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**MINUTE**  
**of**  
**PLANNING APPLICATIONS COMMITTEE**

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 5 September 2018.**

**Present:**

Councillor Annette Ireland (Chair)	Councillor Stewart Miller
Councillor Betty Cunningham (Vice Chair)	Councillor Jim Swift
Provost Jim Fletcher	

Councillor Ireland in the Chair

**Attending:**

Sean McDaid, Principal Planner, and Ian Walker, Senior Planner, Development Management; Graham Shankland, Principal Business Intelligence Officer; and Paul O'Neil, Committee Services Officer.

**Apologies:**

Councillors Angela Convery; and Jim McLean.

**DECLARATIONS OF INTEREST**

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

**APPLICATION FOR PLANNING PERMISSION**

**568.** The committee considered a report by the Director of Environment on an application for planning permission requiring consideration by the committee.

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

2017/0482/TP — Proposed erection of units for use as office and storage space at site to rear of 17 Eaglesham Road, Clarkston, by Byrne Home Improvements Limited

The Senior Planner outlined the proposal to the committee in the course of which in response to a question he clarified that the design of unit 5 had been amended to remove the roller shutter/vehicular access arrangement and as a consequence it would not conflict with the existing footpath running immediately in front of the unit.

Councillor Miller expressed concerns about the access to the site; that the road was not adopted by the Council and in his opinion it was not suitable for use as commercial units.

Whilst noting that the Council's Roads service had offered no objections to the proposal on the grounds that it would have no impact on the public network, Councillor Miller stressed that in his opinion the access road was dangerous insofar as it was narrow and cars parked on either side of it.

At this stage, the committee agreed that consideration of the application be continued to allow site visit to take place.

CHAIR

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

Index of applications under the above acts considered by Planning Applications Committee on  
05.09.2018

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**Reference No:** 2017/0482/TP

**Ward:** 4

**Applicant:**

Byrne Home Improvements Ltd  
Mr. Joe Byrne  
311 Clarkston Road  
Glasgow  
G44 3EJ

**Agent:**

Robert Thompson Designs  
Robert Thompson  
5 Queen Square  
Glasgow  
G41 2BG

**Site:** Site to Rear of 17 Eaglesham Road Clarkston East Renfrewshire

**Description:** Erection of units for use as office and storage space.

**Decision:** Continued

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

**Minute of Meeting held at 2.30pm in the Council Chamber, Council Headquarters, Giffnock on 5 September 2018.**

**Present:**

Councillor Annette Ireland (Chair)  
Councillor Betty Cunningham (Vice Chair)  
Provost Jim Fletcher

Councillor Stewart Miller  
Councillor Jim Swift

Councillor Ireland in the Chair

**Attending:**

Graham Shankland, Principal Business Intelligence Officer (Planning Adviser); Julie Nicol, Principal Strategy Officer (Planning Adviser); Siobhan Wilson, Solicitor (Legal Adviser); and Paul O'Neil, Committee Services Officer (Clerk).

**Apologies:**

Councillors Angela Convery; and Jim McLean.

**DECLARATIONS OF INTEREST**

**569.** Provost Fletcher declared a non-financial interest in relation Item 571 on the grounds that the applicants were friends and also his neighbours and Councillor Swift declared a non-financial interest in relation to Item 572 on the grounds that he had received representations from both the applicant and the objector and had submitted written representations in relation to the review case.

**[NOTICE OF REVIEW – REVIEW 2018/13 – ERECTION OF UPPER STOREY EXTENSION AT REAR AND ERECTION OF SINGLE STOREY REAR EXTENSION AT 32 MOORBURN AVENUE, GIFFNOCK \(REF NO: 2018/0059/TP\)](#)**

**570.** The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Mrs Musroof Begum against the decision taken by officers to refuse planning permission in respect of the erection of an upper storey extension at rear and erection of single storey rear extension at 32 Moorburn Avenue, Giffnock.

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.

In accordance with the decision taken at the meeting on 10 August 2016, the Local Review Body had carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

Having been advised that the applicant had submitted new evidence which was not before the Appointed Officer at the time that the determination of the application was made and having noted the procedure that required to be followed should the new information be taken into account, the Local Review Body decided not to give consideration to the new information in the determination of the review.

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

Following discussion, it was agreed to uphold the decision of the Appointed Officer as set out in the decision notice of 26 April 2018 and refuse planning permission.

### **Sederunt**

Provost Fletcher left the meeting before consideration of the following item.

### **[NOTICE OF REVIEW – REVIEW 2018/14 – ERECTION OF SINGLE STOREY REAR EXTENSION AND ENLARGEMENT OF SINGLE STOREY EXTENSION/PORCH AT FRONT AT 48 ABERCORN ROAD, NEWTON MEARNS \(REF NO: 2018/0133/TP\)](#)**

**571.** The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Mr and Mrs William Lithgow against the decision taken by officers to refuse planning permission in respect of the proposed erection of a single storey rear extension; enlargement of single storey extension/porch at front at 48 Abercorn Road, Newton Mearns.

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.

In accordance with the decision taken at the meeting on 10 August 2016, the Local Review Body had carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

Having been advised that the applicants had submitted new evidence which was not before the Appointed Officer at the time that the determination of the application was made and having noted the procedure that required to be followed should the new information be taken into account, the Local Review Body decided not to give consideration to the new information in the determination of the review.

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

Following discussion, it was agreed that the decision of the Appointed Officer as set out in the decision notice of 10 May 2018 be overturned and that planning permission be granted.

### **Sederunt**

Provost Fletcher re-entered the meeting at this stage and Councillor Swift left the meeting prior to the consideration of the following item.

**[NOTICE OF REVIEW – REVIEW 2018/15 – ERECTION OF SINGLE STOREY REAR EXTENSION WITH PATIO; INSTALLATION OF DORMER WINDOWS AT REAR AND ENLARGEMENT OF DORMER WINDOWS AT FRONT \(AMENDMENT TO PREVIOUS PLANNING PERMISSION 2017/0398/TP\) TO ENLARGE DORMER WINDOWS AND INSTALL WINDOWS IN GABLES \(IN RETROSPECT\) AT 3 KIRKVALE DRIVE, NEWTON MEARNS \(REF NO: 2018/0066/TP\)](#)**

**572.** The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Mr Paul Allan against the decision taken by officers to refuse planning permission in respect of the proposed erection of a single storey rear extension with patio; installation of dormer windows at rear and enlargement of dormer windows at front (amendment to previous planning permission 2017/0398/TP) to enlarge dormer windows and install windows in gables (in retrospect) at 3 Kirkvale Drive, Newton Mearns.

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.

In accordance with the decision taken at the meeting on 10 August 2016, the Local Review Body had carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

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

Following discussion, it was agreed to uphold the decision of the Appointed Officer as detailed in the decision notice of 15 May 2018 and refuse planning permission.

**Sederunt**

Councillor Swift re-entered the meeting at this stage.

**[NOTICE OF REVIEW – REVIEW 2018/16 – ERECTION OF SINGLE STOREY REAR EXTENSION AT THE CEDARS, 26A BELMONT DRIVE, GIFFNOCK \(REF NO: 2018/0209/TP\)](#)**

**573.** The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Mr Gordon Thompson against the decision taken by officers to grant planning permission, subject to a condition in respect of the proposed erection of a single storey rear extension at The Cedars, 26A Belmont Drive, Giffnock.

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.

In accordance with the decision taken at the meeting on 10 August 2016, the Local Review Body had carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

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

520

Following discussion, it was agreed to that the decision of the Appointed Officer as set out in the decision notice of 30 May 2018 be overturned and that planning permission be granted without condition.

CHAIR

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

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 11 September 2018.**

**Present:**

Councillor Angela Convery (Chair)	Councillor Alan Lafferty
Councillor Betty Cunningham (Vice Chair)	Councillor Stewart Miller
Councillor Charlie Gilbert	

Councillor Convery in the Chair

**Attending:**

Jacqui McCusker, Senior Solicitor; Brian Kilpatrick, Civic Government Enforcement Officer; Liona Allison, Assistant Committee Services Officer; and Ron Leitch, Committee Services Officer.

**Also Attending:**

Sergeant Scott Brown, Police Scotland.

**DECLARATIONS OF INTEREST**

**574.** 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 Items 575 to 579 below on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 6 and 14 of Part 1 of Schedule 7A to the Act.

**PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT**

**575.** Under reference to the Minute of the meeting of 14 August 2018 (Page 482, Item 526 refers) when it had been agreed to defer consideration of an application to allow the applicant to make a personal appearance, failing which the committee would determine the application in his absence, the committee considered a report by the Chief Officer (Legal &

Procurement) regarding an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 3 refers). The applicant, having again been invited to attend was not present. Sergeant Brown, representing the Chief Constable, who had made an objection in respect of the application, was present.

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

Sergeant Brown was heard in respect of the objection submitted by the Chief Constable and in response to questions from Members.

Following brief discussion the committee, having taken account of the applicant's previous conviction, its seriousness and relevance to the licence being applied for, and also having taken account of the objection by the Chief Constable, agreed that the application be refused on the grounds that the applicant was not considered a fit and proper person to be the holder of such a licence by virtue of his previous conviction.

#### **PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT**

**576.** Under reference to the Minute of the meeting of 14 August 2018 (Page 482, Item 528 refers) when it had been agreed to defer consideration of an application to allow the applicant to make a personal appearance, failing which the committee would determine the application in his absence, the committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 4 refers). The applicant, having again been invited to attend, was not present. Sergeant Brown, representing the Chief Constable, who had made an objection in respect of the application, was present.

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

Sergeant Brown was heard in respect of the objection submitted by the Chief Constable and in response to questions from Members.

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

#### **TAXI DRIVER'S LICENCE – APPLICATION FOR RENEWAL**

**577.** The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the renewal of a Taxi Driver's Licence (Agenda Item 5 refers). The applicant was present. Sergeant Brown, representing the Chief Constable, who had made a representation in respect of the application, was also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the representation by the Chief Constable and its relevance to the type of licence being applied for.

Sergeant Brown was heard in respect of the representation submitted by the Chief Constable and in response to questions from Members.

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

Following brief discussion the committee, having taken account of the submission made by the applicant, and also having taken account of the representation by the Chief Constable, agreed to grant the application subject to the applicant being advised that under the terms and conditions of the licence he was obliged to notify the Council of the outcome of any future pending court case as soon as it had been determined.

### **PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT**

**578.** Under reference to the Minute of the meeting of 14 August 2018 (Page 482, Item 527 refers) when it had been agreed to defer consideration of an application to allow the applicant's legal representative time to time to prepare a case on behalf of their client, the committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 6 refers). The applicant was present accompanied by his solicitor, Patrick Campbell of Campbell & McCartney Solicitors. Sergeant Brown, representing the Chief Constable, who had made a representation in respect of the application, was also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the representation by the Chief Constable and its relevance to the type of licence being applied for.

Sergeant Brown was heard in respect of the representation submitted by the Chief Constable and in response to questions from Members.

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

Following brief discussion the committee agreed to continue consideration to the next meeting in order to allow the applicant to seek clarification from Glasgow City Council in respect of the status of the Private Hire Car Driver's Licence which he currently holds with them.

### **TAXI AND PRIVATE HIRE CAR DRIVER'S LICENCES – APPLICATION FOR RENEWAL AND NOTICE OF SEQUESTRATION**

**579.** Under reference to the Minute of the meeting of 14 August 2018 (Page 482, Item 525 refers) when it had been agreed to defer consideration of an application to allow the applicant's legal representative time to time to prepare a case on behalf of their client, the committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the renewal of four Private Hire Car Driver's Licences and one Taxi Driver's Licence. (Agenda Item 7 refers). The applicant was present accompanied by his solicitor, Scott Banks of Banks, Devlin & Co Solicitors.

The applicant's solicitor was heard in respect of the applications for the renewal of the five licences in the course of which he expressed the view that the application was a completely separate issue from the matter of the applicant's sequestration which was a matter for the Accountant in Bankruptcy and the appointed trustee to pursue independently of the Council.

The applicant's solicitor was then heard in response to questions from Members.

Following brief discussion the committee agreed to grant the applications for a period of 1 year subject to standard terms and conditions.

### **Sederunt**

**The meeting was opened to the press and public at this point.**

### **CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SECTION 9 RESOLUTION UPDATE – PUBLIC ENTERTAINMENT LICENCES**

**580.** The committee considered a report by the Chief Officer (Legal & Procurement) regarding activities on premises or types of premises that should be included in the requirement for a public entertainment licence.

The report explained that under the terms of Section 9 of the Civic Government (Scotland) Act 1982 a variety of licences, including public entertainment licences, were considered to be optional, it being for each local authority to determine what activities on premises or types of premises should be licensed.

The report went on to outline the present categories of premises requiring a public entertainment licence. It explained that the Council had carried out a public consultation on possible changes early in 2018 but that no responses had been received. Police Scotland had indicated that they would prefer that larger events required to be licensed as this would allow them to comment on such events during the consultation period. For example, Glasgow City Council had a requirement that any event likely to attract more than 500 participants or spectators at any one time would require a licence.

A list of suggested premises and events which could require a licence and which could form the basis of a revised Section 9 resolution on public entertainment licences was appended as Appendix 1 to the report.

The committee agreed:-

- (a) that activities on premises that require the premises to obtain a Public Entertainment Licence as proposed in Appendix 1 to the report be approved;
- (b) that the list of exemptions as proposed in Appendix 1 to the report be approved; and
- (c) to authorise the Chief Officer (Legal & Procurement) to carry out the necessary administrative procedures including further statutory consultation.

