

## EXECUTIVE COMMITTEE

Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 21 February 2024

### **Chair:**

Councillor Joe Fagan (ex officio)

### **Councillors Present:**

Councillor Alex Allison, Councillor John Anderson, Councillor Robert Brown, Councillor Andy Carmichael, Councillor Maureen Chalmers, Councillor Ross Clark, Councillor Gerry Convery (Depute), Councillor Margaret Cooper, Councillor Andrea Cowan, Councillor Maureen Devlin, Councillor Gladys Ferguson-Miller, Councillor Lynsey Hamilton, Councillor Susan Kerr, Councillor Eileen Logan, Councillor Katy Loudon, Councillor Hugh Macdonald, Councillor Ian McAllan, Councillor Catherine McClymont, Councillor Kenny McCreary, Councillor Lesley McDonald, Councillor Mark McGeever, Councillor Davie McLachlan, Councillor Richard Nelson, Councillor Mo Razzaq, Councillor Kirsten Robb, Councillor John Ross, Councillor David Shearer, Councillor Margaret B Walker

### **Attending:**

#### **Chief Executive's Service**

P Manning, Chief Executive

#### **Community and Enterprise Resources**

D Booth, Executive Director; A Brown, Head of Enterprise and Sustainable Development

#### **Education Resources**

C McKenzie, Executive Director

#### **Finance and Corporate Resources**

C Fergusson, Head of Finance (Transactions); P MacRae, Administration Adviser; G McCann, Head of Administration and Legal Services; K McLeod, Administration Assistant; M Milne, Head of Personnel Services; J Taylor, Head of Finance (Strategy)

#### **Housing and Technical Resources**

S Gibson, Executive Director; S Egan, Head of Housing Services; J Forbes, Head of Property Services

#### **Health and Social Care/Social Work Resources**

S Sengupta, Director, Health and Social Care

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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 Executive Committee held on 24 January 2024 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 Revenue Budget Monitoring for Period 1 April to 28 December 2023 and Probable Outturn**

A report dated 18 January 2024 by the Head of Finance (Strategy) was submitted on the overall financial position of the General Fund Revenue Account and the Housing Revenue Account for the period 1 April to 28 December 2023 and the projection for the year to 31 March 2024.

The report:-

- ◆ summarised the previously reported probable outturn position for the Council's General Fund Revenue Account to 31 March 2024
- ◆ provided details of the forecast position on the Housing Revenue Account for the financial year
- ◆ provided details of the position on the General Fund Revenue Account and the Housing Revenue Account respectively to 28 December 2023

The outturn position for the General Fund, after proposed transfers to reserves totalling £14.985 million, resulted in an underspend of £9.000 million. Full details of the transfers to reserves had been reported to the meeting of the Executive Committee held on 24 January 2024. The forecast position before and after transfers to reserves was detailed in appendices 1 and 2 to the report. Appendix 2 included the probable outturn underspend of £9.000 million as a transfer to reserves, resulting in a breakeven position for the Council's 2023/2024 probable outturn.

No update had been received on the position in respect of funding for the maintenance of teacher numbers, previously reported to the meeting of the Committee held on 24 January 2024.

At 28 December 2023, the position on the General Fund Revenue Account, after transfers to reserves, was an underspend of £1.509 million.

At 28 December 2023, the Housing Revenue Account showed a breakeven position and the forecast to 31 March 2024 on the Housing Revenue Account was also a breakeven position.

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

**The Committee decided:**

- (1) that the Council's breakeven probable outturn position after transfers to reserves, as detailed in section 4.1 of the report, be noted;
- (2) that the underspend of £1.509 million on the General Fund Revenue Account at 28 December 2023, as detailed in section 5.1 of the report, be noted; and
- (3) that the breakeven position on the Housing Revenue Account at 28 December 2023 and the forecast to 31 March 2024 of breakeven, as detailed in sections 6.1 and 6.2 of the report, be noted.

*[Reference: Minutes of 24 January 2024 (Paragraph 3)]*

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#### **4 Capital Budget 2023/2024 and Monitoring for Period 10 - 1 April to 28 December 2023**

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A report dated 31 January 2024 by the Head of Finance (Strategy) was submitted on progress of the General Fund Capital Programme and the Housing Capital Programme for the period 1 April to 28 December 2023.

