

EXECUTIVE COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 7 September 2011

Chair:

Councillor Edward McAvoy

Councillors Present:

David Baillie, Jackie Burns (Depute), Peter Craig, Jim Docherty, Hugh Dunsmuir, Beith Forrest, Tommy Gilligan, Ian Gray, Jim Handibode, Eileen Logan, Alex McInnes, Anne Maggs, Henry Mitchell, Patrick Ross-Taylor, David Shearer, Mary Smith, Hamish Stewart, George Sutherland, Chris Thompson, Sheena Wardhaugh, David Watson, Pat Watters

Councillor's Apology:

Jim McGuigan

Attending:**Community Resources**

N Anderson, Executive Director

Education Resources

L Forde, Executive Director; S Fellows, Head of Education (Resources)

Enterprise Resources

C McDowall, Executive Director

Finance and Corporate Resources

P Manning, Executive Director; G Bow, Administration Adviser; G McCann, Head of Legal Services; C McIlquham, Clerical Assistant; H McNeil, Head of Audit and Improvement; K McVeigh, Head of Personnel Services

Housing and Technical Resources

P Murphy, Head of Support Services

Social Work Resources

H Stevenson, Executive Director

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Executive Committee held on 6 July 2011 were submitted for approval as a correct record.

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

3 Capital Budget Monitoring for Period 1 April to 5 August 2011

A report dated 15 August 2011 by the Chief Executive was submitted on both physical and financial progress at 5 August 2011 on the various Capital Programmes.

The General Fund Capital Programme included Education Resources, Social Work Resources, Roads and Transportation and General Services. The General Fund Capital Programme, including the proposed adjustments detailed in the report, totalled £126.364 million and the Housing Capital Programme £41.928 million. At 5 August 2011, £31.647 million had been spent on the General Fund Capital Programme and £7.435 million on the Housing Capital Programme.

The Housing Capital Programme had been revised due to a delay in the implementation of various projects. The revision included the production of supplementary works programmes to accelerate projects which would be undertaken to assist in meeting the requirements of the Scottish Housing Quality Standard by 2015.

Details were also given on the progress of the Hamilton Ahead Capital Programme.

Ongoing monitoring of the Capital Programmes would be carried out by the Financial Resources Scrutiny Forum and reports submitted to this Committee on a regular basis.

The Committee decided:

- (1) that the adjustments to the General Fund Capital Programme to take account of projects carried forward from 2010/2011 and amendments proposed by Resources be approved;
- (2) that the position on the various Capital Programmes, as detailed in the report, be noted; and
- (3) that the revised content of the Housing Capital Programme, as detailed in the report, be noted.

[Reference: Minutes of 6 July 2011 (Paragraph 5)]

4 Revenue Budget Monitoring for Period 1 April to 5 August 2011

A report dated 15 August 2011 by the Chief Executive was submitted comparing actual expenditure against budgeted expenditure for the period ending 5 August 2011.

The figures included an underspend on the General Fund Revenue Account of £0.266 million and an underspend of £0.036 million on the Housing Revenue Account.

The forecast outturn for the General Fund Revenue Account and the Housing Revenue Account to 31 March 2012 was a breakeven position.

Education Resources' budget had been increased by £0.924 million to reflect monies that had been received from the Scottish Government in respect of the Protection of Teacher Posts.

£1.985 million which had been allocated to the Repairs and Renewals Fund at the end of 2010/2011 had now been allocated to Enterprise Resources to allow work to commence on roads damaged by the severe weather experienced last winter.

The Committee decided:

- (1) that the underspend on the General Fund Revenue Account of £0.266 million at 5 August 2011 and forecast to 31 March 2012 of a breakeven position be noted; and
- (2) that the underspend on the Housing Revenue Account of £0.036 million at 5 August 2011 and forecast to 31 March 2012 of a breakeven position be noted.

[Reference: Minutes of 6 July 2011 (Paragraph 6)]

5 Trading Services Financial Performance for Period 1 April to 5 August 2011

A report dated 15 August 2011 by the Chief Executive was submitted on the projected financial results for 2011/2012 for the Council's Trading Services. Further minor budget adjustments had resulted in a revised budget of £9.646 million. At 5 August 2011, surpluses of £2.895 million had been achieved.

Officials were working to maximise the levels of surplus for each Trading Service using the projected figure as a minimum target.