CHAIR

**MINUTE**  
**of**  
**EAST RENFREWSHIRE COUNCIL**

**Minute of Meeting held at 7.00pm in the Council Chamber, Council Headquarters, Giffnock, on 12 September 2018.**

**Present:**

Provost Jim Fletcher	Councillor Annette Ireland
Deputy Provost Betty Cunningham	Councillor Alan Lafferty
Councillor Paul Aitken	Councillor David Macdonald
Councillor Caroline Bamforth	Councillor Colm Merrick
Councillor Tony Buchanan (Leader)	Councillor Stewart Miller
Councillor Angela Convery	Councillor Paul O’Kane
Councillor Danny Devlin	Councillor Jim Swift
Councillor Charlie Gilbert	Councillor Gordon Wallace
Councillor Barbara Grant	

Provost Fletcher in the Chair

**Attending:**

Lorraine McMillan, Chief Executive; Caroline Innes, Deputy Chief Executive; Mhairi Shaw, Director of Education; Andy Cahill, Director of Environment; Julie Murray, Chief Officer – Health and Social Care Partnership; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Gerry Mahon, Chief Officer, Legal and Procurement; Jamie Reid, Data and Information Manager; Eamonn Daly, Democratic Services Manager; and Linda Hutchison, Senior Committee Services Officer.

**Also Attending:**

Robert Hammond, Venue Development Manager, East Renfrewshire Culture and Leisure Trust.

**Apology:**

Councillor Jim McLean.

**Variation in Order of Business**

In accordance with the terms of Standing Order 19, Provost Fletcher altered the order of business to facilitate the conduct of the meeting.

## **DECLARATIONS OF INTEREST**

**581.** Councillors Devlin, Grant, Merrick and O’Kane declared non-financial interests in relation to Items 597 and 598 by virtue of the fact they were members of the East Renfrewshire Culture and Leisure Trust Board.

## **MINUTE OF PREVIOUS MEETING**

**582.** The Council considered and approved the Minute of the meeting held on 27 June 2018.

## **MINUTES OF MEETINGS OF COMMITTEES**

**583.** The Council considered and approved the Minutes of the meetings of the undernoted, except as otherwise referred to in Items 584 to 589 below:-

- (a) Planning Applications Committee – 8 August 2018;
- (b) Local Review Body – 8 August 2018;
- (c) Licensing Committee – 14 August 2018;
- (d) Cabinet – 16 August 2018;
- (e) Audit and Scrutiny Committee – 16 August 2018;
- (f) Education Committee – 23 August 2018;
- (g) Civic Hospitality Committee – 28 August 2018;
- (h) Cabinet – 30 August 2018;
- (i) Teaching Staff Appeals Committee – 31 August 2018;
- (j) Planning Applications Committee – 5 September 2018;
- (k) Local Review Body – 5 September 2018; and
- (l) Licensing Committee – 11 September 2018.

## **CABINET – 30 AUGUST 2018 – COLE REPORT**

**584.** Under reference to the Minute of the meeting of the Cabinet of 30 August 2018 (Page 506, Item 558 refers), when the Cabinet had noted the position on issues associated with the Cole Report, Councillor Grant referred to storm damage to the roof of Mearns Primary School shortly after its construction. She sought assurances regarding the new school being built at Maidenhill that factors such as its altitude and exposure to low temperatures and wind due to its location had been sufficiently highlighted to and taken account of by the contractor.

The Council noted:-

- (a) that the Director of Environment would confirm that the issues raised were being addressed appropriately by the contractor and confirm the position to Councillor Grant; and
- (b) otherwise, the position.

**EDUCATION COMMITTEE – 23 AUGUST 2018 – HEALTH, SAFETY AND SECURITY – REVIEW OF 2017/18 AND PRIORITIES FOR 2018/19**

**585.** Under reference to the Minute of the meeting of the Education Committee of 23 August 2018 (Page 499, Item 550 refers), Councillor Wallace commented that it had been stated at the meeting that it was hoped that the risk assessment rating of the new Barrhead High School would now be low, rather than it being low as recorded in the Minute.

The Council agreed that the Minute be amended accordingly.

**CABINET – 30 AUGUST 2018 – NON-DENOMINATIONAL PRIMARY SCHOOL AT MAIDENHILL, NEWTON MEARNS**

**586.** Under reference to the Minute of the meeting of the Cabinet of 30 August 2018 (Page 507, Item 559 refers), Councillor Miller expressed concern that the Council had incurred expenditure of £67,000 to address an issue that had occurred in relation to the poor condition of the topsoil at the site.

In response to Councillor Buchanan who commented that the Cabinet had approved this to avoid delaying construction of the school and that a recovery claim was being pursued against the housing site developers which had responsibility for the issue that had occurred, Councillor Miller requested that he be kept apprised of developments.

Councillor Swift questioned the decision taken by the Cabinet on the basis that the housing developer should have addressed the topsoil issue, the developer required the school to be constructed to enable homes to be built, and that it had therefore been to the developer's advantage. In reply Councillor Buchanan commented on the decision taken to address the matter as well as possible, the importance of the school being built and becoming operational on time, the range of contractors involved in developments at Maidenhill, and how recovery of the payment by the Council was being pursued.

The Council agreed:-

- (a) that Councillor Miller be kept advised of developments; and
- (b) otherwise, to note the position.

**AUDIT AND SCRUTINY COMMITTEE – 21 JUNE 2018 – CODE OF CORPORATE GOVERNANCE**

**587.** Under reference to the Minute of the meeting of the Audit and Scrutiny Committee of 21 June 2018 which had already been approved by the Council on 27 June 2018, Councillor Swift reported he had cited other examples at that meeting, over and above those recorded, when questioning the extent to which the Council considered it engaged with stakeholders effectively and listened to their views (Page 453, Item 482 refers), reiterating the examples about engagement with Friends of Rouken Glen Park, Friends of Cowan Park and community councils.

The position was noted.

### EDUCATION COMMITTEE – 23 AUGUST 2018 – OVERVIEW OF 2018 SQA EXAMINATION RESULTS

**588.** Under reference to the Minute of the meeting of the Education Committee of 23 August 2018 (Page 498, Item 549 refers), Councillor Swift congratulated parents, pupils, the school and those serving on the Education Committee on the Higher examination results at Mearns Castle High School.

The Council, having heard Provost Fletcher commend the examination results throughout East Renfrewshire, noted the comment made.

### CABINET – 30 AUGUST 2018 – EAST RENFREWSHIRE CULTURE AND LEISURE TRUST – END YEAR PERFORMANCE 2017/18

**589.** Under reference to the Minute of the meeting of the Cabinet of 30 August 2018 (Page 509, Item 563 refers), Councillor Swift expressed concern regarding the financial position of the Culture and Leisure Trust and its ability to manage its financial affairs effectively, adding that it did not take a fair share of cuts either.

The Council, having heard Provost Fletcher refer to opportunities to raise any such concerns at a senior level within the Trust, noted the comment.

### ANNUAL TREASURY MANAGEMENT REPORT 2017/18

**590.** Under reference to the Minute of the meeting of the Audit and Scrutiny Committee of 16 August 2018 (Page 489, Item 541 refers), the Council 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 2018 and seeking approval of the organisations listed in Appendix 7 of the report for the investment of surplus funds.

The report explained that in line with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management, the Audit and Scrutiny Committee was responsible for ensuring effective scrutiny of treasury management activities. The submission of the report to the committee was in accordance with that requirement.

Having heard Councillor Miller, Chair of the Committee, regarding the report, Councillor Swift referred to current and future levels of borrowing and various related projects, estimating that a further £13m per annum of capital expenditure would be required and referring to the substantial associated revenue implications whilst a need remained to identify further savings across the Council. He requested that this be reflected on further when any additional borrowing was being considered for a new leisure centre.

The Head of Accountancy confirmed that further borrowing was planned to support the Capital Plan but that most of the related revenue implications had already been factored into budget plans.

The Council agreed to:-

- (a) note the Treasury Management Annual Report for 2017/18; and
- (b) approve those organisations specified in the report for investment of surplus funds.

## STATEMENTS BY CONVENER/REPRESENTATIVES ON JOINT BOARDS/ COMMITTEES

591. The following statements were made:-

(a) **Integration Joint Board – Councillor Bamforth**

Councillor Bamforth referred to an update provided at the Health and Social Care Partnership (HSCP) Integration Joint Board (IJB) meeting in August by Children First which had tested a new Family Wellbeing Service with two local GP practices, improving the emotional wellbeing and reliance of over 30 young people and their families.

The service was to be extended to a further 4 GP practices, increasing the number of children and young people supported to over 120.

Councillor Bamforth also referred to the approval of the local Primary Care Improvement Plan, developed with local GPs and linked to the nationwide roll out of their new contract. The intention was to reduce GPs' workload through the expansion of the primary care multidisciplinary team and release GPs' time to focus on the care of their most complex patients.

Whilst commenting on Greater Glasgow and Clyde's vision for the future of health and social care *Moving Forward Together*, she confirmed that updates on developments and options for service delivery would be reported on during the forthcoming months. She also highlighted that the HSCP's Annual Performance Report to be considered later (Item 596 refers) featured many examples of how local health and care services were developing in accordance with the vision. She added that some national survey results referred to within the performance report were disappointing, but that there were also many positive areas of progress, particularly regarding children and family services and getting people back home from hospital.

(b) **Barrhead Foundry – Councillor Merrick**

Councillor Merrick reported that, contrary to local newspaper coverage, Barrhead Foundry had reopened on 3 September on time after refurbishment. Having itemised the extensive work undertaken on various facilities, the roof and swimming pool plant, he clarified that work had been completed as scheduled following which the pool had been recommissioned, extensive water testing had been carried out and certification had been completed prior to the public's admission. He congratulated the project team from Property and Technical Services, the building and operations staff at the Foundry, and the contractors for delivering a wonderful outcome.

The Council noted the position.

## **PROVOST'S ENGAGEMENTS**

592. The Council considered and noted a report by the Deputy Chief Executive, providing details of civic engagements attended and civic duties performed by Provost Fletcher since the previous meeting.

## **ANNUAL STATEMENT ON THE ADEQUACY OF GOVERNANCE, RISK MANAGEMENT AND INTERNAL CONTROLS**

**593.** Under reference to the Minute of the meeting of the Audit and Scrutiny Committee of 16 August 2018 (Page 492, Item 544 refers), when it had been agreed to approve the Annual Statement on the Adequacy of Internal Controls and submit it to the Council, the Council considered a report from the Audit and Scrutiny Committee regarding the Statement.

Councillor Miller, Chair of the committee, confirmed that it was required to review the control environment and make an associated annual statement to the Council. Regarding this he referred to the Annual Statement on the Adequacy and Effectiveness of Governance, Risk Management and Internal Control Systems operating within the Council for 2017/18 appended to the Internal Audit Annual Report 2017/18 which was considered by the committee in August. Having referred to sources of information that informed the evaluation of the control environment, he confirmed that the Chief Auditor's opinion was that reasonable assurance could be placed upon the adequacy and effectiveness of the Council's framework of governance, risk management and internal control for the year ended 31 March 2018, except for matters described in the qualified opinion paragraph within the Statement, and recommended that the Statement be noted.

Having quoted each of the issues listed in the qualified opinion paragraph within the Statement, referring to those issues, Councillor Aitken stated he did not feel assured by the Statement the Council was being asked to note.

The Council agreed to note the terms of the report.

## **LEGAL STANDING OF LOCAL GOVERNMENT**

**594.** Under reference to the Minute of the meeting of the Cabinet of 16 August 2018 (Page 485, Item 534 refers) when it had been agreed that consideration of the matter be continued to this meeting, the Council considered a joint report by the Deputy Chief Executive and Chief Officer - Legal and Procurement regarding a response to the consultation on proposals by Andy Wightman MSP to bring a Members' Bill before the Scottish Parliament seeking to put the European Charter of Local Self Government ("the Charter") into law in Scotland. Approval was sought to submit a summary response in support of that principle.

If enacted, the Bill would strengthen local government's status in Scotland. A contrast was drawn between the current position whereby it was wholly subject to the will of Parliament and lacked status or basic powers guaranteed in law and common international practice whereby local government's rights were independently established and often reflected in a constitution requiring national and local government to work in partnership to help work effectively. COSLA supported the development of the Bill having had a long held objective to formalise and protect local government's role in the governance of Scotland. The incorporation of the Charter into domestic law was seen as a way of progressing this. If supported sufficiently, the Bill could be introduced into Parliament later in 2018.

Having explained that the Charter was part of the Council of Europe's treaty framework, what it guaranteed for local government and the terms of related provisions as summarised in Appendix 1 to the report, the report clarified that the UK had ratified the Charter in 1998 but that it had to be incorporated into domestic law to become enforceable. As encouraged by COSLA and in line with its response to the consultation, it was proposed that the Council indicate its support for all efforts to enshrine local government's right to exist in law. The proposed response was appended to the report.

In reply to Councillor Miller who supported the response but queried if it would have been possible, had the legislation been in place before, for the Scottish Government to reduce the number of Elected Members in East Renfrewshire to 18 when the local population was increasing, Provost Fletcher referred to the Boundary Commission's role in this issue.

Councillor Aitken having stated that in his view the Council lacked a remit or jurisdiction on the matter, outlined his related concerns about the proposed Bill which he argued would tie the Scottish Government's hands, such as regarding the future reform of local government. However he expressed support for the proposed response, arguing that it would counter a centralising and controlling agenda by the current Scottish Government. Councillor Merrick also supported the proposed response during which he referred to the importance of the Charter being legally enforceable in the interests of citizens.

Councillor O'Kane highlighted the nature of the consultation and appropriateness of the Council expressing a view at this stage and later. He expressed support for the response and looked forward to further developments. Whilst making comments, Councillor Buchanan explained why it had been considered important for the full Council to consider the report, referred to the importance of having a constitution, and highlighted that the UK was the only country of those in the Council of Europe without one.

The Council agreed to support the principle of strengthening the legal status of local government by approving the draft response to the initial consultation on proposals for a Members' Bill seeking to legally incorporate the European Charter of Local Government into Scottish Law.

## **LOCAL GOVERNANCE REVIEW**

**595.** The Council considered a report by the Deputy Chief Executive seeking approval of the Council's response to the Local Governance Review.

