

EXECUTIVE COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 1 May 2019

Chair:

Councillor John Ross (ex officio)

Councillors Present:

Councillor Alex Allison, Councillor John Anderson, Councillor John Bradley, Councillor Walter Brogan, Councillor Robert Brown, Councillor Jackie Burns, Councillor Maureen Chalmers (Depute), Councillor Gerry Convery, Councillor Margaret Cooper, Councillor Peter Craig, Councillor Fiona Dryburgh, Councillor Joe Fagan, Councillor Allan Falconer, Councillor Alistair Fulton, Councillor Lynsey Hamilton, Councillor Eileen Logan, Councillor Katy Loudon, Councillor Joe Lowe, Councillor Kenny McCreary, Councillor Colin McGavigan, Councillor Mark McGeever, Councillor Jim McGuigan, Councillor Gladys Miller, Councillor Lynne Nailon (*substitute for Councillor Ann Le Blond*), Councillor Richard Nelson, Councillor David Shearer, Councillor Josh Wilson

Councillor's Apology:

Councillor Ann Le Blond

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; J Burke, Administration Assistant; G McCann, Head of Administration and Legal Services

Housing and Technical Resources

D Lowe, Executive Director; A Finnan, Head of Housing Services

Social Work Resources/Health and Social Care

V de Souza, Director

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Executive Committee held on 13 March 2019 were submitted for approval as a correct record.

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

3 Capital Budget 2018/2019 Monitoring for Period 13 – 1 April 2018 to 1 March 2019

A report dated 27 March 2019 by the Executive Director (Finance and Corporate Resources) was submitted on the physical and financial progress at 1 March 2019 on the various capital programmes.

The General Fund Capital Programme totalled £66.819 million and the Housing Capital Programme £53.664 million. The General Fund Programme had been revised to reflect a number of proposed adjustments which were detailed in Appendix 2 to the report.

At 1 March 2019, £51.707 million had been spent on the General Fund Capital Programme and £45.462 million on the Housing Capital Programme.

Following a probable outturn exercise, it was forecast that the total spend on the General Fund Capital Programme to 31 March 2019 would be £60.978 million. This was an underspend of £5.841 million, due largely to the timing of spend on projects within Community and Enterprise Resources, Education Resources and Housing and Technical Resources.

The Committee decided:

- (1) that the position on the various Capital Programmes for 2018/2019, as detailed in the report, be noted;
- (2) that the proposed adjustments to the General Fund Programme, as detailed in Appendix 2 to the report, be approved; and
- (3) that the revised programmes be monitored by the Financial Resources Scrutiny Forum.

[Reference: Minutes of 13 March 2019 (Paragraph 4)]

4 Revenue Budget Monitoring for Period 12 – 1 April 2018 to 1 March 2019

A report dated 11 March 2019 by the Executive Director (Finance and Corporate Resources) was submitted comparing actual expenditure against budgeted expenditure for the period ending 1 March 2019.

The figures included an underspend of £12.530 million on the General Fund Revenue Account and a breakeven position on the Housing Revenue Account. Following a transfer to Reserves, there was an underspend of £7.030 million.

The main factors contributing to the underspend on the General Fund Revenue Account were detailed in the report.

Following a probable outturn exercise, it was forecast that there would be an underspend of £13.257 million at the year end, before any transfer to Reserves. Taking into account all transfers to Reserves agreed at the meeting of this Committee on 13 February 2019, the outturn position was an underspend of £7.063 million.

A detailed analysis of each Resource's outturn position was provided in the report.

To meet a number of corporate pressures, it was proposed to allocate £4.000 million to reducing savings requirements and a further £1.305 million to meet the terms of the 2018/2019 pay award. Taking those adjustments into account, a revised underspend of £1.758 million for the General Fund Revenue Account was forecast. A further £1.000 million would be transferred to reduce savings requirements for 2019/2020, reducing the underspend figure to £0.758 million.

The Committee decided:

- (1) that the underspend of £12.530 million on the General Fund Revenue Account before transfers to Reserves at 1 March 2019, as detailed in Appendix 1 to the report, and forecast to 31 March 2019, be noted;

- (2) that the underspend of £7.030 million on the General Fund Revenue Account after transfers to Reserves, as detailed in Appendix 2 to the report, and forecast to 31 March 2019, be noted; and
- (3) that the breakeven position on the Housing Revenue Account at 1 March 2019 and the forecast to 31 March 2019 of a breakeven position be noted.

