

# **SOUTH LANARKSHIRE COUNCIL**

Minutes of the meeting held via Confero and in the Council Chamber on 1 November 2023

## **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 Andy Carmichael, Councillor Maureen Chalmers, Councillor Ross Clark, Councillor Gerry Convery, 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 Eileen Logan, Councillor Katy Loudon, Councillor Hugh Macdonald, Councillor Julia Marrs, Councillor Monique McAdams, Councillor Ian McAllan, Councillor Catherine McClymont, Councillor Kenny McCreary, Councillor Lesley McDonald, Councillor Elaine McDougall, Councillor Mark McGeever, Councillor Davie McLachlan, Councillor Richard Nelson, Councillor Norman Rae, Councillor Mo Razzaq, Councillor Kirsten Robb, Councillor John Ross, Councillor Graham Scott, Councillor David Shearer, Councillor Bert Thomson (Depute), Councillor Helen Toner, Councillor Margaret B Walker, Councillor David Watson

## **Councillors' Apologies:**

Councillor Janine Calikes, Councillor Poppy Corbett, Councillor Richard Lockhart, Councillor Carol Nugent

## **Chief Executive's Service**

C Sneddon, Chief Executive

## **Community and Enterprise Resources**

D Booth, Executive Director

## **Education Resources**

C McKenzie, Executive Director

## **Finance and Corporate Resources**

P Manning, Executive Director; 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**

S Sengupta, Director, Health and Social Care

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## **Provost's Opening Remarks**

The Provost:-

- ◆ congratulated Paul Manning following confirmation of his appointment as Chief Executive, with effect from January 2024
- ◆ referred to the forthcoming retirement of Cleland Sneddon as Chief Executive and Geraldine McCann as Head of Administration and Legal Services and thanked both for their hard work and commitment to the Council. She wished them well for the future

Councillors Fagan, Ross, Brown and Allison, in turn, echoed the sentiments of the Provost. Mr Manning, Mr Sneddon and Mrs McCann responded in suitable terms.

The Provost then asked that the Council pause for a moment and reflect on the tragic events that were ongoing in Gaza and Israel. While recognising there were very strong opinions and high emotions on both sides, and without wishing to enter into any political debate, she acknowledged the huge pain, suffering and loss.

At the Provost's invitation, all present observed a minute's silence to remember the dead and hope and pray for the living.

Following the minute's silence, the Provost ruled that she did not accept a Point of Order raised by Councillor Cowan in respect of a proposed emergency motion to discuss the crisis as she considered it was not a matter for political debate in this Chamber.

Following advice from the Head of Administration and Legal Services that it would never be appropriate to discuss the outcome of an employment tribunal involving another body at a meeting held in public as it might lead to a breach of either the Councillors' Code of Conduct, the Data Protection Act, the UK General Data Protection Regulations or defamatory comments being made against individuals, the Provost ruled that the Point of Order raised by Councillor Watson in respect of South Lanarkshire Leisure and Culture (SLLC) was not competent and would not be discussed.

Councillor Allison expressed his disappointment that his motions on SLLC were not included on the agenda. He advised that he had taken external advice which suggested that it was up to Council members whether the matter be taken forward, therefore, his Point of Order was in relation to the Council not being able to decide rather than the matter, in general, being discussed. The Provost invited the Head of Administration and Legal Services to respond in which she stated that the question of competency was a matter for officers to decide in terms of the Local Government and Housing Act 1989. She advised that there were a number of statutory positions in that Act that related to governance, 2 of which were the Head of the Paid Service and the Monitoring Officer. The decision, taken based upon the powers within that Act, was that the motion was not competent to be added to that agenda. She advised that this was no different to what had been done in the past where members were advised in advance that motions were not competent and they did not appear on the agenda.

