

SOUTH LANARKSHIRE COUNCIL

Minutes of the meeting held via Confero and the Council Chamber on 23 August 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 Janine Calikes, 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 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 Richard Nelson, Councillor Carol Nugent, 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 Poppy Corbett, Councillor Joe Fagan, Councillor Monique McAdams

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; G McCann, Head of Administration and Legal Services; S Somerville, Administration Manager; T Slater, Administration Adviser; L Wyllie, Administration Assistant

Housing and Technical Resources

S Gibson, Executive Director

Social Work Resources/Health and Social Care

S Sengupta, Director, Health and Social Care

Provost's Opening Remarks

The Provost welcomed Councillor Kirsty Williams to her first meeting of the Council.

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Robb	Notice of Motion – Release of Untreated Sewage into Local Environment	Family member employed by SEPA

2 Minutes of Previous Meeting

The minutes of the meeting of South Lanarkshire Council held on 24 May 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 – 7 March 2023

The minutes of the meeting of the Risk and Audit Scrutiny Committee held on 7 March 2023 were submitted for noting.

The Council decided: that the minutes be noted.

Councillor Horne joined the meeting during this item of business

4 Minutes of Risk and Audit Scrutiny Committee – 23 May 2023

The minutes of the meeting of the Risk and Audit Scrutiny Committee held on 23 May 2023 were submitted for noting.

The Council decided: that the minutes be noted.

5 Standards Commission's Hearing Outcome

A report dated 27 July 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 Joe Fagan held on 27 June 2023.

Complaints had been received by the Commissioner for Ethical Standards in Public Life in Scotland (ESC) that, on 30 April 2021, Councillor Fagan disclosed to the press 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 Fagan 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, he 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 suspend Councillor Fagan for 2 months which took effect from 7 July 2023, the date of the written decision.

The full decision was available on the Standards Commission for Scotland's website.

Councillor Convery, seconded by Councillor Devlin, moved the recommendations in the report. Councillor Ross, seconded by Councillor Chalmers, moved the following as an amendment:-

"This council is moved to agree a vote of no confidence in the present leader of the council, Councillor Joe Fagan for the following reasons -

As a result of the Standards Commission hearing which took place in Hamilton on 27th June 2023,

- a) Councillor Fagan knowingly and deliberately whilst part of the CPWG's working group disclosed confidential information in breach of paragraph 3.16 of the councillor code of conduct.

- b) The panel noted that Councillor Fagan had disclosed the confidential information a week before the Scottish Parliamentary elections and were satisfied that he had done so, at least in part for party-political gain in breach of paragraph 3.17 of the code.
- c) The panel also noted that it was clear from the wording of the code that the information had been deliberately disclosed in part for political gain, the panel were concerned by this finding noting that Councillor Fagan had been afforded ample opportunity to propose changes to the management as a member of the CPWG. The panel were particularly concerned that he had sought to amplify the effect of his disclosure- to the media and by consequence its political impact.
- d) The panel noted that Councillor Fagan had sought further training on the confidentiality requirements of the code but have subsequently expressed disappointment to note that quotes in the press attributed to councillor Fagan following the hearing, appear to indicate that he did not understand that there are legitimate reasons as to why certain information is deemed confidential and why it should not be disclosed during that time. In consequence, the panel has warned Councillor Fagan that any future breach of the confidentiality provisions of the code will be treated with utmost seriousness.
- e) He has by his actions brought the council into disrepute and his failure to understand the basic principles needed to fulfil the position he now holds as council leader is untenable.”

The Provost responded to a Point of Order raised by Councillor Hamilton to confirm that an amendment could be accepted for a report that was for noting.

The Head of Administration and Legal Services confirmed that, while the amendment was competent, for factual accuracy, point c) should have read as ‘ . . . the management **of the information** as a member of the CPWG’ as this more accurately reflected the Standards Commission’s decision.

Councillor Ross indicated that he was willing to accept the change to his amendment, as outlined by the Head of Administration and Legal Services, and spoke on his reasons for submitting it. Councillor Chalmers was also heard, with the Provost responding to points raised in relation to the matter.

The Head of Administration and Legal Services, having been invited by the Provost to respond to a Point of Order raised by Councillor Ross in relation to comments made by Councillor Watson, confirmed that the matters concerned an Outside Body, therefore, it was not for this Council to consider.

