

**MINUTE VOLUME**

**13 September 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 28 June 2023.**

**Present:**

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

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; John Burke, Committee Services Officer (\*); and Liona Allison, Assistant Committee Services Officer

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

**Apologies:**

Councillors Annette Ireland, Jim McLean and Katie Pragnell.

**DECLARATIONS OF INTEREST**

**502.** There were no declarations of interest intimated.

**MINUTE OF MEETING OF THE COUNCIL HELD ON 26 APRIL 2023**

**503.** The Council considered and approved the Minute of the meeting held on 26 April 2023.

**MINUTE OF SPECIAL MEETING OF THE COUNCIL HELD ON 26 APRIL 2023**

**504.** The Council considered and approved the Minute of the special meeting held on 26 April 2023.

## MINUTES OF MEETINGS OF COMMITTEES

505. The Council considered and approved the Minutes of the meetings of the undernoted:-

- (a) Cabinet – 27 April 2023;
- (b) Appeals Committee – 3 May 2023;
- (c) Cabinet – 11 May 2023;
- (d) Audit and Scrutiny Committee – 11 May 2023;
- (e) Licensing Committee – 16 May 2023;
- (f) Appointments Committee – 17 May 2023;
- (g) Cabinet – 1 June 2023;
- (h) Appeals Committee – 5 June 2023;
- (i) Planning Applications Committee – 7 June 2023;
- (j) Local Review Body – 7 June 2023;
- (k) Education Committee – 8 June 2023;
- (l) Appeals Committee – 9 June 2023;
- (m) Licensing Committee – 13 June 2023;
- (n) Cabinet (Police and Fire) – 15 June 2023;
- (o) Special Cabinet – 19 June 2023; and
- (p) Audit and Scrutiny Committee – 22 June 2023.

## STATEMENTS BY CONVENER AND REPRESENTATIVES ON JOINT BODIES AND COMMITTEES

506. The following statements were made:-

- (a) **Councillor O'Donnell on behalf of Councillor Pragnell – Convener for Social Work and Health**

### HSCP Integration Joint Board

The Integrated Joint Board had met earlier in the day on 28 June 2023. At the meeting, the results of the joint inspection of adult support and protection services had been reported on and described as strong and effective. The inspection had taken place during a time of great challenge with recovery from the COVID-19 pandemic underway. Inspectors had stated that key processes in this area were very effective and demonstrated major strengths. They also felt that leadership was effective. They concluded that the clear strengths, supporting positive experiences for adults at risk of harm, which collectively outweighed the areas for improvement. The IJB asked for their congratulations to all staff to be passed on and the thanks of the Council were added to this.

The Child Poverty Action Plan was approved, which was on the Council's agenda for later in the meeting.

The IJB unaudited annual report and accounts were approved, along with the IJB's medium term financial plan. These documents recognised the significant challenges ahead. The IJB also welcomed the COVID reserve funding from the Council, which had been agreed earlier in the year. The IJB Savings, Recovery and Renewal Programme was also discussed, with an update on progress against the £7m savings requirement for the current year. Half of the target would come from the Supporting People Framework. The IJB also recognised the risk around the national care home contract.

There was a presentation on delayed discharge, which showed East Renfrewshire were consistently in the top 10 areas nationally. Current figures were the lowest for several years.

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

East Renfrewshire Culture and Leisure Trust

The Culture and Leisure Trust had held a meeting in Neilston and Board members given a tour of leisure facilities in the village, including the leisure centre and library.

At the meeting, the Trust reported that it had made a surplus for 2022/23 thanks to the strong performance of various operations, particularly gyms, swimming, community sports and theatre facilities. Gym memberships were at an all time high, the theatres had broken all of their box-office records and swimming lessons were on target. Councillor Anderson stressed that this was an incredible achievement for the Trust.

Eastwood High School Sports Centre Pool reopening had taken place on 7 May 2023 following its refurbishment. Feedback from customers had been extremely complimentary.

East Renfrewshire Inter-School Sports Competition had taken place on 23 May 2023 with all 7 secondary schools participating. Points were awarded to each school with each competing well. Williamwood High School, who had hosted the competition, had come out as winners in the end.

School Leaver Destinations continued to be strong, with 97.5% of 2021/22 school leavers still in a positive destination, this was the Council's best ever performance and well above the national average of 93.5%. It was further noted that 100% of leavers from Barrhead High School were in a positive destination. All 7 secondary schools were congratulated for their efforts throughout the year.

**(c) Councillor O'Donnell – Leader of the Council**

Retirement of Chief Executive, Lorraine McMillan

Councillor O'Donnell made a brief statement to recognise the work of outgoing Chief Executive, Lorraine McMillan, on this, her last meeting of the Full Council. He recognised that Mrs McMillan's efforts had contributed to East Renfrewshire Council's position as one of the best run councils in Scotland and, more importantly, had contributed to improving the lives of people across East Renfrewshire.

Councillor O'Donnell listed many of the achievements during Mrs McMillan's tenure as Chief Executive and offered, on behalf of the Council, his congratulations on her retirement and best wishes for the future.

The Provost also put on record her congratulations on Mrs McMillan's retirement and, in particular, highlighted the significance of her appointment as only the fifth woman to be appointed as a Chief Executive at one of Scotland's councils.

Mrs McMillan responded and thanked all of the staff and elected members at the Council for their work during her time as Chief Executive.

Council noted the statements.

### **PROVOST'S ENGAGEMENTS**

**507.** 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 of the Council, held on 26 April 2023.

Council noted the report.

### **GENERAL FUND CAPITAL PROGRAMME**

**508.** The Council considered a report by the Head of Accountancy (Chief Financial Officer), which recommended adjustments to the 2023/24 General Fund Capital Programme that had resulted from finalisation of the previous year's programme and in light of subsequent information.

The report also provided details on a shortfall of £180,000 due to rising construction costs and general inflation. Project expenditure was being monitored to ensure that any additional cost pressures on key projects could be covered by deferring or reducing other projects to compensate.

Council:

- (a) Noted and approved the movements within the Programme; and
- (b) Noted the shortfall of £180,000 and that income and expenditure on the Programme be managed and reported on a regular basis.

### **HOUSING CAPITAL PROGRAMME**

**509.** The Council considered a joint report by the Head of Accountancy (Chief Financial Officer) and Director of Environment, which recommended adjustments to the 2023/24 Housing Capital Programme that had resulted from finalisation of the previous year's programme and in light of subsequent information.

The report also provided information on transfers of funds to enable the Communal Door Entry Project to proceed, as well as a shortfall of £188,000 due to rising construction costs and general inflation. Project expenditure was being monitored to ensure that any additional cost pressures on key projects could be covered by deferring or reducing other projects to compensate.

Council:

- (a) Noted and approved the current movements within the programme;
- (b) Approved a transfer of £53,000 from Estate Works and £78,000 from Internal Elements Renewal to fund the Communal Door Entry Project; and
- (c) Noted the shortfall of £188,000 and that income and expenditure on the programme, be managed and reported on a regular basis.

**STRATEGIC END-YEAR PERFORMANCE REPORT AND ANNUAL COMMUNITY PLANNING AND FAIRER EAST REN REPORT FOR 2022-2023**

**510.** The Council considered a report by the Chief Executive on the performance of the Council and Community Planning Partnership and to demonstrate how the Council was meeting its strategic outcomes.

The report summarised:

- the Council's strategic performance at end-year 2022-2023 based on performance indicators in the Outcome Delivery Plan (ODP) including the annual update on complaints handling
- the 2022-23 annual progress report on the Community Plan, including Fairer East Ren (Local Outcome Improvement Plan)
- a selection of case studies to illustrate good partnership working and practice across each strategic outcome

Councillor O'Donnell, in presenting the report, pointed out that there had been some errors in the reporting of staff absences and revised figures would be provided at a later stage.

Discussion took place around the item, with Councillor Wallace asking about comparator information in terms of how this information looked in context of performance by other Councils. The Director of Business Operations and Partnerships indicated that she would provide the Councillor with further information on the provision of comparator information. Councillor Morrison also requested comparator information in relation to complaints.

Councillor Wallace also sought clarity in terms of male life expectancy in East Renfrewshire and the Chief Officer – Health and Social Care Partnership advised that she would provide further information in that regard to the Councillor.

Councillor Edlin asked for clarification on the number of people whose care need was reduced due to rehabilitation and the Chief Officer – Health and Social Care Partnership agreed to provide clarification on that issue. She indicated that there had been significant pressure on the service and the service users were coming forward with more significant needs which were less able to be rehabilitated.

Councillors also remarked on park footfall and support for children in less affluent areas.

Councillor O'Donnell, in response to a point raised in the discussion, noted that there were currently no plans for a premature closure of Neilston Leisure Centre, with various options still under consideration for the retention and refurbishment of the facility.

Council noted:

- (a) the summary of the Council's strategic performance at end year 2022/2023 at Annex 1 of the report;
- (b) the Community Plan and Fairer East Ren Annual Progress Report for 2022/2023 at Annex 2 of the report;
- (c) the case studies presenting progress under each strategic outcomes at Annex 3 of the report;
- (d) the complaints handling report 2022/2023 at Annex 4 of the report;
- (e) that the Director of Business Operations and Partnerships would come back to Councillor Wallace on whether or not all Local Authorities now submit

information to the National Complaint Network and to Councillor Morrison with comparator information in relation to complaints;

- (f) that the Chief Officer – Health and Social Care Partnership would provide additional information to Councillor Wallace on life expectancy rates;
- (g) that the Chief Officer – Health and Social Care Partnership would provide information on the numbers of people whose care need had reduced through rehabilitation to Councillor Edlin; and
- (h) that the Director of Business Operations and Partnerships would bring comparator data on complaints to a future meeting and ensure that the Mid-Year Update provided more analysis on this data.

### **LOCAL CHILD POVERTY ACTION REPORT: YEAR 5 (2022/23)**

**511.** The Council considered a joint report by the Director of Business Operations and Partnerships and the Chief Officer – Health and Social Care Partnership on the fifth East Renfrewshire Local Child Poverty Action Report, required by the Child Poverty (Scotland) Act 2017.

In discussing the report, the challenge in terms of the cost of the school day, particular in reference to the purchase of school uniforms, was raised and the Director of Education offered some further information on that point.

Council:

- (a) Noted the Local Child Poverty Action Report: Year 5, as required under the Child Poverty (Scotland) Act 2017; and
- (b) Approved the report for publication, subject to IJB and NHS Greater Glasgow and Clyde CMT approval.

### **VISION FOR THE FUTURE**

**512.** The Council considered a report by the Chief Executive on progress to develop the Council’s long-term strategic “Vision for the Future” and sought approval for the next stage of development.

Council:

- (a) Noted the engagement to date and that the Vision for the Future would be developed around the three themes of “Children and Young People”, “Communities and Place” and “Promoting Wellbeing and Supporting the Vulnerable”;
- (b) Agreed further work be done to develop those themes into three clearly defined, high-level objectives;
- (c) Agreed, in principle, the outline timeline set out in paragraph 22 of the report; and



- (d) Agreed that East Renfrewshire Council move from five capabilities to three: Prevention; Empowering Communities; and Digital Change, as set out in paragraph 9 of the report.

