

# COMMUNITY AND ENTERPRISE RESOURCES COMMITTEE

Minutes of meeting held via Confero and in the Council Chamber, Council Offices, Almada Street, Hamilton on 30 May 2023

## Chair:

Councillor Robert Brown

## Councillors Present:

Councillor John Anderson, Councillor Ralph Barker, Councillor Walter Brogan, Councillor Maureen Chalmers, Councillor Ross Clark (*substitute for Councillor Hugh Macdonald*), Councillor Gerry Convery, Councillor Andrea Cowan, Councillor Margaret Cowie, Councillor Maureen Devlin (Depute), Councillor Colin Dewar, Councillor Joe Fagan, Councillor Gladys Ferguson-Miller, Councillor Ross Gowland, Councillor Graeme Horne, Councillor Cal Johnston-Dempsey, Councillor Richard Lockhart, Councillor Ian McAllan, Councillor Kenny McCreary, Councillor Lesley McDonald (*substitute for Councillor Andy Carmichael*), Councillor Davie McLachlan, Councillor Carol Nugent, Councillor Graham Scott (*substitute for Councillor Martin Lennon*), Councillor Helen Toner, Councillor David Watson

## Councillors' Apologies:

Councillor Andy Carmichael, Councillor Poppy Corbett, Councillor Martin Lennon, Councillor Hugh Macdonald

## Attending:

### Community and Enterprise Resources

D Booth, Executive Director; A Brown, Head of Enterprise and Sustainable Development Services; F Carlin, Head of Planning and Regulatory Services; K Carr, Head of Facilities, Waste and Grounds Services; S Laird, Engineering Manager; K Lean, Programme Manager; K McGuire, Waste Services Manager; I Ross, Project Manager; I Russell, Construction Unit Manager; G Simpson, Development Adviser

### Finance and Corporate Resources

J Davitt, Public Relations Team Leader; E Maxwell, Human Resources Business Partner; E-A McGonigle, Administration Officer; L O'Hagan, Finance Manager (Strategy); T Slater, Administration Adviser; M M Wilson, Legal Services Manager; L Wyllie, Administration Assistant; M Zahir, Finance Adviser

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## 1 Declaration of Interests

No interests were declared.

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## 2 Minutes of Previous Meeting

The minutes of the meeting of the Community and Enterprise Resources Committee held on 14 March 2023 were submitted for approval as a correct record.

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

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### **3 Community and Enterprise Resources - Workforce Monitoring – January to March 2023**

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A joint report dated 14 April 2023 by the Executive Directors (Finance and Corporate Resources) and (Community and Enterprise Resources) was submitted on the following employee information for Community and Enterprise Resources for the period January to March 2023:-

- ◆ attendance statistics
- ◆ occupational health statistics
- ◆ accident/incident statistics
- ◆ disciplinary hearings, grievances and Dignity at Work cases
- ◆ analysis of leavers and exit interviews
- ◆ staffing watch as at 10 December 2022

Officers answered a member's question in relation to trends in attendance statistics and disciplinary, grievance and dignity at work statistics and how those compared with pre-COVID-19 statistics.

There followed a full discussion in response to a member's question about recruitment and retention of staff in the Resource, specifically:-

- ◆ the concerning high number of vacancies and what actions were being taken to address this issue
- ◆ the impact, if any, the recruitment gap was having on:-
  - ◆ service delivery
  - ◆ staff wellbeing
  - ◆ absence rates
- ◆ which parts of the Resource were affected the most

**The Committee decided:** that the report be noted.

*[Reference: Minutes of 14 March 2023 (Paragraph 5)]*

*Councillor Horne entered the meeting during consideration of the above item of business*

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### **4 Community and Enterprise Resource Plan 2023/2024**

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A report dated 10 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on the Community and Enterprise Resource Plan 2023/2024.