The Scottish Government's Programme for Government 2017/18, published in September 2017, had included a commitment to a comprehensive review of how local decisions were made and how local democracy was working. Thereafter the Scottish Government and COSLA had launched the Local Governance Review to ascertain what changes were needed to encourage more people to be involved in local decision making; and to decentralise power to a local level and review how this might be done. The results of the review, which covered the whole public sector, were to inform a proposed Local Democracy Bill.

It was explained that the Council had been invited to provide feedback on its priorities for the Review in autumn 2018 to help shape it at an early stage. It was clarified that in response to a related request from Professor James Mitchell, whom COSLA had commissioned to establish a joint position across the 32 local authorities, in June 2018 the Council had provided an initial response highlighting its experience of closer working with communities on the Community Empowerment Act and Glasgow City Region City Deal. A report submitted to COSLA Leaders on Professor Mitchell's initial findings, including 5 initial themes that were broadly in line with the Council's response, was appended to the report.

The Council's draft response to the Local Government Review was also appended to the report. It highlighted four key messages, namely that there is no 'one-size fit all model'; cementing the place of local government and expanding the principle of subsidiarity; representing and working with the Council's communities; and increasing control of taxation powers at a local level.

Having expressed support for the proposal and devolving power to a local level with a few exceptions such as regarding civil liberties, Councillor Macdonald supported governance by individual councils and argued that one size did not fit all, but also supported clear and equal application of policy by the Council and its departments across its entire area. Regarding the proposed support for increasing control of taxation at a local level, he asked what percentage of Council Tax increase would be supported. He also sought examples of ways in which the Council might raise income. Regarding democratic representation, he referred to analysis he had undertaken and was happy to share on the average number of members of the population served per Councillor in every Scottish local authority, highlighting disparity across the country and the local position compared to elsewhere. He encouraged the Council to pursue a reversal of the Boundary Commission's decision to reduce the number of councillors serving locally to 18, and possibly to argue for additional Elected Members, seeking clarification on whether or not the position was being challenged legally.

Provost Fletcher referred to the role of the Council in determining Council Tax levels, following which he emphasised the strong representations made to the Boundary Commission against the reduction of the Council to 18 Elected Members at the time of the review. Having clarified that a judicial review of the Commission's recommendations had been considered but reluctantly not pursued given potential associated financial implications should the case be lost, he commented that a vigorous argument could be made again when the Boundary Commission next provided a formal opportunity to do so. In reply to further issues raised by Councillor Macdonald, the Chief Executive commented that level of deprivation in the area had been a large factor in the reduction to 18 Elected Members, offering a meeting with Councillor Macdonald at which she could go over in more detail the review process and what had happened.

Councillor Ireland having referred to the implications for other Elected Members of Councillor Aitken and Councillor Macdonald resigning from committees, Councillor Miller highlighted that the report being considered was about enhancing democracy but that the Council's reduction in size was contrary to that aim. He asked if the Government intended to appoint unelected bodies and groups.

The Council agreed to approve the proposed response to the Local Governance Review, as appended to the report.

### [EAST RENFREWSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP ANNUAL PERFORMANCE REVIEW](#)

**596.** The Council considered a report by the Chief Officer - Health and Social Care Partnership, providing details of the end of year performance report 2017/18 for the Health and Social Care Partnership (HSCP) in accordance with the requirements of the Public Bodies (Joint Working)(Scotland) Act 2014. A copy of the performance report was appended to the report.

Whilst explaining that the information was set out under the National Health and Wellbeing Outcomes as well as those for Criminal Justice and Children and Families, the report explained that each section had an overview of national performance indicators, Council indicators and NHS Greater Glasgow and Clyde (NHSGGC) indicators.

The report concluded by indicating that the annual performance report was the second such report for East Renfrewshire HSCP and that it provided a comparison of performance against Scotland and the previous baseline year.

Having referred to NHS funding and performance in East Renfrewshire as similar to elsewhere, Councillor Swift welcomed that 7 of 8 key measures of help, care and support provided by GPs indicated that GPs in East Renfrewshire outperformed the national average. He contrasted this with social care in respect of which the Council provided funding, highlighting that East Renfrewshire had the lowest level of funding on this as a proportion of Council expenditure in Scotland, spending for example £8.5m per annum less on this compared to East Dunbartonshire which was similar in size and demographics, including to meet the needs of the elderly and those with learning difficulties. Contrasting the evaluations of experience of social workers and social care with that of GPs, he stated that East Renfrewshire's performance was worse than the average against the same 8 criteria.

Thereafter Councillor Swift referred to the need for the Council to consider carefully future funding priorities, expressing the opinion that insufficient resources were being allocated to the IJB to allow it in turn to allocate sufficient resources to social care, such as to meet the needs of the client groups to which he had referred. He added that there were things that could not be afforded due to some choices made. In reply, Provost Fletcher referred to choices made when the Council's budget was set annually and the option open to Councillor Swift to argue for and seek support for expenditure on particular services.

The Council noted the contents of the East Renfrewshire Health and Social Care Partnership Annual Performance Report 2017/18.

### **EAST RENFREWSHIRE LEISURE CENTRE CONSULTATION**

**597.** Under reference to the Minute of the meeting of 9 May 2018 when the Convener for Community Services and Community Safety had commented on the public consultation on options in relation to the future of Eastwood Park Leisure, the Council considered a report by the Director of Environment on the outcome of the recent consultation relating to future leisure provision in the Eastwood area.

The report reiterated information provided to the Cabinet on 7 December 2017 on the condition of the Eastwood Leisure Centre, Eastwood Theatre and Carmichael Hall and on related issues and options for further consideration on future leisure provision and the Eastwood Park Campus more generally (Page 232, Item 250 refers). It confirmed the decisions taken by the Cabinet which included agreeing that a public consultation take place on 4 options referred to in the Cabinet report. It was confirmed that the consultation, which ran from 8 May to 19 June 2018, had been promoted in the press and social media; that all residents and service users could respond; and that it had generated one of the highest response rates to any Council consultation. The report referred to the number and nature of responses, explaining that the online tool used had allowed potential abuses of it to be identified resulting in 123 ineligible responses being removed. These were primarily from individuals responding multiple times, which would not have impacted on the final result given the response rate.

It was reported that the results of the survey showed that there was a clear desire for a new, larger facility on a new site with a wider offering of services, 54% of respondents having voted for this as their 1<sup>st</sup> preference (Option D), whilst the least popular 1<sup>st</sup> preference was the refurbishment of the existing centre (Option B). Having itemised which facilities had been identified in the survey responses as most popular to include in a new facility, the report explained that the most concerns raised had related to green space and the retention or replacement of the theatre. A comprehensive analysis of the results was provided.

The report explained that the consultants had now been requested to produce a draft Feasibility and Full Business Case Report for a new build leisure and recreational facility

with pool, theatre and conferencing facilities at an alternative location in Eastwood. However, before it was the subject of a report to the Council, the report and recommendations need further detailed consideration in the context of site options, legal and transportation issues, the emerging Local Development Plan 2 and potential master planning of Eastwood Park.

Councillor Miller referred to a recent meeting between himself and the Chief Executive at which he had advised her that in his opinion, and that of some others, the consultation was flawed. This view was based on information he had received that individuals could vote as often as they liked. Having referred to several valid votes casts from his own computer, he commented on action he had been advised had been taken to address multiple voting based on an examination of votes cast through a single IP address, expressing concern about valid views being discounted. He added that it had not been asked as part of the consultation if IP addresses could be used or examined by the Council.

Councillor Miller referred to the start date of the consultation and training provided on GDPR prior to those Regulations coming into force, his view being that the consultation was not only flawed but non-compliant with GDPR. He asserted that when the latter was raised with an officer by Councillor Macdonald this had been acknowledged but it had been reported that the consultation would continue. Having stated that it seemed as if the outcome of the consultation exercise was known just after it had started, he reiterated concerns regarding the potential exclusion of valid votes that could have changed the outcome. He also expressed concern about some members of the public being unaware of the consultation, and the wording used in his opinion being skewed in favour of Option 4. He suggested that the exercise had to be rerun by an independent company, ensuring that any new build options away from the current site were site specific.

Whilst commenting on related analysis, the Data and Information Manager quantified the responses removed due to multiple voting, which he clarified were for more than one option, and referred to information gathered to enable potential abuses to be identified. He gave assurances about valid votes cast from a single household not being discounted; about the various factors analysed before discounting votes; and how the removal of responses had not altered the outcome.

Councillor Grant expressed general concern that some people had been unaware of what was to be proposed. More specifically she asked why the report did not specify what the 414 concerns about green space related to, especially as only 2 years had elapsed since the outcome of consultation on Shawwood Park had been in favour of retaining it as open space. Having referred to Broomburn Park, she highlighted that few parts of Newton Mearns remained which featured green space, arguing against its further depletion. She also asked why the option for a new build in Eastwood Park had not featured in a table in the report, in response to which the Data and Information Manager clarified the position and explained that the comments on green space were overwhelmingly in favour of retaining them.

Councillor Macdonald referred to a commitment given by the Provost on 9 May to allow ample opportunity to discuss the consultation welcoming the chance to do this and comment on the manner in which it had been carried out. Having stated he did not consider it honest or open, he argued that many of his constituents considered the favoured option of the Council and the Trust to be obvious, this being a new build in a new location. He referred to an ongoing lack of information provided on the actual location options under consideration, thereby depriving residents of enough information to allow them to make an informed choice. He acknowledged that the number of responses might be considered a success, but highlighted that only 3.8% of the authority's population had expressed views.

Having referred to contact made with him at the end of May by a constituent who was an IT expert who had run a GDPR test for online tracking on both the Council's website and URL

for the consultation, Councillor Macdonald said both had failed that GDPR test after the Regulations had come into force. He referred to related correspondence he had sent to the Head of IT and Digital Enablement on the findings, referring to an initial reply he had received swiftly, and quoting extensively from a subsequent, detailed reply received on 6 June. This covered a range of issues including priority placed on areas of greatest and highest risk in terms of GDPR; the existing approach having been considered sufficient initially prior to further focus being placed on it later; that work was ongoing on defining GDPR best practice; and that related follow up work was expected to be completed within 4-8 weeks.

Councillor Macdonald emphasised his shock regarding non-compliance with the new legislation when there had been ample chance to prepare for it, adding that in his opinion the consultation should have been suspended immediately in view of the evidence presented, and that the public could expose and share evidence about the non-compliance with relative ease.

Having acknowledged that GDPR was complex, Councillor Macdonald expressed the view that the consultation had not been well thought out and that enhanced data protection could have been useful, clarifying that he had sought and received further assurance that compliance with GDPR would be achieved in the timescale quoted. He added that both the website and URL failed a further test just after the end of the consultation.

Councillor Macdonald went on to voice his concerns about breach of legislation; the possibility of completing the consultation anonymously and repeatedly from one or several ISPs; and the consultation being online rather than through an independently counted paper ballot issued to an appropriate range of people including children in Primary 4 and above. He also expressed concern about comments made publicly by the Chief Executive of the Trust in favour of Option 4 which Councillor Macdonald considered inappropriate during the active consultation and an attempt to influence the outcome.

In conclusion he argued that the results did not mirror sentiments in his Ward and that he understood this was the position elsewhere also; referred to the overwhelming response in favour of protecting green space in East Renfrewshire; and highlighted views expressed to him in favour of the centre remaining in its current location. He suggested the process start again as he considered the current results unsafe.

In reply, the Chief Officer, Legal and Procurement specified the legal requirements for a fair consultation, and confirmed that he considered the consultation to have been lawful. He stated that, even if there had been a technical GDPR issue, his opinion was that this remained the case.

Councillor Ireland commented that it was clear that some Elected Members disagreed with the outcome of the consultation, highlighted that there had been reference to Eastwood Park as a possible location in the Cabinet report of 7 December to which a link had been provided in the consultation, and challenged Councillor Macdonald's comments regarding his constituents as in terms of the survey 65% of responses in his Ward were in support of Option 4.

Councillor Wallace was then heard on the results suggesting that descriptions used in the consultation were geared towards making a new facility sound positive; adding that there was no reference to residents wanting a 50m competition pool; and emphasising that any threat to green space was a major issue for local people. He quoted residents' views from the consultation on Shawwood Park which reflected they appreciated their green space and referred to the positive impact such areas had on well-being which should be acknowledged. Councillor Wallace also referred to calls for investment in the current leisure centre he and

others had made previously given its condition which had been ignored, and to informal indications that had circulated about the possibility of the centre being relocated to Newton Mearns on which he had been unable to get clarification before, highlighting the terms of Option 4. Furthermore, in relation to the Wards most directly affected, he commented that Giffnock and Thornliebank favoured retaining a facility in their area which he said would be lost to them unless action was taken to stop this, adding that Newton Mearns residents did not want a new facility in their area. Finally, regarding the cost of a new facility, he argued that the total response rate coupled with the very narrow majority in favour of Option 4 was insufficient argument to pursue it, speculating that the cost would greatly exceed the current estimate and supporting a more prudent approach in these uncertain times. He asked for information on what could be provided in Eastwood Park in terms of a new facility and for consultation on that.

Councillor Aitken referred to potential consequences if GDPR had been breached on which he sought definitive clarification, argued against using the results if a breach had occurred, and voiced concern that the Chief Executive of the Trust had made his clear view in favour of Option 4 known publicly which he considered a predetermination. In reply, Provost Fletcher referred to the clarification just provided by the Chief Officer, Legal and Procurement, and emphasised that a consultation not a vote had been conducted to inform future discussions and related decisions Elected Members would take in future.

Councillor Merrick acknowledged the range of views expressed which would be considered, challenged the denigration of the consultation, and referred to related publicity he considered adequate, highlighting efforts made to inform individuals how to respond and the support for Option 4 which he did not consider surprising given the condition of the current facility. He emphasised that a planning stage had not been reached and the consultative nature of the exercise just completed the purpose of which was to inform opinions going forward.

