

COMMUNITY AND ENTERPRISE RESOURCES COMMITTEE

Minutes of meeting held via Confero and in the Committee Room 1, Council Offices, Almada Street, Hamilton on 7 November 2023

Chair:

Councillor Robert Brown

Councillors Present:

Councillor John Anderson, Councillor Ralph Barker, Councillor Walter Brogan, Councillor Gerry Convery, Councillor Poppy Corbett, Councillor Andrea Cowan, Councillor Margaret Cowie, Councillor Maureen Devlin (Depute), Councillor Colin Dewar, Councillor Allan Falconer (*substitute for Councillor Andy Carmichael*), Councillor Ross Gowland, Councillor Cal Johnston-Dempsey, Councillor Susan Kerr, Councillor Hugh Macdonald, Councillor Ian McAllan, Councillor Kenny McCreary, Councillor Davie McLachlan, Councillor David Shearer (*substitute for Councillor Gladys Ferguson-Miller*), Councillor David Watson

Councillors' Apologies:

Councillor Andy Carmichael, Councillor Joe Fagan (ex officio), Councillor Gladys Ferguson-Miller, Councillor Graeme Horne, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Carol Nugent, Councillor Helen Toner

Attending:

Community and Enterprise Resources

D Booth, Executive Director; A Brown, Head of Enterprise and Sustainable Development Services; C Brown, Environmental Services Manager; F Carlin, Head of Planning and Regulatory Services; K Carr, Head of Facilities, Waste and Grounds Services; C Park, Head of Roads, Transportation and Fleet Services

Finance and Corporate Resources

J Davitt, Public Relations Team Leader; N Docherty, Administration Assistant; L Harvey, Finance Manager; E Maxwell, Human Resources Business Partner; E-A McGonigle, Administration Officer; L O'Hagan, Finance Manager (Strategy); M M Wilson, Legal Services Manager

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Community and Enterprise Resources Committee held on 29 August 2023 were submitted for approval as a correct record.

In relation to Item 14 on Whitemoss Tennis Courts in East Kilbride, Councillor Anderson requested a timeline as to when members would receive information on the issues raised at the previous meeting. The Head of Enterprise and Sustainable Development Services advised that officers were still working through those issues, but gave an undertaking to send members an interim response as soon as possible and would follow up on the remaining points thereafter.

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

3 Community and Enterprise Resources - Revenue Budget Monitoring 2023/2024

A joint report dated 3 October 2023 by the Executive Directors (Finance and Corporate Resources) and (Community and Enterprise Resources) was submitted comparing actual expenditure at 8 September 2023 against budgeted expenditure for 2023/2024 for Community and Enterprise Resources.

At 8 September 2023, there was a breakeven position against the phased budget.

Details were also provided on proposed budget virements in respect of Community and Enterprise Resources to realign budgets.

The Committee decided:

- (1) that the breakeven position on Community and Enterprise Resources' revenue budget, as detailed in Appendix A of the report, be noted; and
- (2) that the budget virements, as detailed in appendices B to F of the report, be approved.

[Reference: Minutes of 29 August 2023 (Paragraph 4)]

4 Community and Enterprise Resources - Capital Budget Monitoring 2023/2024

A joint report dated 16 October 2023 by the Executive Directors (Finance and Corporate Resources) and (Community and Enterprise Resources) was submitted advising of progress on the Community and Enterprise Resources' capital programme 2023/2024 and summarising the expenditure position at 8 September 2023.

The revised Capital Programme for 2023/2024 amounted to £39.602 million and this reflected a net decrease of £3.323 million which was approved by the Executive Committee on 13 September 2023 (£3.417 million decrease) and 11 October 2023 (£0.094 million increase). Details on those amendments were provided at Appendix A to the report. Anticipated spend to Expenditure at 8 September 2023 was £8.220 million, which had resulted in the Resource being £0.103 million ahead of programme.

The Head of Roads, Transportation and Fleet Services responded to a member's questions in relation to the Glasgow City Region City Deal project at Stewartfield Way, East Kilbride and the Park and Ride project at Hairmyres Station, East Kilbride.

The Committee decided: that the Community and Enterprise Resources' capital programme of £39.602 million, and expenditure to date of £8.323 million, be noted.

[Reference: Minutes of the Executive Committee of 13 September 2023 (Paragraph 4) and 11 October 2023 (Paragraph 4) and Minutes of 29 August 2023 (Paragraph 6)]

5 Community and Enterprise Resources - Workforce Monitoring – July and August 2023

A joint report dated 14 September 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 July and August 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 June 2023

The Human Resources Business Manager responded to a member's question in relation to the increase in referrals to Employee Support Officers.