[Reference: Minutes of 13 March 2019 (Paragraph 5)]

5 Trading Services' Financial Performance for Period 12 – 1 April 2018 to 1 March 2019

A report dated 11 March 2019 by the Executive Director (Finance and Corporate Resources) was submitted on the projected financial results for 2018/2019 for the Council's Trading Services.

The target for Trading Services' surpluses had been set at £11.466 million. In the period to 9 November 2018, the figure had been revised to £11.919 million and there were no further adjustments made in the period to 1 March 2019.

Following a probable outturn exercise, it was forecast that there would be a surplus shortfall of £2.226 million in 2018/2019, reflecting areas where income levels had been affected due to the timing of works carried out, including early years, central heating programmes and growth and capacities in schools.

A transfer to Reserves of £0.040 million, in relation to the Fleet Trading Operation for the replacement of equipment in depots, brought the under-recovery against surplus to £2.266 million.

At 1 March 2019, surpluses of £7.521 million had been achieved, before any transfer to Reserves. Following a transfer to Reserves, the surplus achieved was £7.481 million.

At its meeting on 28 June 2017, the Executive Committee had approved the removal of the Grounds and Facilities Management Trading Operations and their transfer to Community and Enterprise Resources' client budget. It was also decided that the remaining Services would be reviewed with a view to potentially transferring those to Resource budgets.

As a result of that review, it was proposed that the remaining Trading Operations be transferred. Fleet and Roads would transfer to Community and Enterprise Resources' budget and Property Services would transfer to Housing and Technical Resources' budget.

The Committee decided:

- (1) that the Trading Services' outturn position be noted;
- (2) that the surpluses achieved to 1 March 2019 before transfers to Reserves of £7.521 million be noted;
- (3) that the surpluses achieved to 1 March 2019 after transfers to Reserves of £7.481 million be noted; and
- (4) that the transfer of the Fleet and Roads Trading Services to Community and Enterprise Resources' budget and the transfer of the Property Trading Service to Housing and Technical Resources' budget be approved.

[Reference: Minutes of 13 March 2019 (Paragraph 6) and 28 June 2017 (Paragraph 6)]

6 Additional Funding from the Scottish Government and Other External Sources

A report dated 26 March 2019 by the Executive Director (Finance and Corporate Resources) was submitted on additional capital funding totalling £2.506 million made available to Community and Enterprise Resources from the Scottish Government to support the Town Centre Fund.

After discussion, it was confirmed by officers that no proposals had, as yet, been finalised to utilise this funding. A report proposing how the funds would be allocated to Town Centres would be submitted to the Community and Enterprise Resources Committee on 4 June 2019. In addition, following a request by members, further information would be provided on previous spend on town centres, together with an update on the preparation of Town Centre Strategies.

The Committee decided: that the report be noted.

7 Glasgow City Region City Deal – Strathaven Road/Woodfoot Road, Hamilton Transport Corridor Improvements – Full Business Case

A report dated 11 April 2019 by the Executive Director (Community and Enterprise Resources) was submitted on the proposed Final Business Case for the Strathaven Road/Woodfoot Road, Hamilton Transport Corridor Improvements element of the Hamilton Community Growth Area City Deal project.

The proposed Final Business Case, which was attached as an appendix to the report, continued to make the case for the project in terms of :-

- ◆ strategic fit
- ◆ commercial case
- ◆ economic case
- ◆ financial case
- ◆ management case

The production of the Full Business Case was the final milestone for City Deal approval for this element of the Hamilton CGA project and provided details of the delivery and construction of the road junction works.

The project cost was £1.079 million, made up of £0.928 million (86%) City Deal funding and £0.151 million (14%) Council funding.

The approval of the Full Business Case would release funds to meet all of the project costs and allow an expected start date of construction work in June 2019.

Grant funding would now be sought in accordance with the City Deal Grant distribution process outlined in the Assurance Framework in relation to the delivery of the project with the precise arrangements to be agreed by City Deal Chief Executives.

The Committee decided: that the Strathaven Road/Woodfoot Road, Hamilton Transport Corridor Improvements Full Business Case be approved.

