

EXECUTIVE COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 23 March 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, Graeme Horne, Eileen Logan, Jim McGuigan, Alex McInnes, Anne Maggs, Henry Mitchell, Patrick Ross-Taylor, David Shearer, Mary Smith, Hamish Stewart, Chris Thompson, Sheena Wardhaugh, 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

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

Also Attending:

J Cameron, Independent Chair of the Adult Protection Committee

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Executive Committee held on 23 February 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 2010/2011

A report dated 25 February 2011 by the Chief Executive was submitted on both physical and financial progress at 18 February 2011 on the various Capital Programmes.

The General Fund Capital Programme covered Education Resources, Social Work Resources, Roads and Transportation and General Services. The General Fund Capital Programme totalled £128.517 million and the Housing Capital Programme £42.033 million. At 18 February 2011, £95.597 million had been spent on the General Fund Capital Programme and £31.755 million on the Housing Capital Programme.

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: that the position of the various Capital Programmes, as detailed in the report, be noted.

[Reference: Minutes of 23 February 2011 (Paragraph 4)]

4 Revenue Budget Monitoring for Period 1 April 2010 to 18 February 2011

A report dated 28 February 2011 by the Chief Executive was submitted comparing actual expenditure against budgeted expenditure for the period ending 18 February 2011 and providing an estimated outturn for the financial year 2010/2011.

The figures included an underspend on the General Fund Revenue Account of £0.614 million and a breakeven position on the Housing Revenue Account.

The forecast outturn for the General Fund Revenue Account to 31 March 2011 was an underspend of £2.000 million.

The forecast outturn for the Housing Revenue Account to 31 March 2011 was a breakeven position.

Additional General Revenue Grant totalling £2.469 million had been confirmed by the Scottish Government in February 2011 in relation to the Teachers' Induction Scheme.

Spending on Winter Maintenance was forecast to exceed estimates in the 2010/2011 Revenue Budget. A funding package, however, had been put in place to cover the majority of this expenditure. This position would be monitored and the final outturn for the year would be reported to this Committee when it became available.

Due to the severe weather conditions during December, higher demands than normal had been placed on the Housing Repairs Service. It was anticipated that the expenditure on housing repairs would not be achieved leaving a forecast underspend of approximately £1.350 million. This underspend would be used to complete outstanding repairs in the new financial year and would be added to the Housing Revenue Account surplus at the end of the current financial year.

The Committee decided:

- (1) that the underspend on the General Fund Revenue Account of £0.614 million at 18 February 2011 and forecast to 31 March 2011 of an underspend of £2.000 million be noted;
- (2) that the additional funding from the Scottish Government totalling £2.469 million in relation to the Teachers' Induction Scheme be noted; and

- (3) that the breakeven position on the Housing Revenue Account at 18 February 2011 and forecast to 31 March 2011 of a breakeven position be noted.

[Reference: Minutes of 23 February 2011 (Paragraph 5)]

5 Trading Services Financial Performance for Period 1 April 2010 to 18 February 2011

A report dated 28 February 2011 by the Chief Executive was submitted on the projected financial results for 2010/2011 for the Council's Trading Services.

A probable outturn exercise had been carried out and it was forecast that surpluses for the year ending 31 March 2011 would total £8.213 million. At 18 February 2011, surpluses of £6.923 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 23 February 2011 (Paragraph 6)]

6 Additional Funding from the Scottish Government and Other External Sources

A report dated 28 February 2011 by the Chief Executive was submitted on additional funding totalling £2.669 million made available to the Council from the Scottish Government and other external sources to undertake various initiatives. The funding was summarised as follows:-

Revenue Funding Resource	£ million 2010/2011
Education	2.469
Total Revenue Funding	2.469
Capital Funding Resource	£ million 2010/2011
Enterprise	0.140
Housing and Technical	0.060
Total Capital Funding	0.200

The Committee decided: that the report be noted.