### **LOCAL DEVELOPMENT PLAN 3 (DEVELOPMENT PLAN SCHEME)**

**513.** The Council considered a report by the Director of Environment on the proposal to submit the Development Plan Scheme to Scottish Ministers.

The proposed Development Plan Scheme and Participation Statement, attached as Appendix 1 to the report, was presented to the Council for approval.

Council:

- (a) Approved the proposed Development Plan Scheme for publication and submission to Scottish Ministers; and
- (b) Delegated to the Director of Environment to approve any minor, inconsequential changes to the documents, in line with Council policy, prior to submission to Scottish Ministers.

### **SECOND REVIEW OF SCOTTISH PARLIAMENTARY BOUNDARIES**

**514.** The Council considered a report by the Chief Executive on the Council's proposed response to Boundaries Scotland regarding the proposals to change the Scottish Parliamentary Constituencies as they affected East Renfrewshire.

In discussing the report, some concern was expressed in terms of the proposed changes. However, it was highlighted that this review was part of planned work by Boundaries Scotland and was part of due process.

Council agreed that the response, as set out in Appendix 1 to the report, be submitted to Boundaries Scotland as the Council's initial response to the consultation on the review of Scottish Parliamentary Boundaries.

### **REVIEW OF FINANCIAL REGULATIONS**

**515.** The Council considered a report by the Head of Accountancy (Chief Financial Officer) on the review of the Financial Regulations.

In discussion, Councillor Morrison welcomed the additional measures outlined in paragraph 7 of the report and thanked the Council's Finance team for their work on this and other reports.

The Council approved the content of the revised Financial Regulations.

### **CHANGES TO SCHEME OF DELEGATION – PROPER OFFICER**

**516.** The Council considered a report by the Director of Business Operations and Partnerships, which proposed to amend the Council's Scheme of Delegation to provide for substitute proper officers in the event that the Chief Officer – Legal and Procurement was unavailable to sign formal documentation on behalf of the Council.

Council approved:

- (a) New delegations to the Director of Business Operations and Partnerships and the Chief Officer – Health and Social Care Partnership to act as substitute proper officers in the event of the Chief Officer – Legal and Procurement being unavailable; and
- (b) That the following paragraph be inserted in the Scheme of Delegation as new paragraphs 10(c) and 42(h), the following words to give effect to those delegations.

“in the absence of the Chief Officer – Legal and Procurement, to act as proper officer for the purposes of the Local Government (Contracts) Act 1997 and section 193 of the Local Government (Scotland) Act 1973 and to execute all deeds and similar documents which require to be executed.”

### **SPORTS PITCHES TRANSFER PROJECT**

**517.** The Council considered a joint report by the Director of Education and Director of Environment on progress with the Sports Pitches Transfer Project and seeking approval for the various actions required to complete the formal transfer of the agreed group of assets to East Renfrewshire Culture and Leisure Trust (ERCL)

The Chief Executive clarified that members of the Trust should be noted as having an interest in this item, however they could still participate in the item. Councillors Anderson, Edlin, Merrick and O'Donnell noted their interest in the item at this time.

Council:

- (a) Approved the operational outline agreement summarised in paragraph 11 of the report;
- (b) Authorised the Director of Education and the Director of Environment to complete negotiations with Trade Unions with regard to the transfer of affected staff to ERCL under TUPE regulations;
- (c) Agreed the Service Level Agreement attached to the report;
- (d) Noted that ERCL had moved from the annex building at St John's Primary School to the Dickie Building and that the Transfer Agreement be updated to reflect this; and
- (e) Authorised the Director of Education, in conjunction with the Chief Officer – Legal and Procurement, to finalise and conclude the legal documentation necessary to give effect to the transfer.

### **CHANGES TO ORGANISATIONAL STRUCTURE**

**518.** The Council considered a report by the Director of Business Operations and Partnerships, which sought approval for a proposed restructure of Head of Service remits within the Environment Department and approval for the establishment of an Appointments Committee for the Head of ICT and Resilience post.

Full details of the proposed changes and new structures were set out in the appendices to the report.

Council:

- (a) Approved the changes to the Head of Service remits within the management structure in the Environment Department and further delegated authority to the Director of Environment to make further minor adjustments as required;
- (b) Approved the recruitment procedure for the position of Head of ICT and Resilience as detailed in the report;
- (c) Agreed that an Appointments Committee comprising the Convener, Provost, Deputy Leader and one member from each of the SNP and Conservative Party Groups be established for the purposes of (b);
- (d) Delegated to the Head of HR and Corporate Services, in consultation with the Director of Business Operations and Partnerships and the Director of Environment, to make the necessary arrangements; and
- (e) Authorised the Director of Business Operations and Partnerships to put in place appropriate interim management arrangements for the Department.

#### **CALENDAR OF MEETINGS 2024 AND CHANGE OF DATE OF MEETING OF THE COUNCIL IN SEPTEMBER 2023**

**519.** The Council considered a report by the Director of Business Operations and Partnerships, which sought approval of the Calendar of Meetings 2024 (attached as Appendix 1 to the report), and that the meeting of the Council currently scheduled to be held on Thursday 28 September 2023 be rescheduled to Tuesday 26 September 2023.

Council:

- (a) Approved the 2024 calendar of meetings, as detailed in Appendix 1 to the report;
- (b) Approved that the meeting of the Council scheduled to be held on Thursday 28 September 2023 be rescheduled to 4.00pm on Tuesday 26 September 2023; and
- (c) Noted the draft dates of meetings of the Integration Joint Board.

#### **Resolution to Exclude Press and Public**

**RESOLVED** that, the press and public be excluded from the meeting for the remaining item of business, in accordance with Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 6 and 9 of Part 1 of Schedule 7A to the Act.

#### **SALE OF HOUSING REVENUE ACCOUNT LAND AT BARRHEAD SOUTH**

**520.** The Council considered an exempt report by the Director of Environment on the marketing of the land located at Springfield Road, Barrhead (held in the Housing Revenue Account (HRA)) and recommended progression of the disposal of the land to Cala Homes.

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Council agreed to delegate to the Director of Environment, in consultation with the Chief Officer – Legal and Procurement, to progress and complete the disposal of the land located at Springfield Road, Barrhead, according to the terms outlined in the exempt report.

PROVOST

**MINUTE**  
**of**  
**LOCAL REVIEW BODY**

**Minute of meeting held at 2.30pm in the Council Chamber, Council Headquarters, Giffnock on 9 August 2023.**

**Present:**

Councillor Paul Edlin  
Councillor Chris Lunday

Provost Mary Montague  
Councillor Andrew Morrison

**Attending:**

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

**Apologies:**

Councillors Betty Cunningham, Annette Ireland and Jim McLean.

**APPOINTMENT OF CHAIR**

**521.** In the absence of the Chair and Vice Chair, it was agreed that Councillor Morrison chair the meeting.

Councillor Morrison in the Chair

**DECLARATIONS OF INTEREST**

**522.** There were no declarations of interest intimated.

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

**NOTICE OF REVIEW – REVIEW 2023/05 – ERECTION OF NEW PITCHED ROOF OVER EXISTING FLAT ROOFED EXTENSION. FORMATION OF GABLE TO THE REAR ELEVATION AND NEW DORMER WINDOWS ADDED TO THE GABLE ELEVATIONS AT 35 SUNDALE AVENUE, CLARKSTON, G76 7TA (REF NO:- 2022/0107/TP).**

**523.** The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Mr Stewart Robertson against the decision taken by officers to refuse planning permission in respect of the erection of a new pitched roof over an existing flat roofed extension, formation of a gable to the rear elevation and new dormer windows added to the gable elevations at 35 Sundale Avenue, Clarkston G76 7TA.

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

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

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

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

Discussion took place, particularly around the location of the site and the mitigating factors highlighted by the applicant.

Councillor Montague, seconded by Councillor Lunday, moved that the decision of the appointed officer be upheld and planning permission refused.

Councillor Edlin, seconded by Councillor Morrison, moved as an amendment that the decision of the appointed officer be overturned and planning permission granted, subject to the conditions outlined by the Planning Adviser.

On a vote being taken by a show of hands, 2 votes were cast for the motion and 2 for the amendment. On the Chair's casting vote, the amendment was declared carried.

Therefore, the Local Review Body agreed that the decision of the Appointed Officer, as set out in the decision notice of 28 April 2023, be overturned and planning permission granted subject to the conditions outlined in the report.

**NOTICE OF REVIEW – REVIEW 2023/06 – NEW DORMER PROPOSED TO SOUTH EAST ELEVATION OF EXISTING DWELLING AT 25 POLBAE CRESCENT, EAGLESHAM, G76 0LW (REF NO:- 2023/0066/TP).**

**524.** The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted Mr Andrew McLean against the decision taken by officers to refuse planning permission in respect of a new dormer proposed to the south east elevation of the existing dwelling at 25 Polbae Crescent, Eaglesham, G76 0LW.

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

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

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

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

Discussion took place, particularly around the issue of the proposed new dormer overlooking the adjacent property's garden ground.

Following the discussion, and having heard from the Planning Adviser, the Local Review Body agreed that the Appointed Officer's decision be upheld and planning permission refused.

**NOTICE OF REVIEW – REVIEW 2023/07 – ERECTION OF DWELLINGHOUSE AT HAZELDEN MAINS FARM, 23 HAZELDEN ROAD, NEWTON MEARNES, G77 6RR (REF NO:- 2022/0735/TP)**

**525.** The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Mr and Mrs Miller against the decision taken by officers to refuse planning permission in respect of the erection of a dwellinghouse on land adjacent to Hazelden Mearns Farm, 23 Hazelden Road, Newton Mearns, G77 6RR.

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

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

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

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

Discussion took place, particularly around the use of the stables on the site and if this could be considered a business or personal use.

Following the discussion, and having heard from the Planning Adviser, the Local Review Body agreed that the Appointed Officer's decision be upheld and planning permission refused.

CHAIR





**MINUTE**  
**of**  
**AUDIT & SCRUTINY COMMITTEE**

**Minute of meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 10 August 2023.**

**Present:**

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

Councillor Morrison in the Chair

(\*) indicates remote attendance

**Attending:**

Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Phil Daws, Head of Housing, Property and Climate Change; Michelle Blair, Chief Auditor; Jim Murray, Strategy Manager (Departmental Support Services)(Environment); Gbemisola Taiwo, Housing Services Manager (Property, Capital and Asset Management); Linda Hutchison, Clerk to the Committee; Jennifer Graham, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

**Also Attending:**

Grace Scanlin, Ernst and Young.\*

**Apology:**

Provost Mary Montague.