At its meeting on 24 January 2024, the Committee had approved a General Fund Capital Programme for 2023/2024 totalling £71.696 million. A revised programme of £78.296 million was now anticipated which included proposed adjustments to the programme totalling a net increase of £6.600 million. This was due to an adjustment in relation to the Glasgow City Region City Deal project at Greenhills Road, East Kilbride, detailed in Appendix 1 of the report.

The revised programme was detailed in Appendix 2 to the report. Appendix 3 detailed the funding available to support the overall 2023/2024 Capital Programme.

Estimates from Resources suggested an outturn of around £72 million. Against the revised budget of £78.296 million, the outturn position meant a net underspend of £6.3 million. This comprised project underspends totalling £8.5 million, offset by projects with greater than anticipated spend of £2.2 million. The majority of the variance was due to the timing of spend, resulting in budget required in 2024/2025 rather than 2023/2024. Funding for projects remaining underspent at the financial year-end would be carried forward to allow the projects to be completed in 2024/2025. Details of the underspent projects were provided in section 4.2 of the report and projects scheduled for completion in 2024/2025 were listed in Appendix 4 of the report.

At 28 December 2023, £34.088 million had been spent on the General Fund Capital Programme, against a budget for the period of £34.777 million, resulting in spending being slightly behind programme in the sum of £0.689 million. This was as a result of timing of spend on a number of projects. Actual funding received to 28 December 2023 totalled £63.166 million.

The Housing Capital Programme 2023/2024, approved by the Executive Committee at its meeting on 22 November 2023, totalled £67.443 million. Programmed funding for the year also totalled £67.443 million and details of the position of the programme at 28 December 2023 were provided in Appendix 5 of the report.

At 28 December 2023, the budget for the Housing Capital Programme amounted to £40.985 million. Expenditure for the period totalled £41.276 million and actual funding received to 28 December 2023 also amounted to £41.276 million.

**The Committee decided:**

- (1) that the adjustment to the General Fund programme, as detailed at Appendix 1 of the report, be noted;
- (2) that the period 10 position, at 28 December 2023, of the General Fund Capital Programme detailed in Appendices 1 to 4 of the report and the Housing Capital Programme, detailed at Appendix 5 of the report, be noted; and
- (3) that the revised programmes be monitored by the Financial Resources Scrutiny Forum.

*[Reference: Minutes of 24 January 2024 (Paragraph 4)]*

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## **5 Recommendations Referred by Resource Committees**

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A report dated 7 February 2024 by the Chief Executive was submitted on recommendations referred to this Committee by the:-

- ◆ Community and Enterprise Resources Committee at its meeting held on 6 February 2024
- ◆ Housing and Technical Resources Committee at its meeting on 7 February 2024

The recommendations of the Resource Committees were as follows:-

**Community and Enterprise Resources Committee**

- ◆ that the proposed amendments to the Renewable Energy Fund (REF) criteria be approved

### **Housing and Technical Resources Committee**

- ◆ that the rent increase of 6.50% to be applied in 2024/2025 with a further 6.50% increase in 2025/2026 and again in 2026/2027 subject to annual review and customer engagement for all Council houses, Gypsy/Traveller sites, lockups and garage sites and the revenue estimate proposals for the Housing Revenue Account (HRA), as detailed in Appendix 1 to the report to the Housing and Technical Resources Committee, be endorsed
- ◆ that the findings of the HRA Loans Fund Review, as detailed in Section 4 of the report to the Housing and Technical Resources Committee, be endorsed for implementation
- ◆ that, based on the rent increase of 6.50%, the 2024/2025 Housing Capital Programme of £77.303 million, as detailed in Appendix 2 to the report to the Housing and Technical Resources Committee, be endorsed

There followed a discussion during which members welcomed the proposed amendments to the REF criteria.