Following discussion, on a vote being taken by roll call, members voted as follows:-

Motion

Alex Allison, Ralph Barker, Walter Brogan, Robert Brown, Mathew Buchanan, Andy Carmichael, Gerry Convery, Margaret Cooper, Margaret Cowie, Maureen Devlin, Allan Falconer, Ross Gowland, Lynsey Hamilton Celine Handibode, Martin Hose, Gavin Keatt, Susan Kerr, Ross Lambie, Martin Lennon, Richard Lockhart, Eileen Logan, Catherine McClymont, Kenny McCreary, Lesley McDonald, Mark McGeever, Davie McLachlan, Richard Nelson, Norman Rae, Mo Razzaq, Graham Scott, Bert Thomson, Margaret B Walker, David Watson, Kirsty Williams

Amendment

John Anderson, John Bradley, Archie Buchanan, Janine Calikes, Maureen Chalmers, Ross Clark, Andrea Cowan, Colin Dewar, Mary Donnelly, Grant Ferguson, Gladys Ferguson-Miller, Elise Frame, Alistair Fulton, Geri Gray, Graeme Horne, Mark Horsham, Cal Johnston-Dempsey, Katy Loudon, Hugh Macdonald, Julia Marrs, Ian McAllan, Elaine McDougall, Carol Nugent, John Ross, David Shearer, Helen Toner

Abstained

Kirsten Robb

34 members voted for the motion, 26 for the amendment and 1 abstained. The motion was declared carried.

The Council decided:

- (1) that the decision of the Hearing Panel of the Standards Commission for Scotland that Councillor Joe Fagan 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 suspend Councillor Fagan for a period of 2 months with effect from 7 July 2023, being the date of its written decision, be noted.

Councillor McDonald joined the meeting during this item of business and prior to the vote

6 Outcome of Local Government By-election – Electoral Ward 9 (East Kilbride West) and Amendments to Committee and Outside Body Memberships

A report dated 10 August 2023 by the Chief Executive was submitted advising:-

- ♦ of the outcome of the by-election held in Ward 9 (East Kilbride West)
- ♦ on action taken, in terms of Standing Order No 37(c), because of the timescales involved, by the Chief Executive, in consultation with the Depute Provost and an ex officio member, to approve revised memberships of committees, as well as an outside body, following the by-election

Following the by-election held on 6 July 2023, Kirsty Williams had been elected to serve as Councillor for Electoral Ward 9 (East Kilbride West).

As a consequence of the revised political make-up of the Council, the composition of Resource, Planning and Recruitment Committees required to be amended. A copy of the previous and revised breakdown of committee memberships was provided in Appendix 1 of the report.

In order to allow the continuity of Council business following the summer recess, the following changes had been approved following action taken, in terms of Standing Order No 37(c), by the Chief Executive, in consultation with the Depute Provost and ex officio member:-

- ♦ that Councillor Lennon fill the vacant place on the Planning Committee
- ♦ that Councillor Brown and Councillor Cooper replace Councillor Ferguson-Miller and Councillor Cowan respectively as a member and substitute member of the Recruitment Committee
- ♦ that Councillor Frame fill the vacant substitute place on the Executive Committee
- ♦ that Councillor Williams replace Councillors Johnston-Dempsey, Bradley and Dewar on the Social Work Resources, Housing and Technical Resources and Finance and Corporate Resources Committees respectively
- ♦ that Councillor Kerr replace Councillor Chalmers on the Community and Enterprise Resources Committee

- ◆ that Councillor Falconer replace Councillor Bradley on the Education Resources Committee
- ◆ that Councillor Dewar replace Councillor Donnelly as a member of the Planning Committee
- ◆ that Councillor Frame fill the vacant place on the Planning Local Review Body
- ◆ that Councillor Dewar replace Councillor Donnelly on Planning Local Review Body
- ◆ that Councillor Donnelly replace Councillor Gray on the Licensing Committee
- ◆ that Councillor Horsham replace Councillor Loudon as a substitute member on the Licensing Committee
- ◆ that Councillor Toner fill the vacant place on the Climate Change and Sustainability Committee
- ◆ that Councillor Horsham replace Councillor Calikes as a member of the Climate Change and Sustainability Committee, with Councillor Gray filling the place of substitute member
- ◆ that Councillor Johnston-Dempsey fill the vacant place on the Equal Opportunities Forum
- ◆ that Councillor Dewar fill the vacant substitute place on the Finance and Corporate Resources Committee
- ◆ that Councillor Bradley fill the vacant substitute place on the Housing and Technical Resources Committee
- ◆ that Councillor Calikes fill the vacant substitute place on the Petitions Committee
- ◆ that Councillor Anderson and Councillor Williams fill the vacant places on Licensing Division No 2 (East Kilbride)
- ◆ that Councillor Williams and Councillor Macdonald fill the vacant places as representatives on East Kilbride Sports Council

The Head of Administration and Legal Services advised of some administrative errors in Appendix 3. In terms of the South Lanarkshire Integration Joint Board, one of the substitute members should have been listed as Councillor Falconer, rather than Councillor Handibode. In relation to the Safer South Lanarkshire Board, one of the members listed should have been Councillor Cowan, rather than Councillor Gray.

Since the papers were issued, the SNP Business Manager had requested a further change to the membership of the South Lanarkshire Integration Joint Board. He asked that Councillor Frame replace Councillor Bradley as a full member, with Councillor Ross filling the resulting vacancy as a substitute member.

