



Council Offices, Almada Street
Hamilton, ML3 0AA

Tuesday, 04 June 2024

Dear Councillor

South Lanarkshire Council

The Members listed below are requested to attend a meeting of the Council to be held as follows:-

Date: Wednesday, 12 June 2024

Time: 10:00

Venue: Hybrid - Council Chamber, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

Yours sincerely

Paul Manning
Chief Executive

Members

Margaret Cooper (Provost), Bert Thomson (Depute Provost), Alex Allison, John Anderson, Ralph Barker, John Bradley, Walter Brogan, Robert Brown, Archie Buchanan, Mathew Buchanan, Janine Calikes, Andy Carmichael, Maureen Chalmers, Ross Clark, Gerry Convery, Poppy Corbett, Andrea Cowan, Margaret Cowie, Maureen Devlin, Colin Dewar, Mary Donnelly, Joe Fagan, Allan Falconer, Grant Ferguson, Gladys Ferguson-Miller, Elise Frame, Alistair Fulton, Ross Gowland, Geri Gray, Lynsey Hamilton, Celine Handibode, Graeme Horne, Mark Horsham, Martin Hose, Cal Johnston-Dempsey, Gavin Keatt, Susan Kerr, Ross Lambie, Martin Lennon, Richard Lockhart, Eileen Logan, Katy Loudon, Hugh Macdonald, Julia Marrs, Monique McAdams, Ian McAllan, Catherine McClymont, Kenny McCreary, Lesley McDonald, Elaine McDougall, Mark McGeever, Davie McLachlan, Richard Nelson, Carol Nugent, Norman Rae, Mo Razzaq, Kirsten Robb, John Ross, Graham Scott, David Shearer, Helen Toner, Margaret B Walker, David Watson, Kirsty Williams

BUSINESS

- 1 **Declaration of Interests**
- 2 **Minutes of Previous Meeting** 3 - 14
Minutes of the meeting of South Lanarkshire Council held on 27 March 2024 submitted for approval as a correct record. (Copy attached)
- 3 **Minutes of Risk and Audit Scrutiny Committee** 15 - 18
Minutes of the meeting of the Risk and Audit Scrutiny Committee held on 30 January 2024 submitted for noting. (Copy attached)

Item(s) for Decision

- 4 **Notice of Motion - New First Minister** 19 - 20
Motion received in terms of Standing Order No. 20 on 26 May 2024, proposed by Councillor Robert Brown and seconded by Councillor Mark McGeever. (Copy attached)
- 5 **Notice of Motion - Keep The Beat Alive** 21 - 22
Motion received in terms of Standing Order No. 20 on 27 May 2024, proposed by Councillor Kirsten Robb and seconded by Councillor John Ross. (Copy attached)
- 6 **Notice of Motion - Declaration of a Housing Emergency** 23 - 24
Motion received in terms of Standing Order No. 20 on 28 May 2024, proposed by Councillor Davie McLachlan and seconded by Councillor Margaret Cowie. (Copy attached)

Urgent Business

- 7 **Urgent Business**
Any other items of business which the Provost decides are urgent.

For further information, please contact:-

Clerk Name:	Susan Somerville
Clerk Telephone:	07557323097
Clerk Email:	susan.somerville@southlanarkshire.gov.uk

Minutes of the meeting held via Confero and in the Council Chamber on 27 March 2024

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 Poppy Corbett, Councillor Andrea Cowan, Councillor Margaret Cowie, Councillor Maureen Devlin, Councillor Colin Dewar, Councillor Mary Donnelly, Councillor Joe Fagan, 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 Martin Hose, Councillor Cal Johnston-Dempsey, Councillor Gavin Keatt, Councillor Susan Kerr, Councillor Ross Lambie, Councillor Richard Lockhart, Councillor Eileen Logan, Councillor Katy Loudon, Councillor Hugh Macdonald, Councillor Julia Marrs, Councillor Monique McAdams, Councillor Ian McAllan, Councillor Catherine McClymont, Councillor Kenny McCreary, Councillor Lesley McDonald, Councillor Elaine McDougall, Councillor Mark McGeever, Councillor Davie McLachlan, Councillor Carol Nugent, Councillor Norman Rae, Councillor Mo Razzaq, Councillor Kirsten Robb, Councillor John Ross, Councillor Graham Scott, Councillor David Shearer, Councillor Helen Toner, Councillor Margaret B Walker, Councillor David Watson, Councillor Kirsty Williams

Councillors' Apologies:

Councillor Celine Handibode, Councillor Graeme Horne, Councillor Mark Horsham, Councillor Martin Lennon, Councillor Richard Nelson, Councillor Bert Thomson (Depute)

Chief Executive's Service

P Manning, Chief Executive

Community and Enterprise Resources

D Booth, Executive Director

Education Resources

J Wallace, Head of Education (Primary and Early Years)

Finance and Corporate Resources

J Taylor, Executive Director, N Docherty, Administration Assistant; S Somerville, Administration Manager; I Strachan, Head of Administration and Legal Services

Housing and Technical Resources

J Forbes, Head of Property Services

Social Work Resources/Health and Social Care

S Sengupta, Director, Health and Social Care

Provost's Opening Remarks

The Provost welcomed:-

- ◆ J Taylor, in her capacity as the newly appointed Executive Director (Finance and Corporate Resources)
- ◆ I Strachan, Head of Administration and Legal Services, to his first meeting of the full Council.

