



Council Offices, Almada Street  
Hamilton, ML3 0AA

Tuesday, 18 September 2018

Dear Councillor

## **South Lanarkshire Council**

The Members listed below are requested to attend a meeting of the Council to be held as follows:-

**Date:** Wednesday, 26 September 2018  
**Time:** 11:30 (or immediately following the Executive Committee, whichever is the later.)  
**Venue:** Council Chamber, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

<b>Members are reminded to bring their fully charged tablets to the meeting</b>
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Yours sincerely

**Lindsay Freeland**  
**Chief Executive**

### **Members**

Ian McAllan (Provost), Collette Stevenson (Depute Provost), Alex Allison, John Anderson, John Bradley, Walter Brogan, Robert Brown, Archie Buchanan, Jackie Burns, Janine Calikes, Stephanie Callaghan, Graeme Campbell, Andy Carmichael, Maureen Chalmers, Gerry Convery, Margaret Cooper, Poppy Corbett, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Isobel Dorman, Fiona Dryburgh, Joe Fagan, Allan Falconer, Alistair Fulton, Geri Gray, George Greenshields, Lynsey Hamilton, Ian Harrow, Eric Holford, Graeme Horne, Mark Horsham, Martin Grant Hose, Ann Le Blond, Martin Lennon, Richard Lockhart, Eileen Logan, Katy Loudon, Joe Lowe, Hugh Macdonald, Julia Marrs, Monique McAdams, Catherine McClymont, Kenny McCreary, Colin McGavigan, Mark McGeever, Jim McGuigan, Davie McLachlan, Gladys Miller, Lynne Nailon, Richard Nelson, Carol Nugent, Mo Razzaq, John Ross, Graham Scott, David Shearer, Bert Thomson, Margaret B Walker, Jim Wardhaugh, Sheena Wardhaugh, Jared Wark, David Watson, Josh Wilson

## BUSINESS

### 1 Sederunt and Declaration of Interests

### 2 Minutes of Previous Meeting 3 - 8

Minutes of the meeting of the South Lanarkshire Council held on 27 June 2018 submitted for approval as a correct record. (Copy attached)

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#### Item(s) for Decision

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- |  |         |
|--|---------|
| <b>3 Representation on Joint Boards and Partnership Bodies</b>   | 9 - 10  |
| Report dated 11 September 2018 by the Executive Director (Finance and Corporate Resources). (Copy attached)  |         |
| <b>4 Notice of Motion - Planning (Scotland) Bill</b>   | 11 - 12 |
| Motion received in terms of Standing Order No 19 on 10 September 2018, proposed by Councillor Scott and seconded by Councillor Brogan. (Copy attached) |         |
| <b>5 Notice of Motion - Political Management and Decision-Making Arrangements</b>  | 13 - 14 |
| Motion received in terms of Standing Order No 19 on 10 September 2018, proposed by Councillor Fagan and seconded by Councillor Brown. (Copy attached)  |         |

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#### Item(s) for Noting

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| <b>6 External Auditor's Annual Report to South Lanarkshire Council</b>                                      | 15 - 16 |
| Report dated 13 September 2018 by the Executive Director (Finance and Corporate Resources). (Copy attached) |         |

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#### Urgent Business

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| <b>7 Urgent Business</b>  |
| Any other items of business which the Provost decides are urgent. |

#### ***For further information, please contact:-***

Clerk Name: Susan Somerville

Clerk Telephone: 01698 454197

Clerk Email: [susan.somerville@southlanarkshire.gov.uk](mailto:susan.somerville@southlanarkshire.gov.uk)

Minutes of meeting held in the Council Chamber, Council Offices, Almada Street, Hamilton on 27 June 2018

