

The Committee agreed to:

- (a) note the results of the consultation;
- (b) approve the Home to School Transport Policy to apply from the beginning of school session 2023/24; and
- (c) note that the Director of Education would consult with health and safety colleagues regarding the crossing at Lochlibo in Barrhead and provide Councillor Devlin with an update in due course.

EAST RENFREWSHIRE COUNCIL RESPONSE TO THE SCOTTISH GOVERNMENT'S CONSULTATION ON PRESCRIBING THE MINIMUM ANNUAL NUMBER OF LEARNING HOURS

479. The Committee considered a report on the proposed response to the Scottish Government's consultation on the prescription of the minimum annual number of learning hours of school education school pupils should receive each year. The consultation period was due to end on 13th June 2023. The consultation was based on the proposals to set annual minimum learning hours for schools, although there appeared to be a lack of clarity by the Scottish Government over the definition of what constituted a "learning hour". The proposal reduced flexibility within local authorities and could have financial implications for Councils. In conclusion, it was recommended that the Council do not support the proposals. It was also confirmed that Councillor Buchanan, as COSLA representative, had been consulted on the response.

During discussion, it was also pointed out that the Parent Council had expressed concern regarding the Scottish Government proposals. There were also implications on school trips, financial considerations involved and the lack of flexibility for Local Authorities to set their own policies.

Should the proposal be accepted, the Education Committee recommended the following course of action:

- a. any additional financial costs associated with the introduction of the annual minimum learning hours, and any other future changes to the delivery of

education as detailed in the draft response, must be fully funded by the Scottish Government;

- b. greater clarity of the definition of the term 'learning hours' is required in order to incorporate all of the types of activities and events which take place throughout a school day and year in which children and young people will be engaging in their learning;
- c. it should be made clear that learning hours are not only those delivered by registered teachers but also other appropriate support staff;
- d. local authorities should not be expected to ensure the minimum number of learning hours to children by extension of the school year;
- e. the recording of learning hours and requests for exemptions should not be overly bureaucratic and school leaders and local authorities should be trusted to use their professional judgement using provided guidance, to determine learning hours inclusion.

The Committee agreed to note and approve the Education Department's response to the Scottish Government's consultation on the prescription of the minimum annual number of learning hours of school education school pupils should receive each year.

CHAIR

MINUTE
of
APPEALS COMMITTEE

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

Present:

Councillor Andrew Anderson (Chair) Councillor Gordon Wallace
Councillor Katie Pragnell

Councillor Anderson in the Chair

Attending:

Geri Taylor, HR Business Partner; Apryl Chalmers, Senior Solicitor.

Apologies:

Councillors Danny Devlin and Colm Merrick.

DECLARATIONS OF INTEREST

480. 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 following Items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A to the Act.

APPEAL AGAINST DISMISSAL – HSCP – 03/2023

481. Tom Kelly, Head of Adult Services, Learning Disability and Recovery, and Jennifer Williams, HR Case Advisor, appeared on behalf of management.

The appellant, accompanied by a representative appeared in connection with the appeal.

Both parties made their submissions to the committee and were heard in answer to questions on their submissions.

Thereafter both parties withdrew from the meeting.

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Following consideration, both parties were recalled and advised by the Chair that the grounds of the appeal had not been substantiated and the appeal was not upheld.

CHAIR

PRIVATE HIRE DRIVER'S LICENCE – APPLICATION FOR RENEWAL

483. 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 along with his wife.

Sergeant Campbell and Constable Wallace, representing the Chief Constable, who had made an out of time objection in respect of the application, were 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.

The applicant had no objection to the late objection being considered and the Committee agreed to consider the out of time objection. Copies were provided to all Members present.

Sergeant Campbell was heard in respect of the objection submitted by the Chief Constable, who explained that the case was due to be considered in court in the near future.

Due to the above information received in the above update from the Police representatives, the Committee agreed to a short adjournment to consider the matter.

On reconvening, the Committee agreed to defer consideration of this application to a future meeting, to enable it to consider the above information received, after the date of the court case.

PRIVATE HIRE DRIVER'S LICENCE – APPLICATION FOR GRANT

484. 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 4 refers).

The applicant was not present.

Sergeant Campbell and Constable Wallace, representing the Chief Constable, who had made an out of time objection in respect of the application, were 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. However the Committee was informed by Sergeant Campbell that several paragraphs contained in the objection now required to be amended and the Committee agreed to consider a verbal out of time objection provided by the police.

Sergeant Campbell was heard in respect of the objection submitted by the Chief Constable.

The Committee, having taken account of the applicant's 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.