She also wished the Depute Provost a speedy recovery following his recent illness.

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of South Lanarkshire Council held on 31 January 2024 were submitted for approval as a correct record.

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

3 Minutes of Special Meeting

The minutes of the special meeting of South Lanarkshire Council held on 21 February 2024 were submitted for approval as a correct record.

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

4 Minutes of Risk and Audit Scrutiny Committee

The minutes of the meeting of the Risk and Audit Scrutiny Committee held on 31 October 2023 were submitted for noting.

The Council decided: that the minutes be noted.

5 Clydeplan and Glasgow City Region Spatial Planning

A report dated 13 March 2024 by the Chief Executive was submitted on a proposal to formally withdraw from the Clydeplan Joint Committee.

The National Planning Framework 4 (NPF4), approved by the Scottish Parliament in 2023, removed the statutory requirement to produce a Strategic Development Plan and replaced it with a duty to prepare a non-statutory Regional Spatial Strategy (RSS).

Since 1996, the 8 Glasgow City Region local authorities had worked together to develop a series of regional spatial plans, the most recent being the Clydeplan Strategic Development Plan (SDP), which was approved by Scottish Ministers in July 2017. This requirement was no longer in place since the introduction of NPF4.

Clydeplan had been governed by a Joint Committee for the purpose of representing the 8 local authorities in the Glasgow and Clyde Valley area in carrying out the functions conferred on them under Sections 4 to 14 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act, and had each passed the necessary resolution for giving effect to this Agreement.

The Clydeplan Joint Committee had previously agreed that work should be undertaken to explore the future governance arrangements for the delivery of the functions undertaken by the Joint Committee, particularly in relation to the new duty on local authorities to prepare an RSS.

Unlike the current Strategic Development Plan, the RSS would not form part of the statutory Development Plan which would now comprise the National Planning Framework and the Local Development Plan.

Given those changes, it was acknowledged that the role and remit for which the Glasgow and Clyde Valley Strategic Development Planning Authority Joint Committee, as originally established, would significantly change and, therefore, the future role of the Committee required to be reviewed.

The Joint Committee had recommended to its members that the functions transfer to the Glasgow City Region (GCR), with the GCR Cabinet overseeing the development of the RSS. At its meeting on 12 February 2024, the Cabinet agreed to establish a Regional Planning Sub-Committee to discharge this function, subject to approval by the 8 local authorities through their own local democratic structures.

The new Sub-Committee would not have decision-making powers and would oversee the development of an RSS for the region. This would then be presented to the 8 local authorities for consideration, with Cabinet simply noting the approved document. This would ensure that approval sat with local democratic structures whilst collaboration was facilitated through regional ones. To provide continuity from the existing process into the new arrangement, it was recommended that Councillor Brown would represent the Council on the Sub-Committee, with Councillor Nelson acting as a substitute member.

It was proposed that the funding of £60,439 to support staff and associated costs, previously paid to Renfrewshire Council to support the operation of Clydeplan, now be paid to Glasgow City Council as lead authority for the GCR to support ongoing resource, operational and associated costs.

The Council decided:

- (1) that the recommendation of the Clydeplan Joint Committee to transfer responsibility for the development of a Regional Spatial Strategy (RSS) to the Glasgow City Region (GCR) Cabinet be noted;
- (2) that the GCR Cabinet's approval of the establishment of a new Regional Spatial Planning Sub-Committee to oversee the development of an RSS be noted;
- (3) that it be noted that approval of participation in any future RSS would remain a decision for South Lanarkshire Council;
- (4) that the Council withdraw from the Clydeplan Joint Committee and transfer existing funding to Glasgow City Council as lead authority for the GCR; and
- (5) that Councillor Brown and Councillor Nelson act as the Council's representatives on the new Regional Spatial Planning Sub-Committee.

Councillor McAdams joined the meeting during this item of business

6 Community Facilities – Temporary Delegated Authority

A report dated 13 March 2024 by the Executive Director (Housing and Technical Resources) was submitted requesting that authority be temporarily delegated to officers to enter into short-term arrangements with community organisations which wished to take on the management of community facilities affected by the impact of recent budget decisions.

Facilities affected by the budget setting decisions made by the Council and South Lanarkshire Leisure and Culture in February 2024 were detailed in appendices 1 and 2 of the report.

At meetings of the Council and Executive Committee on 21 February 2024, the proposals for managing the Community Fightback Fund and changes to the criteria in relation to Renewable Energy Funding (REF) were agreed to assist community organisations develop alternative operating models and community capacity.