The Committee decided: that the report be noted.

[Reference: Minutes of 6 July 2011 (Paragraph 7)]

6 2010/2011 Annual Report and Accounts

A report dated 15 August 2011 by the Chief Executive was submitted on the Council's financial position at 31 March 2011 as submitted to the Council's auditor PricewaterhouseCoopers LLP.

Details of key elements included in the Annual Report and Accounts were provided together with contextual performance and financial information. At the end of the financial year 2010/2011, a surplus of £2 million had been achieved.

2010/2011 had been the first year that the Council's accounts were required to comply fully with International Financial Reporting Standards which had meant various changes to accounting treatment and also changes to the core financial statements.

The Annual Report and Accounts for the year ended 31 March 2011 had been submitted to the Councillor's Auditor by the due date of 30 June 2011.

The Committee decided: that the report be noted.

[Reference: Minutes of 25 August 2010 (Paragraph 14)]

7 Efficiency Statement 2010/2011

A report dated 8 August 2011 by the Chief Executive was submitted on the Council's Efficiency Statement for 2010/2011.

The Statement had been prepared in line with updated guidance received from the Convention of Scottish Local Authorities (COSLA). Details of how the Efficiency Statement had been structured were provided and the full Statement was attached as an appendix to the report.

The Statement reflected cash and time release savings totalling £19.767 million. In line with COSLA's timetable, the Council had submitted the Statement by the due date of 19 August 2011. COSLA would, in turn, forward the Statement to the Scottish Government for consideration along with Statements from other local authorities.

The Committee decided: that the report be noted.

[Reference: Minutes of 25 August 2010 (Paragraph 15)]

8 Retirement of Chief Executive

A report dated 22 July 2011 by the Executive Director (Corporate Resources) was submitted on the forthcoming retirement of the Council's Chief Executive and the arrangements to fill the subsequent vacancy.

The current fixed term contract for the Chief Executive was due to come to an end on 30 September 2011, however, to facilitate an effective handover, he had offered to continue in the role until 31 December 2011. This would allow the new Chief Executive to liaise more closely with the outgoing Chief Executive and assist in any transitional arrangements.

A recruitment exercise had been arranged and the key elements and associated timetable were detailed.

The Committee decided:

- (1) that a contract extension until 31 December 2011 be offered to the Chief Executive; and
- (2) that the arrangements to recruit a new Chief Executive be approved.

[Reference: Minutes of 26 April 2010 (Paragraph 8)]

9 Land and Property Transfers and Disposals

A report dated 12 August 2011 by the Executive Director (Enterprise Resources) was submitted on recommendations to declare certain areas of land and property surplus to operational requirements

The recommendations had been made in terms of agreed procedures for dealing with surplus land and property.

The Committee decided:

- (1) that land at 6 New Trows Road, Lesmahagow (0.035 hectares) and 10 Thomson Street, Strathaven (0.011 hectares) be declared surplus to the Council's requirements and transferred to the Corporate Land Bank for disposal on the open market;
- (2) that land at the following locations be declared surplus to the Council's requirements:-
 - ◆ Cassels Street, Carluke (50 square metres)
 - ◆ 19 Gillbank Lane, Larkhall (67 square metres)
 - ◆ 49 Stewart Street, Carluke (89 square metres)
- (3) that land at Woodend Road, Carluke (0.185 hectares) be declared surplus to the Council's requirements and referred to the Executive Director (Enterprise Resources) to negotiate its disposal.

[Reference: Minutes of 6 July 2011 (Paragraph 12)]

10 Sustainable Development Strategy Update

A report dated 8 August 2011 by the Executive Director (Community Resources) was submitted on the:-

- ◆ status at Quarter 4 (year end) 2010/2011 of the various actions and measures contained in the Sustainable Development Strategy 2007 to 2011

- ◆ progress on the preparation of the Sustainable Development Strategy 2012 to 2015 including an outline of the structure and themes contained in the new Strategy

Progress on the key priorities and objectives contained in the Strategy at 2010/2011 Quarter 4 were summarised in the report. Of the 83 measures contained in the Strategy, 60 had been achieved or were on course to achieve (green). A further 13 were on course to achieve but might be subject to some minor slippage (amber). There were 4 measures that were not on course to achieve and were subject to considerable slippage (red). 6 measures would be reported at a later stage. In relation to the measures showing as red, an update was given on their current status and the remedial action to be taken.