**Chair:**

Provost Ian McAllan

**Councillors Present:**

Alex Allison, John Anderson, John Bradley, Walter Brogan, Robert Brown, Archie Buchanan, Jackie Burns, Janine Calikes, Stephanie Callaghan, Graeme Campbell, Andy Carmichael, Maureen Chalmers, Gerry Convery, Margaret Cooper, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Isobel Dorman, Fiona Dryburgh, Joe Fagan, Allan Falconer, Alistair Fulton, Geri Gray, George Greenshields, Lynsey Hamilton, Ian Harrow, Eric Holford, Graeme Horne, Mark Horsham, Martin Grant Hose, Ann Le Blond, Martin Lennon, Eileen Logan, Katy Loudon, Joe Lowe, Ian McAllan, Catherine McClymont, Kenny McCreary, Hugh Macdonald, Colin McGavigan, Mark McGeever, Jim McGuigan, Davie McLachlan, Julia Marrs, Gladys Miller, Lynne Nailon, Carol Nugent, Mo Razzaq, John Ross, Graham Scott, David Shearer, Collette Stevenson (Depute), Margaret B Walker, Jim Wardhaugh, Sheena Wardhaugh, David Watson, Josh Wilson

**Councillors' Apologies:**

Poppy Corbett, Richard Lockhart, Monique McAdams, Richard Nelson, Bert Thomson, Jared Wark

**Attending:****Chief Executive's Service**

L Freeland, Chief Executive

**Community and Enterprise Resources**

M McGlynn, Executive Director

**Education Resources**

T McDaid, Executive Director

**Finance and Corporate Resources**

P Manning, Executive Director; G Bow, Administration Manager; G McCann, Head of Administration and Legal Services; S Somerville, Administration Manager

**Housing and Technical Resources**

D Lowe, Executive Director

**Social Work Resources/Health and Social Care**

V de Souza, Director

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**Provost's Opening Remarks**

The Provost, on behalf of members, extended a welcome to Members of the Scottish Youth Parliament who were present at the meeting.

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**Point of Order**

Councillor Fagan raised a Point of Order seeking clarification of Standing Order Nos 4(c) and 17. In response, and having heard Councillor Fagan's views, the Provost reaffirmed his earlier written decision to Councillor Fagan that he did not consider that there were special reasons why the matter referred to be discussed at this meeting.

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**1 Declaration of Interests**

No interests were declared.

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## 2 Minutes of Previous Meeting

The minutes of the meeting of the South Lanarkshire Council held on 28 February 2018 were submitted for approval as a correct record.

**The Council decided:** that the minutes be approved as a correct record.

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## 3 Recommendation Referred by the Executive Committee - Annual Investment Report 2017/2018

A report dated 27 June 2018 by the Chief Executive was tabled on the recommendation which had been referred to the Council by the Executive Committee held on 27 June 2018 in relation to the Council's Annual Investment Report 2017/2018. The recommendation was that the Council's Annual Investment Report 2017/2018 be approved.

**The Council decided:** that the recommendation of the Executive Committee of 27 June 2018 in relation to the Council's Annual Investment Report 2017/2018 be approved.

*[Reference: Minutes of the Executive Committee of 27 June 2018 (Paragraph 16)]*

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## 4 Review of Risk and Audit Scrutiny Forum

A report dated 4 June 2018 by the Executive Director (Finance and Corporate Resources) was submitted on the findings of the review of the current arrangements for the Risk and Audit Scrutiny Forum against the Chartered Institute of Public Finance and Accountancy (CIPFA) best practice guidance.

Following an opinion given by Audit Scotland, the Council's external auditors, that the Risk and Audit Scrutiny Forum's current Terms of Reference were limited as it had not been delegated responsibility to approve matters such as the annual accounts, the Executive Committee, at its meeting on 30 August 2017, had approved a recommendation that a review be undertaken of the current arrangements in place for the Forum against CIPFA best practice and that the findings be reported to a future meeting of the Council.

The Council's Risk and Audit Scrutiny Forum currently followed CIPFA guidance in relation to:-

- ◆ selection of the Chair from outwith the Administration
- ◆ political balance
- ◆ smaller membership
- ◆ frequency of meetings
- ◆ having a clear Terms of Reference agreed by the Council

However, the Forum deviated from CIPFA guidance insofar as it did not have decision-making powers and did not report to the full Council.

An exercise had been undertaken to determine practices adopted by other local authorities in Scotland in terms of audit committees and it was found that those varied in terms of remit. A copy of the findings from the benchmarking exercise was attached as Appendix 2 to the report.

