

SOUTH LANARKSHIRE COUNCIL

Minutes of meeting held in the Council Chamber, Council Offices, Almada Street, Hamilton on 19 December 2018

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 Stephanie Callaghan, 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 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 Lynne Nailon, 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 Sheena Wardhaugh, Councillor Jared Wark, Councillor David Watson, Councillor Josh Wilson

Councillor's Apology:

Councillor Monique McAdams

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, Health and Social Care

1 Declaration of Interests

The following interest was declared:-

Councillor(s)

Stevenson

Item(s)

Notice of Motion – Investment by Local Government Pension Funds

Nature of Interest(s)

Chair of the Strathclyde Pension Board

2 Minutes of Previous Meeting

The minutes of the meeting of the South Lanarkshire Council held on 26 September 2018 were submitted for approval as a correct record.

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

3 Minutes of the Risk and Audit Scrutiny Committee

The minutes of the meeting of the Risk and Audit Scrutiny Committee held on 18 September 2018 were submitted for noting.

The Council decided: that the minutes be noted.

4 Modern Day Slavery Charter

A report dated 21 November 2018 by the Executive Director (Finance and Corporate Resources) was submitted on the proposed adoption of a Modern Day Slavery Charter.

The Modern Slavery Act 2015 required commercial organisations with a turnover greater than £36 million to develop a slavery and human trafficking statement each year. This would apply to companies which contracted with the Council. The statement, to be published on the organisation's website, must set out what steps had been taken during the financial year to ensure that modern slavery was not occurring in both the organisation and its supply chain. If an organisation failed to produce a slavery and human trafficking statement for a particular financial year, the Secretary of State might seek an injunction to ensure compliance.

Currently, the Council took a number of steps to limit the potential for human exploitation in the supply chain and to improve the employment conditions for those employed by suppliers. A Modern Slavery Act Declaration was included in all tenders which required contractors to produce an annual slavery and trafficking statement and to acknowledge that the Council would be entitled to terminate the contract and to recover the amount of any associated loss resulting from such termination if the company failed to comply with the requirements of the Act. In addition, the Council's terms and conditions of contract placed a statutory obligation on contractors to comply with the standards and all applicable law in performing its obligations under the contract.

The Co-operative Party had launched a Modern Day Slavery Charter and was seeking to roll it out across all UK councils. It was proposed that the Council adopt its own Charter, as outlined in paragraph 5.2 of the report. Details of how the commitments of the Charter would be implemented were provided in Appendix 1 to the report.

In response to a comment from Councillor Lennon in terms of the wording of the Charter and how the Council could, perhaps, be more robust, the Executive Director (Finance and Corporate Resources) highlighted that, while the Council fully supported the objectives of the Charter, there was a requirement for a reasoned approach to ensure compliance with procurement legislation.

Councillor McGuigan intimated that he hoped that the Charter would help to address the issue of forced marriages as human trafficking often involved females.

The Council decided:

- (1)** that adoption of the Modern Day Slavery Charter, as detailed in paragraph 5.2 of the report, be approved; and

- (2) that the approach to be taken by the Council in relation to the Charter, as detailed in Appendix 1 to the report, be noted.

5 Amendments to Memberships of Committees, Forums and Joint Boards/Outside Bodies

A report dated 26 November 2018 by the Executive Director (Finance and Corporate Resources) was submitted on proposed amendments to the elected member representation on committees, forums and joint boards/outside bodies following a change in the political composition of the Council.

Prior to considering the report, the Head of Administration and Legal Services advised that there was a typographical error in relation to membership of the Lanarkshire Valuation Joint Board and that there would be no change to the Council's political representation on the Board.

While there was no statutory requirement placed on the Council in terms of membership places, the Council endeavoured to reflect the overall political balance in the membership of its committees, forums and outside bodies insofar as was reasonably practicable. As a consequence of a change in the political composition of the Council, it was proposed that the composition of committees be as detailed in Appendix 2 to the report. In respect of joint boards and partnership/outside bodies, it was proposed that changes to certain memberships be as detailed in Appendix 4 to the report.