[Reference: Minutes of 21 November 2019 (Paragraph 15)]

8 Data Protection Policy – Charges for Access to Information

A report dated 9 April 2019 by the Executive Director (Finance and Corporate Resources) was submitted on:-

- ◆ revisions to the Data Protection Policy to replace the existing Privacy Policy
- ◆ proposed changes to the Council's Charging Policy in respect of requests for information under data protection legislation

In order to meet the safeguards outlined in the Data Protection Act 2018, the Council required to have an appropriate policy in place. The Council's existing Privacy Policy had been updated and had been renamed as the South Lanarkshire Council Data Protection Policy. The updated document, which was attached as an appendix to the report, would meet the terms of the legislation.

In 2011, the Council set the charge for subject access requests at the maximum figure of £10 permitted under the 1998 Act. As updated GDPR legislation stated that such requests must be free of charge, the Council's Charging Policy required to be updated to reflect this position.

There remained a number of limited circumstance where the Council could still levy a fee in terms of GDPR and those were detailed in the report.

In terms of the Charging Policy, the decision to charge/waive a fee was delegated to the Executive Director (Finance and Corporate Resources) and those authorised by him. Given the legislative changes, it was recommended that:-

- ◆ the fee of £10 for subject access requests be removed
- ◆ the discretion to levy a fee or to refuse a request, which met the criteria detailed in the report, be delegated to individual Executive Directors in respect of requests received within their remit. The level of the fee would be subject to any Regulations regarding limits, etc made by the UK Government

The Committee decided:

- (1) that the revised Data Protection Policy, attached as an appendix to the report, be approved;
- (2) that the updated Data Protection Policy replace the existing Privacy Policy; and
- (3) that the proposed changes to the Council's Charging Policy, as detailed in the report, in respect of requests for information under data protection legislation, be approved.

9 Office Closure – Festive Period

A report dated 11 April 2019 by the Executive Director (Finance and Corporate Resources) was submitted on the proposed closure of appropriate offices on Friday 27 December 2019.

The pattern of public holidays this year would mean that Friday 27 December 2019 was preceded by 2 days of closure followed by a closed weekend and then a further 2 days of limited opening. This presented a potential opportunity for the Council to close as many offices as possible to avoid unnecessary energy costs and to allow employees to take a longer break.

It was proposed that the main Council offices would be closed and that Executive Directors would be empowered to take decisions on other premises in consultation with trade unions, following due consideration of service needs.

Consultation had taken place with the Trades Unions and, in terms of the employees affected by the proposal, the suggestion had been welcomed.

The closure of the offices would require employees to retain one day of their annual leave for this purpose.

The Committee decided:

- (1) that the closure of appropriate offices on 27 December 2019 be approved; and
- (2) that the requirement for affected employees to use 1 day's annual leave be approved.

10 Amendments to Memberships of Committees, Forums and Outside Bodies - Partnerships

A report dated 4 April 2019 by the Executive Director (Finance and Corporate Resources) was submitted on:-

- ♦ action taken in terms of Standing Order No 36(c), because of the timescales involved, by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to approve a number of amendments to the membership of Forums and Partnerships
- ♦ proposals to amend the substitute membership of the Community and Enterprise Resources Committee
- ♦ the position of Chair of the Petitions Committee
- ♦ Council representation on the Lanark Business Improvement District (BID) Board

Following a full discussion, the Chair, in terms of Standing Order No 13, adjourned the meeting for a period of 5 minutes to allow political group leaders to clarify the position with their groups.

Following the adjournment, Councillor Fagan, seconded by Councillor Brogan, moved that consideration be given to the appointment to the position of Chair but that a decision on the appointee be continued to a future meeting of either this Committee or the Council. Councillor Anderson, seconded by Councillor Loudon, moved as an amendment, that the decision on the appointee as Chair of the Petitions Committee be made at this Committee. On a vote being taken by a show of hands, 15 members voted for the amendment and 7 for the motion. The amendment was declared carried and nominations were sought for Chair of the Petitions Committee.

Councillor Cooper, seconded by Councillor Lowe, moved that Councillor Burns be appointed as Chair of the Petitions Committee. Councillor Fagan, seconded by Councillor Brogan, moved as an amendment that Councillor Brown be appointed Chair of the Petitions Committee. On a vote being taken by a show of hands, 20 members voted for Councillor Burns and 8 members voted for Councillor Brown. Councillor Burns was declared Chair of the Petitions Committee.

