

SOUTH LANARKSHIRE COUNCIL

Minutes of special meeting held in the Council Chamber, Council Offices, Almada Street, Hamilton on 13 February 2020

Chair:

Provost Ian McAllan

Councillors Present:

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

Councillors' Apologies:

Councillor Stephanie Callaghan, Councillor Monique McAdams, Councillor Lynne Nailon

Attending:

Chief Executive's Service

C Sneddon, 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

Provost's Opening Remarks

The Provost welcomed Cleland Sneddon, Chief Executive to his first meeting of South Lanarkshire Council.

1 Declaration of Interests

No interests were declared.

2 Mid-Term Review of Political Management Arrangements Supporting Documentation - Update

A report dated 22 January 2020 by the Executive Director (Finance and Corporate Resources) was submitted on proposed revisions to the political management arrangements supporting documentation following the mid-term review.

The current procedural documentation had been formally approved by the Council at its statutory meeting in May 2017 following the Local Government Elections. In the period since that time, amendments had been made to a number of the documents as a result of decisions taken at committee.

In line with good governance requirements, the opportunity had been taken by officers to review the documentation to take account of legislative amendments, external guidance requirements, structural changes and to reflect and/or streamline working practices.

At its meeting held on 26 September 2018, the Council agreed that the Standards and Procedures Advisory Forum (SPAF) should also be involved in the mid-term review process. All political/independent groups had been invited to submit comments on the Council's procedural documents and, as a means of comparison, information had been gathered from 8 other local authorities. There had been 5 meetings of the SPAF since the commencement of the review in early 2019.

Proposed amendments to the Financial Regulations, Scheme of Delegation and Standing Orders on Contracts were submitted to and endorsed by the SPAF and a summary of proposed changes was provided in appendices 1, 2 and 3 respectively to the report.

The SPAF had endorsed a revised Terms of Reference for Area Committees, attached as Appendix 4 to the report, which included:-

- ◆ scrutiny at a local level, in relation to participatory budgeting and health and social care
- ◆ an overview of the impact of the Community Empowerment Act
- ◆ provision for items of local relevance to be added to the agenda more easily than at present
- ◆ remittance of items of significant investment/new policy to the appropriate Area Committee in the first instance prior to referral to the Resource/Executive Committee

In relation to the budget process, at the SPAF meeting of 9 December 2019, there was broad agreement for changes. The Executive Director (Finance and Corporate Resources) and Head of Administration and Legal Services had been asked to consider the practices adopted by Glasgow City, Fife and Stirling Councils during their budget setting process.

It was noted that, for those 3 councils, the authority and final approval of the package of annual savings sat with the full Council and it was, therefore, proposed that the Terms of Reference for both the Executive Committee and South Lanarkshire Council be amended to make a similar provision. Revised Terms of Reference for both were attached as appendices to the report. The Head of Administration and Legal Services advised of a typographical error in that the numbering of the appendices had been transposed.

It was further proposed that, as part of the budget process, a standard template be adopted for completion by the political/independent Groups, with the assistance of Finance Officers, if required, should Groups wish to put forward alternative budget proposals for consideration by the Council at the budget setting meeting. The completed templates would be circulated to all councillors in advance of the Council meeting. This would be complemented with a further proposal that the Council adopt specific standing orders in respect of budget motions and amendments which would allow for all budget proposals to be published and circulated in advance of the Council meeting, thereby increasing openness and transparency. Details of the draft Standing Orders were provided at paragraph 6.1.1. of the report. In addition, it was proposed that an additional clause be added to existing Standing Order No 49 as outlined at paragraph 6.1.2. of the report.

Further proposals to amend existing Standing Orders No 26 and 44(b) were detailed in the report.

Councillor Ross, seconded by Councillor Craig, moved the recommendations in the report. In moving the recommendations, Councillor Ross referred to the lengthy process of the SPAF meeting over the past year to consider comments submitted by all the Groups, with the exception of the Independent Group which had chosen not to submit comments. He concluded by stating that concessions had been made from all Groups to reach recommendations, which had broad agreement, to enable more openness and transparency.

In response to a member's question, the Head of Administration and Legal Services clarified the interpretation of paragraph 1.6 of the proposed revised Terms of Reference of Area Committees.