Councillor Bamforth regarded the overall response rate a little disappointing, but commented that whilst an opportunity to submit views had been provided, people could not be forced to respond. Having referred to the results, she quantified the views expressed in support of a 50m pool, disputing that it had not been asked for and citing the example of a group of competitive swimmers that might benefit. Regarding a paper ballot, she referred to the potential scale of this, cost and related logistical considerations.

Having referred to various concerns expressed at the meeting and the issue of predetermination, Councillor Swift commented that whereas the report referred to the £26m capital provision already made for a new facility, tax relief issues and specific sites had not been specified or highlighted to residents. He referred to the support expressed to retain green space at Broom and Shawwood Parks through previous formal consultation exercises, alleged that the Council was not listening, and challenged the validity of taking account of some views expressed including those from outwith Eastwood. He summarised his own analysis of views submitted which he undertook to circulate to other Members and which he stated resulted in a difference of only 2 votes between the two main favoured Options. Provost Fletcher, supported by Deputy Provost Cunningham, referred to the importance of taking an authority wide approach.

Councillor Devlin reiterated the scale of first preference support for Option 4 following which Deputy Provost Cunningham stated that the Barrhead residents had not been offered the option of a new built facility.

Councillor Buchanan referred to the success and significance of the consultation as well as the scale of replies and the results, considering it fair and to reflect majority support for Option 4. He referred to the need to consider further the nature of the feedback received and

to note the consultation outcome at this stage before moving to the next one during which further discussion would take place and following which a further report would be submitted. He asked the Council to approve the recommendation to note the position on various issues.

Councillor Miller requested that the disagreement on the results be noted in response to which Provost Fletcher acknowledged dissent on the issue and referred to how views expressed at the meeting were recorded.

Councillor Swift proposed that keeping the leisure centre in Eastwood Park should be part of the next stage of identifying where the centre should be. Having heard Provost Fletcher suggest this was pre-empting issues, during ensuing discussion Councillor Miller commented that what was being sought during future consultation or the next step on where to build a new facility was that Eastwood Park was an option on that document. Having heard Councillor Ireland refer to a list of sites considered to date, in reply to Councillor Miller, the Chief Executive clarified that the sites listed on Page 247 of Members' papers were those on which comments had been made, referring to the option about the renewal of the centre in Eastwood Park within the consultation document. Provost Fletcher stated the he understood that Eastwood Park would automatically be considered in terms of future decision making.

The Director of Environment referred to the wide range of comments made at the meeting and the specific terms of the Cabinet report on December 2017, confirming in relation to sites that 3 of the Options related to Eastwood Park whilst the 4<sup>th</sup> was not about that location, and that an access link to the comprehensive 2017 Cabinet report had formed part of the consultation. He confirmed that all the Council was being asked to do at present was consider the consultation response and that a further report on options available to the Council would be submitted to a future meeting.

During ensuing further detailed discussion, the Director of Environment, supported by the Chief Executive, referred to information included in the Cabinet report of December, reiterated what had been decided then, clarified what still had to be decided, and commented on what would and could form part of the next report submitted to the Council, including caveats and constraints to building a large scale leisure centre in Eastwood Park similar in size and scale to the preferred option in the consultation results. During further detailed discussion when further clarification was requested and provided on various issues raised and the way forward, comments made by Elected Members included those by Councillor Swift who requested that a proposal to build a new centre in Eastwood Park be amongst options presented in future. In response to comments by the Chief Executive and others, Councillor Wallace clarified that it was not being suggested that a new build in Eastwood Park need be the size suggested for elsewhere in East Renfrewshire, expressing hope that the next report could feature information on what it would be possible to build in Eastwood Park. In response to Provost Fletcher, an undertaking was given to that effect to allow this to be considered.

The Council noted the outcome of the public consultation exercise and specifically that:-

- (a) the consultation generated one of the highest response rates to any consultation exercise previously carried out by the Council;
- (b) Option D (redevelopment on new site) was the 1<sup>st</sup> preference of a majority of respondents;
- (c) improved gym, provision of teaching pools and multipurpose studio space were the most popular additional new potential facilities;

- (d) there was a strong desire to see theatre provision retained or enhanced at Eastwood or included in any new facility; and
- (e) a comprehensive report on the Feasibility and Full Business Case for a leisure and recreational facility and associated issues, to include the possibility of a new build facility in Eastwood Park, would be submitted to the Council in due course.

## **INDOOR SPORTS FACILITIES AND SPORTS PITCHES STRATEGIES**

**598.** The Council considered a joint report by the Director of Environment and Director of Education seeking approval of the draft Indoor Sports Facilities and Sports Pitches Strategies for all partners and some proposed actions.

Having referred to the previous such strategies which were out of date, achievements over that past 10 years to reshape and improve the infrastructure for sport and physical activity and the need to reassess those assets and provide a new framework, the report commented on the commissioning and funding of the strategies by the Council and **sportscotland**. It was clarified that they covered the East Renfrewshire area and that, although the Council and East Renfrewshire Culture and Leisure Trust would play a leadership role, many partners would be involved. Copies of the proposed strategies were appended to the report.

Having referred to related research carried out, the report itemised key issues identified, and key strategic and site specific recommendations.

Overall, the strategies supported the vision and delivery of activities associated with the Community Plan and Fairer East Ren Plan and provided clear direction to all partners to allow them collectively to plan and develop a more modern, efficient and sustainable range of community based sport and leisure facilities that East Renfrewshire requires. The desired outcomes from the strategies were specified.

Provost Fletcher highlighted that recommendation (c) of the report incorrectly referred to approval of the key strategic recommendations outlined in Paragraph 9 of the report, whereas it should instead refer to them being in Paragraph 8.

In reply to Councillor Swift who welcomed the Trust's ambition as referred to in the report and sought clarification on how it would determine it was the best, the Director of Education referred to the role of the Community Planning Partnership, facilities across the area, the end year performance report for the Trust submitted to the Cabinet, and related measures within it based on the household survey about participation rates.

Councillor Ireland requested clarification on the costs associated with the work to be carried out with East Renfrewshire Cricket Club and develop a natural turf cricket square, and requested that the pitches in Ward 4 be given further needed attention, in addition to which Councillor Miller voiced concern about the closure of the Williamwood Playing Fields during the summer.

Councillor Grant, supported by Councillor Wallace, expressed concern about the written recommendation to approve the key site specific recommendations in Paragraph 9 suggesting this be noted, highlighting that no decision had yet been made to replace Eastwood Park Leisure Centre as referred to in the Indoor Build Facilities Strategy. Provost Fletcher reiterated that this was an error and that the Council was instead being asked to approve the key strategic recommendations in Paragraph 8. The Chief Executive clarified

that the strategy for the area was not only for the Council to approve, and that the site specific recommendations and related information were for noting although the Council could determine to approve or note the strategic recommendations.

During further explanation, the Venue Development Manager referred to the refreshing of the strategies, related consultation and recommendations and issues on which the Council would be asked to make decisions in due course. The Director of Education made reference to the further work required to develop an action plan for the projects which could be funded by the Council.

Councillor Lafferty referred to the draft nature of the strategies, need for a framework for the future, and the roles of the Council and the Trust as well as the involvement of others partners. He also commented on the key issues identified in Paragraph 7 of the report, and aspirational nature of many of the strategic aims and recommendations. Whilst quoting extensively from the report, including the terms of the key strategic recommendations in Paragraph 8 which the Council may wish to take into consideration in due course when appropriate, he referred to the recommendations made by the consultants and clarified what the Council was being asked to do in terms of the report at this stage.

In reply to Councillor Miller, Councillor Buchanan clarified that the Council was not being asked to approval a proposal on the future of the Eastwood Leisure Centre.

The Council noted:-

- (a) the key issues identified;
- (b) the range of options for addressing the issues;
- (c) the key strategic recommendations outlined in the report and summarised in Paragraph 8;
- (d) that further work will be required to develop an action plan which can be funded by the Council; and
- (e) that the Community Planning Partnership would be requested to discuss the strategy and the role that the various partners can play in implementation.

#### **THE EAST RENFREWSHIRE COUNCIL (DISABLED PERSONS' PARKING PLACES)(ON-STREET PARKING) ORDER 2018**

**599.** The Council considered a report by the Director of Environment proposing that the Council approve the making and confirmation of "The East Renfrewshire Council (Disabled Persons' Parking Places)(On-Street Parking) Order 2018"

The report explained that the Disabled Persons' Parking Places (Scotland) Act 2009 required local authorities to designate and control the use of all disabled persons' parking places, referring to related duties that fell to the Council and clarifying that advisory bays were no longer permitted and related consequences. Having referred to consultation on the proposed Order, it was clarified that the Council had not received any related objections. The report also referred to related financial implications of implementing the Order to be met from the Parking Account. It was concluded that the Order would help to prevent misuse of parking places designated for the exclusive use of Disabled Blue Badge holders.

The Council agreed to approve the making of the East Renfrewshire Council (Disabled Persons' Parking Bays) (On-Street Parking) Order 2018 and delegate to the Director of Environment the implementation of the Order in accordance with the associated statutory procedures.

#### **LICENSING COMMITTEE – AMENDMENTS TO SCHEME OF ADMINISTRATION**

**600.** The Council considered a report by the Deputy Chief Executive, seeking approval for changes to be made to the terms of reference for the Licensing Committee within the Council's Scheme of Administration in view of changes associated with the licensing of Houses in Multiple Occupation.

The Council:-

- (a) noted the legislative change associated with the licensing of Houses in Multiple Occupation; and
- (b) agreed to approve a change to the terms of reference for the Licensing Committee to include The Housing (Scotland) Act 2006 in the list of legislation in respect of which the committee exercises the powers and functions of the Council in relation to licensing, registration and the determination of applications for permits and permissions.

#### **EAST RENFREWSHIRE LOCAL LICENSING FORUM – APPOINTMENT OF MEMBER**

**601.** The Council considered a report by the Deputy Chief Executive, seeking approval for the appointment of a new local resident Member to the East Renfrewshire Local Licensing Forum.

The Council approved the appointment of Mr Henderson to the East Renfrewshire Local Licensing Forum.

PROVOST

**MINUTE**  
**of**  
**TEACHING STAFF APPEALS COMMITTEE**

**Minute of Meeting held at 9.30am in the Committee Room, Council Headquarters, Giffnock on 13 September 2018.**

**Present:**

Councillor Colm Merrick (Vice Chair)                      Councillor Jim McLean  
Councillor Alan Lafferty

Councillor Merrick in the Chair

**Attending:**

Katherine Robb, Senior Solicitor; Alison Findlay, Policy and Employment Law Adviser; and Jennifer Graham, Committee Services Officer.

**Apologies:**

Councillors Paul O’Kane (Chair), and Gordon Wallace.

**DECLARATIONS OF INTEREST**

**602.** 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 ground that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 7A to the Act.

**DISMISSAL APPEAL – EDUCATION DEPARTMENT – 1/2018**

**603.** Under reference to the Minute of the meeting of 31 August 2018 (Page 511, Item 566 refers), the committee resumed consideration of the appeal against dismissal. The appellant was accompanied by a friend in connection with his appeal.

Ms Tracy Morton, Education Senior Manager, appeared on behalf of management.

The appellant made his submission to the committee and was heard in answer to questions on his submission. Mr Des Morris, EIS Local Secretary, entered the meeting as a witness and was heard in response to questions from both parties and Elected Members.

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Following completion of the appellant's submission both parties withdrew from the meeting.

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

CHAIR

**MINUTE**  
**of**  
**CABINET**  
**(POLICE AND FIRE)**

**Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock, on 20 September 2018.**

**Present:**

Councillor Colm Merrick (Chair)  
Councillor Caroline Bamforth  
Councillor Barbara Grant

Councillor Alan Lafferty  
Councillor Stewart Miller

Councillor Merrick in the Chair

**Attending:**

Lorraine McMillan, Chief Executive; Caroline Innes, Deputy Chief Executive; Jim Sneddon, Head of Democratic and Partnership Services; Murray Husband, Head of ICT and Digital Enablement; Claire Reid, Community Safety Manager; and Paul O'Neil, Committee Services Officer.

**Also Attending:**

Chief Superintendent Brian McNulty and Chief Inspector John McQuilter, Police Scotland; and Local Senior Officer Graeme Binning, and Group Manager Colin Martin, Scottish Fire and Rescue Service.

**Apologies:**

Councillors Tony Buchanan (Leader); and Paul O'Kane (Vice Chair).

**DECLARATIONS OF INTEREST**

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

**[POLICE SCOTLAND – PERFORMANCE REPORT FOR THE FIRST QUARTER OF FINANCIAL YEAR 2018/19](#)**

**605.** The Cabinet considered a report by the Divisional Commander, Police Scotland providing details of the performance of the police in East Renfrewshire over the first quarter of the financial year 2018/19. The report also provided statistical information on various categories of crimes and offences committed during the reported period.

Chief Superintendent McNulty began by advising that the Greater Glasgow Division of Police Scotland (i.e. 'G' Division) was the subject of an inspection by Her Majesty's Inspectorate of Constabulary in Scotland (HMICS). He indicated that Mr Stephen Tidy, a representative of the inspectorate was present to observe the meeting's proceedings.

Whilst commenting on the establishment of East Renfrewshire Police Scotland Youth Volunteers; and the work of campus officers which formed an integral part of how the local police delivered the objectives of the Local Policing Plan, Chief Superintendent McNulty advised that the Constable Jacqueline Petrie, local authority liaison officer, was currently working in partnership with 'I am Me' and the Council to implement the "Keep Safe Premises" initiative throughout East Renfrewshire. The initiative worked with local businesses to create safe places for vulnerable individuals who might need support when they were out in their community.

Concluding his remarks, Chief Superintendent McNulty reported that Mr Iain Livingstone QPM had been appointed as the new Chief Constable of Police Scotland; and Mr Will Kerr had been appointed as Deputy Chief Constable – Local Policing, and at a local level Inspector Bryan McGeogh had been appointed as the new Deputy Area Commander. At this stage, he invited Chief Inspector McQuilter to provide further details on the performance report.

