

SOUTH LANARKSHIRE COUNCIL

Minutes of the meeting held via Confero and in the Council Chamber on 31 January 2024

Chair:

Provost Margaret Cooper

Councillors Present:

Councillor Alex Allison, Councillor John Anderson, Councillor Ralph Barker, Councillor John Bradley, Councillor Walter Brogan, Councillor Robert Brown, Councillor Archie Buchanan, Councillor Mathew Buchanan, Councillor Janine Calikes, Councillor Andy Carmichael, Councillor Maureen Chalmers, Councillor Ross Clark, Councillor Gerry Convery, Councillor Poppy Corbett, Councillor Andrea Cowan, Councillor Margaret Cowie, Councillor Maureen Devlin, Councillor Colin Dewar, Councillor Mary Donnelly, Councillor Joe Fagan, Councillor Allan Falconer, Councillor Grant Ferguson, Councillor Gladys Ferguson-Miller, Councillor Elise Frame, Councillor Alistair Fulton, Councillor Ross Gowland, Councillor Geri Gray, Councillor Lynsey Hamilton, Councillor Celine Handibode, Councillor Graeme Horne, Councillor Mark Horsham, Councillor Martin Hose, Councillor Cal Johnston-Dempsey, Councillor Gavin Keatt, Councillor Susan Kerr, Councillor Ross Lambie, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Eileen Logan, Councillor Katy Loudon, Councillor Hugh Macdonald, Councillor Julia Marrs, Councillor Ian McAllan, Councillor Catherine McClymont, Councillor Kenny McCreary, Councillor Lesley McDonald, Councillor Elaine McDougall, Councillor Mark McGeever, Councillor Davie McLachlan, Councillor Carol Nugent, Councillor Norman Rae, Councillor Kirsten Robb, Councillor John Ross, Councillor Graham Scott, Councillor David Shearer, Councillor Bert Thomson (Depute), Councillor Helen Toner, Councillor David Watson, Councillor Kirsty Williams

Councillors' Apologies:

Councillor Monique McAdams, Councillor Richard Nelson, Councillor Mo Razzaq, Councillor Margaret B Walker

Chief Executive's Service

P Manning, Chief Executive

Community and Enterprise Resources

D Booth, Executive Director

Education Resources

C McKenzie, Executive Director

Finance and Corporate Resources

N Docherty, Administration Assistant; G McCann, Head of Administration and Legal Services; S Somerville, Administration Manager; J Taylor, Head of Finance (Strategy)

Housing and Technical Resources

S Gibson, Executive Director

Social Work Resources/Health and Social Care

L Purdie, Head of Children and Justice Services

Order of Business

The Committee decided:

that the items of business be dealt with in the order minuted below.

1 Declaration of Interests

The following interests were declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Cooper	◆ Touch a Life, Make a Difference Initiative ◆ Recommendation Referred by Executive Committee – Reduction in Number of Specialist Palliative Care Beds at Kilbryde Hospice	Member of the Board of Trustees of Kilbryde Hospice Board
Logan	Recommendation Referred by Executive Committee – Reduction in Number of Specialist Palliative Care Beds at Kilbryde Hospice	Member of NHS Board

2 Minutes of Previous Meeting

The minutes of the meeting of South Lanarkshire Council held on 1 November 2023 were submitted for approval as a correct record.

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

3 Minutes of Risk and Audit Scrutiny Committee

The minutes of the meeting of the Risk and Audit Scrutiny Committee held on 22 August 2023 were submitted for noting.

The Council decided: that the minutes be noted.

4 The Armed Forces Community Covenant Duty

A report dated 19 January 2024 by the Chief Executive was submitted advising of the Armed Forces Community Covenant Duty, a legal duty introduced by the Armed Forces Act 2021, which came into effect on 22 November 2022.