The Council accepted the revisions to the Financial Regulations, Scheme of Delegation and Standing Orders on Contracts as well as the revised Terms of Reference for the Area Committees and Executive Committee.

Following a full and frank discussion, Councillor Brown, seconded by Councillor McGeever, moved the following amendment:-

"That the Council approves the recommendations listed in the paper and, in addition, agrees:-

1. to amend Standing Order No 34 (The committee's powers and duties) by adding—

'd. Reports by the Care Inspectorate, HMIE and other regulatory bodies shall be reported to the first appropriate committee for consideration.'
2. to establish a procedure for an interactive Question Time at each Council meeting to replace Standing Order No 18; and
3. to consider further whether the increase in business to be discussed at full Council makes it desirable to increase the frequency of Council meetings."

Councillor Fagan, seconded by Councillor Convery, moved as an amendment that paragraphs 6.1.1. and 6.1.2. of the report be removed as he considered that the proposed changes to the budget process did not have the support of all Groups.

Following a point made by Councillor Cooper that, while her Group had been invited to attend the SPAF and submit comments, it had not been given official status in terms of membership, the Head of Administration and Legal Services explained the reasons for that in terms of Standing Order No 17, the 6-month rule, and how steps had been taken, as soon as was practicably possible, to rectify the situation.

Councillor Allison indicated that he had concerns in relation to Section 6 of the report. While he welcomed the concept of a standard template, he considered that his Group could not support the proposed additional Standing Orders in relation to the budget process due to the tight timescales outlined and the fact that amendments would be submitted in advance of hearing the full debate at Council. He intimated that, if re-worded, it would also negate the need for an additional clause to Standing Order No 49, as detailed at paragraph 6.1.2. of the report. In response to his comment that he considered it should be councillors and not officers who should deem amendments competent, the Chief Executive clarified that officers would not have a veto, however, the Executive Director (Finance and Corporate Resources), as the Section 95 Officer, could comment, based on his professional opinion, on whether he considered proposals were competent in terms of achieving a balanced budget.

Councillor Allison, seconded by Councillor Nelson, then moved an amendment that consideration of the proposals detailed in paragraphs 6.1.1. and 6.1.2. of the report be deferred to allow further discussion with the political/independent groups.

Having heard Councillor Allison's amendment, Councillors Fagan and Convery agreed to withdraw theirs.

On a vote being taken by a show of hands between the second amendment (moved by Councillor Allison and seconded by Councillor Nelson) and the first amendment (moved by Councillor Brown and seconded by Councillor McGeever), 58 members voted for the second amendment and 3 for the first amendment. The second amendment was declared carried and placed against the motion. On a vote being taken by a show of hands, 37 members voted for the amendment and 24 for the motion. The amendment was declared carried.

The Council unanimously accepted the revision to the Terms of Reference for the Council, as detailed in Appendix 5, and the amendments to existing Standing Order Nos 44(b) and 26, as detailed at paragraphs 6.2.1. and 6.2.2. respectively of the report.

The Council decided:

- (1) that the revisions to the Financial Regulations, as detailed in Appendix 1 to the report, be approved;
- (2) that the revisions to the Scheme of Delegation, as detailed in Appendix 2 to the report, be approved;
- (3) that the revisions to the Standing Orders on Contracts, as detailed in Appendix 3 to the report, be approved;
- (4) that the revised Terms of Reference for Area Committees, as detailed in Appendix 4 to the report, be approved;
- (5) that the revised Terms of Reference for the Executive Committee, as detailed in Appendix 6 to the report, be approved;
- (6) that the revised Terms of Reference for South Lanarkshire Council, as detailed in Appendix 5 to the report, be approved;
- (7) that consideration of the proposals detailed in paragraphs 6.1.1. and 6.1.2. of the report be deferred to allow further discussion with the political/independent groups;
- (8) that amendments to existing Standing Order Nos 44(b) and 26, as detailed at paragraphs 6.2.1. and 6.2.2. respectively of the report, be approved; and

- (9) that arrangements be made for the revised procedural documentation to be made available on the Council's website.

[Reference: Minutes of 26 September 2018 (Paragraph 5)]

In terms of Standing Order No 13, the Provost adjourned the meeting during this item of business at 11.13am and reconvened at 11.25am

Councillors Watson and Stevenson entered the meeting during this item of business but prior to the commencement of the votes

3 Urgent Business

There were no items of urgent business.