**The Committee decided:** that the proposed amendments to the REF criteria be approved.

### **The Committee recommended to the Council:**

- (1) that the rent increase of 6.50%, to be applied in 2024/2025, with a further 6.50% increase in 2025/2026 and again in 2026/2027, subject to annual review and customer engagement for all Council houses, Gypsy/Traveller sites, lockups and garage sites and the revenue estimate proposals for the HRA, as detailed in Appendix 1 of the report to the Housing and Technical Resources Committee, be approved;
- (2) that the findings of the HRA Loans Fund Review, as detailed in Section 4 of the report to the Housing and Technical Resources Committee, be approved for implementation; and
- (3) that, based on the rent increase of 6.50%, the 2024/2025 Housing Capital Programme of £77.303 million, as detailed in Appendix 2 to the report to the Housing and Technical Resources Committee, be approved.

*[Reference: Minutes of Community and Enterprise Resources Committee of 6 February 2024 (Paragraph 7) and Minutes of Housing and Technical Resources Committee of 7 February 2024 (Paragraph 8)]*

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## **6 Hamilton Town Centre Masterplan**

A report dated 25 January 2024 by the Executive Director (Community and Enterprise Resources) was submitted:-

- ◆ providing an update on the work undertaken to prepare a masterplan for Hamilton Town Centre
- ◆ seeking approval of the Hamilton Town Centre masterplan as the basis for the future strategic approach to investment

The growth of online retail over the past decade, coupled with the current cost of living crisis had put increased pressure on the viability of town centres. At its meeting on 29 August 2023, the Committee had approved the commencement of the masterplan process for Hamilton Town Centre. The vision for the town centre was to repurpose underperforming areas into high quality, high density mixed use developments. The masterplan for Hamilton Town Centre set the context for private and public sector investment over at least the next 15 years and reflected aspirations for a resilient, mixed use economy which repositioned the centre to meet the needs of 21<sup>st</sup> century living in a high quality and sustainable manner.

The key components of the masterplan exercise were as follows:-

- ◆ analysis of market potential
- ◆ analysis of Council strategies
- ◆ land use strategy
- ◆ demolition and site clearance
- ◆ neighbouring uses
- ◆ sustainable place making/urban design
- ◆ creation of a development prospectus

A summary of the masterplan was attached as Appendix 1 to the report and illustrated the changes proposed to the town centre. The strategic interventions in relation to Hamilton Town Centre were in relation to:-

- ◆ Regent Shopping Centre
- ◆ former Bairds Building
- ◆ Duke Street Car Park
- ◆ New Cross Shopping Centre
- ◆ former Vogue Building
- ◆ Hamilton Town Square
- ◆ Quarry Street

The aim of the masterplan was to set the strategic priorities and investment for the town centre for at least the next 15 years.

Briefing sessions on the masterplan had taken place with elected members for the Hamilton area as well as MSPs and MPs. The masterplan would be presented to the wider community, tenants and town centre stakeholders, including Hamilton BID, for a 3 week period during March 2024 with Council officers and members of the design team in attendance to answer questions. Consultation materials would also be available online for a period of 6 weeks.

There followed a discussion during which officers responded to members' questions on various aspects of the report.

**The Committee decided:**

- (1) that the work undertaken in the preparation of the masterplan be noted;
- (2) that it be noted that the masterplan set the strategic approach for the future of Hamilton Town Centre and informed the investment and policy position of the Council, moving forward;
- (3) that approval be given for officers to progress the relevant statutory and legal processes within the context of the masterplan, as detailed in Appendix 1 to the report; and
- (4) that further reports be provided to relevant committees in due course setting out the delivery structure, funding model and programme of activity.

*[Reference: Minutes of Community and Enterprise Resources Committee of 29 August 2023 (Paragraph 12)]*

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## **7 Office Closure - Festive Period 2024**

A report dated 31 January 2024 by the Chief Executive was submitted on the proposed closure of appropriate council offices on Friday 27 December 2024 and Friday 3 January 2025.

The pattern of public holidays over the festive season this year meant that Friday 27 December 2024 and Friday 3 January 2025 were preceded by 2 days of closure followed by a weekend closure. 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 trades 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 2 days of their annual leave for this purpose.

**The Committee decided:**

- (1) that the proposed office closure on 27 December 2024 and 3 January 2025 be approved; and
- (2) that the requirement for some employees to use 2 days of their annual leave for the proposed office closure be approved.