TAXI DRIVER'S LICENCE – REQUEST FOR SUSPENSION

485. The Committee considered a report by the Chief Officer, Legal and Procurement in relation to a request for suspension of a Taxi Driver's Licence on the grounds that the applicant was no longer a fit and proper person to be the holder of such a licence and that carrying on of the activity to which the licence related was likely to cause threat to public order or public safety in terms of Paragraphs 11(1), 11(2)(a) and 11(2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 by virtue of the circumstances outlined in the letter from the Chief Constable. (Agenda Item 5 refers).

The licensee was present along with his representative, Edward Grice, General Secretary of the Scottish Private Hire Association.

Sergeant Campbell and Constable Wallace, representing the Chief Constable, who had requested the suspension, were also present.

Sergeant Campbell was heard in respect of the request for suspension submitted by the Chief Constable.

The applicant was then heard in respect of the request for suspension.

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

On reconvening, the Committee agreed to suspend the licence in terms of Paragraph 12(1) of Schedule 1 of the Civic Government (Scotland) Act 1982 for the remaining portion of the licence.

CHAIR

MINUTE
of
CABINET
(POLICE & FIRE)

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 15 June 2023.

Present:

Councillor Andrew Anderson (Vice Chair)
Councillor Katie Pragnell

Councillor Gordon Wallace(*)

Councillor Anderson in the Chair

Attending:

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

Also Attending:

Superintendent Alan Gray; Chief Inspector Graeme Gallie, (Area Commander); Michele Grant, Communities Inspector, Police Scotland; Area Commander David McCarrey; and Group Commander Alan Coughtrie, Scottish Fire and Rescue Service.

Apology:

Councillor Owen O'Donnell (Leader)

(*) indicates remote attendance.

DECLARATIONS OF INTEREST

486. There were no declarations of interest intimated.

POLICE SCOTLAND – PERFORMANCE REPORT - QUARTER 4 - 2022-23

487. The Cabinet considered a report by the Divisional Commander, Police Scotland, providing details of the performance of the police over the fourth 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 Gray announced that he was looking forward to working with new Chief Constable, Joe Farrell. In a statement, the Chief Constable had

acknowledged sexism and racism which existed within Police Scotland and committed himself to combating that. This was welcomed by the members of Cabinet.

Superintendent Gray also referred to the Policing Together initiative led by Assistant Chief Constable David Duncan and praised ongoing partnership work taking place within East Renfrewshire, particularly the Water Safety Group.

Superintendent Gray highlighted budget challenges within Police Scotland, but believed that with continued collaboration and partnership working, the service would rise to meet the challenge.

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.

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) had increased by 36 from the previous year. Despite this, the year to date total of 129 was 21% lower than the 5 year average and 43% lower than the 2019/2020 figure. 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. 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.

In respect of crimes of dishonesty, it was reported that crimes of this type had slowed in growth, with a 3% increase for the year and remained in line with the 5 year average. Significant arrests had been made of organised criminals targeting East Renfrewshire's retailers, with a 2% decrease in fraud over the year. Theft by shoplifting continued to climb with 75 more offences than last quarter. It was believed that the cost of living crisis was having an effect on these figures.

In relation to public protection, it was noted that there had been 74 Non-Sexual Crimes of Violence recorded, with 3 attempted murders, both of which had successfully been detected.

Commenting on violent crime, Chief Inspector Gallie reported that serious assaults had reduced by 10% compared to the previous year, and 23% compared to the 5 year average. This was partially because of successful stop and search operations carried out as a result of improving police intelligence. 2 robberies of assaults with intent to rob had been recorded since the last period, taking the total for the year to 10, 9 of which had been successfully detected, and Police Scotland continued to work with colleagues in specialist departments to support victims and identify perpetrators.

In terms of antisocial behaviour and disorder, the continuing downward trend in calls was noted with a decrease of 14% on this year compared to the previous year. There had been 33 fire-raising this year which was currently below the 5 year average. It was also noted that alcohol consumption in public places had also decreased by 16% over the year.

In relation to drug dealing and use it was noted that during the year there had been 143 recorded drug crimes, which was down 8% on the 5 year average. The public health approach to policing supported and protected young people and families by tackling the crime and arresting those who dealt drugs in East Renfrewshire communities.

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, which were highlighted within the report.

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 leaflet campaigns in relation to break-ins that had been carried out in the area, the approach to detecting those concealing bladed weapons and the shoplifting figures.

The Cabinet noted the report.

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

488. 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 Group Commander Coughtrie referred to the new Unwanted Fire Alarm Signal (UFAS) policy. From 1 July, SFRS would only attend in response to a fire alarm activation where fire had been verified by a 999 call or by multiple fire system activations in the same location. It was highlighted that SFRS had made 28,000 automatic attendances as a result of fire alarm systems activating, and 98% of these were false alarms.

It was pointed out that sleeping dwellings, such as hotels, were exempt from this change and SFRS would attend such premises as normal.