On 5 March 2012, the Council, together with a range of other partners from NHS, the military, the voluntary and charity sectors, signed up to the terms of an Armed Forces Community Covenant for South Lanarkshire.

The specific aims of the Armed Forces Community Covenant were to:-

- ◆ encourage local communities to support the armed forces community in their areas
- ◆ nurture public understanding and awareness amongst the public of issues affecting the armed forces community
- ◆ recognise and remember the sacrifices faced by the armed forces community
- ◆ encourage activities which helped to integrate the armed forces community into local life
- ◆ encourage the armed forces community to help and support the wider community, whether through participation in events and joint projects, or other forms of engagement

In order to take the principles of the original Covenant forward, a local group was set up under the co-ordination of the army, entitled Lanarkshire Firm Base, which aimed to bring a range of organisations, including North and South Lanarkshire Councils, the NHS, the military, voluntary sector groups, appropriate charitable organisations and other community planning partners to work together to improve services and support to local veterans and their families by progressing the terms of the Covenant.

In 2018, the Armed Forces Community Covenant was updated and Lanarkshire Firm Base relaunched. To underline and raise awareness of the Covenant, the Council recommitted to it by signing an updated version of the Covenant at the Council's Armed Forces Day Flag Raising Event on 23 June 2018.

The Armed Forces Act 2021 further enshrined the Covenant into law and it was intended to help prevent service personnel and veterans being disadvantaged when accessing public services. It meant that decisions about the development and delivery of certain services must be made with conscious consideration of the needs of the Armed Forces community, details of which were outlined in Section 4 of the report.

An update on the Council's progress in each of the Service areas outlined, as well as on employment of veterans, was included in the annual report attached as Appendix 1 to the report.

A role profile for Local Government Armed Forces Champions, attached as Appendix 2 to the report, had been drafted to reflect the terms of the legislation, associated guidance and accompanying toolkit.

The Lanarkshire Firm Base Group had been renamed as the Lanarkshire Armed Forces Community and Veterans Covenant Group and its Terms of Reference had been updated to reflect the terms of the Act and associated guidance.

Councillor Horsham, as the Council's Armed Forces and Veterans Champion, welcomed the report and thanked colleagues and organisations for their input in working towards the aims and objectives of the Covenant. He advised that the membership of the Lanarkshire Armed Forces Community and Veterans Covenant Group was growing and the plan over the coming year was to focus on employment and develop a website and booklet.

Councillors Cowan, Fagan, Allison and Brown, in turn, were heard in support of the work undertaken and, in particular, to the role played by Councillor Horsham as the Council's Armed Forces and Veterans Champion.

The Provost also paid tribute to the late Councillor Jim Handibode, who was the Council's first Veterans Champion and well-known in the Armed Forces community. She considered he would have been proud of how Councillor Horsham had progressed the aims and objectives of the Covenant.

The Council decided:

- (1) that the Armed Forces Community Covenant Duty be noted;
- (2) that it be noted that the Lanarkshire Firm Base Group had been renamed as Lanarkshire Armed Forces Community and Veterans Covenant Group;
- (3) that the content of the South Lanarkshire Armed Forces Community Covenant Duty Report 2023, attached as Appendix 1 to the report, be noted; and

- (4) that the updated Armed Forces and Veterans Champion role profile, attached as Appendix 2 to the report, be approved.

[Reference: Minutes of 26 June 2019 (Paragraph 5)]

Following this item, the Provost advised that she had received a request for an Item of Urgent Business and would deal with it at this point in the meeting

5 Request in Terms of Standing Order No 4(c) for an Item of Urgent Business

Following Councillor Cowan's request for an urgent motion relating to the issues in Palestine and Israel, the Provost advised that, while it made some points that many would agree with, at the last Council meeting, a minute's silence had been observed to show sympathy for the suffering in that conflict. She further advised that the position remained the same as before when Councillor Cowan proposed a similar emergency motion at the last Council meeting. She considered that the resolution of international conflict was not a matter for political debate in this chamber and there was plenty of business to be dealt with on behalf of the constituents of South Lanarkshire. She considered that elected members could write to their own political party leaders to express their own opinions in this regard. She ruled, therefore, that she was not going to allow the emergency motion or open up a political debate as she considered it was more appropriate for a higher level of government.