While arrangements would be different in each circumstance, it was envisioned that a number of requests for leases under Community Asset Transfer (CAT) lite would be received in the next few months. A CAT lite lease was for a period of up to one year at a rental of £1 per annum, if asked, with the tenant being responsible for the revenue costs associated with the property, including regular health and safety checks. It was referred to as 'CAT lite' because it was not progressed as a formal CAT in terms of the relevant legislation. The Council also might retain some responsibilities in respect of the property.

In line with its agreed Terms of Reference, any leases or sales on concessionary terms were reported to Housing and Technical Resources Committee for approval, with the next relevant meetings on 19 June and 18 September 2024. To avoid a situation where the schedule of meetings could result in a break in the continuity of services, it was proposed that the Executive Director (Housing and Technical Resources), in consultation with the Head of Administration and Legal Services, be given temporary delegated authority from 19 June to 18 September 2024 to approve CAT lite applications. If approved, the applications would be required to meet agreed criteria, as set out in Section 4 of the report.

A report would be presented to the Housing and Technical Resources Committee on 18 September 2024 to confirm the outcome of applications made during this period of delegated authority.

The Head of Property Services confirmed that any competing applications for the same facility would not be dealt with under delegated powers but reported to committee. Both she and the Executive Director (Community and Enterprise Resources) responded to members' questions on various aspect of the report.

The Council decided:

- (1) that the Executive Director (Housing and Technical Resources), in consultation with the Head of Administration and Legal Services, be authorised to enter into short-term lease arrangements for the properties listed in appendices 1 and 2 of the report, subject to the criteria set out in paragraphs 4.1 and 4.2 of the report;
- (2) that this period of delegated authority cover the period from 19 June to 18 September 2024; and
- (3) that a report be presented to the Housing and Technical Resources Committee on 18 September 2024 to confirm progress made during this period.

[Reference: Minutes of the special meeting of 21 February 2024 (Paragraph 2) and Minutes of the Executive Committee of 21 February 2024 (Paragraph 5)]

7 Notice of Motion – Immediate Ceasefire and Long-Term Peace in Gaza

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

“Council unequivocally condemns the terrorist attacks by Hamas on 7 October 2023 and calls for the immediate unconditional release of all hostages. Council recognises the rights of Israel, in common with all nations, to protect itself from terror. However, Council asserts that Hamas’ actions are not a justification for genocide – there are no justifications for genocide. Council shares the sorrow and outrage of South Lanarkshire’s Jewish and Muslim Communities and all other like-minded people.

Council recognises that many families and communities in South Lanarkshire are affected by violence in the region, offers condolences to all those who have suffered as a result of this horrific conflict; and resolves to be alert to, and to stand up against, discrimination and hate crime, and resolves that there is no place for antisemitism, Islamophobia or hatred of any kind in our communities.

Council recognises that a humanitarian catastrophe is being inflicted on the civilian population of Gaza by the far-right, Likud-led government of Israel and that this collective punishment has to date resulted in the killing of almost 40,000 civilians including 21,000 women and children. In addition, at least 70,450 people have been wounded and 7000 are missing in the rubble that is Gaza.

Council condemns any military assault on the 1.5 million refugees sheltering in Rafah and demands that the UK Government immediately halts the transfer of all military equipment and technology, including components, to Israel and suspends the issuing of new licences.

Council repeats calls from the Scottish Government asking the UK Government to use the already established UK Resettlement Scheme, which works with the UN High Commission for Refugees, to allow a route to safety for the most vulnerable such as children and families, those with severe health needs, and those with links to residents in Scotland.

Council also calls on the UK Government to support an immediate permanent ceasefire and humanitarian corridor, to commit supplies and aid to mitigate the human tragedy unfolding in Gaza and to be prepared to offer sanctuary and support to Palestinian refugees.

Council further supports moves towards a long-term peace for all communities in Israel-Palestine and urges all international partners to work together to establish a diplomatic process to deliver the peace of a two-state nation.

Council instructs the Chief Executive to write to both the Scottish First Minister and the UK Prime Minister outlining the details of this motion, as agreed.”

In moving her motion, Councillor Cowan advised that she had agreed to incorporate the following amendment by Councillor Robb into the motion:-

Insert after “Palestinian refugees”:-

“Council calls for officers to investigate and report back on: Existing mechanisms to return, reuse and respond to calls for donations of mobility aids in South Lanarkshire and in conflict zones; How we can work with existing organisations and groups to support those in conflict zones with our stock where the medical need is greater due to conflict, whilst still complying with our legal duties; How we can further encourage residents to return old or used mobility aids to a relevant health partner, reducing waste and ensuring people who need items can get them.”