The Committee decided: that the report be noted.

[Reference: Minutes of 29 August 2023 (Paragraph 7)]

6 Rutherglen Town Centre Strategy and Action Plan

A report dated 16 October 2023 by the Executive Director (Community and Enterprise Resources) was submitted on the consultative draft Rutherglen Town Centre Strategy and Action Plan.

The town centre strategy and action plan for Rutherglen followed 4 previous strategies for Hamilton, Blantyre, Cambuslang and Larkhall. Those strategies sought to engage with local businesses and communities to create a dynamic action plan to tackle issues within the various town centres and help repurpose them for the future.

Supporting town centres remained a Council priority and the Council worked closely with appropriate groups and organisations, through a partnership approach, to achieve common goals. It was recognised that town centres across the UK were in a transitional stage and faced broad and complex issues. Factors such as the economic downturn, the COVID-19 pandemic, the growth of online shopping, out-of-town shopping malls, changes in retailer's business models and consumer expectation had resulted in a decline in town centre footfall. Rutherglen was, however, performing better than some towns in South Lanarkshire.

The consultative draft Rutherglen Town Centre and Action Plan, which was attached as an appendix to the report, set out a range of initiatives which the Council would pursue with partners to support the vitality and viability of the town centre. The private sector had a key role in providing shopping services and leisure offers that would meet the needs of the local community. This private sector support, coupled with strengthening links between local businesses and the community, would provide a strong base to drive town centre activity forward.

The consultative draft Rutherglen Town Centre Strategy and Action plan:-

- ◆ recognised a series of objectives for Rutherglen which were consistent with the activity being promoted by Scotland's Towns Partnerships (STP) and others, so that a collaborative approach across all sectors could be adopted
- ◆ used a similar approach to that undertaken in previous town centre strategies, however, the process had evolved and improved by using a range of information gathered through engagement and research undertaken in partnership with the Improvement Service's Shaping Places for Wellbeing team

A Place and Wellbeing Assessment had been carried out which enabled officers to take a systematic approach to identify impacts and recommendations for consideration to maximise benefits to the wellbeing of people and place and minimise negative impacts. Issues identified from the assessment were categorised under a set of Place and Wellbeing Outcomes, which fell into 5 overarching themes with relevant sub themes under each. Those themes produced a set of outcomes from which actions were identified.

2026 marked the 900th anniversary of the Charter of the Royal Burgh of Rutherglen, the oldest Royal Burgh in Scotland. The town centre would be the key focus of celebrations to mark this occasion. Work on this initiative would progress in parallel with the Strategy and Action Plan and would support and complement the growing programme of community led events leading up to the Rutherglen 900 celebrations.

It was intended that the consultative draft Rutherglen Town Centre Strategy and Action Plan would be published and made available for consultation, both online and in person, during February and March 2024. Following consideration of feedback received, a finalised Strategy would be presented to the Committee in June 2024. Officers from Enterprise and Sustainable Development Services would implement the plan and liaise with other Services and partner organisations to deliver the agreed outcomes.

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

The Committee decided:

- (1) that the consultative draft Rutherglen Town Centre Strategy and Action Plan be approved; and
- (2) that the arrangements for a period of consultation, as outlined in section 5 of the report, be approved.

7 Discover Lanark Business Improvement District – Renewal Ballot

A report dated 18 October 2023 by the Executive Director (Community and Enterprise Resources) was submitted outlining the Council's support for the business proposal prepared by the Discover Lanark Business Improvement District (BID) for the period 1 September 2024 to 31 August 2029, and associated Council support.

The Executive Committee had approved the Council's support for the creation of a BID for Lanark at its meeting on 19 December 2018. Discover Lanark represented the businesses in a defined area of the town and delivered a series of initiatives which were set out in its Business Plan. The BID was established through a ballot process and, if successful, remained in place for 5 years. The BID was funded by a levy from the businesses they represented which was collected on their behalf by the Council.

The Council had carried out its statutory obligations to collect the BID levy from eligible businesses during the current BID period. The transfer of monies raised through the levy to the BID company was regulated by the statutory instruments regulating BIDs in Scotland. An Operating Agreement was in place alongside the statutory legal guidance which dealt with the practicalities of the process.