Details were provided on the Resource Plan for 2023/2024, attached as Appendix 1 to the report, which outlined the:-

- ◆ key areas of focus for the year ahead
- ◆ Resource outcomes
- ◆ measures and actions
- ◆ resourcing of the Plan

Following approval at individual Resource Committees, the Resource Plans for 2023/2024 would be submitted, as a pack, to the meeting of the Executive Committee to be held on 21 June 2023 for noting.

The Resource had established a number of outcomes to support the delivery of the Council Plan, Connect outcomes in 2023/2024. To support those outcomes, the Resource had developed performance measures in an action plan detailed in Section 4 of the Resource Plan. Key or strategic measures would be included in the Council Plan progress reports 2023/2024, with the remaining measures being monitored and reported at Resource level.

In line with the Council's performance management arrangements, a mid-year progress report on measures identified in the 2023/2024 Community and Enterprise Resource Plan and an end of year report respectively would be submitted to future meetings of the Committee.

Once approved, the Resource Plan would be made available on the Council's website.

**The Committee decided:**

- (1) that the Resource Plan 2023/2024, attached as Appendix 1 to the report, be approved;
- (2) that the Resource Plan 2023/2024 be uploaded onto the Council's website following consideration by this Committee;
- (3) that it be noted that, following Committee approval, all Resource Plans would be submitted to the Executive Committee on 21 June 2023 for noting; and
- (4) that it be noted that Progress Reports on the Resource Plan 2023/2024 would be submitted, at Quarter 2 and Quarter 4, to future meetings of this Committee.

*Councillors Chalmers and Toner entered the meeting during consideration of the above item of business*

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## **5 Town Centre and Place Based Investment Programme - Update**

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A report dated 10 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted:-

- ◆ providing an update on town centre activity
- ◆ updating members on the allocation of year 3 of the Place Based Investment Programme (PBIP)

The nature of town centres across the UK was in a transitional stage and the challenges were broad and complex. Factors such as the economic downturn, internet shopping, the growth of out of town shopping malls, changes in retailers' business models and consumer expectations had resulted in a decline in footfall.

Some of the issues were local and specific to individual towns, however, many were seen across the country and influenced by wider economic patterns, consumer behaviour and corporate decisions. Supporting town centres, however, remained a Council priority and officers would continue to work in partnership with groups and organisations in each town to achieve common goals.

Across the 10 towns defined in the South Lanarkshire Local Development Plan (LDP), there was active and ongoing engagement with the most appropriate groups in each. Those ranged from Business Improvement Districts (BIDs), Development Trusts, community councils and private property owners.

Town Centre Strategies and Action Plans had been approved for Hamilton, Cambuslang, Larkhall and Blantyre, with work now underway in Rutherglen. The Hamilton Strategy was in the process of being refreshed and would be presented to the Committee at a future meeting. Similar plans were being progressed by communities in Lanark and Carluke and master planning work was underway by the owners of East Kilbride.

Officers in Economic Development were working with all key stakeholders across the towns and had commissioned the following 2 pieces of work which would set the direction of work around town centres going forward and would inform and align with existing and emerging funding opportunities:-

- ◆ Town Centre Visioning
- ◆ Transition to Net Zero

Officers in Enterprise, Planning and Community Engagement were working with colleagues in the Improvement Service on a pilot project in Rutherglen called Shaping Places for Wellbeing. The multi-agency project was working in 7 towns across Scotland. The initiative was still in the early stages, however, it was hoped it would become a useful model for working with communities across South Lanarkshire.

Detailed information on current initiatives was provided at section 4 of the report and those included:-

- ◆ East Kilbride Town Centre Masterplan
- ◆ Hamilton Town Centre Masterplan
- ◆ PBIP
- ◆ Town Centre Living

The Scottish Government had announced in its Programme for Government in February 2021, that it proposed to implement a PBIP over the 5 year period of the Parliament. The funding was targeted at addressing some of the challenges faced by Scotland's places across the country. The Council had been awarded £2.003 million for year one of the Programme, £1.74 million for year 2 and £1.213 million for each of the remaining 3 years.