**DECLARATIONS OF INTEREST**

**526.** There were no declarations of interest intimated.

**CHAIR'S REPORT**

**527.** Under reference to the Minute of the meeting of 22 June 2023 (Page 558, Item 495 (ii) refers), when it had been noted that members of the Committee had been asked to confirm, by exception, issues raised within the national External Audit report on the Local Government in Scotland Overview 2023 on which they wished feedback prepared for the Committee, Councillor Morrison advised that a single issue had been raised. This concerned the proposals being explored to increase Council Tax nationally for Bands E to H and, specifically, whether

a net increase in Council Tax collection would be delivered for local benefit or this would result in a lower national settlement from the Scottish Government.

Councillor Morrison reported that the Director of Business Operations and Partnerships had confirmed that a draft response to the ongoing consultation on the Council Tax issue would be submitted to the full Council in mid-September, and that the specific issues raised would be addressed as part of the report on that. As all Members would have an opportunity to discuss the proposed response at the Council meeting, it was considered unnecessary to submit a report on this to the Committee.

The Committee, having heard the Clerk confirm that the proposed response to the consultation was to be submitted to the full Council rather than the Cabinet, noted the report.

### **CLARIFICATION RECEIVED ON QUERIES RAISED AT PREVIOUS MEETINGS**

**528.** Under reference to the Minutes of the meetings of 11 May (Page 514, Item 450 refers) and 22 June 2023 (Page 558, Item 497 refers), when it had been agreed that the Clerk would seek clarification on a number of matters on behalf of the Committee, in the interests of transparency the Committee considered a report by the Clerk summarising the clarification received and circulated on queries raised regarding a consultancy cost related matter and the provision of funding for 1140 hours of early learning and childcare following a child's 3<sup>rd</sup> birthday.

The Committee noted the position.

### **ANNUAL TREASURY MANAGEMENT REPORT 2022/23**

**529.** Under reference to the Minute of the meeting of 23 February 2023 (Page 406, Item 340 refers), when it had been agreed to recommend to the Council that the Treasury Management Strategy for 2023/24 and the policy on the repayment of loans fund advances be approved, the Committee considered a report by the Head of Accountancy (Chief Financial Officer) providing details of the Council's treasury management activities for the year ending 31 March 2023, and seeking approval to recommend to the Council that a list of organisations for the investment of surplus funds be approved.

The report referred to a well-managed treasury function within the Council and related issues, commenting that the authority continued to adopt a prudent approach to treasury management, and that stability in borrowing assisted the Council to respond to current, national economic pressures. The submission of the report to the Committee, prior to its submission to the Council, was in line with the CIPFA Code of Practice on Treasury Management.

The Head of Accountancy (Chief Financial Officer) highlighted key issues within the report, including comments on why the borrowing undertaken during the year varied from previous estimates. She explained that a number of capital projects had been rescheduled to future years and that borrowing was being delayed as far as possible due to current high interest rates being encountered, as a consequence of which only £10m of borrowing had been required in 2022/23 as opposed to the £65m anticipated.

She highlighted that the Council had operated satisfactorily against all indicators which measured risk, prudence and debt; commented on various specific indicators; and confirmed that capital investment plans and treasury management decisions were affordable, prudent and sustainable. More generally she explained that, arising from the implementation of new

Regulations, the number of Treasury Management reports submitted to the Committee each year would be increasing.

In response to questions, the Head of Accountancy (Chief Financial Officer) confirmed that the improved year end position was partly attributable to receipt of additional interest of approximately £1m due to increasing interest rates, especially towards the end of the financial year which would help address some of the financial challenges facing the Council in the next year or so. Having commented that interest rates were still increasing but expected to reduce in due course, she reported that the level of interest received for 2023/24 might be £300k-£400k higher than predicted. She confirmed that the risk indicator regarding the percentage of variable rate loans being no more than 15% of the total debt outstanding was one set locally, referred to the interest yield on temporary deposits linked to increases in the Bank of England Base Rate, and confirmed that an update on debt incurred by all Scottish local authorities would be provided when information on this became available from Audit Scotland.

The Committee, having heard Councillor Wallace commend the overall position referred to in the report and officers for their management of it, agreed:-

- (a) to note the Treasury Management Annual Report for 2022/23 and associated comments; and
- (b) to **recommend to the Council** that the organisations specified in the report for investment of surplus funds be approved.

## **INTERNAL AUDIT REPORT – REVIEW OF EXTERNAL WALL INSULATION AND ROOFING CONTRACT AND RELATED MANAGEMENT RESPONSE**

**530.** Under reference to the Minute of the meeting of 11 May 2023 (Page 515, Item 452 refers), when it had been agreed that the Internal Audit report on the External Wall Insulation and Roofing Contract Variation be circulated to members of the Committee for their review, the Committee considered a report by the Clerk explaining that it had subsequently been requested that the report and related management response be discussed at a formal meeting of the Committee. The Head of Housing, Property and Climate Change, and other appropriate officers, had been invited to the meeting to answer questions on the report, a copy of which was appended to the report.

Having been invited to make a preliminary statement, the Head of Housing, Property and Climate Change confirmed that all of the Internal Audit recommendations had been accepted. Whilst clarifying what had arisen and the measures taken to prevent it recurring, he explained that in 2022 two quantity surveyor vacancies had been unable to be filled despite a concerted recruitment effort, the normal staffing complement of the section being five people who dealt with around 25 projects in total per annum. In 2022, 35 projects required to be dealt with, including some delayed from 2020 and 2021 due to COVID, requiring the three quantity surveyors in post to deal with approximately 12 projects each. This, coupled with some lack of experience in the team, had placed additional strains on the service. Other issues encountered had included a lack of access by technical officers to specialist software at home during the December 2021 lockdown and for some months subsequently, the need to reassess tenders quickly to secure prices quoted by contractors, and a requirement to accept the terms of a Scottish Government grant and issue the contract in question before the Publicly Available Specification (PAS) 2035 standard referred to in the report was finalised.

The Head of Housing, Property and Climate Change acknowledged that the lack of capacity in the Technical Services Team to progress work should have been highlighted to Housing Services, referring to the importance of doing fewer jobs well than more badly. He also acknowledged that the breach of Contract Standing Orders (CSOs), which required a report

to be submitted to the Cabinet, should have been anticipated but wasn't due to some lack of experience in the team, and commented on a failure to document actions agreed verbally regarding the contract and, therefore, a consequential lack of evidence of decisions made.

He assured the Committee that members of the Technical Services Team, who often worked additional unpaid hours, usually managed contracts well and challenged contractors' work as necessary. Regarding the reference in the Internal Audit report to Housing Officers' unwillingness to indicate how many properties had been expected to be completed under the contract, he commented that rather than an unwillingness, there had been a difference of opinion between Housing and Technical Services on the cost of work per unit.

The Head of Housing, Property and Climate Change confirmed that actions being taken to prevent a recurrence included that the Strategy Manager (Departmental Support Services) would oversee the allocation of all work on contracts which were not yet on site, rather than the Team being approached directly. Having confirmed that a report on the breach of CSOs was submitted to the Cabinet in May 2023, he added that monthly valuation reports would be prepared for review by the Strategy Manager and himself, and that new written procedures were being introduced for clarity. Furthermore, a review was underway regarding which frameworks and which procurement route to use for contracts to secure Best Value, meetings and decisions made would be Minuted, and staff had been instructed to slow down to allow fewer projects to be done better. A quarterly Capital Board chaired by the Director of Environment had also been initiated, staff would be trained initially and annually thereafter on the new CSOs under development and related procedures, and a new more general training regime for the Team covering various issues was in development. The structure of Technical Services was also under substantial review in view of the difficulties encountered in recent years recruiting to various types of posts, as it was predicted these difficulties would continue.

Whilst acknowledging that mistakes had been made, the Head of Housing, Property and Climate Change reported that, through work with the Chief Procurement Officer and on benchmarking, it had been determined that Best Value had still been secured and that the price of the work done was not excessive given the cost of decarbonising properties. He added that the contractor appointed had done work for the Council for a number of years and was well known to it. It was also explained that three different methods for securing this type of work were being piloted, a design and build approach using bills of quantities as in the case of the contract under discussion; design and build using a normal tender; and a separate design and build approach to tendering. These would be evaluated to determine the best approach for installing wall insulation in properties.

The Chair welcomed the clarification provided. In response to him, the Chief Auditor confirmed that all of the Internal Audit recommendations made had been accepted by management, that three were already implemented, and that Internal Audit follow-up work would be done to check this was the case for the others. During the remainder of the discussion, questions were posed and clarification was sought on various issues. It was highlighted that the Committee had a role to ask questions, discuss what went wrong and determine what needed to be done to secure improvement.

Regarding the time pressures at the end of 2021 to award the contract and accept the Scottish Government Grant which provided funding for owner occupiers who subsequently chose to participate in the programme the position on which was unknown at that point, the Head of Housing, Property and Climate Change accepted that a more prudent approach would have been to highlight to the Scottish Government that the Council could not comply with its requirements and to try to secure an extension to the timeline or negotiate on the terms and conditions.

Councillor Wallace acknowledged that issues raised were being addressed, was keen to understand further why some matters had arisen in the first place which seemed relatively straightforward to address, and specifically asked why a tender was issued that was known to be unrealistic and omitted key work. Having commented that the tender was not known to be unrealistic at the time of issue but rather later, the Head of Housing, Property and Climate Change referred to some errors in the bill of quantities developed attributable to inexperience and work being done more quickly than it should. Reference was also made to the need to divert managerial resources to carry out quantity surveyors' tasks given the vacancies in the team, diminished management capacity due to this and other reasons, and the unrealistic expectations placed on the section at the time. He reiterated that the lack of capacity to undertake all work requested should have been highlighted earlier.

Having heard Councillor Ireland welcome both the acceptance of the recommendations and measures being introduced to improve the tender process, she and Councillor Edlin raised queries regarding the number of units to be completed as part of the contract. It was explained that the 126 properties referenced in the tender was an aspirational target requested by the Housing Service, as the exact number of properties on which work could be done was unknown at the time. In keeping with the design and build nature of the contract, this needed to be determined as part of the work done, the final number of units completed being 81 with work on any remaining properties to be carried forward to a future programme.

Councillor Macdonald thanked the Head of Housing, Property and Climate Change for his explanations, argued that all of the teams involved needed to work closely together, and asked if hybrid working was realistic or detrimental for such work. He also sought clarification on when the Head of Housing, Property and Climate Change had found out about the CSO breach and overspend and what his emotional response had been. The Head of Housing, Property and Climate Change's view was that staff shortages, not where they were located, was the main factor. Having looked into what had occurred, he had been satisfied there had been neither malfeasance nor detriment to the public purse, reiterating that Best Value had been achieved. Whilst annoyed, he had established quickly that the problem had not been created deliberately, lack of experience within the team which was working very hard had been a factor, and he had reflected on the scale of the cost of the journey to net zero. Regarding the recruitment difficulties encountered, he reported that there was a shortage of available construction professionals throughout the industry, that the private sector could often offer better overall remuneration packages than the public sector, and that the job evaluation scheme had to be adhered to which determined the grade and relative grades of posts in the Council.