Group Commander Coughtrie explained that it was for the Dutyholder of a premises to ensure that it was safe from fire and they should ensure that staff were trained to perform the necessary checks and verify if an alarm required SFRS attendance. A virtual event had been held, a recording of which was available on the SFRS YouTube channel.

Group Commander Coughtrie expressed that partnership working across East Renfrewshire had always been positive and he expected this would continue as the new policy rolled out, with SFRS being available to offer any clarity or assistance they could in terms of moving to the new policy.

Group Commander Coughtrie then reported on the performance of SFRS on performance over quarter 4.

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 27 community activities by the community action team and 73 by operational crews. 301 home fires safety visits were carried out, 112 in premises identified as high risk with 119 smoke detectors being fitted.

In relation to accidental dwelling fires a 44% decrease on the year on year figure was reported and a 15 reduction against the 3 year figure. It was noted that detection was present in 100% of premises and activated in 100%. 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 saw an increase in the year-on-year average and a decrease against 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 positive 29% decrease on the year and year indicator, with no increase on the 3 year average. The Community Action Team and Operational Crews continued to carry out engagement activity to mitigate the risk of this type of activity.

Non-domestic fire safety showed no increase from the previous year but with a 13% 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 increase was disappointing, however there had been a slight decrease 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. Mainly, the discussion focused on the change of the UFAS policy as officers and members sought clarity on the guidance to be issued, particularly in relation to educational establishments, in regard to the policy.

Thereafter the Cabinet agreed to note the report.

CHAIR

MINUTE
of
CABINET

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 19 June 2023.

Present:

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

Councillor O'Donnell, Leader, in the Chair

Attending:

Lorraine McMillan, Chief Executive; Caitriona McAuley, Director of Environment; Louise Pringle, Director of Business Operations and Partnerships; Phil Daws, Head of Environment (Strategic Services); Jamie Reid, Head of Communities and Transformation; Kenny Barr, Senior Programme Manager; Barbara Clark, Chief Accounting; Jane Corrie, Roads Senior Manager; Paul Parsons, Principal Accountant; Alastair Ross, Corporate Landlord Manager; John Burke, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Apology:

Councillor Andrew Anderson (Vice-Chair)

DECLARATIONS OF INTEREST

489. There were no declarations of interest intimated.

REVIEW OF COUNCIL OFFICE ACCOMMODATION

490. The Cabinet considered a report by the Director of Environment on the outcome of the review of the Council's office accommodation portfolio.

On 10 November 2022 (Page 292, Paragraph 226 refers), Cabinet noted the issues surrounding the Council's accommodation portfolio and a proposed approach to a review of that portfolio. It was explained in that report that the two key buildings under consideration for closure were Spiersbridge and Eastwood Headquarters.

The options had been further examined during the process of review and a number of scenarios had been developed and were fully detailed within the report, exploring disposal of either building, works being carried out, services being relocated, and a further option where both buildings were retained.

The Head of Environment (Strategic Services) provided a breakdown of the costs and benefits of each option and explained that the full detail for each was included as Appendix One to the report. Option 2, the retention of Eastwood Headquarters and not renewing the lease of the Spiersbridge office, was proposed as the preferred option from a both financial and non-

financial perspective. It was further proposed that a Capital Project Appraisal be completed and submitted in relation to required works at Eastwood Headquarters.

The Head of Environment (Strategic Services) responded to questions from members relating to the Council's Get to Zero commitments, the sufficiency of parking, particularly in the area of the Barrhead office, and staff and trade union consultation. It was also explained that a Masterplanning process was being undertaken to ensure sufficient facility for parking around the Eastwood Headquarters given the proposal to relocate staff and the construction of the new leisure centre. It was further highlighted that the cost saving to the Council from the proposed changes would be substantial.

Following that discussion, the Cabinet:

- (a) approved the principle of not renewing the lease of the Spiersbridge office when it expires;
- (b) noted the intention to cost and submit a Capital Project Appraisal in relation to Eastwood Headquarters;
- (c) noted the intention to submit an investment bid to progress the design;
- (d) noted the intention to return to Council with more detailed costed options; and
- (e) noted that full year technology/ICT revenue costs to support the 'way we work' programme would be incorporated when compiling pressures for the Council's 2024/25 revenue budget.

INTERIM REVIEW OF HOUSING REVENUE ACCOUNT BUSINESS PLAN

491. The Cabinet considered a report by the Director of Environment on the outcome of an interim review of the Housing Revenue Account (HRA) business plan and the measures available to manage the temporary deficit in the years 2024/25 and 2025/26.

Local authorities that are social landlords were required to maintain a 30 year business plan for their HRA. This was the account where all income and expenditure related to the Council's housing was accounted for, including non-domestic assets held by the HRA for either income generation or development purposes and the provision of new council housing.