The new Sustainable Development Strategy which would cover the period from 2012 to 2015 had been drafted for consultation and would be based on the following key themes:-

- ◆ sustainable Council
- ◆ sustainable environment
- ◆ sustainable communities

Details of how the new Strategy would be structured and developed around those key themes were provided.

It was proposed that the draft Strategy be the subject of an internal pre-consultation process before being considered by this Committee for approval prior to being distributed for a wider public consultation.

The Committee decided:

- (1) that the 2010/2011 Quarter 4 (year end) position of the Sustainable Development Strategy 2007 to 2011 be noted;
- (2) that progress with the preparation of the new Strategy 2012 to 2015, be noted; and
- (3) that the proposed structure and key themes included in the draft Sustainable Development Strategy 2012 to 2015 be approved for use in the internal pre-consultation process.

[Reference: Minutes of 23 February 2011 (Paragraph 10)]

11 2011 Corporate Asset Management Plan

A report dated 12 August 2011 by the Executive Director (Housing and Technical Resources) was submitted on the outcome of the 2011 Corporate Asset Management Plan process and the Statutory Performance Indicator (SPI) outcomes for Property Condition, Suitability and Roads and Lighting.

Details were provided on the outcomes for each of the individual Asset Management Plans covering:-

- ◆ Property
- ◆ Housing
- ◆ Fleet Services
- ◆ Roads
- ◆ ICT

Key facts from each of the Asset Management Plans were provided in separate appendices to the report.

Statutory Performance Indicators for Asset Management related to the property Core Facts for condition and suitability and a number of indicators relating to roads maintenance. An assessment of the Core Facts for 2011 had confirmed that:-

- ◆ condition indicators showed that 82% of properties were in a satisfactory condition which was up 3% on 2010
- ◆ suitability indicators showed that 91% of properties were suitable for service delivery which was up 6% on 2010

The Committee decided:

- (1) that the outcomes from the 2011 Corporate Asset Management Plan process be approved; and
- (2) that the updated Statutory Performance Indicators for Property Condition, Suitability and Roads and Lighting be noted.

[Reference: Minutes of 22 September 2010 (Paragraph 12)]

12 Recommendations Referred by Resource Committees

A report dated 24 August 2011 by the Chief Executive was submitted on recommendations which had been referred to this Committee by the following Resource Committees:-

- ◆ Community Resources Committee of 12 July 2011
- ◆ Housing and Technical Resources Committee of 13 July 2011
- ◆ Social Work Resources Committee of 13 July 2011

The recommendations of the Resource Committees were as follows:-

Community Resources Committee

- ◆ that the Community Resources' Resource Plan for 2011/2012 be approved

[Reference: Minutes of 12 July 2011 (Paragraph 6)]

Housing and Technical Resources Committee

- ◆ that the Housing and Technical Resources' Resource Plan for 2011/2012 be approved

[Reference: Minutes of 13 July 2011 (Paragraph 9)]

Social Work Resources Committee

- ◆ that the Social Work Resources' Resource Plan for 2011/2012 be approved

[Reference: Minutes of 13 July 2011 (Paragraph 6)]

The Committee decided: that the recommendations of the Resource Committees in relation to Resource Plans for 2011/2012 be approved.

13 Crawfordjohn Primary School

A report dated 22 August 2011 by the Executive Director (Education Resources) was submitted on proposals to recommence the modernisation of Crawfordjohn Primary School.

Work to modernise the school had commenced in August 2009 but had been halted during the excavation phase when it was discovered that the ground was a historical burial site. Time had been required to enable the identification and reburial of human remains.

In July 2011, confirmation had been received that the planning restriction associated with the discovery had been discharged and it was now proposed that the Crawfordjohn Primary School modernisation project be resumed.

An informal consultation process had been undertaken with parents and carers of pupils which had confirmed that there was general support for continuing with the modernisation of the school.

It would not be possible, due to the reasons detailed in the report, to progress the project in terms of the original location and design and a revised design proposal would be the subject of a new planning application. Subject to the statutory consents being obtained, the target date for the project resuming would be 2012 with a target date for occupation in 2013.

The Committee decided: that the modernisation of Crawfordjohn Primary School be resumed under the Council's Primary Schools' Modernisation Programme.