Whilst summarising the performance of the police over the reported period by reference to each of the local and national policing priorities, Chief Inspector McQuilter highlighted those priorities which had seen a reduction in the number of incidents and improvements in detection rates when compared to the statistics reported for the corresponding period the previous year. In particular, house breaking (including attempts) had fallen from 31 in the corresponding period in 2017 to 23 in the current year with detection rates improving from 12.9% in 2017 to 21.7% in 2018. The figures reported highlighted that residents in East Renfrewshire had clearly listened to the advice given to them by the police to keep their homes safe and secure and to report any suspicious activity.

Chief Inspector McQuilter reported on activities carried out to tackle anti-social behaviour and disorder in the course of which he indicated that during the course of May, the police had worked alongside Licensing Standards Officers to tackle the issue of alcohol being sold to juveniles under the age of 18. He reported a significant decrease of 20% in complaints of disorder being made compared to the figure recorded in the corresponding period in 2017 (i.e. from 822 to 650). He also outlined that the police continued to work in partnership with the Scottish Fire and Rescue Service, particularly in relation to the thefts and subsequent setting on fire of wheelie bins in the Netherlee area. He advised that campus officers and fire officers had been involved in giving presentations to secondary school pupils about the dangers and adverse impact that anti-social behaviour and wilful setting of fires had on local communities.

Whilst noting that there had been a significant increase in the number of serious assaults when compared to the corresponding period in 2017, Chief Inspector McQuilter stated that there did not appear to be a pattern developing for this type of assault. Furthermore, the number of crimes of domestic violence had reduced, although a similar reduction had been recorded in the detection rates. Details of the Disclosure Scheme for Domestic Abuse in Scotland together with the ways in which victims could get support were outlined in the report. He also reported on the figures for drug dealing and misuse although it was highlighted that figures represented those for the whole of the Greater Glasgow Division. It was noted that there had been an increase in the number of detections compared to the corresponding period previous year.

Chief Inspector McQuilter explained that in terms of child abuse and child sexual exploitation, campus officers were now trained in Child Exploitation and Online Protection (CEOP) and were now able to train teachers and other professionals to deliver CEOP safety to their classes. He indicated that the number of sexual crimes in 2018 had increased when compared to the corresponding period in 2017 and that the detection rates had also decreased although these figures related to historic crimes.

Concluding his remarks, Chief Inspector McQuilter made reference to the work of the Roads Policing who had worked in partnership with campus officers to promote safer driving outside local schools. Furthermore, Police Scotland Safer Communities Department had held a Citizen Aid conference for 250 people drawn from businesses and organisations on 30 May 2018.

There followed a short question and answer session in the course of which Chief Superintendent McNulty and Chief Inspector McQuilter responded to a number of questions and provided clarification on a range of operational issues within East Renfrewshire.

During discussion, it was noted that there was now a dedicated Public Protection Unit based at Govan Police Station to investigate historic sex crimes; that three males had now been reported to the Procurator Fiscal as a result of the serious assaults that had taken place at Overlee Park, Clarkston during the summer; that there were no proposals to introduce political scrutiny at a regional level similar to the roles performed by the former Joint Police Boards as this role was now being performed by the Scottish Police Authority. Concluding the discussion, it was noted that whilst consideration had been given to the establishment of a joint campus between the Council and Police Scotland in East Renfrewshire there were no firm proposals at this time.

The Cabinet noted the terms of the report.

### **SCOTTISH FIRE AND RESCUE SERVICE – PERFORMANCE REPORT FOR THE FIRST QUARTER OF 2018/19**

**606.** The Cabinet considered a report by the Local Senior Officer, Scottish Fire and Rescue Services (SFRS), providing details of SFRS in East Renfrewshire during the first quarter of 2018/19. An analysis of the incidents in each of the Council's five wards during the reported period was outlined in the report.

Local Senior Officer Binning began by referring to the visit by Members of the Cabinet (Police and Fire) to the operational centre in Johnstone in the course of which he commented on the changes he had made to the governance arrangements of the three local authority areas of East Renfrewshire, Inverclyde and Renfrewshire which he had responsibility for. He referred to the six areas for demand reduction which were detailed in the Local Fire and Rescue Plan for East Renfrewshire. These were noted as Accidental Dwelling Fires; Accidental Dwelling Fire Casualties; Unintentional Harm and Injury; Deliberate Fire Setting; Non- Domestic Fire Safety; and Unwanted Fire Alarm Signals. Concluding his remarks, he invited Group Manager Martin to provide further details about the performance of the SFRS over the reported period.

Group Manager Martin began by referring to the new format of the report in the course of which he made reference to the six areas for demand reduction. He reported that the number of incidents had been broken down by reference to each of the Council's five wards. In terms of performance, reductions had been recorded in the number of primary and secondary fires; accidental dwelling fire casualties; deliberate fire setting; and non-domestic fires. Furthermore, whilst there had been a slight decrease in unwanted fire alarm signals

when compared to the previous year, it was noted that educational establishments accounted for one third of all such incidents with most incidents occurring during Monday to Friday when the premises were occupied. Concluding his remarks, he provided further details about each of the areas.

There followed a short question and answer session in the course of which Local Senior Officer Binning and Group Manager Martin responded to and provided clarification on a number of operational issues within East Renfrewshire.

During discussion, it was noted that 65% of the deliberate fires recorded had occurred in the Barrhead, Liboside and Uplawmoor Ward and these types of fires were normally caused by youths. Secondary fires included such things as grass and scrubland and that it was pleasing to note that there had been no secondary fires recorded in the report despite the fact that East Renfrewshire covered a large rural area.

Whilst acknowledging that the number of fires being attended by SFRS had reduced, Local Senior Officer Binning acknowledged that there had been a spate of large scale fires which had been widely reported in the media. He emphasised that when the service was asked to attend such fires there was a robust risk based approach in place to monitor the movement of assets to ensure that appliances were always available to respond to fires in other areas. It was also noted that the SFRS continued with its engagement activities with Fire Safety Officers, local fire stations and Head Masters of local schools and that as noted in the report only 75 fires had been recorded in the first quarter of 2108/19 which was very low.

The Cabinet noted the terms of the report.

## **VALEDICTORY – RETIREMENT OF HEAD OF DEMOCRATIC AND PARTNERSHIP SERVICES**

**607.** Councillor Merrick referred to the forthcoming retirement of Mr Jim Sneddon, Head of Democratic and Partnership Services, who was retiring after 40 years of local government service, 20 of which was with the Council.

On behalf of the Council, Councillor Merrick wished Mr Sneddon a long and happy retirement and presented him with a commemorative gift from the Council.

Mr Sneddon replied in suitable terms.

CHAIR

**MINUTE**  
**of**  
**APPEALS COMMITTEE**

**Minute of Meeting held at 10.00am in the Committee Room, Council Headquarters, Giffnock on 26 September 2018.**

**Present:**

Councillor Angela Convery (Chair)	Councillor Barbara Grant
Councillor Betty Cunningham (Vice Chair)	Councillor Annette Ireland

Councillor Convery in the Chair

**Attending:**

Gerry Mahon, Chief Officer – Legal and Procurement; Jo Loudon, HR Business Partner; and Paul O’Neil, Committee Services Officer.

**Apology:**

Councillor Stewart Miller.

**DECLARATIONS OF INTEREST**

**608.** 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 I of Schedule 7A to the Act.

**DISMISSAL APPEAL – ENVIRONMENT DEPARTMENT – 1/2018**

**609.** The appellant appeared accompanied by a friend, Mr Warrick in connection with his appeal.

Mr Andrew Corry, Head of Environment (Operations) and Ms Saima Nevin, HR Business Partner appeared on behalf of Management.

Both parties made their submissions to the committee and were heard in answer to questions on their submissions, during which Ms Michelle Thomson, Neighbourhood

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Services Support Manager, entered the meeting as a witness for management and was heard in response to questions from both parties and elected Members, following which both parties withdrew from the meeting.

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

CHAIR

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

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 27 September 2018.**

**Present:**

Councillor Stewart Miller (Chair)  
Councillor Barbara Grant (Vice Chair)  
Provost Jim Fletcher

Councillor Charlie Gilbert  
Councillor Annette Ireland  
Councillor Jim Swift

Councillor Miller in the Chair

**Attending:**

Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Sharon Dick, Head of HR, Customer and Communications; Barbara Clark, Chief Accountant; Ross Mitchell, Senior Auditor; Kath McCormack, HR Manager; Linda Hutchison, Clerk to the Committee; and Jennifer Graham, Committee Services Officer.

**Also Attending:**

Elaine Barrowman and Morven Fraser, Audit Scotland.

**Apology:**

Councillor Jim McLean.

**DECLARATIONS OF INTEREST**

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

**CHAIR'S REPORT**

**611.** Councillor Miller, having referred to a request from a member of the public, asked Members to let him know if there had been any significant demand for meetings, other than the full Council meeting, to be webcast and if so he would pass that information to appropriate officers.

The committee noted the request to notify the Chair of any significant demand to have meetings, other than the full Council, webcast.

**2017/18 ANNUAL ACCOUNTS FOR THE COUNCIL'S CHARITABLE TRUSTS AND RELATED EXTERNAL AUDIT OPINION AND INTERNATIONAL STANDARD ON AUDITING (ISA) 260 REPORT**

**612.** Under reference to the Minute of the meeting of 21 June 2018 (Page 454, Item 484 refers), when the committee had noted that the final Annual Accounts for the Council's charitable trusts and related documents would be submitted to this meeting, the committee considered a report by the Head of Accountancy (Chief Financial Officer) explaining that the audit of the 2017/18 Annual Accounts for the seven charitable trusts for which the Council acted as Trustee had been completed, and submitting a copy of these for consideration. The External Auditor's report on the trusts, completed in compliance with ISA 260, was also submitted for consideration.

Whilst referring to the Accounts and related issues, the Head of Accountancy and Ms Barrowman explained that for 2017/18 the Accounts were unqualified, and that there were no unadjusted misstatements requiring to be brought to the committee's attention. Subject to the outcome of discussions, reference was made to the letter of representation that the Head of Accountancy would sign.

In reply to Councillor Ireland who referred to an issue raised when the 2016/17 Accounts had been considered, Ms Barrowman, supported by the Chief Accountant, clarified that this had been a matter for the Trustees of Netherlee School 1937 Endowment and centred on considering arrangements for ensuring the proper use of funding to ensure grant awards were used for their intended purposes in compliance with the Charity's objectives. It was confirmed that this had been addressed.

The committee agreed to:-

- (a) note the External Auditor's report on matters arising from the audits of the registered charities for 2017/18 under requirements of ISA 260;
- (b) note the amalgamated Annual Accounts for 2017/18 for the seven Charitable Trusts for which the Council acted as Trustee; and
- (c) remit the report to the Council for consideration.

**2017/18 EAST RENFREWSHIRE COUNCIL ANNUAL ACCOUNTS, DRAFT ANNUAL AUDIT REPORT AND RELATED ISA 260 REPORT**

**613.** Under reference to the Minute of the meeting of 21 June 2018 (Page 454, Item 484 refers), when the committee had noted the unaudited Annual Accounts for 2017/18 and that a report on the final Accounts and associated draft Annual Audit Report to the Council and the Controller of Audit would be submitted to this meeting, the committee considered a report by the Head of Accountancy (Chief Financial Officer) regarding the Annual Accounts for 2017/18, the associated draft Annual Audit Report prepared by the External Auditor which would be issued in final form after the financial statements had been certified, and a further report by the External Auditor on matters arising from the audit of the Council's financial statements for 2017/18 reported under ISA 260 requirements. The draft Audit report provided an overview of the main issues arising from the 2017/18 audit.

The Council had received an audit certificate which was unqualified. An overall surplus of £5,072k had been recorded in the Accounts. After transfers to earmarked reserves, a sum of £379k had been added to the Council's non-earmarked General Fund reserve resulting in

a balance of £10,133k as at 31 March 2018. This represented 4.3% of the annual budgeted net revenue expenditure which was in line with Council policy.

Transfers totalling £4,600k has been made from the General Fund balance to specific reserves and capital expenditure of £53,207k had been invested. An operating surplus of £385k had been made on the Housing Revenue Account, thus increasing the accumulated surpluses brought forward to that Account to £1,629k.

Whilst referring to the Accounts and related issues, in support of comments made by the Head of Accountancy, Ms Barrowman confirmed that it was proposed to issue an unqualified auditor's certificate on the Accounts and that there were no unadjusted misstatements requiring to be brought to the committee's attention. She highlighted key aspects of the Annual Audit Report, including key messages within it regarding the Council pertaining to the Accounts; financial management; financial sustainability; governance and transparency; and Best Value. Whilst referring to the evaluation of misstatements, she commented on proposed adjustments to the financial statements associated with Council housing stock valuation, net pension liability, the valuation of Eastwood office accommodation and the reallocation of asset values, the net effect of which would increase the net worth recorded in the balance sheet by £30.982m.

Having summarised and commented on the significant findings from the audit of the financial statements itemised in Exhibit 3 of the Annual Audit Report, Ms Barrowman confirmed that the issues identified had been or were to be dealt with and that none had impacted on the signing off of the Accounts. Thereafter she referred to the recommendations for improvement which had been made and were contained within the 2017/18 Action Plan appended to the report, some of which related to a follow up of prior year recommendations. She also thanked the Chief Accountant and her team for their assistance during the audit.

In response to Councillor Miller, Ms Barrowman clarified that the introduction of an Information Security Policy should have predated the implementation of GDPR, and how the need to recruit an Information Security Officer had contributed to this, referring to the need for it and to keep the position under review.

Whilst commenting on the report, Provost Fletcher commended the fact that the Accounts were unqualified. He welcomed that the Council's Best Value Assurance Report (BVAR) had been good and arguably one of the best in Scotland, and that progress made on implementing the related action plan had been referred to by the External Auditor in the Annual Audit Report. He added that the Council had reflected on the Best Value recommendations and acted to address them.