The HRA had been subjected to a number of pressures, such as inflation and a higher than expected pay increase. Due to the statutory ring-fencing of funds within the HRA, all cost pressures had to be managed within the approved rent increase. While some General Fund resource had been provided by the Scottish Government to cover the 2022/23 pay offer, this funding was not available to the HRA.

It was explained that the Council had changed the way in which it managed loans charges in line with Scottish Government guidance on 3 March 2022. This change had a significant impact on loans charges funded from the HRA, making them significantly higher over the next few years than initially calculated. This situation would be temporary, as some "inherited debt" that the Council took on from its predecessor Councils at the time of Local Government reorganisation was set to be paid off over the following few years. In the 2023/24 budget, a drawdown from reserves of £824,000, potentially reducing to £482,000 at the end of the year, had been approved to manage the situation until a longer term solution could be identified, with a review in the first quarter of the new financial year to consider a range of options.

Each measure being considered to address the deficit was detailed in the report, with all potential options explored in detail and figures provided as to the potential costs and benefits of each approach.

Following discussion, it was clarified that no decision was being taken in this meeting, and that the range of options would continue to be explored.

Thereafter, the Cabinet noted:

- (a) the financial pressures that the HRA business plan faced;
- (b) the various measures available to manage the forecasted deficit in the years 2024/25 and 2025/26 outlined in the report;
- (c) that the rescheduling of inherited debt repayments should reduce the financial pressures over the next few years; and
- (d) the intention to further review aspects of the 30 year HRA business plan in the following months and any potential change to the treatment of loan charges would be submitted, together with any other proposals, to Council for approval.

THE EAST RENFREWSHIRE COUNCIL (NEILSTON)(ON-STREET)(WAITING AND LOADING) ORDER 2023

492. The Cabinet considered a report by the Director of Environment seeking approval for the making and confirmation of the East Renfrewshire Council (Neilston)(On-Street)(Waiting and Loading) Order 2023.

The Cabinet noted the content of the report, approved and confirmed the making of the East Renfrewshire Council (Neilston)(On-Street)(Waiting and Loading) Order 2023.

UPDATE ON THE DIGITAL TRANSFORMATION PROGRAMME

493. The Cabinet considered a report by the Director of Business Operations and Partnerships on the achievements of the Digital Transformation Programme during 2022/23 and an overview of plans for 2023/24.

East Renfrewshire Council aimed to be at the forefront of modernisation and digital transformation. The 5 capabilities of Prevention; Empowering Communities; Data; Modernisation; and Digital introduced in 2015 set out the key areas of focus for delivery of outcomes for local people and meet the Council's vision to make lives better for the people of East Renfrewshire.

The Council's Digital Transformation Strategy for 2021 had been approved by Cabinet in June 2021 (Page 1534, Paragraph 1648 refers) and focused on 3 areas: Customer Experience; Business Systems and Processes; and Workforce Productivity. It was launched in April 2022, replacing the previous Modern Ambitious Programme (MAP). A refreshed approach to governance had also been put in place, led by Business Operations and Partnerships, with input from each Council Department, HSCP and East Renfrewshire Culture and Leisure Trust as appropriate. Overall governance of the Programme was through the Corporate Management Team and Programme Boards for each of the 3 priority areas met every 6-8 weeks. It was noted that, in April 2023, draft benefit dashboards had been introduced for use in the Programme Boards, with further development required before they could be shared wider.

Substantial progress had been made across 2022/23 to progress the Council's digital ambitions, make efficiencies, improve customer service and modernise the way the Council worked. Key projects in each of the key areas were detailed in the report, with a focus on how those projects had impacted service delivery and customer experience across East Renfrewshire.

In particular, the analogue to digital Telecare service was mentioned as an area that had drawn praise from inside and outside of the Council, and had been an extremely important advancement, leading the way in delivery in Scotland.

The Cabinet noted the achievements and future plans across the 3 areas of the Digital Transformation Programme: Customer Experience; Business Systems and Processes; and Workforce Productivity.

CHAIR

MINUTE
of
AUDIT and SCRUTINY COMMITTEE

Minute of meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 22 June 2023.

Present:

Councillor Andrew Morrison (Chair)
Councillor Tony Buchanan (Vice-Chair)
Councillor Paul Edlin

Councillor David Macdonald (*)
Councillor Gordon Wallace

(*) indicates remote attendance.

Attending:

Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Louise Pringle, Director of Business Operations and Partnerships; Barbara Clark, Chief Accountant; Michelle Blair, Chief Auditor; Fiona Caldwell, Operations Manager (Revenues); Morag Brown, Strategic Services Senior Lead; Nick Hill, Strategic Services Assistant; Linda Hutchison, Clerk to the Committee; and John Burke, Committee Services Officer.