In response to questions about staff training issues raised by the report, the Head of Housing, Property and Climate Change advised that, in this case, NEC training would have been invalid as the contract was not a NEC one. He explained that officers had sometimes been unable to attend training due to both time constraints as a result of workload and training budget constraints. However, following the audit and given the importance of continuous professional development, he was considering the introduction shortly of a regime of mandatory training on a range of issues including frameworks, project management, procurement, new legislation and new technology, and creating protected time for training, possibly collective training. The Chief Auditor reported that follow-up audit work tended to focus on the implementation of specific recommendations, but that she would bear in mind at the follow-up stage what had been said on training at this meeting.

Councillor Edlin expressed some dissatisfaction with the explanations provided, the level of regret expressed and lack of accountability, and supported compulsory training for professionals. Councillor Morrison highlighted that requiring the matter to be discussed, in detail, at this meeting was about accountability, as was Internal Audit checking in due course the implementation of the recommendations. The Head of Housing, Property and Climate

Change argued that he had not made excuses, had tried to explain what had occurred at the time and action being taken, and had articulated how he felt. He was apologetic regarding the management of the contract, but reiterated that Best Value had been delivered, disagreeing with Councillor Edlin's view that a lot of money had been lost.

In response to further issues raised by Councillor Edlin regarding whether the project would have been done when it was had the costs been known better at the outset, and if the project could have been delayed to a future year, the Head of Housing, Property and Climate Change reported that deferral could only have been for a short time and might have resulted in higher costs due to inflation and difficulties engaging suitable contractors as all local authorities and housing providers had a legal duty to comply with the Energy Performance Certificate (EPC) Band B rating by 2032. He stated that all public and private bodies needed to determine how best to decarbonise properties, emphasised the related financial and logistical challenges, and highlighted that starting the work as early as possible helped spread it and the related costs over as many years as possible. He confirmed there had been provision in the Capital Programme for the work, that the cost of it to other local authorities was known for benchmarking purposes, and that evaluating the three possible procurement methods referred to earlier was impossible in the absence of data the contract had started to provide.

Councillor Ireland asked if the failure to address warning signs earlier than October 2022 or the unwillingness or inability to indicate the number of properties expected to be completed referred to in the report were due to a lack of training. The Head of Housing, Property and Climate Change considered the failure to extrapolate figures to forecast the future breach of CSOs attributable to a lack of experience and knowledge of the CSOs, acknowledging the need for additional training on this. The Chief Auditor confirmed her team had a good working relationship with the Environment Department and that, rather than being unwilling to work with Internal Audit, there had been an unwillingness to commit to the number of properties expected to be completed.

In response to Councillor Macdonald who referred to potential public perceptions of what had happened, Councillor Morrison differentiated the types of issues the Committee should and should not discuss. The Head of Housing, Property and Climate Change confirmed that the Internal Audit findings had been discussed with all relevant officers, stressing the importance of considering what had occurred in the wider context of issues such as excessive workload. Councillor Buchanan concurred that some issues could have been handled better, referred to the need for the work on properties by 2032, and welcomed the acceptance of the recommendations made to address issues and improve. Having highlighted there had been no significant loss to the Council, he stressed the value of protecting officers such as through training and addressing workload issues.

In response to Councillor Wallace, the Strategy Manager acknowledged that monthly cost reports should have been prepared, which had not been due to other work priorities. Councillor Wallace welcomed that this was now being addressed. The Head of Accountancy (Chief Financial Officer) added that the issues raised were linked to Treasury Management given the need to assess which projects the Council could realistically deliver, taking cognisance of issues such as staff resources.

The Committee, having heard Councillor Morrison thank the officers who had attended to discuss the report, noted the report and additional information and clarification provided.

## **INTERNAL AUDIT PLAN 2023/24 – IMPLEMENTATION PROGRESS – APRIL TO JUNE 2023**

**531.** Under reference to the Minute of the meeting of 30 March 2023 (Page 459, Item 391 refers), when the Internal Audit Strategic Plan for 2023/24 to 2027/28 had been approved, the Committee considered a report by the Chief Auditor advising of progress on the Internal Audit Annual Plan 2023/24 from 1 April to 30 June 2023. It was confirmed that one audit report in relation to planned 2023/24 audit work had been completed in Quarter 1, information on which had been provided. Details were also provided of audits carried out as part of the 2022/23 and 2023/24 Plans regarding which satisfactory management responses had been received since the last progress report had been submitted.

Reference was also made to the quarterly performance indicators (PIs) for the section, and one new request for assistance dealt with using contingency time relating to Council Tax direct debits being taken early in error, which had been the subject of a report submitted to the Committee in June.

The Chief Auditor referred to key aspects of the report, during which she confirmed that one report on New Council House Builds remained to be issued, the findings of which would be summarised in the next progress report and might be referenced in the Internal Audit Annual Report for 2022/23 to be submitted to the Committee in September. Although the draft report had been completed several weeks ago, the department had requested further time to clarify its factual accuracy before being issued to the Director and had undertaken to complete its response quickly thereafter.

Amongst other things, she clarified that she had chosen to circulate the full report on Council Tax System – Recovery and Enforcement because the recommendations made were either medium or high risk. She also confirmed that discussions were ongoing with HR regarding leavers' data which was raised in a number of audits, and was also being looked at as part of an audit on payroll on which feedback would be provided in a future progress report.

Councillor Morrison referred to the recent audit report on the Council Tax System – Recovery and Enforcement circulated to all members of Committee. Having highlighted that delays in dealing with applications for relief and discounts for example were often the subject of correspondence to Elected Members from constituents, he was curious if other related correspondence to the Council from residents before they contacted their councillor related to conclusions reached in the report. He commented that the new Council Tax system would have been expected to deliver benefits and efficiencies, expressed the view that the conclusions in the Internal Audit report appeared to contradict that to an extent, and queried if this related to the way software was implemented or lack of training for example. Having heard the Chief Auditor comment that there could be a range of factors involved and suggest that Business Operations and Partnerships may be able to comment further, it was proposed that such feedback be sought from the Department.

The Committee agreed:-

- (a) not to seek any of the Internal Audit reports issued during the quarter at this stage;
- (b) to seek comments from appropriate officers on various issues raised regarding the implementation of the new Council Tax system; and
- (c) otherwise, to note the report and related comments made.

CHAIR



**MINUTE**  
**of**  
**EDUCATION COMMITTEE**

**Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 17 August 2023.**

**Present:**

Councillor Andrew Anderson (Chair)  
Councillor Tony Buchanan  
Councillor Kate Campbell  
Councillor Colm Merrick  
Councillor Owen O'Donnell (Leader)

Councillor Katie Pragnell (Vice Chair)  
Ms Fiona Gilchrist  
Ms Dorothy Graham  
Mr Des Morris  
Ms Evelyn Yedd

Councillor Anderson in the Chair

**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); Arlene Cassidy, Children's Services Strategy Manager; Colin Wright, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

**Apologies:**

Councillors Danny Devlin and Gordon Wallace.

**DECLARATIONS OF INTEREST**

**532.** There were no declarations of interest intimated.

**TRIBUTE TO COMMITTEE MEMBER DR FRANK ANGELL.**

**533.** Prior to the commencement of business, the Chair paid tribute to Dr Frank Angell, who sadly passed away recently. Dr Angell had made a considerable contribution to the Committee and his enthusiasm for education and lifelong learning was apparent for all to see. Contributions were invited from Members and a number of comments were made with Members expressing their gratitude and appreciation for the valuable work he had achieved with the Committee. All agreed that his likeable personality would be sadly missed as a friend and a valuable Committee Member who had left an outstanding legacy in relation to education and lifelong learning in East Renfrewshire. Evelyn Yedd, who had replaced Dr Angell

intimated that the comments expressed by the Committee would provide some comfort to Dr Angell's relatives and they would be passed on accordingly.

Evelyn Yedd was welcomed to her first meeting of the Committee as the replacement for Dr Angell. She introduced herself as the paid Administrator for the Glasgow Jewish Council. She had come from an education background and had also previously been an employee of East Renfrewshire Council, in addition to working with previous Calderwood Lodge Head Teachers. She intimated that she would be honoured to serve the Education Committee and looked forward to working with Members.

### **SQA VERBAL UPDATE**

**534.** The Head of Education Services (Quality Improvement) provided a verbal update on the 2023 results for pupils throughout East Renfrewshire secondary schools. Once again, the examination result performance of the pupils had been outstanding. A detailed examination of the results would be available at a presentation to a future Committee, however information relating to a number of highlights were provided as follows:

- a) At National 5 in S4, the authority achieved its best ever performance with 82% of the cohort achieving 5 or more awards up from 78% in 2022. 95% of S4 pupils achieved 5 or more qualifications at National 4 or better, similar to the result last year.
- b) At Higher level, performance of S5 pupils were once again strong across all measures. 84% of the original roll achieved 1 or more Highers, 69% attained 3 or more Highers and 47% attained 5 or more Highers. This is the authority's best ever performance, excluding the Alternative Certification Model (ACM) and the generous approach applied to the 2022 exam diet.
- c) 61% of pupils presented for National 5, achieved A grades, an increase from pre-pandemic rates in 2019 of 54%.

Members praised the pupils, teachers and support staff involved for this achievement and expressed their thanks for their contribution in emphasising the culture of continuous improvement within schools in East Renfrewshire. The resilience shown by pupils was particularly impressive due to the pandemic and its effect on children's education. There was also mention of the attainment gap improvements, particularly relating to boys performance.

The information from the verbal update on the SQA examination performance was noted and pupils, teachers and support staff were congratulated by Members.

### **EAST RENFREWSHIRE CHILDREN'S RIGHTS REPORT 2020-23**

**535.** The Committee considered a report by the Director of Education informing the Education Committee on the progress made in ensuring children's rights are respected and upheld within East Renfrewshire over the last 3 years. The report was also due to be considered at the next IJB meeting and would be submitted to the Scottish Government. The Head of Education Services (Equality and Equity) summarised the report, drawing to the Committee's attention, the legislation requiring local authorities to protect children's rights, particularly Part 1, Section 2 of the Children and Young People (Scotland) Act 2014, which places a duty on listed public authorities, including all local authorities and health boards, to report every 3 years on the steps they have taken in that period to improve children's rights.

During discussion, Members praised the report, acknowledging the progress in taking forward this matter. The general vision was also praised and thanks were expressed to the Education staff for their efforts, they also acknowledged the success of the partnership with HSCP and the partners who contributed to the writing of the report. It was suggested that it would be useful to include special needs information in the report in the future and in response, it was clarified that further case studies will be added to the online version, including special needs. In addition, the online link providing further details of these case studies will be shared.

Following further discussion, the Committee agreed the following course of action:

- (a) note current practice within East Renfrewshire underpinning and ensuring children's rights;
- (b) approve the East Renfrewshire Children's Rights Report;
- (c) note the authority's key actions going forward to respect and uphold children's rights; and
- (d) To include case studies on special needs to the online version of the Rights Report and to share the online link to this.