The Council decided:

- (1) that, to reflect the current political composition of the Council:-
- ◆ amendments to the committee memberships, as detailed in Appendix 2, be approved
 - ◆ amendments to the membership of certain joint boards/outside bodies, as detailed in Appendix 4, be approved; and
- (2) that authority be delegated to the Chief Executive, in consultation with the Leaders of the political/independent groups and independent member, to finalise memberships.

6 Notice of Motion – Enhanced Support for Veterans

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

“On the occasion of its first meeting since the centenary of the 1918 armistice, South Lanarkshire Council notes:-

- ◆ That while most veterans successfully transition from military service to civilian life, doing so has historically been a challenge and remains a source of considerable difficulties for many;
- ◆ That working age veterans have been found to be up to twice as likely to be unemployed as their non-veteran contemporaries;
- ◆ That differences between civilian and military qualifications, career structures, application processes, and experiences can disadvantage veterans seeking employment; and

- ♦ That where skilled and experienced veterans are deterred or disadvantaged by civilian application processes, employers can miss out on candidates who would excel at interview.

Therefore, in accordance with its sincere commitment to military families and the Armed Forces Covenant, its desire to provide enhanced support to those returning to civilian life in South Lanarkshire, seeking to ensure it does not lose out on people who would be valuable members of staff, and as a fitting addition to the area's commemorations of the First World War, this Council:-

- 1) Resolves to create a guaranteed interview scheme for ex-armed forces personnel who apply for vacancies with the authority and meet the essential criteria for the post.
- 2) Instructs the chief executive to consult Lanarkshire Firm Base Group, the Career Transition Partnership, and other appropriate external organisations, regarding how such a scheme could provide greatest benefit; and
- 3) Requires that a report detailing options available for the implementation and operation of such a scheme be presented to the full Council at its meeting in March 2019, for members to select from and approve."

In moving the motion, Councillor McGeever referred to the fact that Remembrance events united all political groups and emphasised the Council's commitment to make a difference to the lives of ex-armed forces personnel who were returning to civilian life but faced difficulties in securing employment. Councillor Nailon seconded the motion.

Councillor Horsham, as the Council's Spokesperson for Veterans, intimated that he welcomed the motion and stated how the Council had shown its continued commitment to supporting armed forces personnel by re-signing the original Armed Forces Covenant put in place a number of years ago. He acknowledged the contribution made by former councillor, the late Jim Handibode, who had ensured, as Spokesperson for Veterans at that time, that the Council acted in compliance with the original Covenant. He referred to the main barriers faced by ex-armed forces personnel and highlighted the qualities they could bring to the workplace. Councillor Thomson, as Labour Group spokesperson for veterans, also indicated his support for the motion.

Councillor Brown, while welcoming the motion, suggested the following wording be added as an addendum:-

"The Council further notes the high incidence of post traumatic stress disorder and other mental health issues suffered by ex-service personnel and welcomes the work of Veterans First Point in Lanarkshire, a service developed by veterans for veterans, to provide practical and mental health support in the community by veterans' peer support staff working with a small psychology team."

Councillor McGeever and Councillor Nailon agreed to the addendum subject to the word 'some' being added prior to 'ex-service personnel'. This was unanimously accepted by the Council. In concluding, Councillor McGeever acknowledged the work of Councillor Horsham in his role as Spokesperson for Veterans.

The Council decided:

- (1) that a guaranteed interview scheme be introduced for ex-armed forces personnel who applied for vacancies with the Council and met the essential criteria for the post;

- (2) that the Chief Executive consult with Lanarkshire Firm Base Group, the Career Transition Partnership, and other appropriate external organisations, regarding how such a scheme could provide greatest benefit;
- (3) that a report, detailing options available for the implementation and operation of such a scheme, be presented to the full Council at its meeting in March 2019 for members' consideration; and
- (4) to note the high incidence of post traumatic stress disorder and other mental health issues suffered by some ex-service personnel and welcome the work of Veterans First Point in Lanarkshire, a service developed by veterans for veterans, to provide practical and mental health support in the community by veterans' peer support staff working with a small psychology team.