Also Attending:

Grace Scanlin, Ernst and Young(*).

Apologies:

Provost Mary Montague and Councillor Annette Ireland.

DECLARATIONS OF INTEREST

494. There were no declarations of interest intimated.

CHAIR'S REPORT

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

External Audit Issues

- (i) Councillor Morrison reported that, in his capacity as Chair of the Committee, he was due to have a further, routine meeting with Rob Jones of the External Audit Team on 6 July.

He explained that Mr Jones had also written to him, again in his capacity as Chair, regarding Auditing Standards which required External Audit to formally update their understanding of the Committee's arrangements for oversight of management processes and arrangements annually. Having cited examples of the questions posed and referred to the value of this, Councillor Morrison confirmed he was preparing a formal, written response.

Local Government in Scotland Overview 2023

- (ii) Councillor Morrison highlighted that the Clerk had contacted members of the Committee regarding the national External Audit report on the Local Government in Scotland Overview 2023. Specifically, given the significant range of topics covered within that report, feedback already considered on various issues referred to within it both by the Committee and the full Council and officer capacity, he highlighted that Elected Members had been asked to identify which issues, by exception, they wanted the feedback to be prepared on the Overview to focus on, and to advise the Clerk accordingly by 26 June. He emphasised the importance of this to ensure the comments on this national report prepared for the Committee best met its needs.

The Committee noted:-

- (a) regarding the national External Audit report on the Local Government in Scotland Overview 2023, that the Clerk had asked members of the Committee to confirm to her by 26 June which issues, by exception, they wanted the feedback prepared for the Committee to focus on; and
- (b) otherwise, the report.

CLARIFICATION RECEIVED ON QUERIES RAISED AT PREVIOUS MEETING

496. Under reference to the Minute of the meeting of 11 May 2023 (Page 514, Item 450 refers), when it had been agreed that further clarification be sought on a number of consultancy related matters, in the interests of transparency the Committee considered a report by the Clerk summarising the clarification received and circulated on queries raised at the previous meeting on whether or not any consultancy related costs listed for Eastwood Leisure Centre in the Consultancy Log might need to be repeated arising from the delay to the project; and the timeframe for submitting a report to the Cabinet on the retention of the Council Headquarters building or the Office at Speirsbridge for office accommodation in future.

The Committee:-

- (a) noted that, as agreed previously, clarification had also been sought on whether or not there were any instances in 2022/23 of consultancy costs for the same work being broken down resulting in the costs of each element being under the £10,000 threshold for approval by Directors, feedback on which would be circulated by the Clerk on receipt; and
- (b) otherwise, noted the report.

UNAUDITED ANNUAL ACCOUNTS 2022/23

497. Under reference to the Minute of the meeting of 30 March 2023 (Page 457, Item 390 refers), when the 2022/23 Annual Audit Plan and timetable for publication of related

documents had been noted, the Committee considered a report by the Head of Accountancy (Chief Financial Officer) on the unaudited Annual Accounts for 2022/23 which had been submitted for audit to Ernst & Young, and were attached to the report for consideration in line with the Local Authority Accounts (Scotland) Regulations 2014.

It was reported that the Council's affairs had again been managed within its operational budget, returning departmental budget surpluses totalling £5,622k, many of which were of a one-off nature. The surplus had been arrived at after taking account of the budgeted drawdown of £5,253k from the Non-Earmarked General Reserve and, from the surplus achieved, a total of £5,600k had been allocated to various earmarked reserves to address current pressures faced by the Council. The balance of £22k had been allocated to the Non-Earmarked General Reserve, resulting in a net decrease in this Reserve of £5,231k.

It was confirmed that the balance of the Non-Earmarked General Reserve was £6,541k as at 31 March 2023. This equated to 2.3% of the annual budgeted net revenue expenditure, which was within the Council's Reserves policy to hold a minimum of around 2%.

The report clarified that significant COVID-19 expenditure of £8,631k had been incurred during the year, of which £5,523k had been funded from the reserve set up at the end of 2020/21. Further funding had also been received during the year, the year-end COVID-19 Reserve balance being £8,562k. This would be allocated fully in 2023/24 to support residents and the local economy.

It was confirmed that £46,189k of Capital expenditure had been invested. There had also been an operating deficit of £69k on the Housing Revenue Account (HRA), which had decreased the accumulated surplus balance to carry forward to £1,798k.

Whilst commenting on key aspects of the report, the Chief Accountant confirmed the position regarding the operational budget and various savings, and referred to the proposed transfer of £5,600k to earmarked reserves when the final Accounts were submitted in September on completion of the audit. She also highlighted the position on other reserves, including new reserves and reserve balances. Regarding Capital expenditure, she commented on high level information on this provided within the management commentary using the same categories as those used for budget monitoring. The deficit balance of £69k in the HRA had been mainly attributable to increased costs in materials and sub-contractors.

