

## EXECUTIVE COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 8 June 2011

**Chair:**

Councillor Edward McAvoy

**Councillors Present:**

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

**Councillors' Apologies:**

Jim Docherty, Beith Forrest, Ian Gray, David Watson, Pat Watters

**Attending:****Chief Executive's Service**

A Strang, Chief Executive; H McNeil, Head of Audit and Improvement

**Community Resources**

N Anderson, Executive Director

**Corporate Resources**

R McIlwain, Executive Director; G Bow, Administration Adviser; C McIlquham, Clerical Assistant

**Education Resources**

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

**Enterprise Resources**

C McDowall, Executive Director

**Finance and Information Technology Resources**

P Manning, Head of Finance

**Housing and Technical Resources**

L Freeland, Executive Director

**Social Work Resources**

H Stevenson, Executive Director

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**1 Declaration of Interests**

No interests were declared.

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**2 Minutes of Previous Meeting**

The minutes of the meeting of the Executive Committee held on 11 May 2011 were submitted for approval as a correct record.

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

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**3 Revenue Budget Strategy 2012/2013**

A report dated 26 May 2011 by the Chief Executive was submitted on the updated financial strategy for the Council's 2012/2013 revenue budget.

The Council had received notification from the Scottish Government advising that future budget settlements for local government in the years 2012/2013 to 2014/2015 would be 'flatlined'. This 'flatline' position had been used as the basis for progressing the budget strategy in 2012/2013. If the levels of Government Grant funding deviated from those outlined, the budget strategy would have to be revisited.

In order to progress the budget strategy for 2012/2013, it was necessary to make a number of assumptions in relation to income and expenditure and details of the assumptions made were provided.

Taking account of all of the assumptions made and assuming that the Scottish Government's position on 'flatlining' Council budgets did not change, the Council would require to make savings totalling £15.1 million in 2012/2013. There was, however, scope within centrally held funds to reduce the scale of the savings required by £3 million to £12.1 million.

In order to take forward consideration of the savings proposals for 2012/2013, it was proposed that the officer group which prepared the savings matrix as part of the 2011/2012 savings process be reconvened to carry out an exercise of service and savings prioritisation, revisiting the previous savings package to determine the detailed savings required for 2012/2013. The outcomes from the work of the group would be reported to a future meeting of this Committee.

**The Committee decided:**

- (1) that the current position in relation to the financial strategy for the 2012/2013 revenue budget be noted;
- (2) that, assuming a 'flatlined' Government Grant level and the utilisation of centrally held budgets, the projected savings requirement of £12.1 million be noted; and
- (3) that the officer group which prepared the savings matrix as part of the 2011/2012 savings exercise be reconvened to develop a package of savings proposals totalling £12.1 million for detailed consideration by this Committee using the same methodology as that adopted in 2011/2012.

*[Reference: Minutes of 10 February 2011 (Paragraph 4)]*

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#### **4 Review of Council's Top Risks**

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A report dated 3 May 2011 by the Chief Executive was submitted on the:-

- ◆ proposed Corporate Risk Register and the current position in relation to the existing top risk control measures
- ◆ steps to be taken in order to mitigate the Council's top risks

Officials had been progressing mitigating actions which had been identified for those risks included in the Council-wide register approved in 2009. The work to finalise the planned actions was 75% complete which compared well against a target of 60%. Details of the significant areas of risk control work that had been completed were provided.

The updated Register, which was attached as an appendix to the report, reflected the top risks currently facing the Council. The main changes from the previous top Risk Register were also highlighted.

The central Risk Management Team would work with lead officers on all of the top risks to ensure that controls were identified and that mitigating actions were put in place. Overall monitoring would be incorporated into the Risk Management Workplan for 2011/2012 to ensure that work continued to be progressed.

**The Committee decided:**

- (1) that the Corporate Risk Register, as detailed in the appendix to the report, be approved;
- (2) that the performance level of 75% in delivering the planned actions to deliver control over the Council's top risks be noted; and
- (3) that the steps to ensure effective monitoring of the Council's top risks be approved.