## **EAST RENFREWSHIRE'S CHILDREN AND YOUNG PEOPLE'S SERVICE PLAN 2023-26**

**536.** The Committee considered a report by the Director of Education detailing "At Our Heart – Next Steps" The East Renfrewshire Approach to Children Services Planning for the period 2023-2026. The Head of Education Services (Equality and Equity) expanded on the report. The Education Committee is requested to note the content of the plan prior to submission to the full Council on 13 September for approval. The plan was noted by IJB on 16th August. After Council consideration the approved plan would be submitted to the Scottish Government. A copy of the document, "At Our Heart – The Next Steps" The East Renfrewshire Approach to Children's Services Planning, was circulated with the report and Appendix 1 contained a document detailing the Profile of Children and Young People's Needs in East Renfrewshire, with Appendix 2 containing the Views and Experiences of the Children and Families of East Renfrewshire 2023-2026.

During discussion, Members praised the Education Department for the progress in recognising the importance of health and well-being for children, this would place the local authority in a strong position for the future. A question was asked as to when the Committee would be updated on the progress of the plan and it was intimated that there was currently no annual update, however, some of the information will be related through the IJB and the Head of Education Services assured the Committee that they would be kept informed of the progress on a regular basis.

A number of issues were raised by Councillor O'Donnell, including: how to effectively measure outcomes, how the report compared to previous versions, clarification over some of the definitions used and a suggestion that child poverty should be mentioned. Councillor O'Donnell reported that these issues would be addressed offline and shared with the Committee in due course.

In response, it was reported that progress is shared with committee in a number of ways for example through reports on GIRFEC, Healthier Minds and Children's Rights. Work is ongoing in relation to the measurement of outcomes and it was anticipated that smart targets would be established soon and this would be shared with the Committee in due course.

It was further stressed that the Council were currently working with their partners on a number of issues including child poverty. There was also a discussion on the importance of keeping siblings together within the same school and it was emphasised that this was always the aim of the Education Department, however families sometimes submitted placing requests for their children which impacted on the ability to keep siblings together; it was agreed that the legal aspect of this issue could be discussed at some point offline.

Following further discussion, the Committee agreed to:

- a) acknowledge the duties of the Children and Young People Act 2014 as they relate to Part 3 Children's Services Planning;
- b) note the content of the Children and Young People's Services Plan for 2023-2026, prior to submission to full Council for approval and;
- c) include SMART targets to the identified measures of success and progress of the plan to be shared with Members at some point in the future.

## **REVIEW OF THE SUSTAINABLE RATE FOR EARLY LEARNING AND CHILDCARE FUNDED PROVISION**

**537.** The Committee considered a report by the Director of Education updating the Committee on the review of the sustainable rate for funded providers for provision of the Early Learning and Childcare statutory entitlement to 1,140 hours and seeking approval for the payment of the new rate from the beginning of the 2023/24 session. Further information on the proposed changes and the rate setting exercise was provided by the Education Senior Manager (Leading Business Change). He stressed the importance of striking a balance between achieving sustainability for the providers and the financial implications for the Council. It was noted that, in seeking to set the new rate, the Education Department had engaged with funded providers through this process.

During discussion, Members praised the report, particularly for the engagement with providers and they further acknowledged the difficulties in achieving a good balance, particularly due to food inflation.

Following discussion, the following course of action was agreed:

- a) to note the review undertaken of the sustainable rate paid to Funded Providers within East Renfrewshire;
- b) to approve the increase in the sustainable hourly rate to £5.87;
- c) to approve the increase in the meal provision hourly rate to 57p; and
- d) to request that the Director of Education arrange for the backdating of the new rates to the beginning of the new session, starting from Monday 14<sup>th</sup> August 2023.

## **EDUCATION DEPARTMENT END-YEAR REPORT 2022/23**

**538.** The Committee considered a report by the Director of Education advising of the end-year report on the performance of the Education Department for 2022/23. Detailed figures containing the End of Year Performance Data were attached to the report as an Appendix. The Education Senior Manager (Leading Business Change); summarised the report drawing

attention to a number of issues, including the key activities and performance indicators contributing to the delivery of the Council's overall outcome delivery plan (ODP). It was emphasised that some of the information would be slightly out of sync with the academic year, as the information provided under the report from the SQA related to 2023 and would not be contained in this report.

During discussion, the issue of exclusion was raised, with some concern that the rates could be higher than reported. There had also been recent national media publicity relating to violent incidents within schools. It was emphasised that the Department had an updated policy, which supported staff and young people and East Renfrewshire had an effective mechanism in place to ensure all incidents were reported. During discussion, it was stressed that the effect of lockdown could also not be under-estimated. The importance of effective partnership working was also emphasised.

During discussion, Councillor O'Donnell requested clarification over a number of issues: including absence rates and follow up information on leaver destination. The points were clarified and following previous concern over the accuracy of the absence figures, it was confirmed that they were now accurate and up to date. Members were also encouraged to hear that information was available to capture the ongoing learning and monitoring of pupils to enable them to obtain a clearer picture of their progress after leaving school. Councillor Buchanan also clarified that the Scottish Government were currently involved in discussions over the future shape of Education, which would also include areas such as how qualifications will look in the future and measuring outcomes.

Following acknowledgement by the Committee of the ongoing progress, the Committee agreed to note the content of the report as a summary of the Education Department's performance for 2022/23.

CHAIR



## MINUTE of

### The Special Meeting of EAST RENFREWSHIRE COUNCIL

Held at 3.00pm in the Council Chamber, Council Headquarters, Giffnock on Thursday  
17 August 2023.

#### **Present:**

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

Provost Montague in the Chair

#### **Attending:**

Steven Quinn, Chief Executive; Louise Pringle, Director of Business Operations and Partnerships; Gerry Mahon, Chief Officer (Legal and Procurement); Andrew Reid, Community Council Liaison Officer; Jamie Reid, Head of Communities and Transformation; Colin Sweeney, Democratic Services Manager and Liona Allison, Assistant Committee Services Officer.

(\*) indicates remote attendance.

#### **Apologies:**

Councillors Angela Convery, Betty Cunningham, Danny Devlin and Gordon Wallace.

*Councillor Cunningham had attempted to join the meeting by telephone. However, due to technical difficulties, a link to the meeting could not be established and therefore, the Provost included Councillor Cunningham amongst those Members who had intimated their apologies for absence.*

#### **PROVOST'S OPENING REMARKS**

The Provost recognised that many would still have been busy during the Council's recess and acknowledged the unseen work of those involved in the Placing Requests Appeals Panel (officers, Councillors and lay people).

#### **WELCOME TO NEW CHIEF EXECUTIVE**

The Provost welcomed to the meeting, the Council's new Chief Executive, Steven Quinn, who had joined the Council on 14 August 2023.

#### **WELCOME TO NEW COMMUNITY COUNCILS' LIAISON OFFICER**

The Provost also welcomed to the meeting, the Council's new Community Councils' Liaison Officer, Andrew Reid, who had joined the Council in June 2023.

## **DECLARATIONS OF INTEREST**

**539.** There were no declarations of interest intimated.

## **BROOM, KIRKHILL and MEARNSKIRK COMMUNITY COUNCIL – CHANGE OF NAME**

**540.** Council considered a report by the Director of Business Operations and Partnerships, which sought its approval for Broom, Kirkhill and Mearnskirk Community Council to change its name to “Mearns East Community Council” to reflect the demographic changes within its area.

The Community Council’s Constitution stated that the name of the Community Council shall be Broom, Kirkhill and Mearnskirk Community Council however, due to the development of Maidenhill, there had been a significant population change within the Community Council’s area.

Accordingly, and for reasons of inclusiveness and representation, the Community Council wished to include Maidenhill within the name of the Community Council. However, the name ‘Broom, Kirkhill, Mearnskirk and Maidenhill Community Council’ was too long.

Procedurally, a Community Council can propose to change its name by approving a resolution to that effect at a meeting of the Community Council, subject to such a resolution receiving approval by East Renfrewshire Council.

The Community Council had followed due process and had voted unanimously in favour to change its name to ‘Mearns East Community Council’ at a meeting held on 9 May 2023.

**RESOLVED**, that the decision of Broom, Kirkhill and Mearnskirk Community Council to change its name to ‘Mearns East Community Council’, be approved.

## **REVIEW OF COMMUNITY COUNCIL SCHEME OF ESTABLISHMENT**

**541.** Under reference to the Minute of the special meeting of the Council held on 26 April 2023 (Page 499, Item 433 refers), the Council considered a report by the Director of Business Operations and Partnerships on the outcome following public consultation undertaken on the revised Community Council Scheme of Establishment and associated Community Councillor Complaints Procedure. The report sought approval for the revised Scheme or agreement to further consultation.

At the special meeting of the Council, held on 14 December 2022, Council had agreed to open the Community Council Scheme of Establishment for a limited review of the section primarily dealing with complaints and the associated Code of Conduct. Subsequently, at the special meeting of the Council, held on 26 April 2023, Council approved the draft revised Community Council Scheme of Establishment and associated Community Councillor Complaints’ Procedure and that public consultation on both proceed. A further special meeting of the Council then held to decide whether to amend the Scheme in accordance with the revised proposals, as approved or subject to further revision to take account of any of the representations received from either community councils or the public.

Consultation on the Scheme closed on 23 June 2023 and two responses to the consultation received.

### **i) Thornliebank Community Council Representation**

The first response, received from a member of Thornliebank Community Council, was supportive of the changes and expressed the view that the proposals within the review of the scheme of establishment made sense and should overall, be implemented. The member also stated that these would make keeping order and discipline during the



course of group meetings easier and that this should help avoid incidents seen in previous community council meetings where disruptive and disrespectful behaviours on occasion, occurred.

ii) Broom, Kirkhill and Mearnskirk Community Council Representation

The second response, from a member of the Broom, Kirkhill and Mearnskirk Community Council was 'accepting' of the changes but also suggested numerous other changes to the scheme (all but one of the suggested changes fell out with the scope of the review).

The suggested change that fell within the scope of the review proposed that the written Scheme of Establishment detail the particular mechanisms and procedures to adopt during the course of an investigation into a complaint. The Scheme provided the regulatory authority for the investigation of a complaint but did not define how a complaint be investigated. That level of detail was in the procedure itself at Appendix 3 to the Scheme.

The main changes to the Scheme related to the removal from the Scheme itself of the process for dealing with complaints and the creation of a new stand-alone Community Councillor Complaints Procedure. This had the benefit of meaning that any future changes to the complaints procedure would sit outside the lengthy and time-consuming process for making changes to the Scheme of Establishment.

To bring it more into line with the Councillors' Code of Conduct, Community Councils' Code of Conduct had been reviewed and updated.

If the revised proposals were approved with no further changes, the new version of the Scheme would be approved at that stage and no further consultation would be required. In the event the Council agreed to further revisions to the Scheme to take account of any of the representations received, a further period of consultation would be required.