It was confirmed that the management commentary within the Annual Accounts outlined the key messages on the objectives and strategy of the Council and on financial performance during 2022/23. It also indicated issues and risks which could impact on the Council's finances in future, and included sections on how the Council continued to support the local community from the effects of the COVID-19 pandemic, and also progress on the Council achieving its Get to Zero targets.

Councillor Wallace expressed frustration regarding the £5,622k surplus unexpectedly, in his view, now reported in the context of the difficult discussions that had been required at Budget Strategy Group (BSG) meetings, and asked about potential surpluses in future. The Head of Accountancy (Chief Financial Officer) reported that some level of projected underspend had been highlighted during the year with a cautious approach adopted, citing the main reasons for the final position. These included increased income including from interest earned on temporary investment balances due to high interest rates, higher Council Tax collection arising from new building completions, and savings relating to the teachers' industrial action. Whilst acknowledging the point raised, she added that only some issues had been forecastable earlier, that most involved non-recurring revenue, and that there remained a need for long-term savings. She added that updates on Council Tax were now being provided monthly and monitored more closely to help assess if assumptions made were changing, with a view to alerting the BSG as required.

Also in response to Councillor Wallace who asked why a focus was now being placed on the minimum level of reserves maintained rather than the upper target, Ms Scanlin confirmed that during External Audit work account was taken of Chartered Institute of Public Finance and Accountancy (CIPFA) guidance which reflected that reserves should be maintained at between 2-4% of annual budgeted net revenue expenditure, with it being for each local authority to set its own target against that background. Having heard her confirm that External Audit examined the authority's decision making process on this, the Head of Accountancy (Chief Financial Officer) stated that account had always been taken of the 2% minimum with the aim of achieving as close to 4% as possible. She added that the Reserves Policy was revisited, and determined, by the Council on a three yearly basis. Councillor Wallace, supported by Councillor Edlin, expressed the view that the 2.3% reported in the draft Accounts was too low, with Councillor Edlin advocating moves to increase this to 4% as a minimum quickly. Councillor Buchanan commented on the option the Council had had to set a different budget which could have impacted on reserves.

In response to Councillor Morrison, the Head of Accountancy (Chief Financial Officer) confirmed that 2.3% related to the Non-Earmarked General Reserve of £6,541k, and that this percentage was affected by the level of Earmarked Reserves maintained, including the new ones established to address new pressures. Further clarification was provided on reserves.

Councillor Macdonald considered the management commentary to be inaccurate on access by eligible children to 1140 hours of funded early learning and childcare in a flexible way to suit their circumstances, as it did not explain sufficiently that in East Renfrewshire access to the funding began at the start of the term following a child's 3rd birthday. Consequently the time after such a birthday until funding was accessible varied, and provision had to be self-funded to bridge the gap. Councillor Morrison understood the level of provision locally to exceed the minimum required, but suggested that further clarification on this be sought.

Councillor Morrison referred to concerns held by Elected Members on service cuts and pressures on officers arising from them, querying why a chart in the management commentary suggested that the budgeted workforce had increased over the past 4 years. The Head of Accountancy (Chief Financial Officer) clarified this was due, for example, to the need for extra staff to deliver the 1140 hours of funded early learning and childcare and also an increase in teacher numbers as part of the emergence from COVID-19. She confirmed there was less flexibility to address staffing issues regarding the provision of other services.

The Committee agreed:-

- (a) that further clarification be sought from the Director of Education and circulated by the Clerk on the issue raised regarding the potential delay in funding for the 1140 hours of early learning and childcare until the start of the term following a child's 3rd birthday in the context of the way the information was currently presented in the draft Annual Accounts; and
- (b) otherwise, to note the content of the unaudited Annual Accounts for 2022/23 in respect of which a report on the final Accounts and related documents would be submitted to a future meeting of the Committee in due course.

CODE OF CORPORATE GOVERNANCE

498. Under reference to the Minute of the meeting of 23 June 2022 (Page 60, Item 37 refers), when the Code of Corporate Governance updates and actions for 2022/23 had been approved, the Committee considered a report by the Director of Business Operations and Partnerships on progress against improvement actions since then, and seeking approval of a new Code for 2023/24.

The report reiterated the Council's responsibilities for the conduct of its business, defined what the Code of Corporate Governance was, and explained that the proposed updates took account of guidance from CIPFA and the Society of Local Authority Chief Executives (SOLACE), *Delivering Good Governance in Local Government*. The report referred to key requirements with which the Council had to comply.