[Reference: Minutes of 23 February 2011 (Paragraph 7)]

7 Statutory Performance Indicators 2009/2010 - Performance and Prioritisation Analysis

A report dated 10 March 2011 by the Chief Executive was submitted on:-

- ◆ information included within Audit Scotland's Data Compendium 2009/2010 and Statutory Performance Indicators 2009/2010 publications (December 2010)
- ◆ the Council's position in relation to the other 31 local authorities and identifying areas of improvement or decline (over 15%) over the 3 year period 2007/2008 to 2009/2010
- ◆ data for use by Resources when implementing their improvement planning processes

Information was provided on the 49 measures in terms of which quartile the Council's performance was ranked within. Particular attention had been focused on measures which were considered to be of greater importance in terms of the Council Plan, Connect, and details of the performance of those measures were highlighted.

The key points for the Council arising from the Data Compendium relating to the measures were:-

- ◆ 6 had improved and 8 had declined by more than 15% since 2007/2008
- ◆ 2 indicators were ranked first in Scotland in 2009/2010
- ◆ 15 indicators were ranked in Quartile 1 for 2009/2010
- ◆ 3 indicators were ranked in Quartile 4 for 2009/2010

The Committee decided: that Executive Directors use the data and analysis contained in the report to help inform their improvement planning processes.

[Reference: Minutes of 3 November 2010 (Paragraph 14) and Minutes of Performance and Review Scrutiny Forum of 22 March 2011 (Paragraph 5)]

8 Submission to Commission on the Future Delivery of Public Services in Scotland

A report dated 10 March 2011 by the Chief Executive was submitted on the Council's response to the Christie Commission on the Future Delivery of Public Services in Scotland which had been established to examine how Scotland's public services could be delivered in future to secure improved outcomes for communities across Scotland.

The Scottish Government had set its vision for public services in Scotland and the key areas included were detailed in the report. The Council's response, attached as an appendix to the report, highlighted that the starting point for reform should be focused on tackling the main challenges facing Scotland currently, including:-

- ◆ health inequalities
- ◆ early years' provision
- ◆ tackling poverty
- ◆ achieving sustainable economic growth
- ◆ demographic changes and the challenges of an ageing population

The submission addressed each of those challenges and highlighted key interventions and activities being undertaken by the Council and its partners to achieve better outcomes under each of the challenge headings.

The Committee decided: that the Council's response to the Christie Commission on the Future Delivery of Public Services in Scotland, as detailed in the appendix to the report, be approved.

9 Internal Audit Plan 2011/2012

A report dated 3 March 2011 by the Chief Executive was submitted on the proposed Internal Audit Plan for 2011/2012 which covered all of the main areas of work which would be undertaken by the Internal Audit Section during 2011/2012.

The detailed Plan was attached as an appendix to the report together with an analysis of planned audit work by work type and client.

The Committee decided: that the Internal Audit Plan for 2011/2012, as detailed in Appendix 1 to the report, be approved.

[Reference: Minutes of Risk and Audit Scrutiny Forum of 3 March 2011 (Paragraph 4)]

10 The Community Plan, “Stronger Together” - Refresh

A report dated 10 March 2011 by the Executive Director (Corporate Resources) was submitted on the refreshed Community Plan, “Stronger Together”.

The original Community Plan had been approved in September 2005 covering a period of 10 years. A number of important developments had, however, taken place during that time and it was considered necessary to update the priorities, strategies and policies in the Plan to reflect those developments.

The refresh process had identified 5 new aims reflecting key cross cutting themes that would require partnership working to deliver on the Single Outcome Agreement as follows:-

- ◆ improving health and reducing inequalities
- ◆ reducing crime and improving community safety
- ◆ promoting sustainable and inclusive communities and opportunities for all throughout life
- ◆ ensuring sustainable economic recovery and development
- ◆ tackling poverty

The key areas for action and the key priorities under each of the new aims were detailed.

The refreshed Community Plan had been approved by the Community Planning Partnership Board at its meeting held on 2 March 2011.

The Committee decided: that the proposed changes arising from the refresh of “Stronger Together”, the Community Plan, be approved.

[Reference: Minutes of 23 June 2010 (Paragraph 16)]

11 Land and Property Transfers and Disposals

A report dated 1 March 2011 by the Executive Director (Enterprise Resources) was submitted on recommendations to:-

- ◆ declare certain areas of land surplus to operational requirements
- ◆ reallocate an area of land between Resources

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

The Committee decided:

(1) that land at the following locations be declared surplus to the Council’s requirements:-

- ◆ 2 Wolcott Drive, Blantyre (62 square metres)
- ◆ 16 Torrance Road, East Kilbride (174 square metres)
- ◆ 34 Royal Drive, Hamilton (304 square metres)
- ◆ 68 Main Street, Carnwath (135 square metres)

- ◆ 92 New Trows Road, Lesmahagow (332 square metres)
 - ◆ 1 Rockhampton Avenue, East Kilbride (89 square metres)
- (2) that land at Roselea Street, Larkhall (1.73 hectares) be transferred from Enterprise Resources to Community Resources to meet operational requirements.