The PBIP had just entered year 3 and the projects for years one and 2 were complete, or on target to complete, in line with the terms around financial spend of the grant award. Two projects – Larkhall Leisure Centre and Lanark Outdoor Space - had been carried into year 3 due to delays.

The budget for year 3 included £331,000 carried forward from year 2 and Shared Prosperity Funds of £390,000, giving an overall budget allocation for year 3 of £1.934 million. There was also an allocation of £223,000 from the Shared Prosperity Funds for year 4 which gave a total of £1.436 million. The proposed allocation for year 3 of the Programme was detailed at paragraph 4.4.3 of the report and partial allocation of year 4 funding was also detailed.

As with previous years, the allocations were estimated based on detailed work carried out by the applicants and Council officers. Previous years had seen variations to project costs and timescales and, in line with previous years, it was recommended that the Executive Director (Community and Enterprise Resources) be given authority to vary the funding between projects within the constraints of the PBIP.

Officers responded to members' questions in relation to the following:-

- ◆ progress with the Blantyre Town Centre Strategy and Action Plan
- ◆ the Coalyard Housing project in Larkhall and how this would impact the existing running track in the area

- ◆ the East Kilbride Town Centre Masterplan and specifically:-
  - ◆ how much influence the Council would have if the Masterplan did not meet expectations
  - ◆ the importance of the Civic Centre site being a crucial part of that Masterplan
  - ◆ ensuring the Council was fully involved in discussions and supported the consultation and public engagement exercises that would follow

**The Committee decided:**

- (1) that the updates provided in sections 3 and 4 of the report be noted;
- (2) that the proposals set out in sections 4.4.3 and 4.4.4 of the report be approved; and
- (3) that the Executive Director (Community and Enterprise Resources) be authorised to proceed with the allocation of funding for year 3 of the PBIP, as set out in sections 4.4.3 and 4.4.4 of the report.

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## **6 Appointment of Public Analysts, Agricultural Analysts and Food Examiners**

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A report dated 15 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on the legislative requirement to appoint Public Analysts, Agricultural Analysts and Food Examiners for the Council.

The Local Government etc (Scotland) Act 1994 placed a duty on local authorities to appoint one or more Public Analyst and Agricultural Analyst to undertake duties associated with the Food Safety Act 1990. Whilst there was no statutory requirement to appoint Food Examiners, it was considered prudent to do so.

The City of Edinburgh Council had been contracted to undertake analytical services on behalf of the Council since 2007. At its meeting held on 22 May 2018, the Committee approved the appointment of Robert C Beattie and Christopher Hunt as Public Analysts, Agricultural Analysts and Food Examiners.

Robert C Beattie retired from the City of Edinburgh Council in 2022 and Christopher Hunt was due to retire imminently. Therefore, there was a need to appoint new personnel to fulfil the roles of appointed Public Analysts, Agricultural Analysts and Food Examiners for the Council.

Edinburgh Scientific Services had entered into a working agreement with Aberdeen Scientific Services and this resulted in Karen Maddison being appointed as Public Analyst and Agricultural Analyst at the Edinburgh site. The City of Edinburgh Council had also appointed Sarah Green and Claire Brechin as Food Examiners. It was, therefore, proposed that those individuals would act on behalf of South Lanarkshire Council in their respective roles.

There were no additional financial implications associated with the appointment of the Public Analysts, Agricultural Analysts and Food Examiners because it sat within the context of an existing contract the Council had entered into with the City of Edinburgh Council in June 2021 to provide scientific services. That contract was due to end in June 2025 with the option, at that time, to extend the contract for a further year.

**The Committee decided:**

- (1) that the appointment of Karen Maddison of Aberdeen Scientific Services to act on behalf of South Lanarkshire Council as Public Analyst and Agricultural Analyst be approved; and

- (2) that the appointment of Sarah Green and Claire Brechin of City of Edinburgh Council to act on behalf of South Lanarkshire Council as Food Examiners be approved.