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## **8 Council Tax – Second Home Dwellings**

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A report dated 12 January 2024 by the Chief Executive was submitted outlining the powers available to the Council to vary council tax on second home dwellings and requesting consideration of the implementation of a change to the current approach from 1 April 2024.

A change in the law, through the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2023, enhanced the Council's discretionary powers under the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013. This meant that the Council could add up to a maximum 100% surcharge on second homes, effectively doubling the council tax on second homes. Those enhanced powers would become effective from 1 April 2024 and did not apply to water and wastewater charges.

Second homes could restrict or reduce the availability of housing in local authorities, particularly given the national housing crisis and the unprecedented current levels of homelessness. The application of a surcharge could potentially help to bring more properties into the housing market.

Details were given on:-

- ◆ the number of homes in South Lanarkshire categorised as second homes in the council tax system
- ◆ annual council tax property charges levied on second homes
- ◆ council tax bandings of current second homes

If the proposal to implement a 100% surcharge on second home properties effective from 1 April 2024 was agreed:-

- ◆ a 200% council tax charge would apply to second homes
- ◆ operational procedures would be developed to ensure that the additional levy was accurately administered

Following discussion and officers having responded to members' questions, the Chair proposed that the matter be continued or addressed at the Council meeting to consider budget proposals which would take place immediately following the Executive Committee meeting. This was accepted by the Committee.

**The Committee decided:** that the matter be continued or addressed at the Council meeting to consider budget proposals which would take place immediately following the Executive Committee meeting.

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## **9 South Lanarkshire Leisure and Culture (SLLC) – Activage Proposals for 2024/2025**

A report dated 5 February 2024 by the Executive Director (Community and Enterprise Resources) was submitted on a proposal to amend the 2024/2025 concession rate for Activage.

Activage provided South Lanarkshire residents aged 60 and over access to leisure facilities, including swimming and health suites, East Kilbride ice rink, cultural and libraries' activities and golf courses. The current cost of an Activage membership for residents aged 60 and over was £80.25 for the full year, to be paid in 1 or 2 instalments at set points in the year.

Following consultation with residents between 24 November and 15 December 2023 where Activage members were asked if they believed the product represented value for money, 95% of those who responded agreed strongly or very strongly that it did. Additionally, 74% of those who responded to the survey statement relating to price increases agreed strongly or very strongly that they would be willing to accept price increases for the services provided by South Lanarkshire Leisure and Culture (SLLC) if it assisted in delivering continued service provision. It was proposed to increase the Activage annual membership from £80.25 to £120, an increase of £39.75 over the year, accompanied by the introduction of the facility to spread the cost over a year at £10 per month to ease the transition to the new offer.

It was anticipated that the proposal could generate £0.287 million of additional income, reducing the funding gap by that amount. If the proposal was not agreed, there would be a requirement for the SLLC Board to approve service reductions commensurate with the amount of income associated with the proposal.

Councillor Fagan, seconded by Councillor Convery, moved approval of the recommendation contained in the report. Councillor Clark, seconded by Councillor Shearer, moved as an amendment that consideration of the report be deferred until after the budget decisions had been taken at the special Council meeting. On a vote being taken electronically, 10 members voted for the amendment and 19 for the motion which was declared carried.

**The Committee decided:** that the price of the annual Activage membership be increased from £80.25 to £120.

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## **10 Former Larkfield Hall and Stonefield Road Pitches, Blantyre – Community Asset Transfer to Blantyre Soccer Academy**

A report dated 8 February 2024 by the Executive Director (Housing and Technical Resources) was submitted on a request for Community Asset Transfer of the former Larkfield Hall and Stonefield Road pitches, Blantyre and their sale to Blantyre Soccer Academy.

The proposal was to transfer ownership of the hall and pitches through outright sale and, thereafter, Blantyre Soccer Academy would reopen the hall for local community use and upgrade the pitch to synthetic level to accommodate both training and competitive matches. The cost of the initial pitch upgrade was estimated at £1.029 million. Blantyre Soccer Academy was in discussion with a number of funders and, to date, had secured an offer of £0.7 million towards the investment from the Scottish Football Association (SFA) as part of the Grassroots Football Facilities Fund provided by the Secretary of State for Culture, Media and Sport.