In response to a point made by Councillor Watson, the Provost reiterated that she had ruled that the Council was not going to discuss the matter and highlighted that the motions were overruled by the Head of Administration and Legal Services. The Chief Executive also clarified that officers were subject to a Code of Conduct and there had been no breach by officers of this Code when reflecting legal advice given. He advised that decisions on competence sat with the Monitoring Officer and the Head of the Paid Service, as outlined within the Local Government and Housing Act 1989.

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## **1 Declaration of Interests**

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The following interest was declared:-

<b><i>Councillor(s)</i></b>	<b><i>Item(s)</i></b>	<b><i>Nature of Interest(s)</i></b>
Logan	Notice of Motion – Downgrading of Neonatal Care Unit at University Hospital, Wishaw	Member of NHS Board

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## **2 Minutes of Previous Meeting**

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The minutes of the meeting of South Lanarkshire Council held on 23 August 2023 were submitted for approval as a correct record.

The Provost, in responding to a point made by Councillor Loudon, clarified that she considered the use of laptops was acceptable, however, asked that the volume be turned down to avoid any distractions and for them not to be used for anything not relating to the business of the meeting.

In response to a comment made by Councillor Lambie in relation to the intentions of Councillor Watson when raising his Point of Order, the Provost advised that she had previously made a ruling not to discuss matters in relation to South Lanarkshire Leisure and Culture.

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

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### **3 Minutes of Risk and Audit Scrutiny Committee**

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The minutes of the meeting of the Risk and Audit Scrutiny Committee held on 27 June 2023 were submitted for noting.

**The Council decided:** that the minutes be noted.

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### **4 Standards Commission's Hearing Outcome**

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A report dated 4 October 2023 by the Chief Executive was submitted advising of the decision of the Standards Commission of Scotland following the Hearing into a complaint against Councillor Monique McAdams held on 30 August 2023.

Complaints had been received by the Commissioner for Ethical Standards in Public Life in Scotland (ESC) that, on 4 May 2021, Councillor McAdams disclosed to social media, confidential information about leisure and culture facilities that had been identified for potential closure.

Following an investigation, the ESC referred the complaint to the Standards Commission for Scotland on the basis that Councillor McAdams had failed to comply with the provisions of the 2018 edition of the Councillors' Code of Conduct, being the version in place at the time of the events, and that, in particular, she had contravened paragraphs 3.16 and 3.17 of the Code, details of which were outlined in the report. The Hearing Panel Decision was to censure Councillor McAdams.

The full decision was available on the Standards Commission for Scotland's website, a link to which was provided in the report.

In response to a comment made by Councillor Loudon that the 8<sup>th</sup> point of the recommendations had been omitted, the Head of Administration and Legal Services advised that the report was never intended to be a verbatim account of what happened at the Standards Commission's Hearing. The Standards Commission had asked that she, as Monitoring Officer, bring the report to the attention of the Council and, therefore, her report was a summary of the Standards Commission's recommendations which contained a link to access the full details of its findings. She further advised that the decision of a councillor to take certain action was a personal decision, therefore, that was what was commented on by the Standards Commission. She confirmed that there was no attempt to conceal any information because there was a link containing the Standards Commission's full decision and there had already been a report to Council on the related issue which she considered did not need repeating. The Provost then ruled that she was not accepting an amendment, moved by Councillor Loudon and seconded by Councillor Ross, as the Standards Commission only required that the Council note its report.

In response to a Point of Order raised by Councillor Loudon in terms of whether an amendment could be accepted for an item for noting, the Head of Administration and Legal Services advised that routinely it was not accepted as it was only for noting and not asking members to make a decision. She advised that it was not within members' powers to make a decision on this matter as it was the Standards Commission who made the decision and it was only being reported to members for their information.

The Provost reiterated her decision not to accept the amendment and, in response to a point made by Councillor Ross, she confirmed that Councillor Convery had apologised for the manner in which he had addressed Council.