The Council decided:-

- (1) that it be noted that, following the by-election held on 6 July 2023, Kirsty Williams had been elected to represent Electoral Ward 9 (East Kilbride West) on South Lanarkshire Council;
- (2) that, to reflect the current political composition of the Council, the breakdown of the committee memberships, as detailed in Appendix 1, be noted;
- (3) that the action taken, in terms of Standing Order No 37(c), by the Chief Executive, in consultation with the Depute Provost and an ex officio member, to approve the revised membership of committees and an outside body, as detailed at paragraph 5.2, be noted; and
- (4) that the further change to the membership of the South Lanarkshire Integration Joint Board, as requested by the SNP Business Manager, be approved.

[Reference: Minutes of 24 May 2023 (Paragraph 10)]

7 Notice of Motion – Baby Loss Units

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

“South Lanarkshire Council recognises the importance of the campaign by local South Lanarkshire woman, Louise Caldwell, for a dedicated Baby Loss Unit at University Hospital Wishaw.

The Council understands that the campaign aims to secure a dedicated Baby Loss Unit in Lanarkshire where women who have lost their baby, at any stage of their pregnancy, can give birth and receive needed medical treatment away from the labour ward. The Council further understands that these facilities were due to open in October last year but remain unopened due to delays in decoration and soft furnishings.

The Council understands that this matter is within the gift of NHS Lanarkshire, however, asks their partner not to delay these rooms any further.

Further to this, the Council asks the Scottish Government for an update on the roll-out of baby loss units nationwide by 2024, given their previous manifesto commitment.”

Councillor Hamilton confirmed that, on the basis that NHS Lanarkshire had announced last week that the Baby Loss Unit in Wishaw University Hospital would now be officially opened on Thursday 24 August 2023, she wished to withdraw her motion. She wanted to record her thanks to Louise Caldwell of East Kilbride who had started and driven the campaign and whose hard work would change the lives of women in Lanarkshire who found themselves in the unthinkable position of losing their baby. She spoke of her own personal experience and on how having a Baby Loss Unit would have made a difference at an extremely difficult time. She called for more of the units to be open across the country.

The Provost thanked all members of the Council for the support shown to Councillor Hamilton.

The Council decided: to note the position.

8 Notice of Motion – Tackling the Release of Untreated Sewage into the Local Environment

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

“Council notes official Scottish Water figures have revealed that untreated sewage was dumped at least 2,354 times in South Lanarkshire during 2022. These instances occurred at sewage overflow points in Hamilton, Rutherglen, Cambuslang, East Kilbride, Bothwell, Biggar, Strathaven and Larkhall.

Council further notes that across Scotland only four percent of sewage overflow points are monitored (144 out of 3,614), and that this compares to around 90 percent in England. Accordingly, the actual instances of untreated sewage released into the environment will be much worse than what has been recorded.

South Lanarkshire Council believes that the local environment - and everyone who uses Scotland's rivers and beaches - deserves the highest possible protection. This council agrees with calls by campaigners for:

- ◆ the proper recording and publication of every instance where untreated sewage is released from the sewage system into the environment;
- ◆ the introduction of legally-binding targets for reducing these overflows;

- ◆ the upgrading of Scotland's ageing sewage system;
- ◆ an end to dumping around Scotland's best beaches; and
- ◆ a faster process for the protection of waters used for swimming, surfing, and other recreational activities.

Therefore, the Council requests that the Chief Executive contact both Scottish Water, SEPA and the Scottish Government to endorse the above points, set out the council's concern, and to request an urgent update regarding the situation within South Lanarkshire."

In moving the motion, Councillor McGeever advised that limited data was available which quantified the consequences of the release of untreated sewage into the environment and that was largely because only 4% of overflow sites were monitored. He referred to the potential harm to those who came into contact with contaminated water and how there was a requirement to monitor the release of raw sewage into public areas so it could be recorded and the public warned to avoid certain areas. Councillor Brown seconded the motion and referred to the seriousness of the issue.

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

"Council notes official Scottish Water figures have revealed that untreated sewage was dumped at least 2,354 times in South Lanarkshire during 2022. These instances occurred at sewage overflow points in Hamilton, Rutherglen, Cambuslang, East Kilbride, Bothwell, Biggar, Strathaven and Larkhall.

Council further notes that across Scotland only four percent of sewage overflow points are monitored (144 out of 3,614), and that this compares to around 90 percent in England.

However, Council welcomes that SEPA classify 66 percent of Scotland's rivers in overall good ecological condition, and that this compares to 16 percent for the equivalent DEFRA figure for England. Furthermore, SEPA classifies 87 percent of Scotland's water environment as having 'good' water quality with Scotland's River Based Management Plan having measures in place to achieve 92 percent 'good water' quality by 2027.

Council also welcomes the Scottish Water Improving Urban Waters Routemap which includes actions to:

- ◆ improve water quality
- ◆ increase monitoring and reporting to cover all Combined Sewer Overflows (CSOs) that discharge into the highest priority waters
- ◆ significantly reduce sewer related debris in the environment
- ◆ reduce spills from the sewer network

Council welcomes that these actions that include 1,000 new spill monitors with installation programmed over 2023 and 2024.