Having referred to the outcome of an extensive review undertaken, it was confirmed that the main body of the Code document now comprised high-level evidence associated with each requirement, with a comprehensive list of all evidence provided in a matrix in Annex 1 to the report. In response to one of the Committee's self-evaluation recommendations, it had been investigated whether or not other Audit and Scrutiny Committees elsewhere participated in the Code self-assessment exercise. It had been found that, typically, Elected Members were not involved in the operational review process, but that the role of such Committees in carrying out the scrutiny function of the Code was upheld.

The report summarised progress on the 2022/23 actions, highlighting that one improvement activity listed had been completed and two were scheduled for completion by June 2023, with the remaining ones carried forward into the 2023/24 Plan. The updated Code for 2023/24, setting out arrangements which fulfilled the seven governance principles outlined in national guidance, was appended to the report. Self-assessment against the nationally prescribed criteria had found the Council to be compliant across all principles, however further enhancements had been identified. It was stated that the comprehensive, evidence-based review showcased the Council's commitment to transparency, accountability and continuous improvement regarding corporate governance.

Having commented on the Annual Governance Statement to be published in the 2022/23 Annual Report and Accounts, the report concluded that the Council was governed by sound and effective internal management controls, and continued to demonstrate compliance with the requirements of the CIPFA/SOLACE framework. Progress on planned actions for 2022/23 had been posted on the Council's website, as would the 2023/24 Code, subject to it being approved by the Committee.

The Strategic Services Senior Lead highlighted key issues within the report, during which she confirmed that the CIPFA/SOLACE framework remained unchanged and emphasised the importance of the Council's Corporate Governance arrangements. She explained that, due to an oversight, the key to the scoring used to evaluate compliance with requirements had been omitted from the document which would now be addressed, confirming that a score of one indicated non-compliance, two partial compliance and three full compliance.

In reply to Councillor Macdonald who expressed the view that Elected Members should be involved further in the operational review of compliance with requirements if this was considered best practice, the Strategic Services Senior Lead clarified the family group of similar local authorities under the Local Government Benchmarking Framework in relation to which benchmarking on this had been done.

Referring to the publication of information on the remuneration of senior employees within the Annual Accounts, Councillor Macdonald emphasised the importance of the Audit function within the Council, expressed surprised regarding the remuneration of the Chief Auditor's post relative to other senior officers listed, and asked if the disparity was similar in other authorities. The Head of Accountancy (Chief Financial Officer) reported that transparency regarding the remuneration of the Corporate Management Team (CMT) was good practice, that it had been decided to include remuneration details of other senior officers reporting directly to the Chief Executive in the Annual Accounts, that information on the issue raised might be available in the Annual Accounts of other local authorities where the Chief Auditor reported directly to the Chief Executive, and that the posts of all officers who were not members of the CMT had been job-evaluated. Councillor Morrison acknowledged the public interest in issues such as remuneration, referred to remuneration disparity between the private and public sectors and,

having highlighted the work of hard working officers within the Council, recorded his appreciation for their dedication and public service.

The Committee:-

- (a) noted progress on the 2022/23 Code of Corporate Governance improvement actions; and
- (b) approved the Code of Corporate Governance updates and actions for 2023/24.

COUNCIL TAX COLLECTION

499. The Committee considered a report by the Director of Business Operations and Partnerships regarding a recent issue that had affected Council Tax collection, and providing updates on actions taken both in response to the event immediately and subsequently to ensure there was no further repeat of the matter.

Having referred to the Council's statutory duty to collect Council Tax, the collection rate, payment methods, long-standing associated procedures which had been subject to regular audit and issues impacting on the team involved, the report explained what happened on the public holiday week-end in late May resulting in direct debit payments being taken from residents' accounts earlier than they should have been. Comments were provided on when the issue came to light and key actions taken.

Whilst commenting further, the report referred to the two main parts to the processing of Council Tax direct debit files, and the response to a similar issue that had arisen in 2017. The 2017 issue had been subject to audit and, since then, no audit actions on the direct debit process for Council Tax had been highlighted. The report confirmed that a management investigation was ongoing, that a full end to end review of processes and controls was being done, and that various factors had led to the issue that had arisen, providing further details of lessons learned and action taken. This included an Internal Audit review arising from which recommendations had been made and an action plan would be developed, and organising a 'lessons learned' session. The potential implications for customers were summarised, as were the next steps being taken.

The Council had apologised unreservedly for the error, and a proactive communication response had been put in place immediately and sustained which included implementation of a hardship resource to mitigate against any adverse impact on residents. The investigation had shown that one of the likely causes was human error in what was a very manual process. Having referred to the immediate and robust management response to the issue, the challenges of maintaining a robust control environment whilst delivering additional initiatives for the Scottish and UK Government, and requirements for modernisation/digitisation under a regime of budgetary constraints and cost cutting measures including reduced staffing were referred to. It was suggested that, in order to prevent future reoccurrences, the balance of efficiency and cost savings versus customer service, risk and control required to be recognised during budget-setting discussions.