In response to a query by Councillor Ireland as to why the Complaints Procedure had not been attached to the report, Officers conceded that this had been an oversight on their behalf. Officers went on to suggest that the recommendation be made clearer in that the complaints' procedure be separated out from the actual Scheme for the establishment of Community Councils. There was no complaints procedure included in the papers for today's meeting since there had been no changes to that and Council had considered it at the June meeting.

**RESOLVED** that the revised Community Council Scheme of Establishment and associated Community Councillor Complaints' Procedure, be approved for implementation, with no further changes and that the Complaints Procedure be separated from the Scheme as a standalone document.

**PROVOST**



**MINUTE**  
**of**  
**APPOINTMENTS COMMITTEE**

**Minute of meeting held at 12.30pm in the Committee Room, Council Headquarters, Giffnock on 23 August 2023.**

**Present:**

Councillor Andrew Anderson  
Provost Mary Montague

Councillor Andrew Morrison  
Councillor Owen O'Donnell

Councillor O'Donnell in the Chair

**Attending:**

Sharon Dick, Head of HR and Corporate Services; Kath McCormack, HR Manager; and Louise Pringle, Director of Business Operations and Partnerships.

**Apology:**

Councillor Annette Ireland.

**DECLARATIONS OF INTEREST**

**542.** 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**

**543.** Under reference to the Minute of the meeting of 28 June 2023 (Page 572, Item 518 refers), the committee took up consideration of applications for the post of Head of ICT and Resilience.

Following full consideration the committee agreed that 6 candidates be shortlisted for assessment.

CHAIR



**MINUTE**  
**of**  
**CABINET**

**Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 24 August 2023.**

**Present:**

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

Councillor O'Donnell, Leader, in the Chair

**Attending:**

Steven Quinn, Chief Executive; Caitriona McAuley, Director of Environment; Mark Ratter, Director of Education; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Barbara Clark, Chief Accountant; Andrew Corry, Head of Environment (Operations); David Hunter, Prevention Services Manager – Environmental Health; John Marley, Principal Traffic Officer; Gillian McCarney, Head of Place; Siobhan McColgan, Head of Education Services (Equality and Equity); Michael McKernan, Economic Development and Inclusive Growth Manager; Paul Parsons, Principal Accountant; Ian Pye, Head of Sports and Physical Activity; Lorna Wallace, Assistant Economic Development Manager(\*); John Burke, Committee Services Officer; and Lorna Allison, Assistant Committee Services Officer.

(\*) indicates remote attendance

**DECLARATIONS OF INTEREST**

**544.** There were no declarations of interest intimated.

**LEADER'S REMARKS – NEW CHIEF EXECUTIVE**

**545.** The Leader, on behalf of Cabinet, welcomed the new Chief Executive of the Council, Steven Quinn, to his first meeting in appropriate terms.

**ESTIMATED REVENUE BUDGET OUT-TURN 2023/24**

**546.** The Cabinet considered a report by the Head of Accountancy (Chief Financial Officer) on the estimated projected revenue out-turn for 2023-24, providing details of year end variances for each department at period 3 and based on the financial position as at 30 June 2023, and subsequent assessment of pressures.

The report was accompanied by budget monitoring statements which provided further information in respect of: the detailed variance analysis between budgeted and out-turn expenditure; and service virements and operational budget adjustments.

It was advised that, as at 30 June 2023, the position against the phased budget showed a total net overspend of £3.437 million, largely due to timing variances and an increased demand

for HSCP/Integration Joint Board services. Despite this, the forecasted outturn position was a £1.843 million underspend for General Fund services and for the Housing Revenue Account was projected to outturn in line with budget.

The Cabinet:

- (a) noted the forecast underlying General Fund operational underspend of £1.843 million and the HRA operational outturn in line with budget;
- (b) noted the continued financial pressures on operational services arising from the COVID-19 pandemic and that it was expected to cover those from the COVID grant reserve; and
- (c) approved service virements and operational adjustments as set out in the report and noted the probable out-turn position.

### **FINANCIAL PERFORMANCE FOR YEAR ENDED 31 MARCH 2023**

**547.** The Cabinet considered a report by the Head of Accountancy (Chief Financial Officer) on the financial results for 2022/23 and comparing the out-turn with the final budgetary control statement for the year. The report also provided details of Devolved School Management funds held by each school/centre as at 31 March 2023.

Overall, subject to audit, it was reported that the financial results contained in the Accounts for 2022/23 were satisfactory. The Council's affairs had been managed within its operational budget, resulting in an overall improved position of £5.622 million, most of which was of a one-off nature. The main variances were detailed in the report.

The report also provided further information on the use of the non-earmarked general reserve, allocations made to earmarked reserve funds to address specific pressures and COVID-19 spending.

The Council's non-earmarked reserve balance was £6.541 million, 2.3% of annual budgeted net revenue expenditure. This was within the Council's Reserves Policy to hold a minimum level of 2% and upper target of 4%.

The total General Fund reserve balance was £51.997 million, an increase of £5.808 million from the previous year, mainly reflecting the establishment of the new Service Concession Reserve. Over £45.456 million of the balance was earmarked for specific purposes.

Capital expenditure of £46.189 million had taken place during the 2022/23, despite progress being impacted by increased costs and resource shortages. An operational deficit of £0.069 million on the Housing Revenue Account was also reported.

The Budget Monitoring Report for Period 10 had been submitted to Cabinet on 13 April 2023 (Page 469, Item 404 refers) and a detailed comparison with the year-end figure was provided in the report.

Cabinet was also asked to note the Devolved School Management Position, with £4.298 million held in the Devolved School Management Earmarked Reserve. A full breakdown of the allocation of this reserve by school/centre was provided as Annex A to the report.

There followed a brief discussion, where it was indicated that the intention was to bring the report to Council on 26 September 2023, subject to further discussions to take place in the near future.

Thereafter, the Cabinet:

- (a) noted the outturn position compared to the previous Budgetary Control Report;
- (b) noted that once the audit had been completed, the final accounts would be submitted to a future meeting of the Council along with the External Auditor's report; and
- (c) noted the amounts held in the Devolved School Management earmarked reserve as at 31 March 2023, detailed in Annex A to the report.

### **GREATER GLASGOW AND CLYDE JOINT HEALTH PROTECTION PLAN 2023-2025**

**548.** The Cabinet considered a report by the Director of Environment on the Greater Glasgow and Clyde Joint Health Protection Plan (JHPP) for the period 2023-2025 and to seek support for the content of the revised plan.

The Public Health etc. (Scotland) Act 2008 required NHS Boards, in consultation with Local Authorities, to produce a JHPP which provided an overview of health protection priorities, provision and preparedness for their area. The JHPP for Greater Glasgow and Clyde had been approved by their Board in April 2023 and was now presented to Cabinet for endorsement.

The report summarised the content of the JHPP, which was attached as appendix 1 to the report, and, in particular, highlighted the areas where the Council's Environmental Health Officers and other service departments would take the lead.

It was confirmed in answer to members' questions that Bird Flu was covered within the document, and that the impact of new COVID-19 variants had not yet been felt within the area, but may become more prevalent in winter.

Thereafter, the Cabinet:-

- (a) noted and endorsed the content of the plan;
- (b) noted the participation of the Environmental Health Service in the Joint Health Protection Plan's development; and
- (c) approved the Joint Health Protection Plan for signing by the Director of Environment.

### **NEIGHBOURHOOD TRAFFIC MANAGEMENT ZONES**

**549.** The Cabinet considered a report by the Director of Environment on the rationale and methodology for the delivery of Neighbourhood Traffic Management Zones (NTMZs) and the proposed community engagement process, 'East Ren Decides'.

The Scottish Government had published several policy items outlining its commitment to enhance the transport network. This included reduction of transport emissions, the delivery of inclusive connectivity options and the development of places and communities well integrated with sustainable travel options. The reduction of kilometres travelled by car of 20% by 2030 was a key element of this vision.

To encourage this, local authorities were expected to provide safe and attractive spaces away from heavily trafficked routes, encouraging people to walk and cycle for short journeys.

Transport Scotland had asked local authorities to carry out an assessment of the road network to understand potential ways to introduce 20mph speed limits in suitable urban areas. This analysis had allowed the Roads and Transportation Service to identify sensitive locations that would require additional interventions to mitigate speed and traffic flows.

A zonal approach had been identified, with 75 NTMZs proposed within East Renfrewshire to allow for a phased delivery throughout several financial years and precise management of each area. Those zones had a variety of profiles and needs and would be implemented over a period of five financial years, subject to funding and availability. This would allow 15 zones to be addressed each year.

A breakdown of the methodology was provided in Appendix A to the report, with the zones included in the 2023/24 exercise being mapped out in Appendix B.

Stakeholder engagement was key to the approach and consultation with the community was planned using a two-stage process, branded 'East Ren Decides', which would utilise a Participatory Budgeting approach, empowering residents to vote on options presented by officers following an assessment of the suggestions received through the consultation exercise. The full details of 'East Ren Decides' were provided in the report.

Members welcomed the initiative and its ambition, in particular welcoming the focus on areas around schools. They asked that a progress report come back to Cabinet to track the status of the project.

The Cabinet:-

- (a) noted the context for the project and rationale as outlined in the report;
- (b) approved the zonal approach and the proposals for the phased delivery of interventions;
- (c) approved the approach to the two-staged public engagement process ('East Ren Decides'), including the Participatory Budgeting voting;
- (d) noted the proposed zones to be engaged for year 1; and
- (e) agreed that an update be brought back to Cabinet on progress of the project in 6 months time.

## **PLACE BASED INVESTMENT PROGRAMME 2023/24**

**550.** The Cabinet considered a report by the Director of Environment on the Place Based Investment programme (PBIP) award from the Scottish Government and the proposed projects to receive grant award in 2023/24.

The Scottish Government had announced in February 2021 that a new PBIP would be introduced over the 5 year period of the next parliament to ensure that all place based investments were shaped by the needs and aspirations of local communities. East Renfrewshire Council had received £635,000 of capital grant funding for 2021/22 and, based on the annual pro-rata calculation, for subsequent years, the council received capital grant funding of £551,100 for 2022/23, £385,000 in 2023/24 and the same amount for the further 2 years of the programme. This was a total of £2.34 million over the period.



Appendix 1 listed the 8 projects being recommended for Cabinet approval with reserve projects also listed should further funds become available.

The report outlined the objectives of the PBIP as well as the place principle and place based approach to local regeneration which informed the decisions made on these projects.

There followed discussion on a number of projects on the list and those held on the reserve list where members felt that the Department could look again at some of the projects and suggested various means of funding those projects. It was explained that some of those projects could receive funding in future years where appropriate, however, the Director would look again at the list and ensure that all projects were given due consideration.