**The Council decided:**

- (1) that the decision of the Hearing Panel of the Standards Commission for Scotland that Councillor Monique McAdams had breached paragraphs 3.16 and 3.17 of the 2018 edition of the Councillors' Code of Conduct be noted; and
- (2) that the decision of the Hearing Panel to censure Councillor McAdams be noted.

*Councillor Lennon joined the meeting during this item of business*

*In terms of Standing Order No 14, the Provost adjourned the meeting following this item of business at 10.58am. The meeting reconvened at 11.05am*

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## **5 Recommendations Referred from Executive Committee – Annual Investment Report 2022/2023**

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A report dated 17 October 2023 by the Chief Executive was submitted on the recommendation which had been referred to the Council by the Executive Committee of 11 October 2023 in relation to the Council's Annual Investment Report 2022/2023. The recommendation was that the Council's Annual Investment Report 2022/2023 be approved.

**The Council decided:** that the recommendation of the Executive Committee of 11 October 2023 in relation to the Council's Annual Investment Report 2022/2023 be approved.

*[Reference: Minutes of the Executive Committee of 11 October 2023 (Paragraph 6)]*

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## **6 Changes to Deputy Chairs, Committee and Joint Board Memberships**

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A report dated 12 October 2023 by the Executive Director (Finance and Corporate Resources) was submitted on the proposed changes to Deputy Chairs, Committee and Joint Boards' Memberships.

The Head of Administration and Legal Services advised that, although not contained in the report, there was a further recommendation that Councillor Horsham continue in his role as the Council's Armed Forces and Veterans Champion.

**The Council decided:**

- (1) that Councillor Williams replace Councillor McClymont as Deputy Chair of Social Work Resources Committee
- (2) that, in relation to Housing and Technical Resources Committee:-

- ◆ Councillor Cowie replace Councillor Walker as a member
  - ◆ Councillor Cowie replace Councillor Lennon as Depute Chair
  - ◆ Councillor Walker replace Councillor Keatt as a substitute member; and
- (3) that Councillor Williams replace Councillor McClymont as a substitute member of the South Lanarkshire Integration Joint Board; and
- (4) that Councillor Horsham continue in his role as the Council's Armed Forces and Veterans Champion.

*[Reference: Minutes of 18 May 2022 (Paragraph 7) and 23 August 2023 (Paragraph 6)]*

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## **7 Review of UK Parliamentary Constituencies – Review of Polling District SL002 and SL007**

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A report dated 13 October 2023 by the Chief Executive was submitted:-

- ◆ advising of Constituency Boundaries for the UK Parliament within South Lanarkshire following the 2023 review by the Boundary Commission for Scotland
- ◆ seeking authority for the creation of 3 additional Polling Districts to take account of the boundary changes and the resultant reduction in size of 2 existing Polling Districts

The Boundary Commission for Scotland was responsible for reviewing Constituencies in Scotland for the UK Parliament. A full review of all UK Parliamentary Boundaries was concluded on 27 June 2023 and the proposals put forward for new Constituencies was approved by Parliament on 28 June 2023.

The new Constituencies for the UK Parliament would come into force once Parliament was next dissolved. Any by-election called before a full General Election was called would use the existing boundaries.

The following new Constituencies would lie wholly within the geographical area of South Lanarkshire Council:-

- ◆ Rutherglen
- ◆ East Kilbride and Strathaven
- ◆ Hamilton and Clyde Valley

The following new Constituencies would take in part of South Lanarkshire Council's geographical area in addition to at least one other council's area:-

- ◆ Dumfriesshire, Clydesdale and Tweeddale
- ◆ Motherwell, Wishaw and Carluke

The UK Government had confirmed that it would be for South Lanarkshire Council to provide the Returning Officer for the new UK Parliamentary Constituencies of Hamilton and Clyde Valley, East Kilbride and Strathaven, and Rutherglen. It had also been confirmed that it would be for North Lanarkshire Council to provide the Returning Officer for the Constituency of Motherwell, Wishaw and Carluke, and for Dumfries and Galloway Council to provide the Returning Officer for the Constituency of Dumfriesshire, Clydesdale and Tweeddale.