[Reference: Minutes of 23 February 2011 (Paragraph 8)]

12 Fairtrade Status for Rutherglen and Cambuslang

A report dated 25 February 2011 by the Executive Director (Enterprise Resources) was submitted on the establishment of Rutherglen and Cambuslang as Fairtrade Towns. In order to become a Fairtrade Town, a number of criteria had to be met and those were detailed in the report.

The Council had shown its commitment to Fairtrade by using Fairtrade products in many of its catering outlets and school catering facilities. The only additional financial requirement arising from the proposals would be the cost of additional road signage which had been estimated at £7,000 and would be met from existing budgets held by Enterprise Resources.

The Committee decided:

- (1) that the Council continue its support for the principles of Fairtrade and the Executive Director (Enterprise Resources) be authorised to provide written acknowledgement that the Council supported Cambuslang and Rutherglen being given the status of Fairtrade Towns;
- (2) that the Council continue to use Fairtrade products within its catering outlets including meeting room hospitality and school catering facilities;
- (3) that the Council promote awareness of Fairtrade through its own publications and promotional activities where appropriate; and
- (4) that the Council provide suitable signage at each of the main entry points into Rutherglen and Cambuslang recognising Rutherglen and Cambuslang as Fairtrade Towns.

[Reference: Minutes of 12 September 2007 (Paragraph 11)]

13 Proposed Funding Allocations 2011/2012 and 2012/2013 - Tackling Poverty Programme and ESF Priority 5 Programme

A report dated 28 February 2011 by the Executive Director (Enterprise Resources) was submitted on proposals to allocate funding in terms of the:-

- ◆ Tackling Poverty Programme 2011 to 2013
- ◆ European Social Fund (ESF) Priority 5 Programme

The Tackling Poverty Programme was based on a number of medium and high priority projects and had been developed to achieve a savings requirement of £665,000 by applying a higher level of reduction to the medium priority programmes. The Programme would continue to provide funds across a range of Resources and Community Planning partners. Broad headlines of the proposed allocations totalling £4,979,869 were detailed in the report.

Confirmation had been received from the Scottish Government and the East of Scotland European Programme (ESEP) that the Council had been allocated £2,712,752 and work had been undertaken on the detailed make up of the ESF Priority 5 Programme and the roles and responsibilities of the various services delivering its components over the next 2 year period. A number of issues remained unclear regarding the contribution of the local Community Planning Partnership and discussions with a range of partners were ongoing. In terms of the Community Planning Partnership's grant award, the proposed allocations across Council Resources and partners for the next 2 years on a range of programmes/projects to fully utilise the funding were detailed.

The Council had made a bid for European Regional Development Fund (ERDF) funding to support its job brokerage hub which had been delivered under contract to date by Routes to Work South. Although formal approval had yet to be received, it was understood that the Council would receive a further £732,000 to ensure this element was appropriately resourced.

The Committee decided:

- (1) that the proposed funding allocation to Resources and partner agencies totalling £4,979,869 under the Tackling Poverty Programme 2011 to 2013 be approved; and
- (2) that the European Social Fund (ESF) Priority 5 Programme totalling £2.71 million, as detailed in the report, be approved.

14 Further Consultation on the Future of Secondary Education Provision for Children with Social, Emotional and Behavioural Needs (SEBN)

A joint report dated 22 February 2011 by the Executive Directors (Education Resources) and (Social Work Resources) was submitted on:-

- ◆ the outcome of a statutory consultation undertaken on the restructuring of the secondary education provision for pupils with social, emotional and behavioural needs (SEBN) within South Lanarkshire
- ◆ proposals to carry out further limited consultation on the suitability of an alternative site

While the responses had concluded that there was general support for the proposals to update SEBN provision, a number of concerns had been expressed and it was proposed to address those concerns in the final Consultation Report.