On speaking to her motion, Councillor Cowan welcomed the passing of the United Nations Security Council's Resolution on 25 March 2024 calling for an immediate ceasefire for the month of Ramadan leading to a lasting, sustainable ceasefire. She sympathised with people living in South Lanarkshire who had family and friends caught up in the unimaginable terror of war. On seconding the motion, Councillor McDougall referred to the humanitarian crisis due to the famine in Gaza.

Councillor Robb considered that governments at all levels could take action and that the Council should investigate what could be done with spare mobility aids, as well as any other aid, that could be provided.

Councillor Fagan, seconded by Councillor Brown, moved the following as an amendment:-

Replace the text of the Motion presented under Item 7 in its entirety with the following:

“South Lanarkshire Council:

- ◆ Condemns unequivocally the Hamas terror attack of 7 October 2023 and calls for the immediate and unconditional release of all hostages;
- ◆ Expresses deep concern about the conduct of the war by the Israeli government, the level of civilian casualties and the catastrophic humanitarian crisis in Gaza;
- ◆ Notes that the UN Security Council passed a resolution on Monday 25 March 2024 calling for an immediate ceasefire, the immediate and unconditional release of hostages and an expansion in the flow of aid into Gaza;
- ◆ Notes that the House of Commons voted to call for an immediate and lasting humanitarian ceasefire on 21 February 2024, and that the Scottish Parliament voted for a ceasefire on 21 November 2023;
- ◆ Stands in solidarity with all innocent victims of the violence since October and urges an immediate ceasefire to avoid further suffering;
- ◆ Recognises that for a ceasefire to be successful and sustained, both sides must comply, and urges both sides to adhere to international law, including international humanitarian law and international human rights law;
- ◆ Notes and echoes the International Court of Justice's call for Israel to take measures to prevent genocidal acts in Gaza;
- ◆ Condemns the rise in anti-Semitism and Islamophobia in our communities and around the world since 7 October 2023; and
- ◆ Recognises South Lanarkshire's record of charity and hospitality in response to recent instability in the world and the refugee crisis.

Accordingly, Council asks the Chief Executive to write to the First Minister and the Prime Minister to ask them to make further efforts to:

- ◆ Act upon the call of both parliaments to call for a ceasefire and build a lasting peace process;
- ◆ Do all within their diplomatic powers to contribute to the call from around the international community for a ceasefire;
- ◆ Urge the international community to work together to allow humanitarian aid to reach all affected areas and rebuild and restore communities;
- ◆ Honour international commitments towards refugees and urgently engage with COSLA in respect of refugee and resettlement policy; and
- ◆ Call for a two-state solution, including security and justice for the people of Israel and the people of Palestine, recognising the statehood of both and the desire for long-lasting peace and understanding in the region.”

In moving his amendment, Councillor Fagan confirmed that he would incorporate the wording of Councillor Robb's earlier amendment. He said the purpose of his amendment was to allow the Council to unite behind what it could do for humanitarian demands for a ceasefire to alleviate suffering and did not draw the Council into foreign policy debates. Councillor Brown, in seconding the amendment, referred to how the matter united all parties in outrage at the horrors that were taking place. He considered that the Council could influence events in a modest way by adding to the pressure on all parties to negotiate a ceasefire and would be better placed with a united voice.

Following an adjournment, it was confirmed that there had been cross-party agreement on an amended motion which was read out by Councillor Cowan.

The Council decided:

- (1) to condemn unequivocally the Hamas terror attack of 7 October 2023 and their subsequent actions and call for the immediate and unconditional release of all hostages;
- (2) to condemn the conduct of the war by the Israeli government, the level of civilian casualties and the catastrophic humanitarian crisis in Gaza and any attacks on Rafah;
- (3) to note that the UN Security Council passed a resolution on Monday 25 March 2024 calling for an immediate ceasefire, the immediate and unconditional release of hostages and an expansion in the flow of aid into Gaza;
- (4) to note that the House of Commons voted to call for an immediate and lasting humanitarian ceasefire on 21 February 2024, and that the Scottish Parliament voted for a ceasefire on 21 November 2023;
- (5) to stand in solidarity with all innocent victims of the violence since October 2023 and urge an immediate ceasefire to avoid further suffering;
- (6) to recognise that for a ceasefire to be successful and sustained, both sides must comply, and urge both sides to adhere to international law, including international humanitarian law and international human rights law;
- (7) to note and echo the International Court of Justice's call for Israel to take measures to prevent genocidal acts in Gaza;
- (8) to recognise that many families and communities in South Lanarkshire were affected by violence in the region, offer condolences to all those who had suffered as a result of this horrific conflict; and resolve to be alert to, and to stand up against, discrimination and hate crime, and resolve that there was no place for antisemitism, Islamophobia or hatred of any kind in our communities;
- (9) to recognise South Lanarkshire's record of charity and hospitality in response to recent instability in the world and the refugee crisis;
- (10) to welcome the constant and careful review of the transfer of military equipment and the issuing of licences;
- (11) to welcome the fact that UK export licences for arms and military equipment were under constant, careful review;