Councillor Cowan expressed her disappointment that the motion would not be heard following on from the International Court of Justice's ruling.

The Provost advised that she did not consider there was a need for this motion to be brought forward as urgent business as there had been ample opportunity to submit it in the normal manner since the last Council meeting.

The Provost responded to a point from Councillor Brown to confirm that motions in relation to international matters could be considered and had been brought forward in the past, however, the premise would be that the content of motions should have a direct influence on how the Council operated in South Lanarkshire for the benefit of its people. She considered that, prior to bringing forward a motion, elected members might wish to consider the most appropriate tier of government for it to be debated at a political level.

The Head of Administration and Legal Services having clarified the terms of Standing Order Nos 4(c) and 20, the Provost ruled that any further questions on Standing Orders on Procedures could be addressed directly to G McCann's office after the meeting.

The Council decided: to note the position.

6 Composition of the Council and Membership Places

A report dated 8 January 2024 by the Chief Executive was submitted advising of the revised political composition of the Council and proposed changes to memberships.

Following the resignation of Councillor Horsham from the SNP Group, the political composition of the Council had changed and the allocation of committee and forum places required to be considered.

While there was no statutory requirement, the Council endeavoured to reflect the overall political balance in the membership of its committees, forums, Joint Boards and Outside Bodies insofar as was reasonably practicable.

The political composition of Resource Committees, Planning Committee, Risk and Audit Scrutiny Committee, Recruitment Committee and Planning Local Review Body remained unchanged, as did most of the Forum memberships. It was, therefore, proposed that those places previously filled by Councillor Horsham be allocated to the SNP Group.

There was now an equality in percentage entitlement for both the Labour and SNP Groups which did not equate to a full number and required to be rounded up or down in terms of appointments to:-

- ◆ Executive Committee
- ◆ Climate Change and Sustainability Committee
- ◆ Licensing Committee
- ◆ Petitions Committee
- ◆ Equal Opportunities Forum
- ◆ Standards and Procedures Advisory Forum

In the past, it had been custom and practice to grant any unfilled spaces on committees, forums or boards to the Ruling Group. However, there had never been a situation where the 2 largest Groups had an equality of numbers/percentage entitlement.

Following discussion, Councillor Fagan, seconded by Councillor Convery, moved that the remaining vacant places be allocated to the Labour Group which would continue to engage with smaller groups and the independent member in terms of filling those places.

Councillor Ross, seconded by Councillor Shearer, moved as an amendment that the item be deferred and remitted to the Standards and Procedures Advisory Forum for clarity going forward. Meanwhile, the Business Managers of the Labour and SNP Groups to decide on the allocation of vacant places without precluding those who did not have a place at the present time.

Councillor Allison, seconded by Councillor Hose, moved as a further amendment that the Labour Group, as part of the Ruling Administration, be given the places subject to taking into consideration Councillor Horsham's position.

Having heard Councillor Fagan's clarification that it had always been the case that there was engagement with the smaller groups and the independent member and his assurance that this would continue, Councillor Allison, with the agreement of Councillor Hose, withdrew his amendment.

The Head of Administration and Legal Services clarified that a decision could be taken today by a simple majority. If members wished to consider a change in Standing Orders on Procedures, then the opportunity would be given as part of the mid-term review of procedural documentation which was scheduled to take place in 2024/2025, during which the Standards and Procedures Advisory Forum would meet to consider matters.

Prior to the vote, the Provost responded to Points of Order by Councillor Clark in terms of clarifying her powers and duties as Chair.