*[Reference: Minutes of the Community Resources Committee of 21 August 2007 (Paragraph 7) and Minutes of 22 May 2018 (Paragraph 14)]*

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## **7 On-Request Garden Waste Collection**

A report dated 15 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted seeking approval not to reinstate the on-request garden waste collection service.

A review of the Waste Management Service was currently underway which would consider the Service's current and future operating model. The COVID-19 pandemic had impacted all areas of the Service which included the day to day operations, the ability to deliver all pre-pandemic services and the increase in waste tonnages within the household collection service that had resulted from home working and societal change. The Service also operated within a complex legislative environment and was subject to often volatile market conditions in the disposal of waste. Those factors would be incorporated into the review process.

Details of the review were provided at section 3 of the report and the Committee would be presented with reports as the review progressed.

The on-request garden waste uplift service had been suspended since the onset of COVID-19 in March 2020 to allow the Council to focus resources on the household refuse collection service. Since suspension of the on-request garden waste uplift service, new contractual arrangements for the disposal of this waste stream had been implemented. If the service was reinstated, vehicles would have to travel further to the processor, and labour and transport costs would increase. The new contract had also seen an increase in disposal costs per tonne which would equate to an additional £0.130 million per annum based on pre COVID-19 tonnages. There was no identified budget for those costs. A saving of £0.100 million would be realised for the Council if the on-request garden waste uplift service was not reinstated.

Residents could continue to use the Council's 6 household waste recycling centres to dispose of their garden waste. Additionally, the service had a small number of hot composters available that could be provided free of charge to residents who did not have a food/garden waste collection service.

Officers responded to members' questions on various aspects of the report.

### **The Committee decided:**

- (1) that the operational and financial position, outlined at section 4.1 of the report, be noted; and
- (2) that it be agreed not to reinstate the on-request garden waste collection service.

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## **8 Community Benefit Funds – Renewable Energy Fund Grant Applications**

A report dated 16 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on 2 grant applications to the Community Benefit Fund. Community Benefit Funds had been established to provide funding to suitable projects providing community benefit in eligible areas.

It was proposed that, subject to the applicants providing written confirmation that all other additional funding for the projects had been secured, a grant be awarded of up to a maximum of:-

- ◆ £100,000 towards eligible costs associated with facilitating East Kilbride United in the construction of a new artificial pitch from the Whitelee Windfarm Renewable Energy Fund
- ◆ £72,988 towards eligible costs associated with the management and maintenance of the network of routes throughout the Whitelee Windfarm area to East Renfrewshire Council from the Whitelee Windfarm Renewable Energy Fund

**The Committee decided:**

that, subject to the applicants providing written confirmation that all other additional funding for the projects had been secured, a grant be awarded of up to a maximum of:-

- ◆ £100,000 towards eligible costs associated with facilitating East Kilbride United in the construction of a new artificial pitch from the Whitelee Windfarm Renewable Energy Fund
- ◆ £72,988 towards eligible costs associated with the management and maintenance of the network of routes throughout the Whitelee Windfarm area to East Renfrewshire Council from the Whitelee Windfarm Renewable Energy Fund

*[Reference: Minutes of 4 October 2022 (Paragraph 9)]*

*Councillor Johnston-Dempsey entered the meeting during consideration of the above item of business*

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## **9 Community Benefit Funds – Annual Report**

A report dated 10 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on grants awarded in 2022/2023 from the Community Benefit Funds administered by the Council's Enterprise and Sustainable Development Services.

The Community Benefit Funds had been established to provide funding to suitable projects providing community benefits in eligible areas. Details of the grants awarded in 2022/2023 were provided in appendices 1 to 4 to the report.

A publicity document for 2022/2023 would be prepared with the purpose of raising awareness of the Community Benefit Funds and their support of communities. This annual report would be circulated and publicised digitally, with 50 copies made available to councillors and groups.