The Committee decided:

- (1) that the action taken in terms of Standing Order No 36(c), by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to approve the following amendments to membership of Forums and Partnerships be noted:-
 - ♦ Councillor Nailon to be replaced by Councillor Allison on the Standards and Procedures Advisory Forum
 - ♦ Councillor Harrow to be replaced by Councillor Nelson as a substitute member of the Standards and Procedures Advisory Forum

- ◆ Councillor Le Blond to be replaced by Councillor McGavigan as a member of the Sustainable Development Member/Officer Working Group
 - ◆ Councillor Le Blond to be replaced by Councillor McGavigan as a member of the Sustainability Partnership
 - ◆ Councillor McGavigan to be replaced by Councillor Holford as a substitute member of the Sustainability Partnership
- (2) that Councillor Wark be replaced by Councillor Hose as a substitute member of the Community and Enterprise Resources Committee;
- (3) that Councillor Burns be appointed as Chair of the Petitions Committee; and
- (4) that consideration of nominations for Council representatives on the Lanark Business Improvement District Board be continued to a future meeting of this Committee.

[Reference: Minutes of South Lanarkshire Council of 18 May 2017 (Paragraph 7)]

11 Recommendations Referred by the Housing and Technical Resources Committee

A report dated 6 February 2019 by the Chief Executive was submitted on recommendations referred to this Committee by the Housing and Technical Resources Committee of 20 March 2019.

The recommendations of the Housing and Technical Resource Committee were as follows:-

- ◆ that the amendments to the Housing Allocation Policy arising from the statutory provisions of the Housing (Scotland) Act 2014, as detailed in Section 6 of the report, be approved effective from 1 May 2019
- ◆ that the mainstream housing aspects of the revised Housing Allocation Policy, as detailed in Section 7 of the report, be approved and implemented from 1 May 2019
- ◆ that the sheltered housing aspects of the Housing Allocation Policy, as detailed in Section 8 of the report, be approved and implemented from 1 February 2020

The Committee decided: that the recommendations referred by the Housing and Technical Resources Committee in relation to the Housing Allocation Policy be approved.

[Reference: Minutes of Housing and Technical Resources Committee of 20 March 2019 (Paragraph 16)]

12 Participatory Budgeting

A report dated 23 April 2019 by the Executive Director (Finance and Corporate Resources) was submitted on the updated position in relation to participatory budgeting.

The background to participatory budgeting was provided in the report together with confirmation that local authorities should meet the target of 1% of their overall budgets being subjected to participatory budgeting by the end of financial year 2020/2021 which, for the Council, equated to approximately £5.6 million.

COSLA had recently provided its description of mainstream participatory budgeting as follows:-

- ◆ proactively involving and engaging local people in making decisions on how public money was spent in their community

- ◆ engaging people in the design of policy and strategy that eliminated participation gaps
- ◆ it was a process of deliberative dialogue that allocated resources in a way that delivered shared and individual outcomes using direct community participation in the decision making process
- ◆ there was a clear demonstration of individual and community need in final service delivery that created meaningful life outcomes

As further information was provided through COSLA, it was considered appropriate for the Council to work towards identifying service areas to incorporate participatory budgeting. To take this forward, a members' awareness session would take place week commencing 13 May 2019 and COSLA would be invited to attend. A report would then be submitted to this Committee on any further proposals.

The Committee decided:

- (1) that the background to participatory budgeting and the Council's current position be noted;
- (2) that the intention to provide members with an awareness session on participatory budgeting, during the week commencing 13 May 2019, be noted; and
- (3) that further reports be submitted to this Committee on participatory budgeting activity as appropriate.

[Reference: Minutes of 27 June 2018 (Paragraph 12)]

13 Sanitary Products in Public Buildings

A joint report dated 8 April 2019 by the Executive Directors (Finance and Corporate Resources) and (Community and Enterprise Resources) was submitted on the provision of sanitary products in public buildings.

The Scottish Government had made a commitment to increase the number and range of places where sanitary products were available to those who needed them.

Funding of £0.078 million had been allocated to the Council to cover the initial set up and product costs from 1 January to 31 March 2019. Further whole year funding of £0.188 million had been allocated to the Council for 2019/2020.

Officers had identified 120 premises across South Lanarkshire that would be suitable for the provision of free sanitary products and this figure was likely to increase when voluntary sector facilities were added.

Details on other practical arrangements were provided in the report.

The Committee decided: that the report be noted.

14 Urgent Business

There were no items of urgent business.