The current 5-year BID would come to an end on 31 August 2024. Under BID legislation, the BID must hold a ballot to all members to establish if the BID should be renewed for a further 5 years or whether the BID company should be wound up. The BID Business Plan for the period 1 September 2024 to 31 August 2029 was provided at the appendix to the report and set out the proposed projects, the BID area and the levy that would be payable by the affected businesses.

The Council had an important role in supporting and working alongside the BID company to ensure that projects and initiatives were complementary and were beneficial to the town. The proposals for the support that the Council would continue to provide were set out at section 4.1 of the report.

Enterprise and Sustainable Development Services would continue to be the principal point of contact with the BID using existing staff resources. The IT collection system used to collect the levy had a maintenance cost of £2,000 per annum and funding for this had been identified from existing Resource budgets.

The Committee decided:

- (1) that support for the BID to deliver the objectives of the business proposal prepared by Discover Lanark, as set out in the BID Business Plan attached at Appendix 1 of the report, be approved; and
- (2) that it be approved that the Council continues to actively support the BID through the range of measures, as set out in section 4 of the report.

[Reference: Minutes of the Executive Committee of 19 December 2018 (Paragraph 10)]

8 Approval of South Lanarkshire Council's Food Service Plan for 2023/2024

A report dated 9 October 2023 by the Executive Director (Community and Enterprise Resources) was submitted seeking approval for the Food Service Plan 2023/2024 developed for the Council in accordance with, and required by, The Food Law Code of Practice (Scotland) 2019 and the draft Administration and Service Planning Food Law Code of Practice (Scotland) 2020.

Local authorities had a statutory duty to enforce legislation relating to food. This was achieved by carrying out official controls in food establishments which comprised of inspections, audits, monitoring, surveillance, or sampling. The legislation was supported by Codes of Practice issued under Section 40 of the Food Safety Act 1990, Regulation 24 of the Food Hygiene (Scotland) Regulations 2006, and Regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2009. Food authorities were required to have regard to those Codes when discharging their duties.

The statutory obligation in the Food Safety Act 1990 and associated legislation applied to the delivery of official controls by local authorities to ensure that:-

- ◆ official controls were effective and appropriate
- ◆ controls were applied at an appropriate risk-based frequency
- ◆ there were sufficient numbers of qualified and competent staff with adequate facilities and equipment to carry out duties
- ◆ staff were free from conflicts of interest
- ◆ there was access to adequate laboratory capacity and capability for testing

The Food Law Code of Practice (Scotland) 2019 instructed Food Authorities to:-

- ◆ ensure those statutory obligations were brought to the attention of local authority officials and/or elected member bodies responsible for agreeing budgets or other service arrangements relevant to the delivery of official controls-
- ◆ complete an annual Service Plan which detailed the programme for the year, ensuring it was adequately resourced, and approved at the appropriate governance level within the local authority

The Food Service Plan for 2023/2024 was provided in the appendix to the report. A draft copy of the Plan had been submitted to Food Standards Scotland in July 2023 and no adverse comments had been received. Following approval of the Plan by this Committee, the final version would be submitted to Food Standards Scotland.

The Food Service Plan 2023/2024 had been developed in accordance with the requirements of the Food Law Code of Practice (Scotland) 2019 and the draft Administration and Service Planning Food Law Code of Practice (Scotland) 2020. The draft Plan had reflected staffing resources available at that time, however, Food Safety Officers had been recruited during summer 2023 and as at September 2023, the Food and Business Regulation team was operating at a full establishment and this was reflected in the updated Plan.

Future updates on the Food Service Plan would be reported to the Committee on an annual basis.

The Committee decided:

- (1) that the Food Service Plan for 2023/2024 be approved; and
- (2) that the Food Service Plan continues to be reported to the Committee on an annual basis for approval.

9 Community Benefit Funds – Renewable Energy Fund – Grant Application

A report dated 16 October 2023 by the Executive Director (Community and Enterprise Resources) was submitted on a grant application 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 applicant providing written confirmation that all other additional funding for the project had been secured, a grant of up to £58,354.22 towards eligible costs associated with installation of the village green lighting project be awarded from the Auchrobert Windfarm Renewable Energy Fund (REF).

The Head of Enterprise and Sustainable Development Services responded to a member's question in relation to how the grant funding would be used.

The Committee decided:	that, subject to the applicant providing written confirmation that all other additional funding for the project had been secured, a grant be awarded of up to a maximum of £58,354.22 towards eligible costs associated with installation of the village green lighting project from the Auchrobert Windfarm Renewable Energy Fund.
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[Reference: Minutes of 29 August 2023 (Paragraph 8)]

10 Pavement Parking

A report dated 10 October 2023 by the Executive Director (Community and Enterprise Resources) was submitted providing an update on the progression of the national ban on pavement parking, double parking, and parking at dropped kerbs Regulations.