Officers responded to a member's question around whether it would be possible to consider introducing an inflation clause due to the increased profits that the windfarms would be making, resulting from the increased cost of electricity.

**The Committee decided:**

- (1) that the Community Benefit Funds administered by the Council and the grants awarded under the Renewable Energy Fund (REF), Clyde Wind Farm Fund (CWFF) and Quarry Funds in 2022/2023 be noted; and

- (2) that the completion of a publicity report for Community Benefit Funds grants 2022/2023 be approved.

*[Reference: Minutes of 9 August 2022 (Paragraph 10)]*

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## **10 South Lanarkshire Council Cemetery Strategy 2023 to 2033**

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A report dated 15 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on the Cemetery Strategy for South Lanarkshire covering the period 2023 to 2033.

South Lanarkshire Council operated a Bereavement Service that provided a dignified and sensitive burial and cremation service. The key piece of legislation governing the Service was the Burial and Cremation (Scotland) Act 2016 which was passed by the Scottish Parliament on 22 March 2016. A Working Group had been formed in July 2016 to commence regulations of the Act. Priority had been given to implementing Part 2 of the Act on Cremation and resulted in the Cremation (Scotland) Regulation 2019.

The COVID-19 pandemic disrupted and delayed progress, however, a current iteration of the Burial Regulations Working Group was set up in December 2021 and was continuing the work of previous Groups. The remit of the Group was to inform the regulation of burial authorities and grounds in Scotland, to develop statutory guidance and to create a Code of Practice for burial authorities.

The Burial and Cremation (Scotland) Act 2016 stated that, for the provision of burial ground, each local authority:-

- ◆ must provide one burial ground within the area of the local authority
- ◆ might provide other burial grounds within that area

There was no legal requirement for the Council to provide a burial ground within each town or within a specific area.

The right of burial could only be sold by the local authority and, at present, rights were sold in perpetuity, however, on implementation of the full Burial and Cremation (Scotland) Act 2016, rights would be sold on a lease basis of 25 years (excluding lairs owned by the Commonwealth Graves Commission which would remain in perpetuity). If the lair was unused within a 25 year period, the Council would write to the lease holder prior to expiry to confirm intention to use.

Under the Act, and previously the National Assistance Act 1948, the Council had a legal obligation to provide burial or cremation for anyone who died in the local authority who had no funds left for their funeral nor anyone willing to apply for a service.

The Cemetery Strategy 2023 to 2033, attached as an appendix to the report, would assist the Council in providing, maintaining and managing its cemeteries over the long-term. The Strategy detailed:-

- ◆ the purpose and vision
- ◆ the legal context
- ◆ the demographic context, demand and capacity
- ◆ cemetery rules and areas for development
- ◆ cemetery infrastructure and maintenance
- ◆ the strategy for the short, medium and long term



The key points of the Strategy were detailed in section 4 of the report and those included:-

- ◆ a catchment approach to cemetery capacity
- ◆ increasing existing capacity

The capital funding allocation for cemeteries in 2023/2024 was £0.662 million and this would be used for completion of the Philipshill cemetery extension and for infrastructure investment in order that statutory obligations could be delivered. A further £1.148 million had been allocated for 2024/2025 and beyond, which would be used on the remaining areas outlined in section 4.12 of the report.

It was also intended to develop a Service-wide Bereavement Services Strategy and this would be presented to the Committee for approval in March 2024.

**The Committee decided:**

- (1) that the Cemetery Strategy for South Lanarkshire for the period 2023 to 2033 be approved, including a catchment approach to managing cemetery capacity; and
- (2) that further work be undertaken to develop a Bereavement Services Strategy which would be presented to a future meeting of the Committee for approval.

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## **11 UK Levelling Up Fund Update**

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A report dated 10 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted providing an update on the outcome of round 2 of the UK Levelling Up Fund (UKLUF) and on future rounds.