On a vote being taken using the electronic voting system, 31 members voted for the motion, 26 for the amendment and 2 abstained. The motion was declared carried.

The Council decided:

- (1) that the current political composition of the Council, as detailed in Appendix 1, be noted;
- (2) that Councillor Marrs replace Councillor Horsham on the Education Resources Committee, with Councillor Horne filling the resulting place as a substitute member;

- (3) that Councillor Marrs replace Councillor Horsham on the Education Appeals Committee;
- (4) that Councillor Anderson replace Councillor Horsham on the Social Work Resources Committee, with Councillor Dewar filling the resulting place as a substitute member;
- (5) that Councillor Horne replace Councillor Horsham and Councillor Donnelly replace Councillor Ferguson-Miller on the Planning Committee, with Councillor Ferguson-Miller becoming a substitute member;
- (6) that Councillor Shearer replace Councillor Horsham on the Planning Local Review Body;
- (7) that Councillor Ferguson-Miller replace Councillor Horsham as a substitute member on the Licensing Committee;
- (8) that Councillor Clark replace Councillor Horsham as a substitute member on the Rural Task Force;
- (9) that Councillor McDougall replace Councillor Horsham as a Trustee on both the South Lanarkshire Charitable Trust and the South Lanarkshire Educational Trust;
- (10) that Councillor Marrs replace Councillor Horsham on the South Lanarkshire Cycling Partnership;
- (11) that Councillor Shearer replace Councillor Horsham as a substitute member on the Standards and Procedures Advisory Forum;
- (12) that Councillor Ross replace Councillor Horsham on the Strathclyde Partnership for Transport Board;
- (13) that the remaining vacant place on the following committees and forums be allocated to the Labour Group which would continue to engage with smaller groups and the independent member in terms of filling those places:-
 - ◆ Executive Committee
 - ◆ Climate Change and Sustainability Committee
 - ◆ Licensing Committee
 - ◆ Petitions Committee
 - ◆ Equal Opportunities Forum
 - ◆ Standards and Procedures Advisory Forum
- (14) that authority be delegated to the Chief Executive, in consultation with the Leaders of the relevant political groups, to finalise memberships of those bodies listed in Recommendation (13), or any other outstanding places, on the basis approved by the Council.

In terms of Standing Order No 14, the Provost adjourned the meeting during this item of business at 11.01am. The meeting reconvened at 11.10am

Councillor Lennon joined the meeting during this item of business

6 Notice of Motion – South Lanarkshire’s Nature Emergency

In terms of Standing Order No 20, a motion proposed by Councillor Robb, seconded by Councillor Clark, was submitted as follows:-

“Council:-

- 1) Notes the body of evidence which outlines the alarming extent of the global nature and biodiversity crisis due to species extinction, climate breakdown, habitat loss, pesticide use, pollution, invasive species and soil degradation.
- 2) Recognises the inherent value of nature as an integral part of culture and society, as well as its crucial importance for our health, wellbeing, and economy.
- 3) Acknowledges the key role nature will play in meeting climate targets, and for climate adaptation and resilience.

Further, Council:-

- 4) Welcomes the Edinburgh Declaration, signed by South Lanarkshire Council, which recognised local authorities’ important role in delivering biodiversity and notes there will be forthcoming statutory targets for public bodies to halt biodiversity loss by 2030 and restore it by 2045.
- 5) Acknowledges the progress made in South Lanarkshire, with the designation and expansion of nature reserves and award of Nature Restoration Fund of £1million to date.
- 6) Recognises the role that the public have played and must play in the future to meet biodiversity targets and notes the important role of the council’s Countryside and Greenspace team who between 2011 and 2022 facilitated around £2m worth of environmental volunteering.
- 7) Notes the results of the 2022 Grounds Participatory Budgeting exercise where the majority of respondents said they would like to see more areas developed for wildflowers and pollinators.
- 8) Congratulates young people in Holy Cross and Carluke High Schools for their work on the Scottish Curriculum and Qualification Framework accredited Forestry and Outdoor Learning Award (FOLA), preparing them for green economy jobs and enhancing their employability skills.

