

**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