Councillor Swift highlighted a range of issues referred to in the Annual Accounts and Annual Audit Report on borrowing levels, financial sustainability, savings to be identified, funding requirements, Reserves, increased Capital commitments and risk, asking if he and some local residents were right to be concerned about the level of borrowing the Council was pursuing. In reply Ms Barrowman stated that what was critical was having strong financial planning arrangements and scenario planning, referring to the good and comprehensive Financial Strategy the Council had introduced quite recently and related information provided to Members. Having also commented on the importance of budget monitoring, she added that there were no real concerns other than regarding the underspend, and acknowledged the financial pressures faced by the Council such as regarding its ageing population.

The Head of Accountancy stated she would support those comments, reporting that the Council had increased the timespan covered by its long term financial plan to six years, had a Capital Plan horizon of eight years, and was working with consultants on the further development of good practice and long term planning over ten to twenty years. She also

referred to treasury management reports submitted to the Council annually in advance of the budget being agreed not only to demonstrate that plans were affordable, prudent and sustainable, but also to provide related assurances about the adequacy of funding plans in the medium and long term, as well as the short term.

Councillor Ireland expressed satisfaction with the report, making particular reference to the issues raised in the BVAR on scrutiny and welcoming that the Annual Audit Report reflected that these were being addressed. Regarding exit packages for employees, in response to Councillor Ireland, the Head of Accountancy clarified that established procedures had existed for a long time for assessing the relative impact of different types of these, but that the documenting of some issues would be enhanced as recommended in the action plan.

Whilst referring to the Culture and Leisure Trust, Councillor Swift referred to additional funds provided to it by the Council, querying why, in that financial context, its Chief Executive had recently approved the salary increase he himself had received. Having heard Councillor Grant emphasise that it was the Board, not the Chief Executive, which had approved this and that it would only do so if considered required, Council Swift queried the Board's decision. Speaking more generally, Provost Fletcher expressed support for pay increases and equal pay for employees and, supported by Councillor Grant, queried the validity of the Committee discussing the matter. That was challenged, in turn, by the Chair on the basis that the salary was specified in the Accounts. Ms Barrowman confirmed that this was for information and that her team did not audit the Trust, referring to mechanisms that existed to enable the Council to monitor the Trust's performance and raise issues with the Board.

Councillor Swift also expressed the view that there was a lack of transparency regarding the Trust, commenting on the failure to publish Board Minutes timeously.

The committee agreed:-

- (a) to note the draft Annual Audit Report to the Council and Controller of Audit 2017/18 and the External Auditor's Report on matters arising from the audit of the Council's 2017/18 Financial Statements prepared under requirements of ISA 260;
- (b) to note the content of the Council's Annual Accounts for 2017/18 and related comments made; and
- (c) to remit the report to the Council for consideration.

#### **NATIONAL EXTERNAL AUDIT REPORT – 2016/17 AUDIT OF DUNDEE CITY COUNCIL**

**614.** The committee considered a report by the Clerk on the publication by Audit Scotland of a report entitled *Audit of Dundee City Council – Report on Significant Fraud* which under the committee's specialisation arrangements had been sent to Councillors Miller and Grant for review. The Head of Business Change and Revenue Services and Head of ICT and Digital Engagement had been asked to provide comments and a copy of their feedback was attached to the report.

It was reported that the significant fraud at Dundee City Council had been brought to the Council's attention initially through a Directors of Finance meeting in June 2017 following which amendments had been made to the creditors' payment process and ICT controls to mitigate the possibility of a similar fraud occurring in the Council. In addition the Internal Audit Work Plan for 2018/19 would consider the Council's mitigating actions taken since the reports on the Dundee fraud had been published, to ensure they were robust.

Provost Fletcher referred to a range of related issues, including how fraudulent action of this type was invariably attributable to a rogue individual who would often be asked to leave an organisation when caught but could then be reemployed elsewhere, and why many organisations affected did not want related publicity. Adding that it was difficult to eliminate possible fraud of the type reported, he endorsed the investigation of such issues, as in this case, learning lessons and the implementation of additional safeguards as appropriate.

The Chief Financial Officer echoed the comments made, reiterated how the matter had come to light allowing action to be taken, and clarified that ways to reduce fraud would be built into the new core corporate systems currently being designed.

The committee agreed to note the report and related comments made.

### NATIONAL EXTERNAL AUDIT REPORT – NATIONAL FRAUD INITIATIVE IN SCOTLAND

**615.** The committee considered a report by the Clerk on the publication by Audit Scotland of a report entitled *The National Fraud Initiative in Scotland* which under the committee's specialisation arrangements had been sent to Councillors Miller and Grant for review. The Head of Business Change and Revenues had been asked to provide comments and a copy of her feedback was attached to the report.

It was reported that the Council had an effective approach to the National Fraud Initiative (NFI) and all recommendations contained within the report had been addressed. A range of services across the organisation participated in the biennial exercise, the outcome of which was routinely reported to the committee.

It was clarified that East Renfrewshire had a single point of contact for NFI and a well-established internal network of departmental contacts covering a number of areas including Housing Benefit, Council Tax Reduction, housing waiting lists, and Payroll and Creditors' history. Information was provided on the number of matches reported in the 2016/17 NFI exercise, the largest area of fraud and claimant error being in relation to Housing Benefit and Council Tax Reduction. The Department of Work and Pensions' (DWP) National Fraud and Error Service (FES) continued to protect the Council's interests and mitigate the risk against housing benefit fraud, and the Council's Corporate Debt Recovery Team continued to pursue cases through either long term payment arrangements or by deduction direct through the DWP. Further information was provided on other related initiatives and it was reported that arrangements had already commenced within the authority to prepare for the next NFI exercise for 2018/19.

The committee noted the report.

### NATIONAL EXTERNAL AUDIT REPORT – AUDIT OF CITY OF EDINBURGH COUNCIL – REPORT ON EDINBURGH SCHOOLS

**616.** Under reference to the Minute of the meeting of the Cabinet of 30 August 2018 (Page 454, Item 484 refers), when the proactive approach taken by the Council in relation to the *External Audit of City of Edinburgh Council – Report on Edinburgh Schools* (also known as the Cole Report) and the resulting action plan prepared by Property and Technical Services (PATs) and Building Standards (BS) had been noted, as had the quarterly action plan monitoring regime put in place since 1 April 2018, the committee considered a report by the Clerk on the publication of the report which under the committee's specialisation

arrangements had been sent to Councillors Gilbert and Ireland for review. The Head of Environment (Strategic Services) had been asked to provide comments and a copy of his feedback was attached to the report.

The report explained that the Cole Report was issued following an independent inquiry, Chaired by Professor John Cole CBE an architect and retired senior civil servant, which had been commissioned by the Chief Executive of the City of Edinburgh Council as a result of the collapse of a wall at Oxfangs Primary School. Following the publication of the inquiry report, East Renfrewshire Council had instructed a full programme of visual and intrusive surveys of its Public Finance Initiative/Public Private Partnerships (PFI/PPP) properties. An independent structural engineer had confirmed that there were no major structural defects in any of the buildings or risk to the health and safety of staff and pupils.

The report also explained that the Cole Report had raised 75 points relating to construction, quality control and supervision and that these points had been reviewed by officers from Property and Technical Services and Building Standards in 2017. As a result an action plan had been prepared in response to ensure that the Council had additional measures and practices in place, alongside existing procedures, to minimise the risks of the issues raised in the Cole Report being experienced in future new build projects.

Councillor Grant commented that, having raised an issue at the most recent Council meeting, she had subsequently received assurances she had been seeking from officers based within the Environment Department that factors such as altitude and exposure to low temperatures and wind due to location had been sufficiently taken into account regarding the new school being built at Maidenhill. Having expressed the view that this had been a very relevant issue to raise, Provost Fletcher commented on the importance of taking appropriate steps in response to the Cole report, and of learning lessons from incidents regarding which he cited examples of how the Council had responded to some situations in the past. He also referred to the advantages and disadvantages of projects being progressed on a not for profit basis, regarding which he referred to maintenance of buildings amongst other things.

During further discussion on the importance of and responsibilities associated with monitoring projects, and in response to Councillor Swift, the Head of Accountancy confirmed the action the Council was taking regarding the appointment of clerks of works for major projects.

The committee agreed to note the report and related comments made.

## **MANAGING ABSENCE – ANNUAL REPORT**

**617.** Under reference to the Minute of the meeting of 28 September 2017 (Page 148, Item 159 refers), when absence management during 2016/17 had been discussed, the committee considered a report by the Deputy Chief Executive providing an update on the Council's sickness absence levels and its approach to managing absence.

Whilst commenting on absence data for 2017/18, the report explained that the Council had placed significant focus on tackling absence across all departments, there having been an improving trend since 2014/15, with emphasis placed on absence hotspot areas such as facilities management and home care.

Having highlighted various issues on absence benchmarking, including a range of data within the Chartered Institute of Personnel and Development (CIPD) Annual Survey Report 2017 for private, public and non-profit sectors, the report provided statistical information on absence trends since 2011/12 and made reference to related issues. The report commented

that it was recognised at a national level that a number of factors influenced absence figures, including whether or not manual services remained in-house as in East Renfrewshire as such services tended to have higher absence rates associated with them.

Further information was provided on the focus being placed on absence improvement and related matters during which it was highlighted that non-work related stress continued to be the top reason for absence for Council employees. Statistics were also provided on dismissals on grounds of capability and the number of ill-health retirements. It was explained that there was potential for absence levels to continue to be of concern over the next few years associated with planned service reviews, but emphasised that improving absence levels through a more robust approach remained a priority for the CMT and departments.

It was concluded that the Council's overall absence performance had continued to improve during the year, the overall figure for absence per full time equivalent being 8.5 days. The council's absence rate was in line with CIPD research, with a strong focus continuing to be placed on absence improvement, benchmarking and the implementation of training and improvement actions.

Whilst commenting on various aspects of the report and in response to questions, the Head of HR, Customer and Communications advised that the Local Government Benchmark Framework data issued by the Improvement Service for 2017/18 was not yet available, but was expected to reflect improvement locally compared to some other areas. In reply to Councillor Swift, who referred to the report as encouraging, she confirmed that the target for 2018/19 was considered realistic and to be about the limit of what could be achieved. In reply to Councillor Miller she outlined reasons why teacher absence levels were better than others, referring to the impact which the number of days worked and the absence of a manual workforce as part of that sector had on their absence levels compared to that of others.

The Committee noted the content of the report, the improvement in absence ratings and to support the range of approaches being taken to further reduce absence levels across the Council.

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

It was noted that the agenda for the meeting contained a recommendation that the committee pass a resolution to exclude the press and public from the meeting on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 – “information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office holder or applicant to become an office holder, under the authority” (Item 618 below).

However, on the motion of the Chair, the committee unanimously resolved that the press and public should not be excluded from the meeting whilst the item was under consideration, as there was considered to be insufficient information contained within the report to identify any particular individual.

### **SUMMARY OF EARLY RETIREMENT/REDUNDANCY COSTS TO 31 MARCH 2018**

**618.** The committee considered a report by the Deputy Chief Executive summarising the position on early retirement/redundancy costs from 1 April 2017 to 31 March 2018 and related issues. Information on the total costs incurred and projected savings was provided.

Whilst commenting on the report, the Head of HR, Customer and Communications confirmed that redundancies continued to be assessed using a process based on a financial business case, referred to associated legal requirements, and confirmed that related costs depended on the individual circumstances of each employee involved, with each case considered on its own merits.

Councillor Grant reiterated concerns she had commented on before at various meetings about the impact of losing experienced officers, related challenges in terms of replacing that experience, and the importance of balance on this issue. Councillor Swift welcomed efficiencies being introduced within the Council.

The committee noted the content of the report, the explanations provided for early retirements/redundancies within the period it covered, and related projected savings.

CHAIR

**MINUTE**  
**of**  
**EAST RENFREWSHIRE COUNCIL**

**Minute of Meeting held at 4.00pm in the Council Chamber, Council Headquarters, Giffnock, on 27 September 2018.**

**Present:**

Provost Jim Fletcher	Councillor Annette Ireland
Depute Provost Betty Cunningham	Councillor Alan Lafferty
Councillor Paul Aitken	Councillor Colm Merrick
Councillor Caroline Bamforth	Councillor Stewart Miller
Councillor Tony Buchanan (Leader)	Councillor Paul O’Kane
Councillor Angela Convery	Councillor Jim Swift
Councillor Danny Devlin	Councillor Gordon Wallace
Councillor Charlie Gilbert	

Provost Fletcher in the Chair

**Attending:**

Lorraine McMillan, Chief Executive; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Louise Pringle, Head of Business Change and Revenues; Barbara Clark, Chief Accountant; Eamonn Daly, Democratic Services Manager; and Liona Allison, Assistant Committee Services Officer.

**Apologies:**

Councillors Barbara Grant, David Macdonald and Jim McLean.

**DECLARATIONS OF INTEREST**

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

**[ANNUAL ACCOUNTS FOR THE COUNCIL’S CHARITABLE TRUSTS AND EXTERNAL AUDIT REPORT FOR 2017/18](#)**

**620.** Under reference to the Minute of the meeting of the Audit and Scrutiny Committee held earlier that day (Page 550, Item 612 refers), the Council considered a report by the Head of Accountancy (Chief Financial Officer) explaining that the audit of the 2017/18 Annual Accounts for the seven charitable trusts for which the Council acted as trustee had been completed, that the Accounts had been amalgamated into one document, and that a copy was now submitted for consideration. In addition, the External Auditor’s report in respect of the Trusts, in compliance with the International Standard on Auditing (ISA) 260, was also submitted for consideration.

Councillor Miller commented that there had been a good discussion on the report at the Audit and Scrutiny Committee meeting which had agreed to remit it to the Council for consideration, highlighting that the accounts had been awarded a clean audit certificate.