Part 6 of the Transport Scotland (Scotland) Act 2019 introduced the statutory framework for a national ban on pavement parking, double parking and parking at dropped kerbs to make it easier for local authorities to ensure pavements and roads were safer and more accessible to all. Key provisions included:-

- ♦ providing local authorities with powers to enforce the national ban
- ♦ enabling local authorities to promote exemptions from the national ban, subject to meeting strict criteria

- ◆ providing exceptions to certain vehicles if they were involved in emergencies or the delivery of goods
- ◆ providing local authorities with powers to share services with other councils to enforce the new restrictions
- ◆ requiring local authorities to keep accounts in relation to the money received from the enforcement of the new restrictions

Although the Transport (Scotland) Act 2019 had been enacted, local authorities had not yet received the additional enforcement powers or full guidance which would enable them to effectively enforce pavement parking, double parking and parking at dropped kerbs. A statutory duty would require the Council to comply with the requirements of the relevant legislation. However, a statutory power, as was the case with this legislation, gave the Council discretion as to whether the power was exercised. Draft Regulations were laid in the Scottish Parliament on 2 October 2023 and were expected to come into force on 11 December 2023.

Detailed information on the enforcement and implementation of the Regulations was provided at section 4 of the report and included the following information:-

- ◆ the Council had a statutory duty, under the Roads (Scotland) Act 1984, to manage and maintain road networks
- ◆ the Road Traffic Act 1991 had introduced provisions enabling the decriminalisation of most non-endorsable parking offences in London and permitted similar arrangements to be introduced elsewhere in the UK by secondary legislation
- ◆ Decriminalisation Parking Enforcement (DPE) was a regime that enabled a local authority to enforce its own parking policies and included issuing Penalty Charge Notices (PCNs) to motorists who breached parking controls in specified areas. There were 21 local authorities in Scotland, including South Lanarkshire, with DPE powers
- ◆ Transport Scotland had been progressing the secondary legislation and updated parking standards guidance that would underpin enforcement of those parking prohibitions. This was due to be issued on 11 December 2023 and, thereafter, it would be up to local authorities to determine timeframes for implementation
- ◆ although it would be desirable for all local authorities to commence enforcement of the Regulations at the same time to ensure a consistent approach, many had differing DPE regimes in place. It was likely to be spring/summer 2024 before local authorities could effectively and robustly undertake enforcement
- ◆ Transport Scotland was aware that not all local authorities would have the capability or plans to undertake enforcement from day one
- ◆ there would be a national awareness campaign which would focus on the effects of pavement parking and highlight the possibility of receiving a penalty from 11 December 2023

The Council had actively engaged over the last few years during progression of the legislation, assisting Transport Scotland. The Bill for the Transport (Scotland) Act 2019 had been passed by parliament on 10 October 2019 and received Royal Assent on 15 November 2019 and since that time, Transport Scotland had undertaken various consultations in respect of the implementation of Directions and Regulations. Those consultations were detailed at section 5.3 of the report.

The next steps were outlined at section 6 of the report and included:-

- ◆ undertaking a more comprehensive assessment of locations to be considered for exemption whilst the guidance was under review
- ◆ taking a balanced, proportionate, and pragmatic approach to implementation of enforcement of the national ban following ministerial approval in December 2023

- ◆ adopting a low key “soft” approach that ensured any enforcement action taken, if any, was commensurate with the resources available, and fully considered the impacts and/or displacement that would be experienced across towns, villages or within residential areas. The full parking guidance would be considered along with the evidence gathered by the location assessments and intelligence gathered on the ground. The use of advisory warnings would also be considered if necessary
- ◆ the draft Regulations outlined that the PCN would be issued at £100, which would be discounted to £50 for payments made within 14 days, however, would increase to £150 if a Charge Certificate was issued. Those charges were in line with other PCNs issued in South Lanarkshire

There were currently 14 full time equivalent (FTE) Parking Attendants who undertook parking enforcement across South Lanarkshire. A recruitment exercise was progressing for 4 Parking Attendant vacancies. A review was also underway to ensure that the Council could deliver a proportionate level of enforcement to implement the requirements of Part 6 of the Transport (Scotland) Act 2019. Parking Attendants operated on a rota system of working 5 days over 7, however, it was anticipated that enforcement would be required during times outwith the current schedule.