Council also notes figures stating that since 2019, due to inclement weather, South Lanarkshire primary schools have suffered 26 sewage leaks, the highest numbers recorded in Scotland.

Council notes that sewage related debris can cause harm to our environment and wildlife. Council therefore supports the Scottish Government's commitment to working with the UK Government and other devolved administrations to ban wet wipes containing plastic.

South Lanarkshire Council believes that the local environment - and everyone who uses Scotland's rivers and beaches – and our school estate deserves the highest possible protection.

Therefore, the Council requests that the Chief Executive contact both Scottish Water, SEPA and the Scottish Government to welcome actions already taken and identified but encourages further progress on the monitoring of Combined Sewage Overflows, improving water quality, reducing spills from the sewer network, and reducing sewer related debris.

Council also requests a report on sewage systems pertaining to our school estate be presented to the Housing and Technical Resources Committee.”

In moving his amendment, Councillor Clark advised that his Group agreed in principle with the contents of the motion in that it sought to further improve the sewage network and further protect the environment, however, it was considered that the motion could be improved by including more context and recognising action already taken.

Following discussions, the mover and seconder of both the motion and amendment agreed the following composite motion:-

“Council notes official Scottish Water figures have revealed that untreated sewage was dumped at least 2,354 times in South Lanarkshire during 2022. These instances occurred at sewage overflow points in Hamilton, Rutherglen, Cambuslang, East Kilbride, Bothwell, Biggar, Strathaven and Larkhall.

Council further notes that across Scotland only four percent of sewage overflow points are monitored (144 out of 3,614), and that this compares to around 90 percent in England. Accordingly, the actual instances of untreated sewage released into the environment will be much worse than what has been recorded.

Council notes that SEPA classify 66 percent of Scotland’s rivers in overall good ecological condition, and that this compares to 16 percent for the equivalent DEFRA figure for England. Furthermore, SEPA classifies 87 percent of Scotland’s water environment as having ‘good’ water quality with Scotland’s River Based Management Plan having measures in place to achieve 92 percent ‘good water’ quality by 2027.

Council welcomes that these actions include 1,000 new spill monitors across Scotland with installation programmed over 2023 and 2024.

Council notes that sewage related debris can cause harm to our environment and wildlife. Council therefore supports the Scottish Government’s commitment to working with the UK Government and other devolved administrations to ban wet wipes containing plastic.

South Lanarkshire Council believes that the local environment - and everyone who uses Scotland’s rivers and beaches – deserves the highest possible protection. This Council agrees with calls by campaigners for:-

- ◆ the proper recording and publication of every instance where untreated sewage is released from the sewage system into the environment;
- ◆ the introduction of legally-binding targets for reducing these overflows;
- ◆ the upgrading of Scotland’s ageing sewage system;
- ◆ an end to dumping around Scotland’s best beaches; and
- ◆ a faster process for the protection of waters used for swimming, surfing, and other recreational activities.

Therefore, the Council requests that the Chief Executive contact Scottish Water, SEPA and the Scottish Government to endorse the above points, set out the Council’s concern, and to request an urgent update regarding the situation within South Lanarkshire.”

Councillor Cowan referred to her agreement to withdraw comments relating to the school estate on the basis that a report would be submitted to a future meeting of the Housing and Technical Resources Committee to assess the situation in terms of primary schools that had been affected by sewage leaks.

The Provost confirmed with members, the Council's agreement to the composite motion and concluded by advising members that, on occasion, where a motion and amendment were similar in nature, it would be useful for discussions to be held prior to entering the Chamber to enable business to be concluded timeously as some considerable time had been spent on reaching a joint agreement.

The Council decided: that the terms of the composite motion be agreed and that the Chief Executive write to Scottish Water, SEPA and the Scottish Government to endorse the points made, set out the Council's concerns, and to request an urgent update regarding the situation within South Lanarkshire.

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

In terms of Standing Order No 14, the Provost adjourned the meeting during this item of business at 11.00am. The meeting reconvened at 11.27am

9 Notice of Motion – Future of Local Care Services

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

“Council reiterates its opposition to the Scottish Government's proposals for a National Care Service with bureaucratic costs estimated at well in excess of £1 billion, and our repeated representations to the Scottish Government calling for the proposals to be scrapped.

Council welcomes the so-called “Verity House” agreement on closer cooperation between Scottish Government and local government signed in June and the announcement of the initial agreement between the Scottish Government, the NHS and COSLA about accountability arrangements for the proposed National Care Service - and the “partial climb down” by Scottish Ministers it entails.

Council recognises the national dimension to the funding of, and standards in, care services, and in supporting workforce planning to deliver a well-trained, motivated and suitably qualified workforce in appropriate numbers to ensure high quality care services to all who need it.

Council remains opposed to the Scottish Government seeking to take increased control over care services which are in essence local services and are best commissioned and provided locally.