In order that arrangements were in place to ensure either an unexpected by-election or a full UK Parliamentary General Election could be administered, there was a requirement for both the existing boundaries and the new boundaries to co-exist within the Electoral Register when the Register was published in December 2023. Three areas within South Lanarkshire Council had been identified within the new boundaries which did not allow for this and, therefore, the proposed new Polling Districts would require approval to rectify that position.

Section 4 of the report outlined the necessary changes required to create 3 additional Polling Districts and reduce in size 2 existing Polling Districts.

It was noted that a full statutory review of Polling Districts and Polling Places was in progress.

**The Council decided:**

- (1) that the new boundaries for the Constituencies of Rutherglen, East Kilbride and Strathaven, Hamilton and Clyde Valley, Motherwell, Wishaw and Carluke, and Dumfriesshire, Clydesdale and Tweeddale be noted;
- (2) that the Returning Officer responsibility for each of the new Constituencies be noted;
- (3) that an additional Polling District, named as SL178, whose boundaries were marked on the plan in Appendix 1, be created;
- (4) that an additional Polling District, named as SL179, whose boundaries were marked on the plan in Appendix 1, be created;
- (5) that an additional Polling District, named as SL180, whose boundaries were delineated on the plan in Appendix 2, be created;
- (6) that the boundary for Polling District SL002 be redrawn to reflect removal of new Polling Districts SL178 and SL179 from its area; and
- (7) that the boundary for Polling District SL007 be redrawn to reflect removal of the new Polling District SL180 from its area.

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## **8 Notice of Motion – Downgrading of Neonatal Unit at University Hospital Wishaw**

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

“This council expresses significant concerns about the award-winning neonatal unit at University Hospital Wishaw being downgraded from an established Neonatal Intensive Care Unit to a Local Neonatal Unit.

This decision followed the release of the 'Neonatal Intensive Care Options Appraisal Report' by the Scottish Government on July 23, 2023.

The downgrading of this unit would result in NHS Lanarkshire, the third-largest health board, losing a highly functional, essential service for babies and their families. This affects not only Lanarkshire families but also those who have been transferred from across Scotland and England as part of the Scottish Perinatal Network.

Families in Lanarkshire have already expressed significant concerns about these changes through an online petition signed by over 12,000 people.

There are concerns that the correct process was not followed, and we believe that these key factors and questions must be addressed by the Scottish Government Health Minister:

This council agrees to formally write to the Scottish Government Health Minister to seek answers to these key factors and calls for a full independent investigation into the decision-making process regarding the downgrade of the Neonatal Care Unit at University Hospital Wishaw, with active participation from NHS Lanarkshire.

Furthermore, we emphasise our commitment to safeguarding babies and families in our communities and our expectation of the highest quality of care for all in Lanarkshire.”

Councillor Nelson, in moving his motion, welcomed baby Kai and his mother, who were in the public gallery, and referred to the fact that the neonatal unit was award winning and commended its success in keeping newborn babies safe. He advised that families had expressed concerns in relation to the proposed changes and had signed a petition, particularly as it could involve moving vulnerable people some distance away. He expressed concern that due process had not been followed.

In the absence of Councillor Corbett, Councillor Handibode seconded the motion and referred to her deep concerns on the impact on local communities as she considered the unit was a lifeline for families and it would mean babies being transferred to as far away as Aberdeen.

Councillor Hamilton referred to this being a very important campaign and spoke on her personal experience of having a premature baby. She referred to families praising the work of the award-winning unit and the support it provided to them during a traumatic time in their lives. She considered that families did not need the added pressure of their sick newborn babies being transferred to a unit potentially some distance away.