The Council noted the 2017/18 Annual Accounts for each of the Trusts and the associated External Auditor's report.

### **EAST RENFREWSHIRE COUNCIL ANNUAL ACCOUNTS AND DRAFT ANNUAL AUDIT REPORT FOR 2017/18**

**621.** Under reference to the Minute of the meeting of the Audit and Scrutiny Committee held earlier that day (Page 550, Item 613 refers), the Council considered a report by the Head of Accountancy (Chief Financial Officer) regarding the Annual Accounts for 2017/18, the associated draft Annual Audit Report prepared by the External Auditor, and a further report by the External Auditor on matters arising from the audit of the Council's financial statements for 2017/18 reported under ISA 260 requirements. The draft Audit report provided an overview of the main issues arising from the 2017/18 audit.

The Council had received an audit certificate which was unqualified. An overall surplus for the financial year of £5,072k had been recorded in the Accounts. After transfers to earmarked reserves, a sum of £379k had been added to the Council's non-earmarked General Fund reserve resulting in a balance of £10,133k as at 31 March 2018. This represented 4.3% of the annual budgeted net revenue expenditure which was in line with Council policy and which included £681k in respect of Scottish Government grant received at the end of the financial year for use in 2018/19.

Transfers totalling £4,600k had been made from the General Fund balance to specific reserves and capital expenditure of £53,207k had been invested. An operating surplus of £385k had been made on the Housing Revenue Account, this increasing the accumulated surpluses brought forward to that Account to £1,629k.

Having heard Councillor Miller comment that there had been a good discussion on the report at the Audit and Scrutiny Committee meeting which had agreed to remit it to the Council for consideration discussion then took place.

Councillor Wallace referred to comments in the Audit Scotland report regarding the negative net worth of the Culture and Leisure Trust, the additional funding provided by the Council, any effects this had on the Council's accounts and sought assurances that moving forward there was confidence that the Trust's affairs were being properly managed.

In reply, the Head of Accountancy explained that the accounts before the Council reflected the closing position at the end of the financial year. She highlighted that, as stated in the Audit Scotland report, the Council had contributed an additional £225k to the Trust to assist it to break even. This sum was a reduction from the original forecast sum of £277k. She explained that an independent report on the future finances of the Trust had been prepared and the Council was working with the Trust in factoring in the report's recommendations to future budget plans.

In response to further comments from Councillor Wallace on the increase in the level of remuneration to the Trust's Chief Executive at a time when it had required additional financial support from the Council, it was clarified that the remuneration of the Trust's Chief Executive was a matter for the Trust Board.

Responding to questions from Councillor Aitken on the annual interest charges associated with the Council's gross external debt of £176.5 million, the Head of Accountancy explained that whilst loan charge figures could be seen in the accounts, these figures included principal, interest and expenses on borrowing repayments. She also clarified that the gross external debt figure also included repayments made on PFI, PPP, NPD and hub schemes, and these included services charges, repayments of principal, and an interest element. As a consequence she would need to undertake an exercise to calculate solely the amount of interest paid but would be happy to do so and discuss this further with Councillor Aitken.

Councillor Swift was then heard on the significant increase in the Council's capital borrowing levels since 2016/17 referring in particular to potential further building proposals for schools and leisure facilities in Neilston. In reply Councillor O'Kane reminded Members that were any decision taken to build new educational facilities in Neilston these would be part funded by the Scottish Government through its *Building Schools for the Future* programme. He also suggested that the Conservative concerns around capital borrowing appeared to be at odds with their proposals presented to the budget meeting in March where he recalled that they had advocated increased borrowing to pay for roads repairs.

Councillor Ireland having highlighted that the Audit Scotland report acknowledged that the Council continued to have one of the lowest levels of debt across other local authorities, Councillor Buchanan was heard on the positive nature of both the accounts and the report by Audit Scotland. Thanking the Audit and Scrutiny Committee for its work in reviewing the accounts and Audit Scotland report, and officers from both Audit Scotland and the Council's own finance team for their work, he emphasised how the Audit Scotland report acknowledged some of the work carried out to address the issues raised in the Council's Best Value Report and also recognised the strong financial planning arrangements in place in the Council.

Councillor Miller having also offered thanks to both the Council's Finance Staff and the officers from Audit Scotland, the Council agreed to:-

- (a) approve the Council's Annual Accounts for 2017/18; and
- (b) note the draft Annual Audit Report to the Council and Controller of Audit 2017/18 and the External Auditor's report on matters arising from the audit of the Council's 2017/18 Financial Statements prepared under requirements of ISA 260.

PROVOST



**MINUTE**

of

**PLANNING APPLICATIONS COMMITTEE**

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 3 October 2018.**

**Present:**

Councillor Annette Ireland (Chair)  
Councillor Betty Cunningham (Vice Chair)  
Provost Jim Fletcher

Councillor Stewart Miller  
Councillor Jim Swift

Councillor Ireland in the Chair

**Attending:**

Sean McDaid, Principal Planner; Development Management and Ian Walker Senior Planner, Development Management; Julie Nicol, Principal Officer (LDP Lead); and Paul O'Neil, Committee Services Officer.

**Apologies:**

Councillors Angela Convery and Jim McLean.

**DECLARATIONS OF INTEREST**

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

**NOTIFICATION OF PLANNING APPEALS AND APPEAL DECISIONS**

**623.** The committee considered and noted a report by the Director of Environment advising of the intimation by the Directorate for Planning and Environmental Appeals (DEPA) of one new appeal that had been lodged against the Council's decision to refuse planning permission under delegated powers in respect of the display of two digital advertisement hoardings to the north of 30 Maple Avenue, Newton Mearns.

**APPLICATION FOR PLANNING PERMISSION**

**624.** The committee resumed consideration of a report by the Director of Environment on an application for planning permission requiring consideration by the committee.

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

- (i) 2017/0482/TP – Erection of units for use as office and storage space at site at rear of 17 Eaglesham Road, Clarkston by Byrne Home Improvements Ltd

Under reference to the Minute of the meeting of 5 August 2018 (Page 513, Item 568) when it was agreed that consideration of the application be continued to allow a site visit to take place, the committee resumed consideration of the application.

The Senior Planner referred to the site visit that had taken place immediately prior to the meeting in the course of which he indicated that planning permission was sought for five business units.

Councillor Miller supported by Councillor Cunningham, re-iterated the concerns he had expressed at the last meeting regarding the problems being experienced with access/egress to/from the site. He stated that in his opinion, the application site was dangerous given the number of lorries and other vehicles that used the site on a regular basis. Concluding his remarks, he stated that the proposal would exacerbate the current problems being experienced at the site.

Provost Fletcher whilst acknowledging that it was not a particularly pleasant site expressed concern that the Council's Roads service had not objected to the proposal and that if the committee was minded to refuse the application it would require proper planning reasons to do so otherwise its decision could be overturned on appeal by the Scottish Government.

In response to questions, the Senior Planner clarified that the proposed use of the units would be considered Class 4 - Business use rather than the Class 5 use that had been indicated on the application and that it was proposed to provide additional parking at the site as four of the proposed units would have dedicated parking bays as detailed in the submitted plans.

The committee agreed that the application be refused on the grounds that the proposed development be refused because of a lack of amenity; the intensification of use of the site; health and safety issues; and road safety grounds.

CHAIR

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

Index of applications under the above acts considered by Planning Applications Committee on  
03.10.2018

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**Reference No:** 2017/0482/TP

**Ward:** 4

**Applicant:**

Byrne Home Improvements Ltd  
311 Clarkston Road  
Glasgow  
G44 3EJ

**Agent:**

Robert Thompson Designs  
5 Queen Square  
Glasgow  
G41 2BG

**Site:** Site to rear of 17 Eaglesham Road, Clarkston, East Renfrewshire

**Description:** Erection of units for use as office and storage space.

**Decision:** Refused

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

**Minute of Meeting held at 2.30pm in the Council Chamber, Council Headquarters, Giffnock on 3 October 2018.**

**Present:**

Councillor Annette Ireland (Chair)	Councillor Stewart Miller
Councillor Betty Cunningham (Vice Chair)	Councillor Jim Swift
Provost Jim Fletcher	

Councillor Ireland in the Chair

**Attending:**

Julie Nicol, Principal Strategy Officer (Planning Adviser); Siobhan Wilson, Solicitor (Legal Adviser); and Paul O'Neil, Committee Services Officer (Clerk).

**Apologies:**

Councillors Angela Convery; and Jim McLean.

**DECLARATIONS OF INTEREST**

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

**[NOTICE OF REVIEW – REVIEW 2018/17 – INSTALLATION OF BALCONY AT DORMER WINDOW AT REAR AT 27 LYNTON AVENUE, GIFFNOCK \(REF NO: 2018/0056/TP\)](#)**

**626.** The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Mr and Mrs Andy Fitzgerald against the decision taken by officers to refuse planning permission in respect of the installation of a balcony at dormer at rear at 27 Lynton Avenue, Giffnock.

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.

In accordance with the decision taken at the meeting on 10 August 2016, the Local Review Body carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

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

Following discussion, Councillor Ireland moved that the decision of the Appointed Officer as set out in the decision notice of 12 July 2018 be overturned and that planning permission be granted, subject to a condition being attached to the effect that privacy screens be installed around the glass balustrade. In the absence of a seconder, her motion fell.

Thereafter, the Local Review Body agreed that the decision of the Appointed Officer as set out in the decision notice of 12 July 2018 be overturned and that planning permission be granted.

**[NOTICE OF REVIEW – REVIEW 2018/18 – ERECTION OF TWO STOREY REAR EXTENSION WITH RAISED DECKING AT 6 EVAN CRESCENT, GIFFNOCK \(REF NO: 2018/0180/TP\)](#)**

**627.** The Local Review Body considered report by the Deputy Chief Executive relative to a 'Notice of Review' submitted by Mr Gary Allison and Ms Elizabeth Kelly against the decision taken by officers to refuse planning permission for the erection of a two storey rear extension with raised decking at 6 Evan Crescent, Giffnock.

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.

In accordance with the decision taken at the meeting on 10 August 2016, the Local Review Body had carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

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

Following discussion, Councillor Ireland, seconded by Provost Fletcher moved to uphold the decision of the Appointed Officer as detailed in the decision notice of 2 July 2018 and refuse planning permission.

Councillor Miller seconded by Councillor Cunningham, moved as an amendment that the decision of the Appointed Officer as set out in the decision notice of 2 July 2018 be overturned and that planning permission be granted.

On a vote being taken, 2 Members voted for the motion and 3 Members voted for the amendment. The amendment was accordingly declared carried and it was agreed that the decision of the Appointed Officer as set out in the decision notice of 2 July 2018 be overturned and that planning permission be granted.

**[NOTICE OF REVIEW – REVIEW 2018/19 – ERECTION OF TWO STOREY REAR EXTENSION AT 4 EVAN CRESCENT, GIFFNOCK \(REF NO: 2018/0379/TP\)](#)**

**628.** The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Mr D MacColl and P Mayes against the decision taken by officers to refuse planning permission for the erection of a two storey rear extension at 4 Evan Crescent, Giffnock.

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.

In accordance with the decision taken at the meeting on 10 August 2016, the Local Review Body had carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

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

The Clerk advised that the applicants had submitted sensitive information as part of their supporting statement and that the information had been redacted from the document in the agenda papers. However, an unredacted version of the document was tabled at the meeting for the consideration of the Members of the Local Review Body only.

Following discussion, Councillor Ireland moved to uphold the decision of the Appointed Officer as detailed in the decision notice of 7 August 2018 and refuse planning permission. In the absence of a seconder, her motion fell.

Thereafter, it was agreed that the decision of the Appointed Officer as set out in the decision notice of 7 August 2018 be overturned and that planning permission be granted.

CHAIR



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

**Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 4 October 2018.**

**Present:**

Councillor Paul O’Kane (Chair)	Councillor Alan Lafferty
Councillor Colm Merrick (Vice Chair)	Councillor Gordon Wallace
Councillor Caroline Bamforth	Dr Frank Angell
Councillor Tony Buchanan (Leader)	Ms Dorothy Graham
Councillor Charlie Gilbert	Ms Mary McIntyre

Councillor O’Kane in the Chair

**Attending:**

Mhairi Shaw, Director of Education; Janice Collins, Head of Education Services (Equality and Equity); Mark Ratter, Head of Education Services (Quality Improvement and Performance); Tracy Morton, Education Senior Manager; and Ron Leitch, Committee Services Officer.

**Also attending:**

Natalie Fitzsimmons, Head Teacher, St Mark’s Primary School; Siobhan McColgan, Head Teacher, Carlibar Primary School; and Willie Inglis, Head Teacher and Ben Harrison, Principal Teacher, Williamwood High School.

**Apology:**

Mr Des Morris.

**DECLARATIONS OF INTEREST**

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

**EDUCATION SCOTLAND REPORT ON ST MARK’S PRIMARY SCHOOL**

**630.** The committee considered a report by the Director of Education informing members of the report by Education Scotland following their inspection of St Mark’s Primary School. A copy of the inspection report accompanied the report.

The Head of Education Services (Quality Improvement and Performance) explained that in assessing the quality indicators in the school, Education Scotland had found three aspects of the work to be good and one indicator had been judged to be very good. Key strengths were highlighted, including the importance placed on the professional learning of staff; the successful use of a wide range of strategies to encourage parental engagement and to support the needs of families sensitively; and children achieving well in the school and benefitting from the many varied experiences which staff and partners provided for them. Three areas for improvement had been identified and an action plan to address the agreed areas for improvement had been drawn up. The Quality Improvement Service (QIS) would work closely with the school and leadership team to support its implementation.

He went on to explain that this was a good report with the evaluations made by Education Scotland reflecting increased expectations nationally and the department's own evaluation of the quality of provision. The department was particularly pleased that the leadership of the relatively recently appointed Head Teacher had been recognised as one of the school's strengths in the letter to parents/carers.