(12) to call for officers to investigate and report back on:

- ◆ existing mechanisms to return, reuse and respond to calls for donations of mobility aids in South Lanarkshire and in conflict zones
- ◆ how the Council could work with existing organisations and groups to support those in conflict zones with its stock where the medical need was greater due to conflict, whilst still complying with its legal duties
- ◆ how the Council could further encourage residents to return old or used mobility aids to a relevant health partner, reducing waste and ensuring people who needed items could get them

(13) to ask that the Chief Executive write to the First Minister and the Prime Minister to ask them to make further efforts to:

- ◆ act upon the call of both parliaments to call for a ceasefire and build a lasting peace process
- ◆ do all within their diplomatic powers to contribute to the call from around the international community for a ceasefire
- ◆ urge the international community to work together to allow humanitarian aid to reach all affected areas and rebuild and restore communities
- ◆ honour international commitments towards refugees and urgently engage with COSLA in respect of a refugee and resettlement policy
- ◆ call for a two-state solution, including security and justice for the people of Israel and the people of Palestine, recognising the statehood of both and the desire for long-lasting peace and understanding in the region

In terms of Standing Order No 14, the Provost adjourned the meeting during this item of business at 10.57am. The meeting reconvened at 11.32am

Councillor Falconer left the meeting following this item of business

8 Notice of Motion – Right to Strike

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

“That this Council:-

(a) notes:-

- (i) the right to strike is a fundamental freedom which is protected by international law; this can be seen in the Human Rights Act, Article 11 of the European Convention on Human Rights, the International Labour Organisation’s Convention 87 and Article 6(4) of the European Social Charter;
- (ii) the Strikes (Minimum Service Levels) Act 2023 sets out that when employees in relevant sectors democratically vote to strike they can be required to work, lose their right to automatic protection from unfair dismissal, and potentially be sacked if they don’t comply;
- (iii) the Joint Committee on Human Rights has expressed concern that this legislation is not compatible with the UK’s commitments to human rights for workers and trade union members;

- (iv) the Regulatory Policy Committee has determined that the impact assessment for this Bill was ‘not fit for purpose’; and
 - (v) that the Scottish Government has committed not to use the powers to compel workers not to strike.
- (b) believes:-
- (i) the Strikes (Minimum Service Levels) Act 2023 is a direct attack on the right to strike fundamental freedom;
 - (ii) that consecutive Conservative Governments have been carrying out brutal attacks on trade unions for decades, culminating with this most recent attack on the right to strike;
 - (iii) that this Westminster Government, instead of tackling the causes of the cost-of-living crisis, are attempting to shift the blame from profiteering bosses who have manufactured unsustainable levels of inflation, on to ordinary workers who are exercising their right to fight for dignity and fair pay at work and in their lives;
 - (iv) the regime initiated by the Strikes (Minimum Service Levels) Act 2023 is draconian, unnecessary and unworkable;
 - (v) the Act undermines constructive industrial relations and is likely to inflame and prolong disputes;
 - (vi) the issuing of a “work notice” by an employer compelling named workers to attend work under threat of dismissal with no recourse to the courts is a denial of justice; and
 - (vii) that this Act is a direct attack on the freedoms of the ordinary, hardworking residents of South Lanarkshire.
- (c) resolves:-
- (i) to direct Council officers not to use powers in this Act to compel workers, who would otherwise be on strike, to work, subject to the Council’s overarching legal duties; and
 - (ii) to work with local unions to oppose this legislation together as effectively as possible.”

In moving her motion, Councillor McDougall referred to recent legislation and how it might compel workers to work in the event of a legally constituted strike and that they would lose their automatic right to protection against unfair dismissal. She highlighted that it was discretionary for employers to use this legislation. Councillor Loudon, in seconding the motion, considered the right to strike was fundamental.

Councillors Fagan, Robb, Cowan, Keatt, Convery and McGeever were heard in support of the motion.

Councillor Allison referred to the importance of the right to strike and advised that the aim of the legislation was to achieve a balance in terms of the rights of constituents to be able to receive a certain level of service, particularly in emergency situations. Councillor Lambie concurred with Councillor Allison and in response to his concerns that the wording of the motion would put officers in a difficult position by asking them to work contrary to the law, the Head of Administration and Legal Services confirmed that the content of the motion was competent.

On a vote being taken using the electronic voting system, 51 members voted 'For' the motion and 6 voted 'Against' it. The motion was declared carried.

- The Council decided:** that the terms of the motion be supported and the Council:-
- ◆ direct its officers not to use powers in the Strikes (Minimum Service Levels) Act 2023 to compel workers, who would otherwise be on strike, to work, subject to the Council's overarching legal duties
 - ◆ work with local unions to oppose this legislation together as effectively as possible

Councillor Falconer left the meeting during this item of business and prior to the vote. Councillor McClymont left the meeting following this item of business

9 Mid-Term Review of the Council's Political Management Arrangements Procedural Documentation

A report dated 8 March 2024 by the Chief Executive was submitted advising of arrangements to take forward the mid-term review of the Council's political management arrangements procedural documentation.