In view of the CIPFA Best Practice Guidance, it was proposed that the Risk and Audit Scrutiny Forum be renamed as the Risk and Audit Scrutiny Committee and that it be delegated decision-making powers in terms of the matters within its remit. A copy of the associated revised Terms of Reference was attached as Appendix 3 to the report. In terms of CIPFA guidance, the Leader of the Council, Chief Executive and Executive Director (Finance and Corporate Resources) would be required to attend the meeting of the Risk and Audit Scrutiny Committee at which the Annual Statement of Accounts and Annual Governance Statement were approved for signature.

**The Council decided:**

- (1) that the content of the CIPFA Best Practice Guidance be noted;
- (2) that the findings of the benchmarking exercise with other local authorities, attached as Appendix 2 to the report, be noted;
- (3) that the Risk and Audit Scrutiny Forum be renamed the Risk and Audit Scrutiny Committee and given full decision-making powers; and
- (4) that the enhanced Terms of Reference for the Risk and Audit Scrutiny Committee, attached as Appendix 3 to the report, be approved.

*[Reference: Minutes of the Executive Committee of 30 August 2017 (Paragraph 8)]*

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## **5 Establishment of a Petitions Committee as Part of the Council's Decision Making Framework**

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A report dated 11 June 2018 by the Executive Director (Finance and Corporate Resources) was submitted on the recommendations of the Task and Finish Group formed to consider the establishment of a Petitions Committee as part of the Council's decision-making framework.

At its meeting on 28 June 2017, the Executive Committee had agreed to the formation of a cross-party Task and Finish Group to consider the merits and potential benefits of the Council establishing a Petitions Committee within its decision-making framework.

The Group had considered the following areas in detail:-

- ◆ to what extent the establishment of a Petitions Committee would improve the ability of local communities/residents to engage with the Council
- ◆ the development of a set of guidance and criteria for the public on how to submit a petition and how the process of validating and considering a petition would work in practice within the Council when a petition was submitted
- ◆ a Terms of Reference for the Petitions Committee
- ◆ the development of a communications plan via the Council's website, local newspapers and other digital mediums to raise public awareness should the Council establish a Petitions Committee

The Group had produced a draft "Guidance on sending a Petition" document, which was attached as Appendix 1 to the report. The proposed Terms of Reference for the Petitions Committee was attached as Appendix 2 to the report.

The overall recommendation from the Group was that, as there was unanimous cross-party support, a Petitions Committee be established and arrangements put in place for the first cycle of meetings following the Council's 2018 summer recess. If approved, work would be undertaken to raise public awareness of the establishment of a Petitions Committee through the Council's website, local newspapers and other digital platforms, such as Twitter and Facebook.

The Ruling Group Business Manager thanked the Chair and members of the Task Group for their input on the matter.

**The Council decided:**

- (1) that a Petitions Committee be established as part of the Council's decision-making framework;
- (2) that the "Guidance on sending a Petition" document, attached as Appendix 1 to the report, and the Terms of Reference for the Petitions Committee, attached as Appendix 2 to the report, be approved; and
- (3) that authority be delegated to the Chief Executive, in consultation with the Leaders of the political and independent groups, to finalise membership of the Petitions Committee in accordance with its Terms of Reference.

*[Reference: Minutes of the Executive Committee of 28 June 2017 (Paragraph 18)]*

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## **6 Construction Charter - Notice of Motion**

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In terms of Standing Order No 19, a motion proposed by Councillor Convery, seconded by Councillor Fagan, was submitted as follows:-

"That the Council approves the adoption of a Construction Charter based on the North Ayrshire Council Construction Charter (as per appendix attached)."

In moving the motion, Councillor Convery intimated that Unite the Union was hopeful all councils in Scotland and throughout the rest of the UK would endorse such a motion to benefit the construction industry. Councillor Fagan seconded the motion.

Councillor Ross advised that, while he concurred with the principle of adopting a construction charter, he considered that the Council should draft its own form of words for consideration by the Executive Committee.

Councillor Campbell suggested that the matter be remitted to a cross-party working group prior to further consideration at committee. Councillor Brown, however, considered that it was a matter for officers, and not members of a Task Group, to consider any implications for the Council in terms of the adoption of a charter.

Following a full and frank exchange of views, Councillor Brown, seconded by Councillor Ross, moved as an amendment that consideration of a South Lanarkshire Construction Charter be referred to the Executive Committee for approval.