The Director of Business Operations and Partnerships highlighted key aspects of the report, during which she commented that performance in this area was normally strong, confirmed there was more than one reason for what had occurred, and reported that in addition to the Team involved reviewing their practices, a response had been prepared to the Internal Auditor's recommendations. She apologised for what had occurred and referred to the further strengthening of procedures and processes in response.

In reply to Councillor Morrison, she confirmed that ways of reducing the potential for human error were being explored, such as through further automation, but highlighted the need to consider the impact of making changes to one part of the system on other parts of it.

Having heard some Elected Members refer to a simple human error having occurred and acknowledge the pressures faced by staff which could result in this, Councillor Macdonald, supported by Councillor Wallace, referred to the reputational damage to the Council that could have been caused in this instance, and welcomed that the matter was being taken seriously.

In response to Councillor Macdonald who asked if further cross-checking of work could reduce errors further, the Director of Business Operations and Partnerships emphasised the importance of learning from all mistakes, even those with a limited impact as in this case, to prevent future reoccurrences and potentially creating hardship for residents. She reported that segregation of duties was a key aspect of control, but that there was more than one reason for what had happened.

In response to Councillor Wallace, the Director of Business Operations and Partnerships undertook to send him a link to a report dated 2018 prepared in response to the issue that had arisen in 2017. Regarding interest expressed on the way forward and remedial action to be taken, the Chief Auditor undertook to send the Internal Audit report on what had happened recently to the Clerk for circulation.

The Committee noted:-

- (a) that the Director of Business Operations and Partnerships would send the link to the report prepared in 2018, in response to the issue that had arisen in 2017, to Councillor Wallace;
- (b) that the Chief Auditor would send the Internal Audit report prepared on the recent Council Tax collection issue, and associated management response, to the Clerk for distribution to members of the Committee for their review; and
- (c) otherwise, the update provided on the recent issue with Council Tax collection and the steps taken in response.

NATIONAL EXTERNAL AUDIT REPORT - LOCAL GOVERNMENT IN SCOTLAND - FINANCIAL BULLETIN 2021-22

500. The Committee considered a report by the Clerk on the publication in January 2023 of a report by Audit Scotland entitled *Local Government in Scotland – Financial Bulletin 2021-22* regarding which, under the Committee’s specialisation arrangements, Councillor Morrison was leading the review of this report. The Head of Accountancy (Chief Financial Officer) had been asked to provide comments and a copy of her feedback was appended to the report. Audit Scotland planned to release a further report in May 2023.

The Bulletin provided a high level summary of the main financial issues facing Scottish Councils in 2021/22 and beyond. Whilst East Renfrewshire was not specifically mentioned in the report, it was commented that the issues raised were almost all relevant to the Council and that it would continue to face substantial and increasing financial challenges. A summary was provided regarding the Council’s finances in 2021/22, during which reference was made to revenue funding, increased ring-fencing and related consequences, income, savings and the use of reserves, and capital expenditure. It was also commented that the outcome of the triennial valuation of the Strathclyde Pension Fund was awaited, the expectation being that this would result in the Council’s contributions being, at worst, unchanged for the next three years.

The Council’s financial outlook was also commented on, including that the Council had used a flat cash forecast in its budget planning which indicated the need for future cuts in both staffing and services. A range of further issues were commented on including the use of reserves and capital funding.

Having head Councillor Morrison refer to the substantial body of work required to ensure the Council reached its Get to Net Zero targets, the exact scale of which remained to be determined and for which no additional funds had been identified, Councillor Wallace sought clarification if financial penalties would be imposed if targets were not reached. The Head of Accountancy (Chief Financial Officer) confirmed that a lot of investment would be required and that a little financial provision had been built into the budget to make a start on what was needed. Supported by Ms Scanlin, she confirmed that she was not aware of any financial penalties at this stage, but that this could change. Councillor Morrison highlighted that this could take the form of a reduction in the Council's financial settlement. He encouraged members of the Committee to review the national External Audit report on the Local Government in Scotland Overview 2023 as referred to previously in the meeting published on 17 May.

The Committee noted the report and related comments made.

CHANGE OF DATE OF MEETING IN SEPTEMBER

501. The Committee considered a report seeking approval to change the time and date of the meeting scheduled to take place in September to enable the Annual Accounts to be considered in accordance with the required timescale for doing so, as the original time scheduled now conflicted with the COSLA Annual Conference. A related report was to be submitted to the forthcoming meeting of the full Council formally seeking approval to change the Council meeting in September to 4pm on the same date, or the conclusion of the Committee meeting if later.

It was agreed to approve the change of time and date of the meeting in September to 2pm on Tuesday, 26 September.

CHAIR