The current procedural documentation had been formally approved by the Council at its statutory meeting in May 2022 following the Local Government Elections. In the period since that time, amendments had been made to the Scheme of Delegation as a result of decisions taken at committee or Council.

In line with good governance requirements, it was considered best practice at the mid-term point of the Council term to formally review the documentation to take account of legislative amendments, external guidance requirements, structural changes and to reflect and/or streamline working practices.

Initial consultation on the current documentation had commenced with officers and it was now proposed that each Group, as well as the independent member, submit comments to the Chief Executive by the end of April 2024 on the areas they would like addressed or considered.

It was noted that, at its meeting held on 23 August 2023, the Council agreed that the matter of sustainability assessments be referred to the Standards and Procedures Advisory Forum (SPAF) for consideration as part of the mid-term review.

A meeting of the SPAF would be held in June 2024 to consider feedback received.

Councillor Nugent welcomed the review in terms of good governance.

The Council decided: that the commencement of the mid-term review of the Council's political management arrangements procedural documentation be noted.

[Reference: Minutes of 23 August 2023 (Paragraph 12)]

Councillor Falconer re-entered the meeting during this item of business

10 Revenue Budget and Level of Local Taxation 2024/2025 – Local Government Finance (Scotland) Order 2024

A report dated 8 March 2024 by the Chief Executive was submitted confirming receipt of the Local Government Finance (Scotland) Order 2024 (the Order).

At its meeting on 21 February 2024, the Council approved the Revenue Budget and Levels of Local Taxation for 2024/2025.

The Order had now been received from the Scottish Government and Section 4 of the report outlined updates to the Budget for 2024/2025.

Further correspondence from the Scottish Government, following the UK spring Budget in early March 2024, advised that the UK Government had identified £48 million of funding for Scottish Local Government and that this would be passed to councils. It also stated that the Scottish Government would make the decisions in year which were necessary to top that up to the £62.7 million for those authorities which had agreed to a Council Tax freeze.

In addition, the correspondence advised that the Scottish Government had not yet received confirmation of any funding in relation to increased Teacher Employer Pension Contributions, however, officials at the Scottish Government understood that this would be confirmed later in the year by the UK Government and the Minister was committed to passing this funding to local authorities once confirmation was received. The Council's budget had been set on the basis that this would be forthcoming as the increased contributions would commence on 1 April 2024.

The Council decided:

- (1) that the update to the Council's Budget as result of the Local Government (Finance) Order 2024, outlined in paragraphs 4.1 to 4.7 of the report, be noted;
- (2) that it be noted that the information contained in the Local Government Finance (Scotland) Order 2024 had no impact on the Budget decisions taken by Council on 21 February 2024;
- (3) that the Scottish Government's commitment to £62.7 million of funding for Scottish Local Government, following the UK spring Budget, be noted; and
- (4) that the position on the funding for the increased Teachers' Pension contributions be noted.

[Reference: Minutes of the special meeting of 21 February 2024 (Paragraph 2)]

11 Urgent Business

There were no items of urgent business.

RISK AND AUDIT SCRUTINY COMMITTEE

Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 30 January 2024

Chair:

Councillor Elaine McDougall

Councillors Present:

Councillor Mary Donnelly, Councillor Alistair Fulton, Councillor Ross Gowland, Councillor Cal Johnston-Dempsey, Councillor Susan Kerr

Councillors' Apologies:

Councillor Mathew Buchanan, Councillor Celine Handibode, Councillor Richard Lockhart

Attending:

Chief Executive's Service

P Manning, Chief Executive

Finance and Corporate Resources

Y Douglas, Audit and Compliance Manager; T Little, Head of Communications and Strategy; E-A McGonigle, Administration Officer; A Norris, Administration Assistant

Also Attending:

Audit Scotland

M Ferris, External Auditor

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Risk and Audit Scrutiny Committee held on 31 October 2023 were submitted for approval as a correct record.

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

3 Internal Audit Activity as at 12 January 2024

A report dated 14 January 2024 by the Chief Executive was submitted on work completed by Internal Audit during the period 14 October 2023 to 12 January 2024.

Findings from internal audit assignments were reported to this Committee throughout the year and the last progress report was considered by this Committee on 31 October 2023. Key performance indicators, which reflected quality, on time and within budget as at 31 December 2023, were summarised in Appendix 1 to the report.

As at 31 December 2023, 9% of the 2023/2024 Audit Plan was completed to draft report stage and a further 28 assignments were in progress at that date. In the reporting period, all elements of the Audit Plan had been progressed with a continued focus on the National Fraud Initiative (NFI), investigative activities and external client audit plans. Alongside this, there had been a significant time commitment to the implementation of Oracle Fusion, a cloud based human resources and financial management system within the Council. Internal Audit would continue to provide resources to assist with the implementation of Oracle Fusion through to 31 March 2024. Updates would continue to be provided to the Committee in the Internal Audit Activity report.