Thereafter, the Cabinet:-

- (a) approved the projects outlined in appendix 1 to the report for 2023/24;
- (b) delegated to the Director of Environment to make adjustments to the proposals depending upon the detailed costs of projects becoming available;
- (c) noted the previously awarded projects approved in 2021/22 and 2022/23 in appendix 2 to the report;
- (d) noted that further reports would be submitted to Cabinet in due course seeking approval for projects in future years.
- (e) that further detail be provided to Councillor Devlin on the Community Hub at Crookfur House, Newton Mearns;
- (f) that the bid by Busby Community Council to improve accessibility at Easterton Avenue Playpark be looked at again;
- (g) that the project to install wrought iron fencing at Broadlie Court, Neilston be looked at again;
- (h) that the town centre litter bin modernisation project in Clarkston, Busby and Eaglesham be looked at again in terms of possibly finding capital funding to assist; and
- (i) That the Maxton Gardens Growing Space project be looked at again, in particular, regarding the suggestion that the erection of structures on the grounds is prohibited.

## **PROPOSED ELECTRIC VEHICLE CHARGING MINIMUM FEES, TARIFFS AND OVERSTAY CHARGES**

**551.** The Cabinet considered a report by the Director of Environment on the minimum fees, tariffs, overstay charges and grace period for overstay charges for East Renfrewshire Council's publicly available Electric Vehicle (EV) chargers and the proposed concessionary rate for East Renfrewshire residents without access to off-street parking.

Cabinet had approved, in principle, the introduction of an Electric Vehicle Charging Tariff at its meeting on 1 December 2022 (Page 313, Item 245 refers).

The report outlined the proposals for implementing the tariff, with a rate per kilowatt-hour of 40 pence and minimum fee of £1.00 on a Standard Charging Unit (SCUs), as well as the introduction of a rate per kilowatt-hour of 70 pence and minimum fee of £1.00 on Rapid

Charging Units (RCUs), with overstay charges for of £1.00 per minute after 60 minutes, with a 10 minute grace period on the RCUs.

The report also outlined the proposals for a concessionary rate for East Renfrewshire residents without access to off-street parking to be introduced at least 2 calendar months after the introduction of the base tariffs. The process for applying for the concession was detailed.

There followed a discussion on the practicalities of the introduction of the charges and the concessionary rates for residents. Members received assurance that the scheme would be operational by the proposed introduction date of October 2023.

Thereafter, the Cabinet:-

- (a) approved the initial minimum fees, tariffs and overstay charges to be applied to East Renfrewshire Council's publicly available EV chargers, as set out in paragraph 5 of the report;
- (b) approved a 10 minute grace period for overstay chargers at Rapid Charging Units;
- (c) approved a 10% concession rate for East Renfrewshire residents without access to off-street parking; and
- (d) delegated authority to the Director of Environment to revise or remove minimum fees, revise or remove the grace period applied to overstay chargers, and to set, revise and remove the concessionary rate for East Renfrewshire residents without access to off-street parking.

## **EAST RENFREWSHIRE CULTURE AND LEISURE SPORT AND PHYSICAL ACTIVITY STRATEGY 2023-2028**

**552.** The Cabinet considered a report by the Director of Education on the draft Sport and Physical Activity Strategy 2023-2028

With the expiry of the previous strategy for sport and physical activity, a draft for a new Strategy had been prepared which recognised the significant strategic landscape changes, with the publication of key documents such as the Active Scotland Outcomes Framework and the impact of the COVID-19 pandemic.

The report outlined the 6 Active Scotland Outcomes, and how they would be applied at a local level, which informed the vision in the strategy for, *"An East Renfrewshire where more people are active in sport and physical activity from all communities"* and its mission to *"develop and support an inclusive sport and physical activity system in East Renfrewshire that reaches all households"*.

The draft strategy was attached as Appendix 1 to the report.

There followed a discussion of the document, where members requested baseline information to provide a starting point to track the progress of the strategy. Members also recognised the significant amount of preparation and work that had gone into it, and particularly welcomed the inclusion of sport and physical activity for disabled people.

Thereafter, the Cabinet:-

- (a) approved the draft Sport and Physical Activity Strategy 2023-2028; and

- (b) requested that baseline information be provided for the data being monitored as part of the Strategy and that a progress report be provided to Cabinet on the Strategy on an annual basis.

CHAIR



**MINUTE**  
**of**  
**LICENSING COMMITTEE**

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

**Present:**

Councillor Paul Edlin (Chair)  
Provost Mary Montague

Councillor David Macdonald (\*)

Councillor Edlin in the Chair

(\*) indicates remote attendance

**Attending:**

Gerry Mahon, Chief Officer - Legal and Procurement, Chief Executive's Office; Brian Kilpatrick, Civic Government Enforcement Officer; Colin Wright and John Burke, Committee Services Officers.

**Also Attending:**

Inspector Michelle Grant and Inspector Gareth Griffiths, Police Scotland.

**Apologies:**

Councillors Angela Convery (Vice-Chair) and Andrew Morrison.

**DECLARATIONS OF INTEREST**

**553.** There were no declarations of interest intimated from Members.

**TAXI FARES REVIEW**

**554.** The Committee considered a report by the Chief Officer – Legal and Procurement, to consider the next stage in the review of taxi fares. (Agenda item 3 refers).

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 i.e. every 18 months.

The purpose of this report was to set out the proposed scales as detailed in Appendix 2, explain the effect of the scales, propose a date on which the proposed scales were to come

into effect, and invite representations in writing until the relevant date (as defined in Section 17 of the Act).

Following discussion, the Committee agreed that:

- a) The new scales, as per those proposed in Appendix 2, for the hire of taxis in East Renfrewshire and all other charges in connection with the hire of a taxi or with the arrangements for its hire (whether at altered rates or the same rates) be approved.
- (b) The Chief Officer (Legal and Procurement) be authorised to publish those proposed scales in a newspaper circulating within East Renfrewshire:
  - (i) setting out the proposed scales,
  - (ii) explaining the effect of the proposed scales,
  - (iii) proposing a date on which the proposed scales were to come into effect, and
  - (iv) inviting representations in writing until the relevant date (as defined in Section 17 of the Act).
- (c) The Chief Officer (Legal and Procurement) be authorised to prepare a further report on any such representations received by the Council for the consideration of the Licensing Committee or, in the absence of any such representations, to fix the scales and give further notice in accordance with the Act with delegation to set out, and explain the effect of, the scales as fixed and to set the date on which the scales as fixed were to come into effect.

## **LATE HOURS CATERING LICENCE – APPLICATION FOR GRANT**

**555.** The Committee considered a report by the Chief Officer (Legal and Procurement) on an application for the grant of a Late Hours Catering Licence, received from Anderson Strathern as agent on behalf of JE Restaurants Limited (item 4 refers). The application was attached as Appendix 1 to this report (agenda item 4 refers).

In accordance with the Regulations, the application had been advertised and letters of objection had been received. Scott Flanigan was also present as Solicitor for and on behalf of Anderson Strathern, as agent for Jim McLean, JE Restaurants Limited, who was also present. Five objectors, having been invited to the meeting, were also present.

Mr Flannigan was heard regarding the application and in answer to the concerns raised by the objectors. He was also heard in answer to questions from the Committee and objectors

Kevin Hughes spoke on behalf of the objectors and he expanded on the objections raised, which related to concerns about antisocial behaviour, noise levels, signage lighting and food smells; They were also heard in answer to questions from the Committee and Mr Flannigan.

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

On reconvening, the Committee agreed to defer consideration of the application for Late Hours Catering Licence until a later date, after the Committee had arranged for a visit to view the site in question.

**Resolution to Exclude Press and Public**

**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 it involved the likely disclosure of exempt information, as defined in Paragraphs 6 and 14 of Part 1 of Schedule 7A to the Act.

**PRIVATE HIRE DRIVERS LICENCE – APPLICATION FOR RENEWAL**

**556.** 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 5 refers).

The licensee was present, along with his cousin, who acted as an interpreter.

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

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

Having heard the applicant agree that the late objection could be considered, and following a short adjournment, the Committee agreed to consider the out of time objection and copies were provided to Members.

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

The applicant was then heard in respect of the application.

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

On reconvening, the Committee, agreed to continue consideration of the application until after the applicant's trial date on 24<sup>th</sup> October 2023.

CHAIR





**MINUTE**  
**of**  
**CABINET**

**Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 7 September 2023.**

**Present:**

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

Councillor O'Donnell, Leader, in the Chair

**Attending:**

Steven Quinn, Chief Executive; Caitriona McAuley, Director of Environment; Louise Pringle, Director of Business Operations and Partnerships; Margaret McCrossan, Head of Accountancy (Chief Financial Officer)(\*); Andrew Corry, Head of Environment (Operations); Phil Daws, Head of Environment (Strategic Services); John Marley, Principal Traffic Officer; Gillian McCarney, Head of Place; Suzanne Conlin, Senior Housing Manager; Gill Darbyshire, Chief Executive's Business Manager; Craig Geddes, Senior Information and Improvement Officer; Siobhan McColgan, Head of Education Services (Equality and Equity); John Burke, Committee Services Officer; and Jennifer Graham, Committee Services Officer.

(\* ) indicates remote attendance

**DECLARATIONS OF INTEREST**

**557.** There were no declarations of interest intimated.

**REVIEW OF THE STRATEGIC RISK REGISTER AND RISK MANAGEMENT PROGRESS**

**558.** The Cabinet considered a report by the Chief Executive on the annual update of the Council's Strategic Risk Register and a summary of risk management progress. The previous update had been considered by Cabinet on 10 November 2022 (Page 287, Item 220 refers), and by the Audit and Scrutiny Committee on 30 March 2023 (Page 454, Item 387 refers).

The Strategic Risk register, attached as Appendix 1 to the report, set out the key strategic risks to be considered by East Renfrewshire Council and detailed the actions that management had put in place to manage those risks.

Speaking to the report, the Chief Executive's Business Manager summarised the number of risks and their severity, as well as highlighting where risks had been added or removed from the register, or amended in their wording.

A risk tolerance map was included and the Risk Appetite, which had been approved by the Cabinet on 23 February (Page 400, Item 334 refers) was also included for information.

The Cabinet was reminded that the Strategic Risk Register was reported every 6 months to the Audit and Scrutiny Committee and annually to the Cabinet. The Corporate Management Team (CMT) continued to discuss and review the Register on a regular basis .

In discussing the report, members highlighted some risks where they queried the level of risk attributed, receiving explanations as to why the current level of risk was assigned. These would continue to be reviewed and amended if necessary, with any changes reported back in the normal reporting cycle.

The Cabinet noted the development of the Council's Strategic Risk Register and noted that it was considered a live document and would be updated and amended by the Corporate Management Team as appropriate.

### **FREEDOM OF INFORMATION – COUNCIL PERFORMANCE 2022-23**

**559.** The Cabinet considered a report by the Chief Executive on the annual statistical report on the Council's performance in dealing with Freedom of Information requests.

The report stated that the Council had received a total of 1,364 requests during the period, 957 of which were under the Freedom of Information (Scotland) Act and 407 of which were under the related Environmental Information Regulations (Scotland). The full report was attached as Appendix 1.