It was expected that any income generated from the new power would contribute to the running costs of the Service and was unlikely to generate any over recovery given that the operations of the Parking Unit was running at a predicted shortfall in 2023/2024 of around £0.76 million. The implementation of exemptions would also incur costs and those would be a key consideration when locations for exemptions were considered. The Council had received funding of £0.144 million from the Scottish Government to allow for the exemption assessments to be undertaken and a consultant had been commissioned to conduct this exercise which was expected to be concluded at the turn of the calendar year.

There followed a lengthy discussion during which members:-

- ◆ expressed concern that enforcement could be an issue without an increase in the number of Parking Attendants
- ◆ stressed the importance of the level of fines reflecting the cost of running the service
- ◆ requested further information on what the “soft” approach would look like in practice
- ◆ expressed concern that there could be displacement of vehicles in certain areas resulting from the national ban
- ◆ stressed the importance of the Council undertaking a promotional campaign in advance of any enforcement activity
- ◆ recognised the importance of adequate funding being allocated for implementation given that this was an Act of the Scottish Parliament

The Head of Roads, Transportation and Fleet Services responded to members’ questions on various aspects of the report.

The Committee decided:

- (1) that the contents of the report be noted, specifically the enforcement powers expected to be granted to councils this year; and
- (2) that it be noted that a ‘soft’ approach to any resulting enforcement, as detailed at paragraph 6.5, would be undertaken and a further update provided to the Committee at an appropriate point during 2024.

11 Update of the Community and Enterprise Resources' Risk Register and Risk Control Plan

A report dated 16 October 2023 by the Executive Director (Community and Enterprise Resources) was submitted on providing an update on Community and Enterprise Resources' Risk Register and Risk Control Actions.

The risks were scored in accordance with the Council's scoring mechanism which scored risks based on likelihood and impact of risk. This resulted in risks being scored between 1 to 25 (low to very high). Risks were scored on their inherent risk (risk if nothing was done) and their residual risk (risk after applying controls). The risk scoring matrix was attached at Appendix 1 to the report.

The Risk Register had been developed and was monitored on an ongoing basis to add any new risks and to review the scores of existing risks. The main changes to the Community and Enterprise Resources' register were as follows:-

- ◆ the addition of the following 4 new top risks -
 - ◆ failure to deliver the outcomes of the Economic Strategy
 - ◆ implications of the Scottish Fire and Rescue Service (SFRS) Unwanted Fire Alarm Signals Policy within the Council's non-domestic estate
 - ◆ the inability to maintain infrastructure, assets and property in a safe and well-maintained condition and failure to achieve objectives of asset/property reviews
 - ◆ the potential for industrial action to disrupt council services
- ◆ the top risk around the increasing levels of adverse weather had been expanded to cover potential damage to Council properties and housing stock from weather events and was now a joint risk with Housing and Technical Resources
- ◆ although the scoring of the Council top risk around the Council failing to meet statutory and legislative duties in respect of public protection had increased from 12 to 16, the improved workforce position within Environmental Services had reduced for this score on the Resources' register to 9
- ◆ 2 Economic Development risks covering external funding and derelict/contaminated land had been merged into a combined risk which would be managed by a single set of control measures

Risks scored 15 to 25 were considered very high and risks scored 8 to 12 were considered high risks. The top risks identified for the Resource were detailed in Appendix 2 to the report.

Comparisons of risk scores for 2022 and 2023 were detailed in Appendix 3 to the report.

The Committee decided:

- (1) that the current position with regards to the Community and Enterprise Resources' Risk Register be noted; and
- (2) that it be noted that any outstanding Risk Control Actions identified during the year would be progressed by relevant officers.

[Reference: Minutes of 13 December 2022 (Paragraph 6)]

12 Community and Enterprise Resources – Notification of Contracts Awarded – 1 October 2022 to 31 March 2023

A report dated 16 September 2023 by the Executive Director (Community and Enterprise Resources) was submitted on contracts awarded by Community and Enterprise Resources in the period 1 October 2022 to 31 March 2023.

In terms of Standing Order Nos 21.8 and 22.5 of the Standing Orders on Contracts, Resources were required to notify the relevant Committee of contracts awarded. Details of the contracts awarded by Community and Enterprise Resources were provided in the appendix to the report.

The Committee decided: that the report be noted.

[Reference: Minutes of 4 October 2022 (Paragraph 13)]

13 Urgent Business

There were no items of urgent business.