On a vote being taken by a show of hands, 40 members voted for the amendment and 17 for the motion. The amendment was declared carried.

**The Council decided:** that consideration of a South Lanarkshire Construction Charter be referred to the Executive Committee for approval.

*Councillor McLachlan left the meeting following this item of business*

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## 7 Young People's Rights - Notice of Motion

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In terms of Standing Order No 19, a motion proposed by Councillor Marrs, seconded by Councillor Loudon, was submitted as follows:-

“That South Lanarkshire Council recognises the importance of young people’s rights, our role in defending those rights, and endorses The Scottish Youth Parliament’s ‘Right Here, Right Now’ Campaign which seeks to influence law, policy and practice to strengthen the protection of young people’s rights and to improve links between the Scottish Youth Parliament and public bodies. That we note the principal focus of the Campaign to be of Article 12 of the UNCRC which states that children and young people should be given appropriate information to make decisions on matters that involve them, that their opinions should be listened to and taken into account when decisions are taken, and we commit to incorporate that ethos in all Council workings.”

In moving the motion, Councillor Marrs referred to Members of the Scottish Youth Parliament being present today and how better outcomes could be achieved by working together. Councillor Loudon seconded the motion and intimated that a key objective was to provide a platform for views to be heard and, in that respect, the intention was to form a Children and Young People’s Cabinet.

Councillor Hamilton welcomed the motion and the opportunity to work with young people and indicated her Group’s support of Article 12 of the UNCRC. She also referred to the successful campaign by the Chair of the Scottish Youth Parliament to ban the ‘mosquito’ device at Hamilton Central Rail Station.

While welcoming the motion, Councillor Cooper sought clarification on where approval had been given for the formation of a Children and Young People’s Cabinet as, she considered, that was a decision for the Council to take. In response, Councillor Ross referred to a decision taken internally by the SNP Group to hold a youth cabinet within their own Group to help mentor young people to enable a better understanding of democracy.

Following an exchange of views, the Chief Executive confirmed that the Council had, as yet, not committed to establishing a youth cabinet and, as this was the ‘Year of Young People’, the Executive Director (Education Resources) would submit a report to committee for consideration on how the Council could engage with young people.

**The Council decided:** to support the terms of the motion to recognise the importance of young people’s rights by signing the ‘Right Here, Right Now’ campaign pledge.

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## 8 Urgent Business

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There were no items of urgent business.



# Report

3

Report to: **South Lanarkshire Council**  
 Date of Meeting: **26 September 2018**  
 Report by: **Executive Director (Finance and Corporate Resources)**

Subject: **Representation on Joint Boards and Partnership Bodies**

## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise the Council of a request by the Labour Group Business Manager to amend the Council's representation on the Board of South Lanarkshire Leisure and Culture Limited (SLLC) and Strathclyde Partnership for Transport (SPT)

## 2. Recommendation(s)

2.1. The Council is asked to approve the following recommendation(s):-

- (1) that Councillor McLachlan be replaced by Councillor Convery as a Council representative on the South Lanarkshire Leisure and Culture Limited Board; and
- (2) that Councillor Falconer be replaced by Councillor Devlin as a Council representative on the Strathclyde Partnership for Transport.

## 3. Background

3.1. An approach has been made by the Labour Group Business Manager requesting a change to the Council's representation on the Board of South Lanarkshire Leisure and Culture Limited and Strathclyde Partnership for Transport and the Council is requested to approve the proposed changes as set out in paragraph 2.

## 4. Employee Implications

4.1 There are no employee implications arising from this report

## 5 Financial Implications

5.1 There are no financial implications arising from this report.

## 6 Other Implications

6.1 There are no significant risks or sustainability issues arising from this report.

## 7 Equality Impact Assessment and Consultation Arrangements

7.1 There was no requirement to carry out an Equality Impact Assessment in terms of this report.

7.2 There was no requirement to carry out a consultation process in terms of this report.

**Paul Manning**  
**Executive Director (Finance and Corporate Resources)**

11 September 2018

**Link(s) to Council Values/Objectives**

Accountable, effective, efficient and transparent

**Previous References**

Minutes of Executive Committee held on 28 June 2017

**List of Background Papers**

None

**Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

Gordon Bow, Administration Manager

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E-mail: [gordon.bow@southlanarkshire.gov.uk](mailto:gordon.bow@southlanarkshire.gov.uk)