Therefore, Council agrees:-

- 9) To declare a Nature Emergency recognising the current state of nature, its value to society and the crucial role its recovery and restoration will play in ameliorating climate breakdown.

Further, Council requests reports to appropriate committees to:-

- 10) Ensure Council strategies, Resource plans and initiatives align with the Scottish Biodiversity Strategy and address any changes, data and capacity required to develop and monitor action.
- 11) Adopt a partnership approach at a landscape scale, maximising opportunities for biodiversity improvement and external funding, and propose and support the link between the South Lanarkshire Biodiversity Partnership and the South Lanarkshire Community Planning Partnership being reinstated.

- 12) Highlight council action which would improve biodiversity, such as: ceasing the use of peat and plastic grass in landscaping, reducing glyphosate use, planting only pollinator friendly species and incorporating nest boxes and minimising light pollution in the Residential Design Guide.
- 13) Ensure the current and future workforce understands the importance of biodiversity, how it impacts their role and how nature-connected organisations improve staff wellbeing. This would also determine additional skills or knowledge needed by the workforce, offer biodiversity training to all elected members, and promote and support FOLA in more schools.
- 14) Build on existing corporate communications highlighting changes that will be put in place to improve biodiversity, why they are happening and what benefits they will bring.”

In moving her motion, Councillor Robb stated that she wished to raise awareness of the nature emergency and, more importantly, to support more local action on it at the scale and pace the emergency demanded. She referred to the statistics and the anxiety felt by young people, which highlighted that nature urgently required to be protected and restored. In seconding the motion, Councillor Clark considered that transformative action was needed to combat biodiversity loss and environmental degradation.

Councillor McGeever and Councillor Allison were heard in support of the motion but highlighted the requirement for the Council to have appropriate funding and resources to continue its good work in this area.

The Council decided:

that the terms of the motion be agreed and the Council declare a nature emergency, recognising the current state of nature, its value to society and the crucial role its recovery and restoration would play in ameliorating climate breakdown and, through reports to appropriate committees, would:-

- ◆ ensure Council strategies, Resource plans and initiatives aligned with the Scottish Biodiversity Strategy and addressed any changes, data and capacity required to develop and monitor action
- ◆ adopt a partnership approach at a landscape scale, maximising opportunities for biodiversity improvement and external funding, and proposed and supported the link between the South Lanarkshire Biodiversity Partnership and the South Lanarkshire Community Planning Partnership being reinstated
- ◆ highlight Council action which would improve biodiversity, such as ceasing the use of peat and plastic grass in landscaping, reducing glyphosate use, planting only pollinator friendly species and incorporating nest boxes and minimising light pollution in the Residential Design Guide
- ◆ ensure the current and future workforce understood the importance of biodiversity, how it impacted their role and how nature-connected organisations improved staff wellbeing. This would also determine additional skills or knowledge needed by the workforce, offer biodiversity training to all elected members, and promote and support FOLA in more schools

- ♦ build on existing corporate communication highlighting changes that would be put in place to improve biodiversity, why they were happening and what benefits they would bring

Councillor Lennon left the meeting during this item of business

7 Touch a Life, Make a Difference Initiative

A report dated 17 January 2024 by the Chief Executive was submitted proposing the launch of a “Touch a Life, Make a Difference” initiative within South Lanarkshire.

The Provost had suggested that a new approach be taken within the Council to encourage local businesses, groups, organisations and schoolchildren to fundraise for local good causes which would benefit people within their communities or within the wider South Lanarkshire Council area and the “Touch a Life, Make a Difference” initiative was developed to facilitate this. Each year, one beneficiary would be recommended as the recipient of fundraising activities, although individuals, groups etc would be free to choose their own good cause. Kilbryde Hospice had been suggested as the beneficiary in 2024.