[Reference: Minutes of special meeting of 20 October 2010 (Paragraph 2)]

14 Further Consultation on Proposals to Address the Pupil Population Increase in Cambuslang

A report dated 16 August 2011 by the Executive Director (Education Resources) was submitted:-

- ◆ on the statutory consultation undertaken on proposals to realign school catchment areas in Cambuslang and Rutherglen
- ◆ requesting approval to publish the consultation report arising from this consultation recommending the realignment of the James Aiton Primary School catchment area from Cathkin High School to Stonelaw High School
- ◆ advising that a further report requesting a final decision on the realignment of the catchment area for James Aiton Primary School from Cathkin High School to Stonelaw High School would be required
- ◆ proposing that a further consultation be undertaken on proposals to address the increase in the Cambuslang pupil population

Education Resources had carried out a consultation process in line with statutory requirements and fulfilling the requirement to carry out a robust and transparent framework for consultations on school closures and other major changes.

The main activities undertaken during the consultation were detailed together with the main elements covered in the review. The main issue raised during the consultation process was that consultees disagreed with proposals to rezone the Hallside Primary School catchment area beyond the local community to James Aiton Primary School which would increase travel distances and have a negative impact on the local community. To address those concerns, it was proposed that a further consultation be carried out on the construction of a 14 class school within the Newton area and a 7 class school at the site of Halfway Park.

It was also proposed that the consultation report arising from the initial consultation be published with a recommendation that:-

- ◆ Stonelaw High School's catchment area be rezoned to include the existing James Aiton Primary School's catchment area from August 2012
- ◆ Cathkin High School's catchment area be rezoned to exclude the existing James Aiton Primary School's catchment area from August 2012

A report would be submitted to a future meeting of this Committee on the outcome of the consultation regarding those recommendations.

The Committee agreed:

- (1) that the outcomes of the statutory consultation on proposals to realign school catchment areas within Cambuslang and Rutherglen be noted;
- (2) that the consultation report on the catchment review in the Cambuslang and Rutherglen area be published recommending that James Aiton Primary School be rezoned to Stonelaw High School from August 2012; and
- (3) that a further consultation be undertaken on alternative proposals, as set out in the report, to address the pupil population increase in Cambuslang.

[Reference: Minutes of special meeting of 20 October 2010 (Paragraph 2)]

15 Draft Youth Strategy 2011 to 2014

A report dated 5 August 2011 by the Executive Director (Education Resources) was submitted on progress with the refresh of the Youth Strategy for 2008 to 2011 to cover the period 2011 to 2014.

The refreshed Youth Strategy had been developed through an extensive consultation with young people resulting in the receipt of over 700 responses. Those responses had been presented to the Corporate Connections Board prior to the Youth Action Plan 2011 to 2014 being drafted.

The draft version of the refreshed Strategy document was attached as an appendix to the report and included the same key priorities as those contained in the 2008 to 2011 Strategy namely :-

- ◆ health and wellbeing
- ◆ youth friendly services
- ◆ learning and working
- ◆ youth rights and responsibilities
- ◆ the inclusion of young people in decision making

The draft document had also been the subject of a wideranging consultation and, following this process, no negative comments or requests to change the document had been received.

In terms of the update on the 2008 to 2011 Strategy, all of the targets for 2010/2011 had been achieved and the outcomes achieved against each of the measures were detailed.

The launch of the refreshed Strategy would take place on 14 October 2011 and work was being undertaken to produce a young person friendly version of the document.

The Committee decided:

- (1) that the update on the 2008 to 2011 Youth Strategy covering activity undertaken in 2010/2011 be noted; and
- (2) that the new draft Youth Strategy 2011 to 2014, and arrangements for its launch, be approved.

[Reference: Minutes of 12 March 2008 (Paragraph 18)]

16 Activity Report from Risk and Audit Scrutiny Forum 2010/2011

A report dated 29 June 2011 by the Chief Executive was submitted on activity undertaken by the Risk and Audit Scrutiny Forum (RASf) during 2010/2011.

A detailed summary of the Forum's activity was provided in an appendix to the report and an overview of performance in a number of key areas including progress made against the RASf Scrutiny Improvement Plan, was provided.

The Committee decided that the activities detailed in the report and the way in which they contributed to the Council's overarching scrutiny arrangements be noted.