The largest number of issues related to the proposed site adjacent to St Blane's Primary School and consultees had raised the possibility that a site at the former Calder House on Bardykes Road, Blantyre be considered as a viable alternative. While many of the concerns about the St Blane's Primary School site could be overcome, the site at Calder House offered a number of additional advantages which were summarised. HMIE had also indicated that their report would suggest that the Council required to take further account of the views of stakeholders, particularly in relation to the points raised in relation to the location of the building.

In order to reflect the outcome of the consultation and the comments of HMIE, it was proposed that the consultation be extended to include an option for consideration by consultees that the Calder House site be considered as an alternative location for the new SEBN provision. To accommodate this process, the publication of the final Consultation Report would be postponed until the views of consultees on the alternative site could be determined.

During this extended consultation period, the feasibility and cost of the alternative site would be determined.

The Committee decided:

- (1) that the outcome of the statutory consultation on proposals to restructure the secondary education provision for pupils with social, emotional and behavioural needs be noted;
- (2) that a further period of limited consultation be undertaken with statutory consultees and others considered to be relevant stakeholders on the suitability of the alternative site at Calder House, Bardykes Road, Blantyre as detailed in the report; and
- (3) that the publication of the final Consultation Report on the outcome of the consultation be postponed until the views of consultees on the proposed alternative site were determined.

[Reference: Minutes of 22 September 2010 (Paragraph 16)]

15 Recommendation Referred by Community Resources Committee

A report dated 9 March 2011 by the Chief Executive was submitted on the following recommendation which had been referred to this Committee by the Community Resources Committee of 1 March 2011.

South Lanarkshire Leisure and Culture Limited Business Plan

- ◆ that the South Lanarkshire Leisure and Culture Limited Business Plan for 2011/2012 be approved

The Committee decided: that the recommendation of the Community Resources Committee in relation to the South Lanarkshire Leisure and Culture Limited Business Plan for 2011/2012 be approved.

[Reference: Minutes of Community Resources Committee of 1 March 2011 (Paragraph 7)]

16 Adult Protection Biennial Report

A report dated 11 March 2011 by the Executive Director (Social Work Resources) was submitted on the Biennial Report prepared by the Independent Chair of the South Lanarkshire Adult Protection Committee.

The South Lanarkshire Adult Protection Committee had been established in October 2009 and this first report by the Independent Chair:-

- ◆ set out the key achievements to date
- ◆ outlined the areas for development for the Committee's second year of operation
- ◆ acknowledged the support provided by Council Resources and other partners

A copy of the full report had been made available to members and the Independent Chair of the Adult Protection Committee spoke on the key issues and their relevance to the Council.

The Committee decided: that further reports on the work of the Adult Protection Committee be submitted to this Committee at appropriate times.

[Reference: Minutes of 18 December 2009 (Paragraph 12)]

17 Scottish Government Consultation - 'Regulations to Deliver Zero Waste: A Consultation on the Proposed Zero Waste (Scotland) Regulations 2011'

A report dated 1 March 2011 by the Executive Director (Community Resources) was submitted on the Council's response to the Scottish Government's consultation paper entitled "Regulations to Deliver Zero Waste: A Consultation on the Proposed Zero Waste (Scotland) Regulations 2011".

The consultation paper covered 3 of the 22 actions set out in Scotland's Zero Waste Plan and aimed to assist in the delivery of the objectives contained in the Zero Waste Plan through 2 new Statutory Instruments including the:-

- ◆ Zero Waste Regulations 2011
- ◆ Environmental Protection (Duty of Care) (Scotland) Regulations 2011

The main requirements arising from the Regulations and the potential impact for the Council were detailed together with a summary of the Council's formal response which was attached as an appendix to the report.

The draft Regulations required separate food waste collections from households and businesses and, to ensure that the Council was fully prepared, a pilot would be carried out in an number of geographical areas for a period of 8 weeks. The pilot would cost approximately £0.020 million and would be fully evaluated at the end of the 8 week period.

The Committee decided: that the Council's response to the Scottish Government's consultation paper entitled "Regulations to Deliver Zero Waste: A Consultation on The Proposed Zero Waste (Scotland) Regulations 2011", and the implications of the Regulations for the Council, be noted.

18 Property Transfer to Third Sector Organisations - Pilot Exercise

A report dated 15 March 2011 by the Executive Director (Enterprise Resources) was submitted on proposals to carry out a pilot exercise to develop and test criteria for the transfer of Council property to voluntary/third sector organisations.