It was proposed that a South Lanarkshire Council Roll of Honour for Local Fundraising and Provost Charitable Award be established to recognise the hard work of local fundraisers. Ward councillors would be invited to submit names of individuals, groups etc for inclusion in the Roll of Honour and to be recipients of the Provost Charitable Award. To honour those included in the Roll of Honour, it was proposed that a civic reception be held at the end of the calendar year.

The Head of Administration and Legal Services responded to members’ questions on various aspects of the report.

Following discussion, Councillor Fagan, seconded by Councillor Convery, moved the recommendations in the report. Councillor Ross, seconded by Councillor Johnston-Dempsey, moved as an amendment that it be deferred for further background information and remitted for consideration at a future date.

On a vote being taken using the electronic voting system, 32 members voted for the motion and 26 for the amendment. The motion was declared carried.

The Council decided:

- (1) that the launch of the “Touch a Life, Make a Difference” initiative to encourage local organisations, community groups, local people and schoolchildren to raise money for good causes within their own and the wider South Lanarkshire area for the benefit of people be approved;
- (2) that it be approved that Kilbryde Hospice be promoted as the beneficiary of fundraising initiatives in 2024; and
- (3) that a Provost Charitable Award and South Lanarkshire Council Roll of Honour for Local Fundraising be established to honour local fundraisers.

Councillor Keatt joined the meeting during this item of business

The Provost, having declared an interest in the above item and following item, left the meeting during their consideration. The Depute Provost took the Chair for those items only

8 Recommendation Referred by Executive Committee – Reduction in Number of Specialist Palliative Care Beds at Kilbryde Hospice

A report dated 17 January 2024 by the Chief Executive was submitted on the recommendation which had been referred to the Council by the Executive Committee of 22 November 2023 in relation to the reduction in the number of specialist palliative care beds at Kilbryde Hospice.

Following on from the Executive Committee, a response had been received to the Chief Executive's letter from the Minister for Public Health and Women's Health, as outlined in paragraph 4.1 of the report. A members' briefing session, led by NHS Lanarkshire, on End of Life Care and Support had been held on Friday 19 January 2024.

The recommendation from the Executive Committee of 22 November 2023 was that the update in relation to Kilbryde Hospice be noted.

The Council decided: that the recommendation of the Executive Committee of 22 November 2023 in relation to Kilbryde Hospice be noted.

[Reference: Minutes of the Executive Committee of 22 November 2023 (Paragraph 5)]

Councillor Logan, having declared an interest in the above item, withdrew from the meeting during its consideration

9 External Auditor's Annual Report to South Lanarkshire Council

A report dated 12 January 2024 by the Chief Executive was submitted on the External Auditor's, Audit Scotland, Annual Report to the Council for 2022/2023.

In response to Councillor Kerr's question in terms of members' training and development, as outlined within the Action Plan attached to the Auditor's report, the Chief Executive advised that it was proposed that Personnel Services undertake a Training Needs Analysis with elected members in February 2024 to get feedback to help inform the 2024/2025 members' training plan. This would include a range of levels of training to suit members, including finance, with the involvement of the Chartered Institute of Public Finance and Accountancy (CIPFA).

The Council decided: that the External Auditor's Annual Report 2022/2023 to the Council be noted.

[Reference: Minutes of the Risk and Audit Scrutiny Committee of 31 October 2023 (Paragraph 4a)]

Provost's Closing Remarks

The Provost advised that at future Council meetings she intended to stick rigidly to the time limits set out in Standing Orders on Procedures in order to expedite business. At the Provost's invite, the Head of Administration and Legal Services reminded members of the contents of Standing Order No 16, in terms of the length of speeches, and Standing Order No 12 which set out the powers and duties of the Provost.

The Head of Administration and Legal Services responded to a member's question to clarify the Provost's powers and duties.