[Reference: Minutes of 22 September 2010 (Paragraph 8)]

17 Composition of the Council and Membership of Licensing Division 3 (Hamilton)

A report dated 9 August 2011 by the Executive Director (Corporate Resources) was submitted on:-

- ◆ action taken, in terms of Standing Order No36(c) in view of the timescales involved, by the Executive Director (Corporate Resources), in consultation with the Chair and an ex officio member, to approve an amendment to the membership of Licensing Division 3 (Hamilton)
- ◆ the impact on the political composition of the Council following the resignation of Councillor Campbell from the Scottish Conservative Group

Notification had been provided by the SNP Group Business Manager that a change of appointment to Licensing Division 3 (Hamilton) was required. In view of the requirement to regularise the position in advance of the August meeting of the Licensing Division, the Executive Director (Corporate Resources), in consultation with the Chair and an ex officio member, had agreed that Councillor Horne be replaced by Councillor McDonald on Licensing Division 3 (Hamilton).

The Chief Executive had been notified that Councillor Campbell had tendered his resignation from the Scottish Conservative Group within the Council and was now an Independent councillor. This change had an impact on the political composition of committee memberships previously approved by the Council.

The Committee decided:

- (1) that the action taken, in terms of Standing Order No 36(c) by the Executive Director (Corporate Resources), in consultation with the Chair and an ex officio member, to approve the replacement of Councillor Horne by Councillor McDonald on Licensing Division 3 (Hamilton) be noted; and

- (2) that the impact on the political composition of the Council and committee memberships arising from Councillor Campbell's Independent councillor status be noted; and
- (3) that there be no change to the current Committee memberships as a result of Councillor Campbell's resignation.

[Reference: Minutes of South Lanarkshire Council of 23 May 2007 (Paragraph 7)]

18 Urgent Business

There were no items of urgent business.

19 Exclusion of Press and Public

The Committee decided: that, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting for the following item(s) of business on the grounds that it was likely that there would be disclosure of exempt information in terms of Paragraph(s) 6, 9 and 10 of Part I of Schedule 7A of the Act.

20 Treatment and Disposal of Residual Waste Project - Selection of Preferred Bidder

A report dated 18 August 2011 by the Executive Director (Community Resources) was submitted on the outcome of the procurement process to deliver a 25 year contract for the treatment and disposal of residual waste and proposals to progress the procurement arrangements to financial close and contract award.

The Council, as part of the tendering process, had issued a schedule detailing its requirements. It had not been specific about the technology to be used but had requested that the bidder's solution meet a number of key requirements which were detailed in the report.

The Council had entered into a competitive dialogue with potential bidders. This process included the following 4 key stages:-

- ◆ Stage 1 – Pre Qualification
- ◆ Stage 2 – Invitation to Participate in Dialogue (ITPD) and Invitation to Submit Outline Solution (SOS)
- ◆ Stage 3 – Invitation to Submit Detailed Solution (ISDS)
- ◆ Stage 4 – Call for Final Tender

Following this process, 2 firms had submitted final tenders by the due date of 13 June 2011.

The evaluation of Final Tender Bids had been undertaken by an internal project team supported by external advisors and details of the methodology used when evaluating the tenders, together with a summary of the details contained in the 2 bids, were provided.

Estimated costs for the first 5 years of the contract together with projected costings for the full contract period of 25 years, based on various assumptions, were detailed.

Councillor McAvoy, seconded by Councillor Burns, moved that the recommendations contained in the report be approved. Councillor Craig, seconded by Councillor Maggs, moved as an amendment that consideration of the recommendations be continued until the outcome of the judicial review of the Council's decision to grant planning permission for the Incinerator Plant at Dovesdale, Stonehouse was known. On a vote being taken by a show of hands, 8 members voted for the amendment and 14 members voted for the motion which was declared carried.

The Committee decided:

- (1) that Viridor Waste Management Limited be appointed as the preferred bidder for the Treatment and Disposal of Residual Waste Project; and
- (2) that the Executive Director (Community Resources), in consultation with the Head of Legal Services, be authorised to progress the procurement process to financial close and contract award.

[Reference: Minutes of 3 November 2010 (Paragraph 12)]

*Councillor Watters left and re-entered the meeting during this item of business
Councillor Forrest left the meeting during this item of business*