Noting the continuing pressures on care services and their staff, Council calls on the Scottish Government to:

1. Urgently reallocate the funding set aside to establish the NCS to fund front line care services;
2. Abandon their proposed bureaucratic national structure for the NCS and reconsider the arrangements for national oversight of care services which remain complex and confusing with Scottish Ministers, the Care Inspectorate, Care Information Scotland, the Scottish Social Services Council, the proposed National Social Work Agency and the proposed National Care Service amongst others all having a role;

3. Abandon any part of the proposals which have the effect of removing powers over care and social work services from local councils;
4. Start a fresh consultation with stakeholders, not least Local Government, about the proposals”

In moving his motion, Councillor Brown referred to the fact that he had accepted the following amendment to point 2, which was moved by Councillor Walker and seconded by Councillor McClymont:-

- “2. Notes the proposed structure for the National Care Service as outlined in the draft “Shared Paper” presented to COSLA by the Minister on 12th July 2023 and urges reconsideration of the arrangements for national oversight of care services (which remain complex and confusing) to reduce bureaucracy, support national policies, and improve quality and standards in collaboration with Local Authorities and other partners and stakeholders, and local people and service-users”

He referred to cross-party support and the regrading of care workers which, while being the right thing to do, put considerable extra pressure on the Council’s finances.

Councillor Chalmers, seconded by Councillor Frame, moved the following as an amendment:-

“DELETE:

Council reiterates its opposition to the Scottish Government’s proposals for a National Care Service with bureaucratic costs estimated at well in excess of £1 billion, and our repeated representations to the Scottish Government calling for the proposals to be scrapped.

INSERT:

Council welcomes the fresh approach taken by Scottish Government on proposals for a National Care Service and the intensive discussions between CoSLA and senior Scottish Government officials in early summer. The aim of these negotiations was to agree a way forward on the Bill, recognising that consensus would be required from both sides, and it is welcome that the proposed National Framework recognises CoSLA cross party agreed position.

DELETE:

Council welcomes the so-called “Verity House” agreement on closer cooperation between Scottish Government and local government signed in June and the announcement of the initial agreement between the Scottish Government, the NHS and COSLA about accountability arrangements for the proposed National Care Service – and the “partial climb down” by Scottish Ministers it entails.

INSERT:

Council welcomes the Verity House Agreement, a partnership agreement with the principle of ‘Local by Default and National by Agreement’ at its heart, signed by CoSLA President, and **all** political group leaders on 26th June.

Council supports the CoSLA Leaders unanimous decision in June to agree a National Framework which offers a basis for further negotiations and more detailed work and notes the cross-party agreement that local government retains a key role in commissioning and that children and community justice services remain with local authorities.

Council recognises the national dimension to the funding of, and standards in, care services, and in supporting workforce planning to deliver a well-trained, motivated and suitably qualified workforce in appropriate numbers to ensure high quality care services to all who need it.

INSERT:

Council welcomes the Scottish Government's summer engagement activity with communities and stakeholders which will contribute to the National Framework delivery plan.

Council supports a partnership approach in making progress with the National Framework, seeks cross party co-operation locally as well as nationally and notes that South Lanarkshire Council officers with colleagues from the IJB will help to shape, amend and participate in public National Care Service co-design activity.

DELETE TO END:

Council remains opposed to the Scottish Government seeking to take increased control over care services which are in essence local services and are best commissioned and provided locally. Noting the continuing pressures on care services and their staff, Council calls on the Scottish Government to:

- 1. Urgently reallocate the funding set aside to establish the NCS to fund front line care services;*
- 2. Abandon their proposed bureaucratic national structure for the NCS and reconsider the arrangements for national oversight of care services which remain complex and confusing with Scottish Ministers, the Care Inspectorate, Care Information Scotland, the Scottish Social Services Council, the proposed National Social Work Agency and the proposed National Care Service amongst others all having a role;*
- 3. Abandon any part of the proposals which have the effect of removing powers over care and social work services from local councils;*
- 4. Start a fresh consultation with stakeholders, not least Local Government, about the proposals"*

In moving her amendment, Councillor Chalmers stated that it reflected recent events and respected the cross-party position agreed nationally. She advised that it was very welcome that, on taking up his new position, the First Minister had signalled a change of approach to working with local government and, following substantial and intensive discussions between COSLA and the Scottish Government, progress had been made by signing the Verity House agreement. She advised that, at the Leaders' meeting, a unanimous decision was taken to agree the proposed national framework for the National Care Service, however, it had been recognised that work was required to rebuild relationships and trust but there was an agreed way forward.

On a vote being taken using the electronic voting system, and taking account of those members' voting preferences which had been notified to the Clerk's assistant by telephone due to technical difficulties, 34 members voted for the motion and 27 for the amendment. The motion was declared carried.