Education Scotland would make no further reports in connection with the inspection of St Mark's Primary School. The QIS would however revisit the school within 2 years to review the impact of the action plan in addressing the areas highlighted for improvement and to provide a progress report to parents and elected members.

A number of members expressed their congratulations to the whole school community for achieving such a good report with Mrs Graham welcoming in particular the recognition by Education Scotland of the development of "a strong and caring community of learning and faith".

Councillor Wallace cautioned that this report appeared to be less favourable than that recently published in respect of Giffnock Primary School and questioned what was being done to achieve more consistency of attainment across the authority's schools. He particularly asked what was being done to address non-attendance by pupils.

In response, the Head Teacher explained that rigorous monitoring of attendance was in place and that she and the Depute Head Teacher visited pupils' homes to speak to parents/carers to establish the reasons for non-attendance and explained that an Early Bird Club had been started at the school to encourage good attendance.

She went on to thank the committee for the opportunity to address members, explaining that she and the whole school community were pleased with the report. She acknowledged the many positive comments expressed by the committee, and undertook to convey these back to pupils, parents and staff. However, she also acknowledged that there was still work to be done to address the areas for improvement identified by Education Scotland and outlined in the action plan and she looked forward to the follow-up visit by the QIS to review the impact of its implementation.

Having heard Councillor O'Kane commend Ms Fitzsimmons and all connected with the school for a good report and wish them well on their continuing journey of improvement, the committee agreed:-

- (a) to note the content of the Education Scotland report on St Mark's Primary School; and
- (b) to approve the school's action plan to address the agreed areas for improvement.

## IMPROVING OUTCOMES THROUGH THE PUPIL EQUITY FUNDING

**631.** The committee considered a report by the Director of Education informing members of the progress made by schools during 2017/18 in improving outcomes through the use of Pupil Equity Funding (PEF) and the interventions used and the good practice developed by schools to improve excellence and equity and achieve positive outcomes for all children and young people.

The Head of Education Services (Quality Improvement and Performance) explained that the PEF was part of the Scottish Attainment Challenge which was about achieving equity in education. The national drive mirrored the focus within the department as set out in the vision of *Everyone Attaining, Everyone Achieving through Excellent Experiences*. The focus on improving the attainment of disadvantaged children and young people had been a feature for the department for a number of years with additional funding provided by the Council for the lowest performing pupils since 2011/12.

In 2017, for each child in a publicly funded primary or secondary school who was eligible and registered for free school meals, schools were allocated £1,200. East Renfrewshire schools were allocated a total of £1.37m in PEF in 2017/18. For the year 2018/19 the allocation was £1.41m and a breakdown of the allocation across schools for both years was contained in the report.

Details of the principles agreed as part of the PEF were set out in the report and the Head of Education Services (Quality Improvement and Performance) emphasised that it was important to note that head teachers were expected to have access to the full amount of funding and that the interventions, activities or resources that schools took forward had to be in addition to those already planned. Head teachers were supported to develop PEF plans detailing how resources would be used to provide targeted interventions in literacy, numeracy and health and wellbeing. In developing these plans it was important that head teachers clearly identified their attainment gap; drew on research evidence of what was known to be effective; and ensured collaboration with key stakeholders including pupils, parents and trade union colleagues. Head teachers used the additional funding in a variety of different ways to support learners and a summary of the approaches was contained in the report.

He concluded by explaining that as part of the conditions associated with the award of PEF, the department was required to produce a report summarizing the outcomes and performance at an authority level and a high-level summary of the progress made in East Renfrewshire schools was contained in the report.

The Head of Education Services (Quality Improvement and Performance) then invited Siobahn McGolgan, Willie Inglis and Ben Harrison to give a brief presentation on the progress made by Carlibar Primary and Williamwood High Schools in improving outcomes for pupils through their use of PEF. The presentation would help illustrate the strategies and good practice developed by these two schools, and help members to continue to support and adequately challenge the department and schools to seek further improvement.

In response to comments and questions from members, the presenters explained that in an effort to sustain future improvements for all children and young people, schools recruited staff, both teaching and support, provided training and career-long professional learning (CLPL) opportunities to develop staff; engaged parents and carers to support their children's learning; purchased and developed additional resources; and made changes in approaches to teaching and learning. The importance of having the right people leading developments

and of engaging fully with parents and pupils to explain what the school was seeking to achieve was also emphasised. The improvement in attainment in both schools as a result of targeted support for particular children and young people was noted by the committee.

The Director of Education outlined how some schools were proactively reaching out to parents and carers to encourage the uptake of free school meals with a view to increasing the allocation of PEF to the Council and ultimately to the benefit of disadvantaged children and young people. It was also explained that the Council's Money Advice and Rights Team (MART) had been briefed on the scheme with a view to encouraging the uptake of free school meals further.

Councillor Buchanan, supported by a number of other members, commended the presenters for an excellent and highly informative presentation and offered his congratulations to all staff involved in the scheme. He explained that teaching staff from East Renfrewshire had met with the Deputy First Minister to emphasise the need for freedom to target PEF where it was most needed and how the use of this welcome additional funding tied in with the Council's own mission statement.

Having heard Councillor O'Kane offer his thanks to the staff concerned and in particular commend the excellent leadership shown in schools across the Council, the committee agreed to note the report as a summary of the progress made by schools in improving outcomes through the Pupil Equity Funding during 2017/18.

**CONSULTATION REPORT ON THE CONSULTATIVE PROPOSAL: FUTURE NON-DENOMINATIONAL EDUCATION PROVISION FOR CHILDREN OF NEILSTON PRIMARY SCHOOL AND MADRAS FAMILY CENTRE; AND FUTURE DENOMINATIONAL (ROMAN CATHOLIC) EDUCATION PROVISION FOR CHILDREN OF ST THOMAS' PRIMARY, NEILSTON**

**632.** Under reference to the Minute of the meeting of 10 May 2018 (Page 390, Item 422 refers) when the committee had agreed that the Director of Education proceed with a consultation on a proposal to establish a learning campus on a joint site in the locale of Neilston and Madras comprising new build replacements for Neilston Primary School, St. Thomas' Primary School and Madras Family Centre as soon as is practically possible, the committee considered a report by the Director of Education informing members of the results of the consultation exercise. Copies of the original consultation proposal document along with the results of the consultation accompanied the report.

The Head of Education Services (Equality and Equity) explained that written representations on the consultative proposal had been sought from all interested parties including the Catholic Church, the Parent Councils of St Thomas' and Neilston Primary Schools. In addition, meetings had been held with each of the Parent Councils as well as a well-attended public meeting chaired by Councillor O'Kane and attended by the Leader of the Council, the Director of Education and other senior officers.

A total of 512 responses to the consultation had been received of which 479 were from statutory consultees including pupils, and 33 from non-statutory respondents, mainly local residents. The vast majority of those who responded, including pupils, were in favour of the proposal. In addition, other statutory groups, including the Parent Council of Neilston Primary, staff groups at Neilston and St Thomas' Primary Schools, the Diocese of Paisley for the Roman Catholic Church and Neilston Community Council agreed with the proposal. In line with the requirement under the relevant legislation in respect of schools consultation,

Education Scotland had submitted a report in relation to the proposal and a copy of their report was included as an appendix to the main report.

The Head of Education Services (Equality and Equity) concluded by explaining that at present there was no identified finance available to take forward the proposal to provide the new schools and family centre in Neilston but that the consultation process was a statutory step in seeking to establish this new educational provision. Should the committee approve the proposal the Council would continue to explore any opportunities for investment to take forward the provision of these new facilities whilst progressing its capital planning process.

Responding to comments and questions from members, Councillor O'Kane explained that the proposal was not in any way intended to be seen as a merger of Neilston and St Thomas' Primary schools as the legislation was very clear on this issue. The Head of Education Services (Equality and Equity) went on to explain that should the longer-term vision to incorporate public leisure facilities on the same site come to fruition, the safety of children attending school would be of paramount importance and that this would be fully addressed during the design phase of the project. She also explained that representatives of the Parent Councils of both schools had had the opportunity to visit the Faith Schools Joint Campus at Newton Mearns and had met with the Head Teachers of St Clare's and Calderwood Lodge Primary Schools to discuss their experience of the campus and its creation.

Having heard Councillor O'Kane commend the willingness of local residents to become involved in the proposed project and reiterate that the consultation had been a key step in delivering this new and much needed facility for the community of Neilston, the committee agreed to:-

- (a) note the results of the education consultation on *Learning in Neilston*; and
- (b) instruct the Director of Education to progress a learning campus on a joint site in the locale of Neilston and Madras comprising new build replacements for Neilston Primary School, St Thomas' Primary School and Madras Family Centre when sufficient financial resources became available.

### DRAFT DIGITAL LEARNING AND TEACHING STRATEGY

**633.** The committee considered a report by the Director of Education seeking approval for the draft Digital Learning and Teaching Strategy. A copy of the proposed draft strategy accompanied the report.

The Head of Education Services (Quality Improvement and Performance) outlined the importance of all learners being able to develop the digital skills they needed to be successful in learning, life and work. The draft Digital Learning and Teaching Strategy set out how the department would support children and young people to develop the digital skills they needed. The strategy, which linked clearly to the Council's Community Plan, would also enable staff to develop their skills and confidence in the effective use of technology, thereby contributing to the digital priority set out in the Council's Five Capabilities, had also been designed to complement the Council's own Digital Strategy. The strategy had been set out under the four key national objectives which were the organisers for the Scottish Government's Digital Learning and Teaching Strategy.

He went on to explain that the Council would create physical and virtual digital innovation hubs which would support staff to collaborate and share best practice; work closely with the

IT Service to ensure that a robust digital infrastructure was put in place; work with parents to support their children as they developed the digital skills they required; and set out the actions which the department and schools would take over the period 2018 – 2021 including a range of performance indicators that would measure the impact of the strategy.

The Head of Education Services (Quality Improvement and Performance) concluded by explaining that progress would be reported to the committee on an annual basis through the presentation on attainment and through the department's and schools' Standards and Quality reports.

Having heard a number of members welcome the report and the draft strategy and emphasise the importance of teaching children that IT could greatly enhance their learning as well as being used judiciously for social media purposes, the committee agreed to:-

- (a) approve the draft Digital Learning and Teaching Strategy; and
- (b) instruct the Director of Education to report to a future meeting on the impact of its implementation.

#### **WEST PARTNERSHIP IMPROVEMENT PLANNING - PROGRESS WITH INITIAL PLAN AND PREPARATION OF PHASE 2**

**634.** Under reference to the Minute of the meeting of 1 February 2018 (Page 268, Item 301 refers), when it had been agreed that the Director of Education would bring regular reports on the progress and impact of the West Partnership's Improvement Plan to future meetings, the committee considered a report by the Director of Education informing members of the progress with the initial West Partnership Improvement Plan and the preparation of Phase 2.

The Director of Education highlighted some of the progress achieved through the initial Improvement Plan over the period February – June 2018 including, amongst others, the establishment of robust governance procedures; the development of partnership working and leadership; stakeholder engagement; and the reach into the classroom through engagement with staff at all levels in schools and early learning settings.

She went on to explain that the Phase 2 Plan was very ambitious and was based on a vision of bringing about "*Equity, Excellence and Empowerment*" through 8 themes that had been identified as key areas of work over the next 3-year period. She concluded by explaining that systems had been put in place to ensure that there was internal and external evaluation of the impact of the plan. This had resulted in the establishment of an Evaluation and Reporting Group which had devised baselines and targets which would be used to measure the impact of the work across the region whilst recognising that the work of each local authority would contribute to the success of the partnership and allow it to report on progress.

Councillor O'Kane, supported by Councillor Buchanan, commended the Director for her leadership in much of the work of the partnership; explained that things were moving at considerable pace; and welcomed the introduction of best practice across the partnership as a result of collaborative working.

The committee agreed to:-

- (a) note the progress made with the initial improvement plan;

- (b) note the West Partnership's Phase 2 Plan; and
- (c) instruct the Director of Education to bring reports on its progress and impact to future meetings of the committee.

CHAIR



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

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 16 October 2018.**

**Present:**

Councillor Angela Convery (Chair)  
Councillor Alan Lafferty

Councillor Stewart Miller

Councillor Convery in the Chair

**Attending:**

Jacqui McCusker, Senior Solicitor; and Paul O'Neil, Committee Services Officer.

**Also Attending:**

Chief Inspector John McQuilter; Sergeant Marie Stewart; and Constable Simon Roy, Police Scotland.

**Apologies:**

Councillors Betty Cunningham (Vice-Chair) and Charlie Gilbert.

**DECLARATIONS OF INTEREST**

**635.** 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 undernoted items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 6 and 14 of Part 1 of Schedule 7A to the Act.

**PRIVATE HIRE CAR DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCE – CONTINUED SUSPENSION**

**636.** The committee considered a report by the Chief Officer - Legal and Procurement requesting the proposed continued suspension of a Private Hire Car Driver's Licence and Private Hire Car Licence under Paragraph 11 of Schedule 1 of the Civic Government

(Scotland) Act 1982 (Agenda Item 3 refers). The licences had originally been suspended in terms of Paragraph 12 of Schedule 1.

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

Chief Inspector McQuilter; Sergeant Stewart; and Constable Roy, representing the Chief Constable, who had originally requested the suspension, were present.

Following discussion, the committee agreed to continue consideration of the matter to the next meeting to allow the applicant to make a personal appearance, it also being agreed that should the applicant again fail to appear or be represented the committee would proceed to determine the matter in his absence.

### **PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT**

**637.** The committee considered a report by the Chief Officer - Legal and Procurement regarding an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 4 refers).

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

Chief Inspector McQuilter; Sergeant Stewart; and Constable Roy, representing the Chief Constable, who had requested the suspension, were present.

Following discussion, the committee agreed to continue consideration of the application to the next meeting to allow the applicant to make a personal appearance, it also being agreed that should the applicant again fail to appear or be represented the committee would proceed to determine the application in his absence.

CHAIR