An update was also provided on progress against the Audit Strategy which was a requirement of the Public Sector Internal Audit Standards (PSIAS). Delivery of the 2023/2024 Strategy had been evidenced by the completion of the Internal Audit Plan in year and monitored during the year by performance indicators which were regularly reported to the Committee.

The Audit and Compliance Manager responded to a member's question in relation to delivery of the remaining assignments in the 2023/2024 Audit Plan.

The Committee decided: that the report be noted.

[Reference: Minutes of 31 October 2023 (Paragraph 7)]

4 Fraud Statistics 6 Monthly Update 2023/2024

A report dated 12 January 2024 by the Chief Executive was submitted on fraud statistics for the 6 month period to 30 September 2023.

Details were given on the number, types, outcomes and costs of fraud investigations, together with performance measures for the 6 month period to 30 September 2023. A comparison with the statistics for the same period in 2022 was also provided. The fraud statistics for the 6 month period to September 2023 highlighted that:-

- ◆ 68 investigations, with a total value of £27,000, had been reported in the period, representing an increase in number from the same period in 2022
- ◆ of the 204 open cases, 47, valued at £33,000, had been closed within the period, representing an increase when compared to the closed investigations for the same period in 2022
- ◆ 23% of cases closed in the period were founded and one of those involved a Council employee
- ◆ all but one of the founded cases related to fraud committed by a third party

Referrals from the Department for Work and Pensions (DWP) had been removed from the statistics to ensure that the caseload reflected only those cases where a potential fraud had been identified by the Council. In the 6 months to 30 September 2023, there were 5 further referrals from the DWP. In the same period, the DWP had closed 6 referral cases with no outcome because of time delays and a further 3 on the basis that no fraud had been proven.

Costs had been incurred by Internal Audit in the period to 30 September 2023 in relation to 2 investigations. Time to complete those investigations would be required in the remainder of 2023/2024. Time, budgets and target completion timescales for investigations were set at the start of each audit and would vary depending on the nature of the investigation. Those timescales could be extended to reflect other Service priorities although every effort was made to complete work within a reasonable timeframe.

On conclusion of all internal investigations, an assessment was made on whether an improvement action was necessary and, if required, an improvement plan would be issued containing recommended actions. Improvement plans were agreed with the relevant Heads of Service and the actions followed up by Internal Audit to ensure implementation and that gaps in controls had been addressed. Outcomes for concluded investigations would be reported to the Committee as part of Internal Audit's Annual Assurance report.

The Council's Serious and Organised Crime (SOC) Working Group progressed the delivery of various actions which would be revised if new or emerging threats were identified through the pan Lanarkshire Multi Agency SOC Group. Updates would be presented to the Committee periodically.

In addition to the Internal Audit work captured in the statistics contained within the report, the following 3 areas of fraud related work were included in the 2023/2024 Audit Plan:-

- ◆ National Fraud Initiative (NFI) – coordinating investigation of matches from the 2022 NFI exercise
- ◆ anti-fraud checks – a rolling programme, including, but not limited to, procurement, petty cash and purchase cards
- ◆ fraud – reacting to fraud alerts through internal and external sources and disseminating information as required and undertaking investigations as required

A report had been presented to the Committee in June 2023 on the results of the NFI matching exercise and the target investigations that had to be undertaken. Good progress had been made with investigations and it was planned that those would be concluded by 31 March 2024. In addition, investigative work had continued throughout the year, however, progress with anti-fraud checks had been impacted by the re-direction of resources to the Oracle Fusion project. Some limited time to complete routine anti-fraud checks would be allocated before the end of the financial year.

The Audit and Compliance Manager responded to members' questions on various aspects of the report and, where information was not immediately available, undertook to provide this to the relevant members.

The Committee decided: that the report be noted.

[Reference: Minutes of 7 March 2023 (Paragraph 6) and 27 June 2023 (Paragraph 7)]

5 Performance and Review Scrutiny Forum Annual Update

A report dated 20 December 2023 by the Chief Executive was submitted on reports considered by the Performance and Review Scrutiny Forum in the period from January to December 2023.

A report on the business considered by the Performance and Review Scrutiny Forum would continue to be submitted to the Risk and Audit Scrutiny Committee on an annual basis.

The Committee decided: that the report be noted.

[Reference: Minutes of 6 December 2022 (Paragraph 7)]

6 Forward Programme for Future Meetings

A report dated 8 January 2024 by the Chief Executive was submitted on the outline forward programme for the meetings of the Risk and Audit Scrutiny Committee to 18 February 2025.

As part of future arrangements, members were invited to suggest topics for inclusion in the Committee's forward programme.

The Committee decided: that the outline forward programme for the meetings of the Risk and Audit Scrutiny Committee to 18 February 2025 be noted.