<b>The Council decided:</b>	that the terms of the motion be supported and the Council write to the Scottish Government Health Minister to seek answers to the process followed and call for a full independent investigation into the decision-making process regarding the downgrade of the Neonatal Care Unit at University Hospital, Wishaw, with active participation from NHS Lanarkshire.
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*Councillor Logan, having declared an interest in the above item, withdrew from the meeting during its consideration*

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## **9 Notice of Motion – Removal of Fire Appliance at Hamilton Fire Station**

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

“That this council raises concerns in regards to the removal of the Fire Appliance at Hamilton Fire Station, putting pressure on a retained service and increasing the risk of a reduced service in the South Lanarkshire communities. The council agrees to write to the Chief Fire Officer and the Scottish Government to request that the removal of this appliance is re-instated.

Furthermore, that this council agrees to write to the Scottish Government Minister to request that the Scottish Fire and Rescue Service receives fair and competent funding to continue to provide a service that is safe and ensures the wellbeing of all in our communities.”

Councillor Nelson, in moving his motion, referred to pressure put on the retained fire service and the recent incident in East Kilbride where a fire had destroyed houses.

Councillor McGeever, in seconding the motion, acknowledged that there had been changes before in relation to emergency service provision, however, considered that this change was fundamentally different in that it was not about doing things in a better way or delivering the same service using a different method, but about saving money. He advised that, while the Fire Service could mitigate the risk, it could not remove it entirely.

Councillors Watson, McLachlan, Buchanan, Ross and the Provost, in turn, were heard in relation to their concerns and giving their support to the motion.

**The Council decided:** that the terms of the motion be supported and the Council write to the Scottish Government Minister to request that the Scottish Fire and Rescue Service receive fair and competent funding to continue to provide a service that was safe and ensured the wellbeing of all in our communities.

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## **10 Notice of Motion – Future of Strathclyde Bus Services**

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

“This Council notes:-

- ◆ The ‘Strathclyde Regional Bus Strategy and Delivery Plan: Case for Change’ report presented to Strathclyde Partnership for Transport’s Board on 29 September 2023.
- ◆ That the evidence-based report has found that bus use is in ‘sustained, long-term decline’ in Strathclyde, with bus patronage, the size of bus networks, bus service frequency and network coverage all falling.
- ◆ That despite decline in bus networks, bus fares continue to rise in Strathclyde at a higher rate than inflation and at a higher rate than the cost of travelling by other modes of transport.
- ◆ That the current model of bus service has failed to deliver integrated London-style ticketing or an integrated approach to public transport planning.
- ◆ That in 2021/22 public sector support represented 56 per cent of bus operator revenues in Scotland.

This Council believes:-

- ◆ The current deregulated model of bus provision is inadequate and that there is now a compelling case for changing the model of bus provision across Strathclyde.
- ◆ A new model of bus provision will enable bus services and public transport across Strathclyde to contribute more towards a healthier environment, inclusive economic growth and an improved quality of life for the people and communities of Strathclyde.

This Council agrees to write to SPT and the Scottish Government to communicate its view that:-

- ◆ A new model of bus provision for Strathclyde must be developed that is integrated and democratically accountable.
- ◆ A new model of bus provision must contribute towards Regional Transport Strategy objectives and policies set out by SPT.



- ◆ The Scottish Government must support local authorities and transport authorities seeking to replace deregulated bus models with models of regulation or common ownership, with fair funding and regulation that respects the autonomy and democratic wishes of Scotland's communities and regions.

A democratically accountable Strathclyde-wide bus franchise should be progressed to improve bus services across the region and realise the ambitions of the Regional Transport Strategy."

In moving his motion, Councillor Fagan considered that there was a case for change to a Strathclyde-wide integrated bus network under a common franchise, delivering a level of connectivity and affordability, with the reinvestment of profits back into the network.

Councillor Convery, in seconding the motion, advised that, as a user of the bus service, he considered there had been a decline in the service.