7 Notice of Motion – Suspension of Testing Primary 1 Pupils

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

“South Lanarkshire Council acknowledges the Scottish Parliament’s vote of 19 September to call on the Scottish Government to halt testing of children in their first year of primary school. Council notes that the parliamentary motion was informed by feedback from parents, children and the EIS teaching union in support of more play based learning.

While recognising that good-quality assessment is essential to raising educational standards, this Council understands the high levels of concern raised by teachers, other education professionals, parents and elected representatives regarding the introduction and delivery of new testing arrangements for primary one pupils. Council believes that formal standardised testing is essential in primary four and primary seven but cannot deliver the same meaningful results in primary one, and so should not be conducted at that stage.

Therefore, the chief executive is instructed to ascertain the options available to South Lanarkshire Council as an education authority, in relation to suspension of testing of primary one pupils, and to provide a report for consideration at the next meeting of the full council.”

In moving the motion, Councillor Nelson outlined his concerns in relation to the impact on teaching time and referred to research in terms of play based learning and to the fact that, in Finland, children did not start school until 7 years of age. Councillor Hose seconded the motion.

Councillor Cooper advised that the use of the word ‘testing’ was unfortunate as primary one assessments had always been the standard to which education authorities operated in order to establish a baseline. She further advised that there was no pass mark for the assessment and that there was no set timescale for delivery, the decision being at the discretion of the teacher within the primary one year. She considered the process acted as an early warning system to identify potential issues, particularly for children from deprived backgrounds.

Councillor Loudon intimated that no-one had raised any concerns with her on the matter in her capacity as Chair of the Education Resources Committee.

In response to a member’s question in relation to the assessments, the Executive Director (Education Resources) advised that no formal issues had been identified.

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

“South Lanarkshire Council acknowledges the Scottish Parliament’s vote of 19 September to call on the Scottish Government to halt assessments of children in their first year of primary school. Council notes that the Scottish Government has, in light of this vote, introduced an independent, evidence-led review, the outcome of which is expected in May 2019. Council therefore awaits the outcome of the review before making any further decision.”

Councillor Hamilton, seconded by Councillor Lennon, moved a further amendment that the following sentence be removed from the original motion:-

“Council believes that formal standardised testing is essential in primary four and primary seven but cannot deliver the same meaningful results in primary one, and so should not be conducted at that stage.”

Following a request from Councillor Fagan, Councillor Nelson agreed to amend his motion to reflect the removal of the sentence as proposed as an amendment by Councillor Hamilton. Councillor Hose concurred with this.

On a vote being taken by a show of hands, 31 members voted for the amendment and 31 for the motion (as amended). On the casting vote of the Provost, the amendment was declared carried.

The Council decided: to await the outcome of the independent, evidence-led review of assessments for children in their first year of primary school, which was anticipated to be concluded by May 2019, prior to making any formal decision on the matter.

Councillor McLachlan left the meeting following this item of business

8 Notice of Motion – Early Learning and Childcare (ELC)

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

“The Independent Group congratulates the Scottish Government on its commitment to Early Years Education (now entitled ELC), and on the expansion of ELC to 1140 hours by 2020 however regrets that it is not as effective as it could be because of “birthday discrimination” by which the date of a child’s birthday affects when that child can access ELC without fees – as is the case according to current South Lanarkshire Council (SLC) policy.

To help in closing the attainment gap and giving our children the best possible start ELC must be accessed as soon as a child is three.

To remove the barrier of “birthday discrimination” the Independent Group:-

- 1 calls on the SNP Administration to negotiate with the Scottish Government to achieve ring-fenced funding to allow children in South Lanarkshire to access ELC as soon as they are three;

- 2 until this negotiation is successful, calls on SLC to facilitate access to ELC as soon as a child is three within the SLC budget, as is the case in other nearby local authorities, and to change the admission policy to reflect this.