[Reference: Minutes of 31 October 2023 (Paragraph 10)]

7 Urgent Business

There were no items of urgent business.

New First Minister

Notice of Motion

Motion received in terms of Standing Order No 20 on 26 May, 2024, proposed by Councillor Robert Brown, seconded by Councillor Mark McGeever, as follows:-

“South Lanarkshire Council congratulates the new First Minister and Deputy First Minister on their appointments and welcomes their promises of a “new chapter” for Scotland and an inclusive and respectful approach to politics.

Council notes however that the previous First Minister promised a similar new start in signing the Verity House Agreement with COSLA but, within weeks, imposed a council tax freeze which damaged local government’s ability to deliver vital public services.

Council further deplores the centralising power grabs and sustained funding cuts suffered by councils and local communities under the Scottish Government.

Council calls on the new First Minister and the Scottish Government to commit to:-

- ◆ Respecting the democratic mandate of local government and the Verity House Agreement to work in partnership with councils;
- ◆ Delivering Fair Funding for councils in the spirit of the European Charter of Local Self Government”.

Keep the Beat Alive

Notice of Motion

Motion received in terms of Standing Order No 20 on 27 May, 2024, proposed by Councillor Kirsten Robb, seconded by Councillor John Ross, as follows:-

“South Lanarkshire Council recognises that:-

1. Over 100 organisations from across South Lanarkshire have come together in a new campaign called Keep the Beat Alive <https://keepthebeatalive.org.uk/>, because our Third, or ‘Essential’ sector of social enterprises, voluntary and community groups are the beating heart of our communities.
2. The recent impact report shows that this sector is relied on by so many in our communities for essential, life enhancing and sometimes life saving services <https://keepthebeatalive.org.uk/#report>.
3. The sector plays a vital, different and complementary role to the public sector. It adds value, in line with the shared principles and ambitions of the South Lanarkshire Community Planning Partnership, even more important at a time when funding is tight for all.
4. For the sector to survive and thrive and therefore enhance our communities, the campaign is calling for the sector’s impact to be recognised, for funding to be smarter, and for more meaningful engagement with the public sector.

Therefore, this motion calls for South Lanarkshire Council to:-

5. Recognise the sector’s impact by sharing the impact report and videos widely internally and externally and continue to provide opportunities to showcase the impact and campaign with elected members and senior officers.
6. Endorse the principles of the Third Sector Fair Funding Charter which calls for a) A Strategic Investment Approach b) Accessible, Proportionate and Transparent Funding and Commissioning Processes c) Adequate and Secure Funding and d) Proportionate Evaluation and Reporting to Funders, but noting the financial challenges facing the Council and need for the Council to comply with its legal and regulatory framework.
7. Agree that relevant officers meet with VASLAN, as campaign representatives, to explore how the council can implement as much of the Third Sector Fair Funding Charter as it can within the scope of its legal and regulatory framework, with a report to be submitted to a future meeting of the Executive Committee with the outcome of this detailed consideration and discussion.

8. Engage meaningfully by inviting the sector to be in the room at an early enough stage, maximising opportunities for commissioning, collaboration, external funding, service reviews/design and local community planning, all to best meet shared outcomes for our communities, where the same is appropriate and in accordance with the Council's legal and regulatory framework.
9. Write to the Scottish Government Minister responsible for the Third Sector to convene a meeting with the council, South Lanarkshire Third Sector and the Minister to share the campaign and discuss the need for national action to support the campaign asks".

Declaration of a Housing Emergency

Notice of Motion

Motion received in terms of Standing Order No 20 on 28 May, 2024, proposed by Councillor Davie McLachlan, seconded by Councillor Margaret Cowie, as follows:-

“The Council agrees that, further to the report to the Executive Committee on 8 May on ‘Homelessness Pressures – Impact and Mitigation’ and heightened pressures on housing and homelessness services, a housing emergency be declared in South Lanarkshire.

The Council notes that South Lanarkshire remains a top performing local authority in addressing homelessness applications but, nonetheless, is experiencing significant pressures, in common with other local authority areas, including:-

- ◆ a 28% increase in the number of people applying to the council for assistance due to homelessness.
- ◆ a 38% increase in the number of people recorded by the council as homeless.
- ◆ a 101% increase in the backlog of urgent need homeless households awaiting housing.

The Council welcomes the measures reported to the Executive Committee to mitigate the impact of the emergency homelessness situation but, in light of the level of need, urges central governments at Scottish and UK level to immediately consider the following:-

- ◆ a full or partial restoration of ‘local connection’ within Scotland to help manage out-of-area homelessness presentations.
- ◆ the reversal of cuts to the Affordable Housing Supply Programme budget to ensure South Lanarkshire Council can deliver all 1300 additional council homes set out in the Strategic Housing Investment Plan and that national housing targets can be met.
- ◆ further assistance to manage housing need arising from humanitarian and asylum programmes”.