The property was suitable for the proposed use and the organisation was considered to be well established, with capacity for the proposal. The continued use of the area for community activity was protected by its status as priority greenspace in the current development plan, the context of the latest planning policies and the fact that, if Blantyre Soccer academy proposed to develop the site for alternative purposes, it would require to repay the grant funding received through the SFA.

In addition, it was proposed that the sale be conditional upon planning consent being granted for the project and evidence of the funding package prior to settlement.

The District Valuer had placed a value of £95,000 on the property, reflecting the current use, as the land was categorised as Green Network and Priority Greenspace in the current Local Development Plan. The Community Benefit of the proposal had been assessed at a score of 120 which equated to 86% of market value.

The statutory guidance on asset transfer highlighted that a condition could be imposed to return any increase in value to the authority where the price was based on a lower valuation for a particular use, if the use of the property was changed. It was proposed to include such a condition in the sale.

It was proposed to dispose of the former Larkfield Hall and Stonefield Road pitches, together with all future maintenance responsibilities, as shown on the plan attached to the report, on the following principal terms and conditions:-

- ◆ the purchase price to be £13,300 ie 14% of the District Valuer's valuation (exclusive of VAT)
- ◆ the sale to be conditional upon:-
  - ◆ planning consent for the pitch upgrade
  - ◆ evidence of the availability of funding to deliver the pitch upgrade, including a robust strategy for the financial gap between the grant and the projected cost
  - ◆ protection in the title for the value of any change of use
- ◆ the date of entry to be mutually agreed
- ◆ each party to bear their own legal fees and expenses

**The Committee decided:**

- (1) that the sale of the former Larkfield Hall and Stonefield Road pitches, Blantyre, to Blantyre Soccer Academy, subject to the terms and conditions set out above and in section 5 of the report, be approved; and
- (2) that the Executive Director (Housing and Technical Resources), in consultation with the Head of Administration and Legal Services, be authorised to conclude all matters in respect of the sale and enter into the necessary legal agreements on terms which were in the best interests of the Council.

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## **11 National Care Service - Update**

A report dated 5 February 2024 by the Director, Health and Social Care was submitted providing an update on the National Care Service (Scotland) Bill.



The National Care Service (NCS) Bill was currently at Stage 1 and the general principles of the NCS were being examined by the Scottish Parliament's Health, Social Care and Sport Committee. Work was also being undertaken by other Parliamentary Committees. The deadline for completion of the Bill at Stage 1 had been extended a number of times and was currently 1 March 2024.

Details of and links to the following were provided in the report:-

- ◆ the initial agreement with local government and the NHS, reached in June 2023 about accountability arrangements for the NCS
- ◆ a letter dated 7 November 2023 from the Health, Social Care and Sport Committee to the Scottish Government seeking clarity on the Scottish Government's intent with the NCS Bill
- ◆ a letter dated 6 December 2023 from the Minister for Social Care, Mental Wellbeing and Sport to the Scottish Parliament's Health, Social Care and Sport Committee in response to the Committee's Stage 1 scrutiny of the Bill
- ◆ a letter dated 11 December 2023 from the Minister for Social Care, Mental Wellbeing and Sport to the Scottish Parliament's Finance and Public Administration Committee with the Scottish Government's response to the report by the Committee on the Financial Memorandum for the NCS Bill

Officers from the Convention of Scottish Local Authorities (COSLA) had advised the Scottish Government that the complexity of the issues involved, the timescales for completing required work and negotiations had been extremely challenging. Together with representative bodies, including COSLA, officers from South Lanarkshire Council had continued to engage with the process and, in doing so, had underlined the analysis by Audit Scotland of the significant funding shortfalls and pressures that adult and older people's social care were currently facing. The significant challenges of demand and budget pressures being faced by children's social work had also been reiterated.

In light of planned amendments to the NCS Bill, the set-up costs were now estimated by the Scottish Government as being between £120 million and £227 million over a 10 year period.

**The Committee decided:** that the update provided on the National Care Service (Scotland) Bill be noted.

*[Reference: Minutes of 3 November 2021 (Paragraph 9)]*

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## 12 Urgent Business

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There were no items of urgent business.