Change should take effect at the beginning of the 2019/2020 school session.

Report on progress to be given to the Council meeting in March.”

The Head of Administration and Legal Services advised that Point 1 of the motion was not competent as the Council could not compel a political group to negotiate with the Scottish Government.

Councillor Brown intimated that, as no figures were provided on the costs involved in implementing the terms of the motion, he considered that it would be prudent to delay consideration of the matter until discussions were held as part of the budget process.

The Chief Executive advised that officers had discussed the terms of the motion with the Independent Group in terms of competence. He further advised that the Council was not in a position to make a financial commitment of approximately £2 million as it had only just received, and was currently assessing, its draft settlement, with the final settlement not due to be received until February 2019.

In response to an elected member's request for his opinion on the matter, the Executive Director (Finance and Corporate Resources) reiterated that the Council was not yet in a position to make a financial commitment due to the uncertainty of its final grant settlement.

Councillor Cooper indicated her Group's agreement to amend the motion at Points 1 and 2 to change 'SNP Administration' to 'the Council' and replace 'negotiate/negotiation' with 'lobby/lobbying'.

Councillor Craig, seconded by Councillor Chalmers, moved as an amendment that Point 1 be replaced with the following wording and that Point 2 and the remaining paragraphs be deleted:-

- “1 calls upon the Council to instruct the Chief Executive to review the financial and other implications of the Council changing its admission policy to make funded ELC available from each child's third birthday effective from the beginning of the 2019/2020 school session and to report his findings, including the budgetary requirement, back to Council for consideration by the Council as part of the 2019/2020 budget setting approval process.”

Councillor Allison, seconded by Councillor Le Blond, moved as a further amendment that the Council lobby the Scottish Government in relation to ring-fenced funding to allow children to access ELC at age 3 (from 3rd birthday). If this was not successful, officers to find options on how the Council would fund and facilitate this to allow consideration as part of the 2019/2020 budget process to allow implementation in time for the 2019/2020 school session.

Having heard Councillor Allison's proposed amendment, Councillor Craig agreed to withdraw his own. Councillor Chalmers concurred with this.

On a vote being taken by roll call, members voted as follows:-

Motion – (1) calls on the Council to lobby the Scottish Government to achieve ring-fenced funding to allow children in South Lanarkshire to access ELC as soon as they are three; (2) until this lobbying is successful, calls on SLC to facilitate access to ELC as soon as a child is three within the SLC budget, as is the case in other nearby local authorities, and to change the admission policy to reflect this. Change to take effect at the beginning of the 2019/2020 school session. Report on progress to be given to the Council meeting in March.

Walter Brogan, Jackie Burns, Andy Carmichael, Gerry Convery, Margaret Cooper, Margaret Cowie, Maureen Devlin, Fiona Dryburgh, Joe Fagan, Allan Falconer, George Greenshields, Lynsey Hamilton, Martin Lennon, Eileen Logan, Joe Lowe, Catherine McClymont, Mo Razzaq, Graham Scott, Bert Thomson, Margaret B Walker, Jim Wardhaugh, Sheena Wardhaugh, David Watson

Amendment – calls on the Council to lobby the Scottish Government in relation to ring-fenced funding to allow children to access ELC at age 3 (from 3rd birthday). If this was not successful, officers to find options on how the Council would fund and facilitate this to allow consideration as part of the 2019/2020 budget process to allow implementation in time for the 2019/2020 school session.

Alex Allison, John Anderson, John Bradley, Robert Brown, Archie Buchanan, Janine Calikes, Stephanie Callaghan, Maureen Chalmers, Poppy Corbett, Peter Craig, Mary Donnelly, Isobel Dorman, Alistair Fulton, Geri Gray, Ian Harrow, Eric Holford, Graeme Horne, Mark Horsham, Martin Grant Hose, Ann Le Blond, Richard Lockhart, Katy Loudon, Ian McAllan, Kenny McCreary, Hugh Macdonald, Colin McGavigan, Mark McGeever, Jim McGuigan, Julia Marrs, Gladys Miller, Lynne Nailon, Richard Nelson, Carol Nugent, John Ross, David Shearer, Collette Stevenson, Jared Wark, Josh Wilson

38 members voted for the amendment and 23 for the motion. The amendment was declared carried.