Both the Scottish Government and COSLA had intimated that the ownership of assets was one effective way to encourage community empowerment and had identified a number of benefits associated with this approach. The Council had identified a number of issues and areas of risk that would have to be addressed before initiating arrangements to increase the level of community ownership and those were summarised.

In recognition of the competing priorities in terms of operational needs, capital receipts and demand for public asset transfer set against the need to demonstrate due diligence, best value and consistency of approach, it was proposed to undertake a pilot exercise in respect of the following 5 properties which were expected to become surplus to the Council's operational requirements in the near future:-

- ◆ Springhall Senior Citizen's Hall, 50 Cruachan Road, Cambuslang
- ◆ Halfway Park Pavilion, Overton Road, Cambuslang
- ◆ Public Hall, 91 Old Mill Road, Uddingston
- ◆ Public Institute, 29 New Street, Stonehouse
- ◆ Jubilee Hall/Nethan Centre, Bloomfield Road, Lesmahagow

Details of the assessment criteria to be developed were provided together with arrangements for carrying out the pilot including a detailed timetable covering a programme of activity.

In order to carry out an assessment of the interest expressed by groups, it was proposed to establish a Public Asset Transfer Group consisting of appropriate officers from the Council who would also have responsibility to evaluate the effectiveness of the process and assessment criteria.

The Committee decided:

- (1) that the proposed pilot programme to examine asset transfers to voluntary/third sector organisations be approved;
- (2) that the properties to be included in the pilot, as detailed above, be approved;
- (3) that the establishment of a Public Asset Transfer Group be approved; and
- (4) that the provisional assessment criteria for transfer of assets to voluntary/third sector organisations be noted.

19 Residents' Parking Permits (Parking - Charging for Residents' Permits)

A report dated 7 March 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 cancel the implementation of the revised arrangements in relation to residents' parking permits agreed by the Council as part of the efficiency savings package for the 2011/2012 Revenue Budget.

Following a review by officers, it had become apparent that there were a number of anomalies in relation to the existing Road Traffic Orders in place throughout the Council area arising from changing circumstances and legislative changes over the period since the introduction of the original Orders.

In terms of Standing Order No 17, and in view of potential issues alerted by officers in relation to those existing Road Traffic Orders, it was considered that there was sufficient basis to rule that there had been a material change of circumstances.

It had been agreed, therefore, that the implementation of the revised arrangements in relation to residents' parking permits be cancelled at the current time pending:-

- ◆ clarification on the Road Traffic Orders in place within the Council area
- ◆ the outcome of the review of car parking arrangements across the Council area by the Member/Officer Task and Finish Group established for that purpose

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 cancel the implementation of the revised arrangements in relation to residents' parking permits at the current time pending clarification:-

- ◆ on the Road Traffic Orders in place within the Council area
- ◆ the outcome of the review of car parking arrangements across the Council area by the Member/Officer Task and Finish Group established for that purpose

be noted.

[Reference: Minutes of South Lanarkshire Council of 10 February 2011 (Paragraph 2)]

20 Urgent Business – Amendments to Committee and Forum Memberships and Representation on the Convention of Scottish Local Authorities

In terms of Standing Order No 4, the Chair decided that, in view of the requirement to consider proposed amendments to Committee/Forum memberships and representation on outside bodies as soon as possible, this matter be dealt with as a matter of urgency.

A report dated 23 March 2011 by the Executive Director (Corporate Resources) was tabled on notification received from the Business Manager of the Majority Opposition Group detailing proposed changes to Committees, Forums and representation on the Convention of Scottish Local Authorities (COSLA).

The Committee decided:

(1) that Councillor Gray replace Councillor Horne:-

- ◆ as Depute Leader of the Majority Opposition Group
- ◆ on the Standards and Procedures Advisory Forum and the Recruitment Committee
- ◆ as the Council's nominated representative on COSLA

(2) that Councillor Sutherland replace Councillor Horne:-

- ◆ on the Executive Committee
- ◆ as Chair of the Risk and Audit Scrutiny Forum

[Reference: Minutes of South Lanarkshire Council of 23 May 2007 (Paragraph 7) and Minutes of 9 September 2009 (Paragraph 11)]