The Council decided:

that the terms of the motion be agreed and the Council call on the Scottish Government to:-

- ◆ urgently reallocate the funding set aside to establish the NCS to fund front line care services
- ◆ reconsider the arrangements for national oversight of care services (which remained complex and confusing) to reduce bureaucracy, support national policies, and improve quality and standards in collaboration with local authorities and other partners, stakeholders, local people and service-users
- ◆ abandon any part of the proposals which had the effect of removing powers over care and social work services from local councils
- ◆ start a fresh consultation with stakeholders, not least local government, about the proposals

10 Notice of Motion – Time for Inclusive Education

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

“Council celebrates the fact that in 2021 Scotland was the first country in the world to agree to embed lesbian, gay, bisexual and transgender (LGBT) inclusive education across the school curriculum, and notes that there is a national expectation that Local Authorities ensure that all schools are delivering an LGBT inclusive education for their learners.

Council notes that in March 2023, LGBT Youth Scotland published their education report: Life In Scotland 2023, which stated that only 48% of young people who participated felt supported as an LGBT person in education, and just 21% reported seeing LGBT representation in lessons within their educational setting.

Council agrees that LGBT inclusive education contributes to how all young people see themselves, their families, and the world around them; and further agrees that this learning should be meaningful, relevant, and part of ordinary learning.

Council welcomes the progress that has been made to date to nurture a supporting environment in educational settings for LGBT young people within South Lanarkshire; such as the training that has been delivered to some schools, the schools which have been supported by the Inclusive Education Service to gain or to work towards gaining LGBT Charter Awards, and the forthcoming LGBT Inclusive Education Showcase that will be delivered by the Time for Inclusive Education charity (TIE) in September.

Council notes that TIE provides services and resources that are co-developed with teachers from across Scotland and suitable for primary and secondary pupils that include stage appropriate educational workshops for pupils, professional learning for teachers, and curriculum materials. This is in addition to their responsibility for managing the new national platform lgbteducation.scot on behalf of the Scottish Government, and is endorsed by a variety of stakeholders including those in the education sector.

Council also understands that schools in other authorities that have utilised this national platform and completed Stages 1 and 2 of the CPD pathway provided by TIE on the lgbteducation.scot website have reported significant and notable success in increasing the confidence of teachers to deliver LGBT inclusive education; and schools who have engaged with TIE's learner sessions have reported that pupils within their school community have a greater understanding of diversity, the impact of prejudice, and anti-bullying.

Council notes that these resources and training are entirely free and come at no monetary cost to schools thanks to core funding support from Scottish Government. Council asks that appropriate officers continue their positive working relationship with TIE in order to engage the Council's headteachers, heads of department and officers from Education Services to promote the opportunities that the new national platform can bring.

Council therefore agrees;

- ◆ The working aspiration of the Council should be towards all of South Lanarkshire's primary and secondary teachers completing the Scottish Government's Stage 1 and Stage 2 national professional learning in line with the national expectation set by the Scottish Government and CoSLA
- ◆ Regular updates on progress towards this national expectation will be provided to the Education or other relevant Committee”

Councillor Calikes, in moving her motion, thanked the Executive Director (Education Resources) and Legal Services for their guidance in terms of the wording of the motion. She advised that evidence showed that an educational approach could help to address the homophobic and transphobic prejudice that remained pervasive in schools. Councillor Loudon, in seconding the motion, advised that the training materials were easy to access and complete online and very clear in their scope and expectation in terms of inclusive education, as set out by the Government.

Councillor Watson, seconded by Councillor Keatt, moved as an amendment that a report be submitted to a future meeting of the Education Resources Committee to allow for a full discussion and consultation with the wider school community.

Following discussion, on a vote being taken by roll call, members voted as follows:-

Motion

John Anderson, John Bradley, Archie Buchanan, Janine Calikes, Maureen Chalmers, Ross Clark, Andrea Cowan, Colin Dewar, Mary Donnelly, Grant Ferguson, Gladys Ferguson-Miller, Elise Frame, Alistair Fulton, Geri Gray, Graeme Horne, Mark Horsham, Cal Johnston-Dempsey, Katy Loudon, Hugh Macdonald, Julia Marrs, Ian McAllan, Elaine McDougall, Carol Nugent, Kirsten Robb, John Ross, David Shearer, Helen Toner

Amendment

Alex Allison, Ralph Barker, Walter Brogan, Robert Brown, Mathew Buchanan, Andy Carmichael, Gerry Convery, Margaret Cooper, Margaret Cowie, Maureen Devlin, Allan Falconer, Ross Gowland, Lynsey Hamilton Celine Handibode, Martin Hose, Gavin Keatt, Susan Kerr, Ross Lambie, Martin Lennon, Richard Lockhart, Eileen Logan, Catherine McClymont, Kenny McCreary, Mark McGeever, Davie McLachlan, Richard Nelson, Norman Rae, Mo Razzaq, Graham Scott, Bert Thomson, Margaret B Walker, David Watson, Kirsty Williams

27 members voted for the motion and 33 for the amendment. The amendment was declared carried.

Councillor Hamilton, speaking as Chair of the Education Resources Committee, gave her commitment to take this matter forward, working with officers and the trades unions as well as other stakeholders.

Following a Point of Order raised by Councillor Clark, the Provost ruled that she did not accept that Councillor Hamilton's statement was political.