The Council decided: to lobby the Scottish Government in relation to ring-fenced funding to allow children to access Early Learning and Childcare at age 3 (from 3rd birthday), however, should this not be successful, officers to find options on how the Council would fund and facilitate this to allow consideration as part of the 2019/2020 budget process to enable implementation in time for the 2019/2020 school session.

Councillor Campbell left the meeting during this item of business and prior to the vote

9 Notice of Motion – Investment by Local Government Pension Funds

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

“That the Council asserts the importance of ethical, sustainable and socially responsible investment by local government pension funds; believes that local government pension funds such as the Strathclyde Pension Fund should seek to promote ethical and responsible behaviour among investees and in the wider economy through its investments, and to that end calls on Strathclyde Pension Fund to halt investment in:-

- (1) risky fossil fuels such as fracking;

- (2) the arms trade; and
- (3) companies benefiting from human rights abuses.”

The Head of Administration and Legal Services responded to a Point of Order raised by Councillor Horne in respect of the legal perspective for Board members. She confirmed the motion was competent and it was for members of the Strathclyde Pension Fund Board to determine whether they had a conflict of interest.

Councillor Horne, seconded by Councillor Calikes, moved as an amendment that the wording of the original motion be changed from ‘calls on Strathclyde Pension Fund to halt investment in’ to ‘calls on Strathclyde Pension Fund to keep its investments under continuous review’ and that points (1), (2) and (3) be deleted.

Prior to moving to the vote, the Depute Provost confirmed she would not be taking part in the vote as she considered it was a conflict of interest in terms of her role on the Strathclyde Pension Fund Board.

On a vote being taken by a show of hands, 37 members voted for the amendment and 22 for the motion. The amendment was declared carried.

The Council decided: to call on Strathclyde Pension Fund to keep its investments under continuous review in order to promote ethical and responsible behaviour among investees and in the wider economy.

Councillor Watson left the meeting during this item of business and prior to the vote

10 Notice of Motion – Unison Ethical Care Charter

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

“We call upon South Lanarkshire Council to adopt the Unison Ethical Care Charter.

The Charter sets minimum standards to protect the dignity and quality of life for people who need homecare.

It commits South Lanarkshire Council to the full implementation of the Charter for all South Lanarkshire Council employees and to the implementation of stage 1 with a plan to implementing stages 2 and 3 for home care contractors procured by the Council.

It is hoped that adopting the Charter will help improve staffing levels and enable care workers to build a sustainable career within the sector.

Making this commitment to decent employment conditions for care workers is all about improving the quality of life for the people they care for.

- ◆ Give workers the freedom to provide appropriate care and the time to talk to their clients;
- ◆ Allocate clients the same homecare worker(s) wherever possible;
- ◆ Schedule visits so that homecare workers are not forced to rush their time with clients or leave their clients early to get to the next one on time.”

An amended version of the motion was tabled and moved by Councillor Dryburgh, seconded by Councillor Fagan, which changed paragraph 3 to read as follows:-

‘It commits South Lanarkshire Council to the full implementation of the Charter for all South Lanarkshire Council employees and to progress the objectives of stages 1, 2 and 3 for home care contracts procured by the Council.’

In response to a request from an elected member, the Director of Health and Social Care intimated that she welcomed the terms of the motion and, although some time had elapsed since the Charter had been produced, the Council supported its aims, particularly in terms of the Living Wage, and regularly met with its 22 contract care providers.

The Council decided: to adopt the terms of the Unison Ethical Care Charter for all its employees and to progress the objectives of stages 1, 2 and 3 for home care contracts procured by the Council.

11 Urgent Business

There were no items of urgent business.

Provost’s Closing Remarks

The Provost extended the compliments of the season to all members and officials present.