*[Reference: Minutes of 10 February 2010 (Paragraph 7)]*

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## **5 Outcome of the Consultation on the Review of Secondary Education Provision for Children with Social, Emotional and Behavioural Needs (SEBN)**

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A joint report dated 16 May 2011 by the Executive Directors (Corporate Resources), (Education Resources) and (Social Work Resources) was submitted on the outcome of a statutory consultation undertaken on the restructuring of secondary education provision for pupils with social, emotional and behavioural needs (SEBN) within South Lanarkshire.

The initial consultation had highlighted that the majority of concerns related to the proposed location of the SEBN provision on a site adjacent to St Blane's Primary School, Blantyre. One of the alternative sites suggested by consultees was the former Calder House site on Bardykes Road, Blantyre and it had been decided that the statutory consultation period be extended in order that the views of consultees could be obtained on the specific issue of siting the SEBN central provision.

The final Consultation Report had been published on 18 May 2011 and had confirmed that there was:-

- ◆ a broad consensus that new provision should be made for SEBN pupils
- ◆ support for the underlying principles of Getting It Right For Every Child, early intervention and a coherent management structure

The report further confirmed a strong preference in favour of the SEBN central provision being located on the former Calder House site on Bardykes Road, Blantyre.

A copy of the Proposal Document and the Consultation Report would be provided to the Scottish Ministers who would then have a 6 week period from the date of this meeting of the Committee to decide if they would call-in the proposals. No action would be taken on the implementation of the proposals until such time as the outcome of the decision on the call-in was notified to the Council.

Following approval of the proposals, the recruitment process for appointing a Head Teacher and 4 Deputy Head Teachers would commence. The remaining staff structures would then be developed in line with the requirements of the pupil roll of the new provision.

**The Committee decided:**

- (1) that the outcome of the statutory consultation on the proposals to restructure secondary education provision within South Lanarkshire for children with social, emotional and behavioural needs (SEBN) be noted;

- (2) that the publication of the final Consultation Report on 18 May 2011 be noted;
- (3) that the following proposals for the restructuring of SEBN provision be approved, namely that:-
- ◆ education provision at Kittoch and Ridgepark Schools be discontinued and that all pupils from those 2 schools be brought together into a new single, secondary education provision on the former Calder House site on Bardykes Road, Blantyre
  - ◆ Education Specialist Placements (ESP) and Alternatives to Care (ATC) be co-located on the same site at Blantyre
  - ◆ 4 area bases for secondary education provision for pupils with social, emotional and behavioural needs (SEBN) continue to be located in Cathkin High School, Hamilton Grammar School, Lesmahagow High School and St Andrew's and St Bride's High School, East Kilbride with management and support from the new single, secondary education provision
  - ◆ all social, emotional and behavioural needs' provision, primary and secondary, be managed by one Head Teacher
- (4) that a new post of Head Teacher and 4 new posts of Depute Head Teacher for the new SEBN provision be established; and
- (5) that a copy of the Proposals Document and the Consultation Report be provided to Scottish Ministers in line with the Schools (Consultation) (Scotland) Act 2010.

*[Reference: Minutes of 23 March 2011 (Paragraph 14)]*

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## **6 Affordable Housing - Catacol Grove, East Kilbride**

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A joint report dated 1 June 2011 by the Executive Directors (Enterprise Resources) and (Housing and Technical Resources) was submitted on proposed amendments to the terms and conditions previously approved for the purchase and construction of new affordable homes for rent at Catacol Grove, East Kilbride.

The original planning consent for the development at Catacol Grove, East Kilbride included a total of 81 properties on the site. The Council had entered a purchase agreement to buy 61 properties with the balance of 20 properties to be purchased by Clyde Valley Housing Association. To date the Council had completed the purchase of 51 properties. Work was due to start on the final block of 10 flats at Block 5 which would be purchased by the Council to complete the first phase of the new build.

The developer had now secured planning consent for 32 units on the site with the result that Block 5 would be redesigned to include 6 additional properties and a completely new block could be built comprising a further 16 flatted units which, subject to Clyde Valley Housing Association securing finance from the Scottish Government's Innovation and Investment Fund 2011/2012 to carry out the construction work, would be allocated through the Council's Common Housing Register. One of the key elements required to allow work to go ahead was agreement by the Council to amend the existing legal terms to allow the Clyde Valley Housing Association to take full title of the necessary land located on part of the common car park and an area of common amenity ground.