Councillor Gowland spoke in support of the motion and highlighted the importance of public transport in his own ward.

Councillor Ferguson-Miller, while welcoming the motion and the contributions made, wished to strengthen its content by including the following wording marked in bold, as an amendment:-

"This Council notes:

- ◆ The 'Strathclyde Regional Bus Strategy and Delivery Plan: Case for Change' report presented to Strathclyde Partnership for Transport's Board on 29 September 2023.
- ◆ That the evidence-based report has found that bus use is in 'sustained, long-term decline' in Strathclyde, with bus patronage, the size of bus networks, bus service frequency and network coverage all falling.
- ◆ That despite decline in bus networks, bus fares continue to rise in Strathclyde at a higher rate than inflation and at a higher rate than the cost of travelling by other modes of transport.
- ◆ That the current model of bus service has failed to deliver integrated London-style ticketing or an integrated approach to public transport planning.
- ◆ That in 2021/22 public sector support represented 56 per cent of bus operator revenues in Scotland.

**As an amendment to the section, 'The Council Notes:'**

**Include three additional bullet points:**

- ◆ **That the free bus travel for under 22s has resulted in 84 million journeys to education, work and leisure across Scotland so far, helping develop a new generation of bus users.**
- ◆ **That SLC has been allocated £303,000 capital from the Community Bus Fund to improve local public transport, including municipal ownership, with additional revenue funding available to help councils develop plans, including municipal ownership and franchising.**
- ◆ **And welcomes an announcement in the 22/23 Programme for Government, that the Scottish Government will work with third sector and local authorities to provide free bus travel to asylum seekers and refugees including displaced people from Ukraine.**

**This Council believes:**

- ◆ The current deregulated model of bus provision is inadequate and that there is now a compelling case for changing the model of bus provision across Strathclyde.
- ◆ A new model of bus provision will enable bus services and public transport across Strathclyde to contribute more towards a healthier environment, inclusive economic growth and an improved quality of life for the people and communities of Strathclyde.

**As an amendment to the section, 'The Council believes: '  
Include the additional bullet point:**

- ◆ **Bus services must be designed by identifying and addressing communities' needs.**

**This Council agrees to write to SPT and the Scottish Government to communicate its view that:**

**As an amendment to this section, after the second bullet point add two additional bullet points:**

- ◆ A new model of bus provision for Strathclyde must be developed that is integrated and democratically accountable.
- ◆ A new model of bus provision must contribute towards Regional Transport Strategy objectives and policies set out by SPT.
- ◆ **This model must meet the needs of South Lanarkshire's communities and its rural areas in particular, where there is little or no current service.**
- ◆ **The Regional Transport Strategy must cover all Urban and Rural Areas.**
- ◆ The Scottish Government must support local authorities and transport authorities seeking to replace deregulated bus models with models of regulation or common ownership, with fair funding and regulation that respects the autonomy and democratic wishes of Scotland's communities and regions.
- ◆ A democratically accountable Strathclyde-wide bus franchise should be progressed to improve bus services across the region and realise the ambitions of the Regional Transport Strategy."

**As an amendment add a final section:**

This Council instructs:

- ◆ Officers to report on how the council intends to spend its allocation of Community Bus Fund capital, now and into the future, helping to deliver on the aims of this motion.
- ◆ Officers to continue collaboration with other local authorities and Strathclyde Passenger Transport, considering the Community Bus Fund revenue grant to support the exploration of new models of delivery, in line with this motion.
- ◆ Officers to take cognisance of the Local Transport Strategy and Clydesdale STAG (Scottish Transport Appraisal Guidance) currently being progressed by SLC.
- ◆ Officers to ensure that the Council promote South Lanarkshire's Rural Areas and the information from its public consultation in the proposed further stakeholder communications and engagement between October 2023 – February 2024.
- ◆ Officers to communicate to all South Lanarkshire stakeholders on all appraisal recommendations post-March 2024."