The Council decided:	that a report on the matter be submitted to a future meeting of the Education Resources Committee to allow for a full discussion and consultation with the wider school community.
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Councillor McDonald left 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 12.24pm. The meeting reconvened at 12.30pm

11 Notice of Motion – Feminist Led Town Planning

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

“In order to create public spaces that are safe and inclusive for women, and are accessible to all members of the community, it is fundamental that women's views are central to all aspects of planning, public realm design, policy development and budgets.

A gender neutral approach to Local Development, does not work. Women and people of marginalised genders, have diverse needs, not currently reflected in practice, and that an intersectional, inclusive and climate friendly approach, is needed.

The key features of healthy towns and villages are aligned with gender-equal cities, including walkability, proximity to spaces, mixed-use environments, and public realm and open green spaces. These factors aren't only important for women, but are key considerations for creating healthy, liveable places for all, with positive impacts in terms of physical and mental wellbeing and with good air quality.

Public places that are better attuned to women's security and practical needs would open up opportunities for women and could lead to an increased participation in political meetings and ultimately women's elected representation. It would present job opportunities, and enhance the autonomy of disabled women, women in the black and minority ethnic communities (BME), unpaid carers and lone parents.

Data gathering, community consultations, policy development and planning processes need to engage and ask questions about the everyday embodied experience of women, so that public spaces and services are truly accessible. Council believes that intersectionality and actively addressing socio-economic inequalities must be at the heart of this approach. Council can learn from evidence of international initiatives, such as, 'Gendered Lens', currently used in Vienna's planning frameworks and Barcelona's policy on urban planning with a gender perspective to design spaces and services around women's needs.

Therefore, we call on the Council to prepare reports that will consider how appropriate Committee(s) will consider how council policy and practice, where appropriate, needs to be adapted to :-

- Ensure equality impact assessments take account of gender equality as well as the other protected characteristics for strategy and decision-making by incorporating women's lived experiences into public planning, social and economic policy.
- Take account of a feminist planning approach as well as the other protected characteristics within planning policy and SLC's local development plan.
- Gather intersectional gender-disaggregated data, where possible while respecting the individual's right to privacy, in all council consultations, to ensure specific gender differences in behaviours and needs are fully understood, ensuring that there is a standardised, consistent approach across all consultations undertaken by council departments, committees, working groups, partnerships and ALEOs.
- Ensure recommendations from the Scottish Government's review into the Public Sector Equality Duty, when completed, are incorporated at the earliest opportunity.
- Continue to ensure that a high level of gender competence / awareness training is included in equality and diversity training provided by South Lanarkshire Council, for Heads of Service and key members of staff across all council services.
- Continue to have regard to all protected characteristics including gender in council budgets, to ensure all are taken account of at all stages of the budget process.
- As per the recommendations in NPF4 (policies 14 and 15), implement the adoption of a Liveable Neighbourhoods scheme, which explores the concept of a 20 minute neighbourhood, allowing people to meet most of their daily needs within a 20 minute return walk from home."

On moving her motion, Councillor Donnelly considered her proposals would benefit all, with a specific emphasis on women and girls. Councillor Frame, in seconding the motion, intimated that it would mean equality for all.

Councillor Nelson referred to his role as Chair of the Planning Committee and advised that, at the most recent Planning Committee, it was agreed that work would begin on the next Local Development Plan (LDP). The consultation statement within the LDP Scheme presented to the Planning Committee gave elected members the opportunity to propose alterations to the consultation process. He considered that this was the most appropriate forum, with expert Council officers in attendance to help the committee to evaluate any amendments. No consultation comments had been received or raised and the recommendations were approved at that committee. He considered it was worth noting that all planning, including the new LDP, was subject to an Equality Impact Assessment which, as part of the statutory duty, took into consideration every part of the community, including those who were marginalised. He was concerned that this motion emphasised the needs of one group of people more than others. Councillor Lambie concurred with Councillor Nelson's remarks and, in response to his question on whether part of it was competent in terms of GDPR, the Head of Administration and Legal Services confirmed that it was as it referred to respecting the individual's right to privacy and was not mandatory, as well as the fact that the Equality Impact Assessment had to take account of all protected characteristics, including gender.

Councillor Nelson, seconded by Councillor Allison, moved as an amendment that the motion be rejected and that the Council commit to engaging with all members of the community in the preparation of the LDP and the delivery of its planning function.

Councillors Hamilton and Robb were heard in support of the motion.

On a vote being taken using the electronic voting system, 44 members voted for the motion, 11 for the amendment and 1 abstained. The motion was declared carried.