Adding these additional units would assist in meeting the serious demand for social housing in the East Kilbride area.

**The Committee decided:**

- (1) that the existing legal agreement be amended for the purchase of 10 flats within the existing Block 5 of the Council new build at Catacol Grove, East Kilbride to accommodate redesign work to increase the capacity in the block from 10 to 16 units;
- (2) that the Executive Director (Housing and Technical Resources), in consultation with the Executive Director (Enterprise Resources) and Head of Legal Services, be authorised to conclude legal matters to facilitate the purchase of the previously agreed 10 flats within the revised layout as detailed in the report; and
- (3) that authority be granted to amend the legal agreements to allow the title of part of the common car park and common amenity ground to be transferred to Clyde Valley Housing Association, in the event that their bid for funding to construct an additional block of 16 flatted affordable homes for rent be approved by the Scottish Government.

*[Reference: Minutes of 10 June 2009 (Paragraph 15)]*

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## **7 Hamilton Ahead Financial Plan 2011/2012**

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A report dated 17 May 2011 by the Executive Director (Enterprise Resources) was submitted on the Hamilton Ahead Financial Plan 2011/2012.

Anticipated expenditure in 2011/2012 totalled £0.170 million on the following 2 projects:-

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|---|----------------|
| ◆ Payment of compensation and fees for Almada Street, Hamilton<br>Compulsory Purchase Order | £0.130 million |
| ◆ Payment of outstanding Works at Almada Street, Hamilton                                   | £0.040 million |

It was anticipated that the level of income would be £0.210 million in 2011/2012.

Details were also provided on the key projects undertaken by Hamilton Ahead during 2010/2011.

**The Committee decided:** that the Hamilton Ahead Capital Expenditure Programme for 2011/2012, totalling £0.170 million, be approved.

*[Reference: Minutes of 23 June 2010 (Paragraph 11)]*

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## **8 Primary School Modernisation Programme Phase 2, Tranche 2 (New Build) - Appointment of Constructors**

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A joint report dated 18 May 2011 by the Executive Directors (Education Resources) and (Housing and Technical Resources) was submitted on the appointment of constructors to the Framework Agreement for Phase 2, Tranche 2 (New Build) of the Primary School Modernisation Programme.

Pre-qualification questionnaires (PQQs) had been received from 24 companies interested in tendering for the work and, following a detailed evaluation of the PQQs, 8 of those companies had been invited to tender for the programme of works.

The tenders had been assessed against quality/cost criteria and, to complete the evaluation arrangements, all of the companies had been invited to attend an interview.

Following the completion of this process, it was proposed that the Council enter into a Framework Agreement with the following 3 constructor partners to deliver Phase 2, Tranche 2 (New Build) of the School Modernisation Programme, subject to satisfactory performance during design and construction:-

- ◆ Bovis Lend Lease Limited
- ◆ Kier Regional Limited
- ◆ Morgan Sindall

The procedures to manage the new Framework Agreement would follow the arrangements already in place to regulate the existing Framework Agreement.

**The Committee decided:** that the following companies be appointed to a Framework Agreement for Phase 2, Tranche 2 (New Build) of the Primary School Modernisation Programme:-

- ◆ Bovis Lend Lease Limited
- ◆ Keir Regional Limited
- ◆ Morgan Sindall

*[Reference: Minutes of 26 January 2011 (Paragraph 12)]*

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## **9 Forum Memberships and Representation on the Convention of Scottish Local Authorities and Addiewell Prison Visiting Committee**

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A report dated 11 May 2011 by the Executive Director (Corporate Resources) was submitted on proposed amendments to representation on the Financial Resources Scrutiny Forum, the Convention of Scottish Local Authorities (COSLA) and Addiewell Prison Visiting Committee.

**The Committee decided:**

- (1) that Councillor Lawson be confirmed as a member of the Financial Resources Scrutiny Forum;
- (2) that Councillor McGuigan be confirmed as one of the substitute representatives on the Convention of Scottish Local Authorities (COSLA); and
- (3) that Councillor Lawson be replaced on Addiewell Prison Visiting Committee by Councillor B Thomson.