## Planning (Scotland) Bill

### Notice of Motion

Motion received in terms of Standing Order No 19 on 10 September 2018, proposed by Councillor Graham Scott, seconded by Councillor Walter Brogan, as follows:

“That South Lanarkshire Council:-

- ◆ Notes the progress of the Planning (Scotland) Bill through the Scottish Parliament
- ◆ Notes that the draft Bill makes no provision for reforming or equalising rights of appeal, despite this being a key concern for local communities and key groups engaged in the planning system
- ◆ Acknowledges that Planning Democracy Scotland advocates equalising rights of appeal by extending a limited right of appeal to communities **in certain circumstances where developments are approved which are not in accordance with the development plan, and limiting the developer right of appeal to ensure a plan-led system**
- ◆ Believes that such an approach would help ensure that the voice of communities is strengthened and that the planning process operates in the wider public interest
- ◆ Council therefore commits to write to the Minister for Local Government and Housing and to the LGCC of the Scottish Parliament urging them to support amendments to the Bill which would bring about more equal rights of appeal.”



**Political Management and Decision-Making Arrangements**

**Notice of Motion**

Motion received in terms of Standing Order No 19 on 10 September 2018, proposed by Councillor Joe Fagan, seconded by Councillor Robert Brown.

“That the Council asserts the importance of openness, transparency and democratic accountability in our political management and decision-making arrangements; believes that full meetings of the Council should be strengthened as a forum for political debate and decision and, to that end, agrees:

- 1) That, as a priority, Officers be asked to review the Terms of Reference for Council, Committees and Forums and other procedural documentation and advise of any changes which would be required in order to reserve the power to approve the annual savings package to the Council in addition to all Revenue and Capital Budgets. This advice to be provided in the form of a report to Council by December 2018 for formal determination.
- 2) That the Standing Orders, Terms of Reference for Committees and Forums and other procedural documentation be reviewed, including any enhancements to the role of the Council, by the Standards and Procedures Advisory Forum and its recommendations be reported in the first instance to the Executive Committee, as parent committee of the Standards and Procedures Advisory Forum, prior to any referral to Council.
- 3) That, as part of said review, recommendations be made on how the Standing Orders, Terms of Reference for Committees and Forums and other procedural documentation be amended to enhance the role of the Council on key policy initiatives and other issues the Standards and Procedures Advisory Forum considers appropriate.”



# Report

6

Report to:	<b>South Lanarkshire Council</b>
Date of Meeting:	<b>26 September 2018</b>
Report by:	<b>Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>External Auditor's Annual Report to South Lanarkshire Council</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ Advise members of the External Auditor's, Audit Scotland, Annual Report to the Council for 2017/2018

## 2. Recommendation(s)

2.1. The Council is asked to approve the following recommendation(s):-

- (1) that the External Auditor's Annual Report 2017/2018 to the Council be noted.

## 3. Background

3.1. The Risk and Audit Scrutiny Committee considered the External Auditor's Annual Report to the Council at its meeting on Tuesday 18 September.

3.2. A copy of Audit Scotland's letter and report can be accessed at the following links (Agenda Item No 3 of the Risk and Audit Scrutiny Committee refers):-

[External Auditor's Letter](#)  
[External Auditor's Report](#)

## 4. Employee Implications

4.1. None.

## 5. Financial Implications

5.1. None.

## 6. Other Implications

6.1. There are no risks or sustainability issues in relation to the content of this report. .

## 7. Equality Impact Assessment and Consultation Arrangements

7.1. No equality impact assessment or consultation is required in terms of the recommendation contained within this report.

**Paul Manning**  
**Executive Director (Finance and Corporate Resources)**

13 September 2018

**Link(s) to Council Values/Ambitions/Objectives**

- ◆ Accountable, effective, efficient and transparent

**Previous References**

- ◆ Risk and Audit Scrutiny Committee of 18 September 2018

**List of Background Papers**

- ◆ None

**Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

Susan Somerville, Administration Manager

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