Members noted the increased number of such requests and the subsequent impact that this had on Council resources in dealing with the increased number of requests.

Thereafter, the Cabinet noted the report.

### **CHIEF EXECUTIVE'S OFFICE END-YEAR PERFORMANCE REPORT 2022-23**

**560.** The Cabinet considered a report by the Chief Executive summarising the performance of the Chief Executive's Office for 2022/23.

The report detailed the functions carried out by the Chief Executive's Office and provided further detail on some of the operational highlights from the year. The full performance report was attached as Appendix 1 to the report.

Members recognised the excellent work of the Chief Executive's Office. A particular area of concern for members was the difficulty in recruitment for particular posts, specifically in the field of internal audit. Members received assurances that this was an area of priority going forward to ensure that the working environment at East Renfrewshire Council was attractive and the offer to prospective staff was competitive. Vacant audit posts were due to be re-advertised in the immediate future.

Thereafter, the Cabinet scrutinised and noted the report as a summary of the Chief Executive's Office end-year performance for 2022/23.

### **UPDATED DRAFT OF EAST RENFREWSHIRE COUNCIL'S GAELIC LANGUAGE PLAN 2023-2028**

**561.** The Cabinet considered a report by the Director of Business Operations and Partnerships on the updated draft of the Gaelic Language Plan 2023-2028 for East Renfrewshire Council.

The Gaelic Language (Scotland) Act 2005 had been passed by the Scottish Parliament to help to secure the status of the Gaelic language as an official language of Scotland. It provided a framework to grow, preserve and sustain the Gaelic language and culture. Bòrd na Gàidhlig were empowered under the Act to issue a statutory notice to any relevant public authority, requiring it to prepare a Gaelic Language Plan.

East Renfrewshire Council had received a statutory notice from Bòrd na Gàidhlig on 5 April 2022, informing that the next edition of the Gaelic Language Plan was due on 1 October 2023, instructing the Council to renew, review and submit the Plan by the date provided.

The draft plan was approved by Cabinet on 11 May 2023 (Page 509, Item 444 refers) and entered a consultation period. Details of the consultation process and the feedback received were provided in the report.

Through the analysis of the feedback, improvements had been made to the Plan, particularly around opportunities for adults to learn Gaelic and more clarity around how the Plan would be resourced.

The Cabinet:-

- (a) approved the updated draft of the Gaelic Language Plan for East Renfrewshire, attached as Appendix 1 to the report, for submission to Bòrd na Gàidhlig for formal approval; and
- (b) noted the funding awarded to the Council through the Gaelic Plans Fund for the purpose of Gaelic Awareness training.

## **BUSINESS OPERATIONS AND PARTNERSHIPS DEPARTMENT END-YEAR PERFORMANCE REPORT 2022/23**

**562.** The Cabinet considered a report by the Director of Business Operations and Partnerships summarising the performance of the Business Operations and Partnerships Department in 2022/23.

The report detailed the functions carried out by the Business Operations and Partnerships Department and provided further detail on some of the operational highlights from the year. The full performance report was attached as Appendix 1 to the report.

Members recognised the excellent work being done in the department, in particular, the offering of training and support for new elected members provided by the department was highlighted. Furthermore, the Leader asked for some clarity regarding the increased cost of Council Tax collection per property.

Thereafter, the Cabinet:-

- (a) scrutinised and noted the report as a summary of the Business Operations and Partnerships Department's end-year performance for 2022/23; and
- (b) noted that clarification on the Director of Business Operations and Partnerships would provide further information to the Leader on the increased cost of Council Tax collection per property.

## LETTINGS POLICY REVIEW

**563.** The Cabinet considered a report by the Director of Environment on the updated letting targets for existing and new build council housing.

The existing Lettings Policy had been approved by Cabinet at its meeting on 26 January 2023 (Page 363, Item 296 refers). The detail of the proposals, particularly around allocation of accommodation to homeless households, were provided in the report. These had been agreed to remain until the end of Quarter 1 of 2023/24, and it was now proposed that these be kept in place due to the large increase in demand from homeless households.

The current Lettings Policy operated a choice based approach and was fully explained in the report, along with the levels of priority awarded to households in particular cases. It was also highlighted that new build Council homes were more attractive to those seeking accommodation and so existing stock was not receiving the same level of bids. Housing Services were working with homeless households to encourage them to bid on all available council accommodation.

It was confirmed by the Head of Environment (Strategic Services) that the level of demand for social housing was unprecedented and working to meet the level of demand would be a priority for the service going forward.

In discussing the report, members expressed a desire to see the Council provide more social housing where possible. The Head of Environment (Strategic Services) was also asked to provide further information on what action Housing Associations were taking in terms of homelessness and what the Council could do to support them in their work.

It was also confirmed that the Strategic Housing Investment Programme would be presented to Cabinet at its meeting in October.

Thereafter, the Cabinet:-

- (a) noted the ongoing and unprecedented demand for council housing in East Renfrewshire, in particular the increase in homelessness;
- (b) approved the proposed letting targets for existing and new build council housing; and
- (c) noted that the Head of Environment (Strategic Services) would provide further detail to Cabinet on work being done by and with Housing Associations to alleviate the situation.

## PROPOSED FLEET PURCHASING POLICY FOR GET TO ZERO

**564.** The Cabinet considered a report by the Director of Environment on a new fleet purchasing policy which would support the ambitions set by the Scottish Government's Climate Change Plan 2020 and form part of the Council's Get to Zero Action Plan.

The Scottish Government's Climate Change Plan Update 2020 had placed some policy expectations on the public sector fleet: that after 2025, public bodies would no longer operate cars with internal combustion engines (ICE); that between 2025 and 2030, public bodies would have begun and completed ceasing the purchase of new ICE vans and light commercial vehicles; and that by 2030, public bodies were expected to have plans in place that meant no new ICE heavy goods vehicles were purchased.

A recent letter from the Cabinet Secretary had re-iterated that position. However, it was confirmed that there was no legal requirement to fulfil this and no supporting funds from Scottish Government to assist with the transition.

The report detailed the current ICE vehicles in the Council's fleet, as well as highlighting the limited charging capacity within the Thornliebank Depot, which was at 98% of its available electrical capacity. Capital funding of £400,000 had been set aside to provide for the installation of a new sub-station which would better meet the power needs of the depot and allow support for future support of electric vehicles at the site.

The factors considered when reaching the recommendations within the report were set out in the report. The proposed policy applied to cars and vans only and the policy for purchasing heavy goods vehicles would be considered in advance of the requirements to cease purchasing ICE for those types of vehicles in 2030.

Members asked for and were given reassurance that no issues were anticipated in terms of the sub-station construction.

Thereafter, the Cabinet approved the fleet purchasing policy, which would see:-

- (a) an extension of life and use of cars and vans due for renewal in 2025-2027, unless they could be charged within the existing electric vehicle charging infrastructure at Thornliebank Depot;
- (b) no new internal combustion engine cars or vans purchased in 2025/26 and 2026/27;
- (c) all new cars and vans purchased being electric vehicles from 2027/28
- (d) all cars in operation being electric vehicles by April 2027; and
- (e) all vans in operation being electric vehicles by April 2030.

## **ENVIRONMENT DEPARTMENT PERFORMANCE REPORT 2022-23**

**565.** The Cabinet considered a report by the Director of Environment summarising the 2022/23 performance of the Environment Department.

The report detailed the functions carried out by the Business Operations and Partnerships Department and provided further detail on some of the operational highlights from the year. The full performance report was attached as Appendix 1 to the report.

In discussion, members recognised the excellent work being done by the Department, in particular the national recognition received for scam prevention work carried out.

The Leader asked for and received clarity on when a report on Clarkston Parklets would be coming to Cabinet.

Thereafter, the Cabinet:-

- (a) scrutinised and noted the report as a summary of the Environment Department's end-year performance for 2022/23; and
- (b) noted that a report would be submitted to Cabinet in October 2023 regarding the Clarkston Parklets.

**DECRIMINALISED PARKING ENFORCEMENT – PROPOSED INCREASE IN PENALTY CHARGE NOTICE CHARGES**

**566.** The Cabinet considered a report by the Director of Environment on the justification for increasing the charges for Penalty Charge Notices (PCNs) for parking contraventions, under the Decriminalised Parking Enforcement (DPE) scheme.

The Road Traffic Act 1991 introduced provisions enabling the decriminalisation of most enforceable parking offences in London, and permitted similar arrangements to be introduced elsewhere in the UK by secondary legislation under the DPE scheme. This allowed a local authority to enforce its own parking policies, including the issuing of PCNs to motorists breaching parking controls in specified areas. This had been adopted in East Renfrewshire in April 2013.

The current level of charges for PCNs was £60, reduced to £30 if paid within 14 days. The Scottish Government had undertaken a public consultation in 2021 on the level of charges associated with PCNs. All local authorities that responded supported an increase in the charges, however, at the time, this was not considered appropriate due to the cost of living crisis.

On 17 February 2023, Scottish Ministers had published revised guidance on PCN charges, which suggested a lower level of £80, reduced to £40 if paid within 14 days, or a higher level of £100, reduced to £50 if paid within 14 days. It was believed that this increase would deter more motorists and reoffenders, improving road safety and the local environment. This would also bring East Renfrewshire Council in line with neighbouring Councils, who would be increasing their charges at the same time.

Further, it was proposed that the observation period for contravening loading restrictions required before a PCN be issued be reduced to 5 minutes from its current 10 minutes. This would allow the parking enforcement officers to more effectively enforce loading restrictions, particularly around schools and shops, and also allow a more effective use of their time.

Members asked questions around the number of parking enforcement officers employed and the makeup of their duties. They also received confirmation that the Environment department would liaise with Communications in order to publicise the changes to ensure residents were aware of the new charges.

It was also stressed that, while the increase in charges could be seen to have an increased income to the Council, the purpose of the increase was to ensure compliance, which would hopefully see a reduction in the issue of PCNs.

Thereafter, the Cabinet:-

- (a) approved the increased charges for Penalty Charge Notices in East Renfrewshire, that may be charged to a motorist parking in contravention of restrictions, to £100, reduced to £50 if paid within the first 14 days; and
- (b) approved the reduction of the observation period for loading and unloading activities, before a Penalty Charge Notice can be issued, from 10 to 5 minutes.

**EAST RENFREWSHIRE CULTURE AND LEISURE END-YEAR REPORT 2022-2023**

**567.** The Cabinet considered a report by the Director of Education informing the Cabinet of the end-year performance of East Renfrewshire Culture and Leisure (ERCL) for 2022-23.

The report detailed the functions carried out by ERCL and provided further detail on some of the operational highlights from the year. The full performance report was attached as Appendix A to the report.

Members expressed their delight at the excellent performance of ERCL over the period.

Thereafter, the Cabinet scrutinised and noted the report as a summary of East Renfrewshire Culture and Leisure's end-year performance for 2022-23.

CHAIR