The Council decided:

that the terms of the motion be agreed and reports be prepared to consider how appropriate committee(s) would consider how Council policy and practice, where appropriate, needed to be adapted to:-

- ◆ ensure equality impact assessments took account of gender equality as well as the other protected characteristics for strategy and decision-making by incorporating women's live experiences into public planning, social and economic policy
- ◆ take account of a feminist planning approach as well as the other protected characteristics within planning policy and the Council's Local Development Plan
- ◆ gather intersectional gender-disaggregated data, where possible, while respecting the individual's right to privacy, in all Council consultations, to ensure specific gender differences in behaviours and needs were fully understood, ensuring that there was a standardised, consistent approach across all consultations undertaken by Council departments, committees, working groups, partnerships and ALEOs
- ◆ ensure recommendations from the Scottish Government's review into the Public Sector Equality Duty, when completed, were incorporated at the earliest opportunity
- ◆ continue to ensure that a high level of gender competence/awareness training was included in equality and diversity training provided by the Council, for Heads of Service and key members of staff across all Council services

- ◆ continue to have regard to all protected characteristics, including gender, in Council budgets to ensure all were taken account of at all stages of the budget process
- ◆ as per the recommendations in NPF4 (policies 14 and 15), implement the adoption of a Liveable Neighbourhoods scheme, which explored the concept of a 20 minute neighbourhood, allowing people to meet most of their daily needs within a 20 minute return walk from home

Councillors Ferguson, Ferguson-Miller and Hamilton left the meeting following this item of business

12 Notice of Motion – Assess Sustainability Impact of Budget Proposals

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

“Pre-amble: This motion is about ensuring all budget proposals meet the statutory duty to integrate consideration of carbon, climate change adaptation and sustainability into all decision-making processes.

Currently, equalities and environmental impacts of council activities are presented at budget time. However, to date, these have not included the impact on emissions that lead to climate breakdown. Council officers are now preparing a process to assess the budget for climate impact (see point 4).

Currently, however, political budget proposals do not include a broad assessment of their impact on sustainability. If this motion passes, it will recommend that all political budget motions do so. It will ensure projects which have the potential to increase emissions and impact on sustainability are properly assessed and presented and that any impacts are reduced or mitigated. This will help deliver on council plan objectives on sustainability.

Council notes:

1. The Council has a statutory duty under the Climate Change (Scotland) Act 2009 (“the Act”) to ensure that its policies, plans and strategies take account of: carbon impacts; adaptation to climate change; and sustainable development.
2. The legislation applies to everything the Council does, and requires the Council to integrate consideration of carbon, climate change adaptation and sustainability into decision-making processes, of which the annual budget development process and political budget motions are key. The council must now also include in its annual reporting “how the body will align its spending plans and use of resources with emissions targets”.
3. “Work towards a sustainable future in sustainable places” is one of the key Council policies (see Connect 2022-227) aiming to reduce carbon emissions, adapt to climate change and act sustainably. Therefore it is essential to ensure that the sustainability impact of budget proposals is properly considered.
4. The initial preparation work on the 2024/2025 Capital Programme has commenced and the council are expected to present to the next Climate Change and Sustainability Committee, an approach to assess the carbon impact of each potential new project, as well as any appropriate mitigation. The final Climate Change Impact Assessments (CCIA) will also be provided to members prior to their consideration of the capital programme for the new financial year. These assessments will form part of the overall project assessment criteria.

Council agrees:

1. That, in relation to the Council budget setting process and medium term financial plan, Councillors and the public should understand the climate / sustainability impact of spending proposals;
2. Therefore requests that Officers provide high level guidance for political groups to complete a sustainability impact assessment of their proposed budgets in the run up to the Council's budget setting process in February; and encourages all budget motions to include an accompanying statement to their proposals which sets out how their spending plans align with the Council's climate strategies, including this as an appendix."

Councillor Robb, in moving her motion, referred to the social, environmental and economic wellbeing of all South Lanarkshire residents and how sustainable development aimed to achieve that. She intimated that she was pleased that the Council was now working on a climate impact assessment process for the capital programme. She advised it would give councillors the tools to assess and present budget proposals, reflecting on sustainable development. Councillor Clark, in seconding the motion, referred to the importance of tackling climate change and a need to act now before irreversible damage was done to the planet.

Councillor Convery advised that his Group supported the motion, however, would ask that the matter be referred to the Standards and Procedures Advisory Forum (SPAF) for consideration as part of the mid-term review of the Standing Orders on Procedures. Councillor Robb indicated that this was acceptable to both her and Councillor Clark, however, she was keen that the guidance be issued this year so that members would be familiar in using it and would amend point 3 to say 'issue the sustainability assessment guidance in time for using for this year's budget and refer it to the SPAF to discuss and formalise the process for future years'. The Provost, having advised that she had verified that officers could commit to that point, confirmed that the Council agreed to the motion, as amended.

In response to a point raised by Councillor Lambie in terms of impartial officers being involved in early political discussions, the Provost clarified that officers would provide the tools to facilitate this but would not be making any decisions in regard to the budget.

The Council decided:

that the terms of the motion, as amended, be agreed in that sustainability assessment guidance be issued in time for this year's budget and the matter be referred to the Standards and Procedures Advisory Forum for consideration as part of the mid-term review of the Standing Orders on Procedures.

13 Urgent Business

There were no items of urgent business.