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

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## **10 Recommendation Referred by Housing and Technical Resources Committee**

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A report dated 31 May 2011 by the Chief Executive was submitted on the following recommendation which had been referred to this Committee by the Housing and Technical Resources Committee of 18 May 2011.

**Community Alarm Service – Transfer of Lead Responsibility to Social Work Resources**

- ◆ that the proposed transfer of lead responsibility for the delivery of the Community Alarm Service to Social Work Resources be approved

**The Committee decided:** that the recommendation of the Housing and Technical Resources Committee in relation to the proposed transfer of lead responsibility for the delivery of the Community Alarm Service to Social Work Resources be approved.

*[Reference: Minutes of Housing and Technical Resources Committee of 18 May 2011 (Paragraph 9)]*

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## **11 Annual Internal Audit Opinion and Report 2010/2011**

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A report dated 11 May 2011 by the Chief Executive was submitted on:-

- ◆ progress made by Internal Audit in achieving the targets set out in the agreed Audit Plan for 2010/2011
- ◆ an audit opinion on the strength of the Council's control environment

Details were also provided on Audit Performance and related activity including:-

- ◆ the management of fraud risks
- ◆ financial controls and findings
- ◆ operational controls and findings

In general, it was considered that the Council's control environment provided adequate operational and financial governance. The Internal Audit findings would be used to inform the Council's 2011/2012 Governance Statement. As required by the Internal Audit Code of Practice for Local Authorities, a signed Annual Internal Statement of Assurance was attached as an appendix to the report.

**The Committee decided:**

- (1) that the level of performance achieved by Internal Audit be noted;
- (2) that the adequate level of assurance provided to the Council be noted; and
- (3) that the intention to use the Internal Audit opinion to inform the Council's 2011/2012 Governance Statement be noted.

*[Reference: Minutes of 23 June 2010 (Paragraph 19)]*

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## **12 "Connect" - Council Plan 2007 to 2012 - 2010/2011 Progress**

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A report dated 26 May 2011 by the Chief Executive was submitted on the progress of "Connect", the Council Plan 2007 to 2012, at the end of 2010/2011.

"Connect" detailed the Council's vision, values, priorities and objectives and set out the key actions to be delivered in the period of the Plan. Progress on key priorities and objectives was summarised in the report. Of the 290 measures contained in the Plan, 210 had been achieved or were on course to achieve with no issues anticipated. A further 26 were on course to achieve but might be subject to minor slippage and 13 measures were not on course to achieve and would be subject to considerable slippage. 41 measures would be reported at a later stage.

The "Connect" Performance Report for Quarter 4 (January to March 2011) was attached as an appendix to the report. Resources would report progress through Quarter 4 Resource Plan reports which would be submitted to individual Resource Committees in the forthcoming cycle of meetings.

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

*[Reference: Minutes of 26 May 2010 (Paragraph 3)]*

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### **13 Councillor Convery - Attendance at Council Meetings**

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A report dated 25 May 2011 by the Chief Executive was submitted on action taken in terms of Standing Order No 36(c), because of the timescales involved, by the Chief Executive, in consultation with the Chair and an ex officio member, to approve the reason for the non attendance of Councillor Gerry Convery at a Council meeting in the period to 1 June 2011.

In terms of Section 35(1) of the Local Government (Scotland) Act 1973 and Standing Order No 6 of the Council's Standing Orders on Procedures, if a Councillor did not go to any Council meetings for a period of 6 months, he or she would stop being a member of the Council unless he or she had the Council's permission or a good reason approved by the Council.

Council officers had been advised of Councillor Convery's progress since the accident in which he had sustained serious injury and the prognosis and, in view of the circumstances, the Chief Executive, in consultation with the Chair and an ex officio member, had approved the reason for his non attendance until such time as he was sufficiently recovered to resume his Council activities.

**The Committee decided:** that the action taken, in terms of Standing Order No 36(c), by the Chief Executive, in consultation with the Chair and an ex officio member, to approve the reason for Councillor Convery's non attendance at Council meetings and his continued non attendance until such time as he was considered sufficiently recovered and able to resume his Council activities, be noted.

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### **14 Urgent Business**

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There were no items of urgent business.