Councillor Robb, in seconding the amendment, thanked Councillor Fagan. Councillor Fagan confirmed he was happy to incorporate the content of the amendment into his motion.

Councillor McGeever intimated that he was pleased to see that the motion had cross-party support as public transport was crucial for businesses and the public sector.

Councillor Allison cautioned that a new model did not always lead to change and the Council required to be clear on its targets, with a focus on timetables. He advised that, as Chair of the Rural Task Force, transport was a key priority for the rural area and work was currently being undertaken on an initiative in this regard, the recommendations of which would come before the relevant committee in due course.

**The Council decided:**

that the terms of the motion, as amended, be agreed and the Council:-

- ◆ write to Strathclyde Partnership for Transport (SPT) and the Scottish Government to communicate its views that:-
  - ◆ a new model of bus provision for Strathclyde must be developed that was integrated and democratically accountable
  - ◆ a new model of bus provision must contribute towards Regional Transport Strategy objectives and policies set out by SPT
  - ◆ this model must meet the needs of South Lanarkshire's communities and its rural areas in particular, where there was little or no current service
  - ◆ the Regional Transport Strategy must cover all urban and rural areas
  - ◆ the Scottish Government must support local authorities and transport authorities seeking to replace deregulated bus models with models of regulation or common ownership, with fair funding and regulation that respected the autonomy and democratic wishes of Scotland's communities and regions
  - ◆ a democratically accountable Strathclyde-wide bus franchise should be progressed to improve bus services across the region and realise the ambitions of the Regional Transport Strategy
- ◆ instruct officers to:-
  - ◆ report on how the council intended to spend its allocation of Community Bus Fund capital, now and into the future, to help deliver on the aims of this motion
  - ◆ continue collaboration with other local authorities and SPT, considering the Community Bus Fund revenue grant to support the exploration of new models of delivery, in line with this motion
  - ◆ take cognisance of the Local Transport Strategy and Clydesdale STAG (Scottish Transport Appraisal Guidance) currently being progressed by the Council
  - ◆ ensure that the Council promote South Lanarkshire's Rural Areas and the information from its public consultation in the proposed further stakeholder communications and engagement between October 2023 to February 2024
  - ◆ communicate to all South Lanarkshire stakeholders on all appraisal recommendations post-March 2024

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## 11 Notice of Motion – Let's Value Care

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The Provost advised that the Notice of Motion on Let's Value Care had been withdrawn at the request of the proposer and seconder.

**The Council decided:** that the position be noted.

*In terms of Standing Order No 14, the Provost adjourned the meeting following this item of business at 11.52am. The meeting reconvened at 11.59am without the attendance of Councillor Lennon*

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## 12 Item of Urgent Business – Response to the Scottish Government's Proposed Council Tax Freeze

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In terms of Standing Order No 4(c), the Provost decided that consideration be given to the following motion proposed by Councillor Brown, seconded by Councillor McGeever, as a matter of urgency:-

"This Council notes:

- ◆ that, on 30<sup>th</sup> June 2023, COSLA and the Scottish Government signed the [Verity House Agreement](#), and that this Agreement stated specifically *inter alia* that:
  - ◆ "The powers held by local authorities shall normally be full and exclusive. They may not be undermined or limited by another, central or regional, authority except as provided for by the law."
  - ◆ "From this point onwards, the default position will be **no ring-fencing or direction of funding**, unless there is a clear joint understanding for a rationale for such arrangements."
  - ◆ "The Scottish Government will recognise and value the roles and responsibilities of Local Government and as such, will work to incorporate into Scots Law the **European Charter of Local Self-Government** as soon as possible."
  - ◆ "In keeping with the Charter, both parties agree the maxim "**local by default, national by agreement**"

This Council – along with all parties in COSLA - is therefore at a loss to understand the total breach of the Verity House Agreement on the part of the Scottish Government by:

- ◆ the announcement of a council tax freeze for 2024-5 by the First Minister in his speech on 17<sup>th</sup> October 2023 to the SNP Conference;
- ◆ the admission by the Deputy First Minister that this policy had not been signed off by the Scottish Cabinet; and
- ◆ the fact that the proposal had not been raised with or agreed by COSLA.