On 3 March 2021, the UK budget had published the prospectus for round one of the UKLUF and round 2 was launched on 24 March 2022 with a deadline for submission of 6 July 2022.

The initial prospectus had provided an indicative budget of £4 billion for the UKLUF, which was subsequently increased to £4.8 billion. £800 million of that was set aside for Scotland, Wales and Northern Ireland to 2024/2025.

The UKLUF was a capital fund which focused on projects that required up to £20 million of grant funding, with an additional 10% match funding. The 3 main themes of the UKLUF were:-

- ◆ transport investments
- ◆ regeneration and town centre investments
- ◆ cultural investment

Successful bids for round one were announced in November 2021 and in total £1.7 billion of funding had been awarded to 105 projects in the UK, 8 of those in Scotland totalling £172 million. The number of bids local authorities could submit within rounds one and 2 was linked to the number of UK Parliamentary constituencies an authority had and this was detailed at paragraph 3.5 of the report.

The Council had submitted bids worth £45.4 million to the UKLUF for round 2 for the following projects:-

- ◆ Shawfield Remediation and Development project (£16.2 million)
- ◆ EV@SL electric vehicle charging project (£21.7 million)
- ◆ Three Rivers, Clydesdale Way South Lanarkshire project (£7.5 million)

The round 2 UKLUF approvals were announced on 18 January 2023 and 10 Scottish local authorities secured funding totalling £177 million, which was approximately 8% of the UK total. None of the bids from South Lanarkshire Council had been successful. Local authorities that had been successful in obtaining funding in round one did not receive funding in round 2.

Written feedback was received from the UK Government on each of the projects and this was summarised in paragraphs 4.6 to 4.8 of the report.

A final round of the UKLUF was planned by the UK Government, however, details and timescales for bids had not yet been published. It was expected that the funds available to Scotland in the final round would be around £90 million and the completion date of expenditure would remain as March 2025. Clarity was required from the UK Government on bidding restrictions and guidance for the next round.

**The Committee decided:**

- (1) that the outcome of the UK Levelling Up Fund bids be noted; and
- (2) that the information around future rounds be noted.

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## **12 Contract Award - Tanker Applied Roads Surface Coatings to Scottish Borders Council**

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A report dated 10 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on action taken, in terms of Standing Order No. 37(c) in view of timescales involved, by the Executive Director (Community and Enterprise Resources), in consultation with the Chair and an ex officio member, to award a contract to Scottish Borders Council for Tanker Applied Roads Surface Coatings under Regulation 13 of the Public Contracts (Scotland) Regulations 2015.

The Council's Roads, Transportation and Feet Services had a requirement to supply and apply liquid bitumen to carriageways to support maintenance operations. There were 2 operations supported by the service:-

- ◆ supply and application of bond coat for carriageway resurfacing
- ◆ supply and application of binder for surface dressing operations

Both operations were similar in nature and required specialist vehicles which the Council did not operate. It was considered uneconomical for the Council to purchase or lease those vehicles due to the number of projects and the limitation of use to summer months.

The Council's contract for this service had been with Scottish Borders Council since 2014 and the most recent contract expired on 31 March 2023. The Public Contracts (Scotland) Regulations 2015 governed how public bodies in Scotland could procure goods, works and services. Regulation 13(8) stated that the regulations would not apply to procurements for the award of a contract between contracting authorities. This was known as the "Hamburg exemption", the requirements of which were detailed at section 4.1 of the report. The contractual agreement met all of those requirements and Scottish Borders Council had the capacity to undertake the works.

**The Committee decided:**

that the action taken, in terms of Standing Order No 37(c), by the Executive Director (Community and Enterprise Resources), in consultation with the Chair and an ex officio member, to award the contract for Tanker Applied Roads Surface Coating to Scottish Borders Council for the period 1 May 2023 to 30 April 2028, be noted.

*[Reference: Minutes of 6 March 2018 (Paragraph 16)]*

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**13 Urgent Business**

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There were no items of urgent business.