Council deplores the actions of the First Minister and of the Scottish Government in proposing to ride roughshod in this way over the democratic mandates of South Lanarkshire Council and of councils throughout Scotland.

Council has clearly and repeatedly expressed to the Scottish Government

1. the real terms cut of over 9% suffered by Local Government over the last decade
2. the current desperate financial pressures on local government services, the IJB and the Leisure Trust, and the need for additional resources to provide a fair funding deal for councils and their service delivery partners, if closures and cutbacks impacting severely on the public are to be avoided.

Council is appalled that the Scottish Government is prepared to damage local services, recently agreed and reiterated partnerships with local government, and effective local decision making in this way.

Council notes however that the Scottish Government has now apparently found resources to “fully fund” the council tax freeze, having previously indicated no more resources were available to support local services.

This Council therefore instructs the Chief Executive to write to the First Minister conveying the Council’s huge disquiet at this complete disrespect for local government decision making and to demand that he provides a “no strings” fair funding deal for councils, allowing South Lanarkshire Council and other councils in exercise of their democratic mandates to make the most appropriate arrangements for funding and delivery of their services and cost of living support measures as they see fit.”

Councillor Allison spoke on his concerns in terms of the unknown level to which the Scottish Government would fund a Council Tax freeze and the impact on the Council in potentially having to make more savings.

Councillor Ross, seconded by Councillor Clark, moved the following as an amendment:-

“Insert after para 1 bullet point ending ‘National by Agreement’ and replace remainder of motion with the following:-

While acknowledging the recently signed Verity House Agreement between the SG and COSLA and the details thereof, Council feels it is the responsibility of all levels of government to support households with the financial pressures they are facing right now as a result of the UK Government’s economic policies.

In the face of mounting financial challenges, we welcome the Scottish Government and our councils trying to do all they can with the limited powers at their disposal.

Council welcomes the announcement by the Scottish Government to freeze Council Tax which will benefit all Council Taxpayers in Scotland, in over 2.5m homes.

With household bills rising this freeze will give some certainty to households for the next financial year.

Although inflation is slowly falling, the damage caused by the UK Government’s economic agenda of austerity and Brexit have hurt everyone, but particularly our most vulnerable households.

Council also welcomes the announcement that this freeze will be fully funded and that the Scottish Government has committed to working with COSLA on the details of implementation over the coming weeks.”

Councillors Fagan, Nelson, Watson and Walker, in turn, were head in support of the motion.

On a vote being taken using the electronic voting system, 34 members voted for the motion, 22 for the amendment and 1 abstained. The motion was declared carried.

In response to a Point of Order made by Councillor Loudon, the Provost advised that she had already said that she would allow 3 more speakers prior to asking Councillor Brown to conclude his motion. The member concerned had requested to speak after that.

**The Council decided:**

that the motion be agreed and the Chief Executive write to the First Minister in the terms outlined above.

*Councillors Horne and Lambie left the meeting during this item of business and were not present for the vote*

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### **13 Exclusion of Press and Public**

**The Council decided:**

that, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting for the following item(s) of business on the grounds that it was likely that there will be disclosure of exempt information in terms of Paragraph 1 and 12 of Part I of Schedule 7A of the Act.

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### **14 Health and Safety Conviction**

A report dated 12 October 2023 by the Executive Director (Community and Enterprise Resources) was submitted advising of a conviction against the Council under the Health and Safety at Work Act 1974.

The Head of Administration and Legal Services responded to members' questions.

**The Council decided:**

that the report be noted.