

EXECUTIVE COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 16 November 2011

Chair:

Councillor Edward McAvoy

Councillors Present:

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

Councillor's Apology:

Chris Thompson

Attending:**Chief Executive's Service**

A Strang, Chief Executive

Community Resources

N Anderson, Executive Director

Education Resources

L Forde, Executive Director

Enterprise Resources

C McDowall, Executive Director; G Mackay, Head of Roads and Transportation Services

Finance and Corporate Resources

P Manning, Executive Director; G Bow, Administration Manager; C McIlquham, Clerical Assistant

Housing and Technical Resources

L Freeland, Executive Director

Social Work Resources

H Stevenson, Executive Director

Also Attending:**PricewaterhouseCoopers,**

M Kerr and C Revie, External Auditors

Death of Councillor Tommy Gilligan

The Chair referred to the death of Councillor Tommy Gilligan, an elected member for Council Electoral Ward 18 (Hamilton West and Earnock). As a mark of respect, all present stood and observed a minute's silence.

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Executive Committee held on 5 October 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 2011/2012

A report dated 12 October 2011 by the Executive Director (Finance and Corporate Resources) was submitted on both physical and financial progress at 30 September 2011 on the various Capital Programmes.

The General Fund Capital Programme included Education Resources, Social Work Resources, Roads and Transportation and General Services. Including the proposed adjustments detailed in the report, the General Fund Capital Programme totalled £127.848 million and the Housing Capital Programme £42.668 million. At 30 September 2011, £50.745 million had been spent on the General Fund Capital Programme and £12.481 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:

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

[Reference: Minutes of 5 October 2011 (Paragraph 3)]

4 Revenue Budget Monitoring for Period 1 April to 30 September 2011

A report dated 10 October 2011 by the Executive Director (Finance and Corporate Resources) was submitted comparing actual expenditure against budgeted expenditure for the period ending 30 September 2011.

The figures included an underspend on the General Fund Revenue Account of £0.277 million and a breakeven position on the Housing Revenue Account.

A number of significant movements had been required as part of the 2011/2012 Revenue Budget process including the:-

- ◆ allocation of £1.890 million from Enterprise Resources to Housing and Technical Resources to reflect the transfer of the Estates function
- ◆ allocation of £0.190 million to the South Lanarkshire Leisure and Culture Trust in respect of the ongoing implementation of the Living Wage
- ◆ allocation of £0.376 million to Education Resources and £0.090 million to Housing and Technical Resources from centrally held rates funding to alleviate the increase in the rate poundage as part of the Local Government Settlement for 2011/2012
- ◆ inclusion of £0.156 million in Enterprise Resources' annual budget figure to reflect funding received for flood prevention as part of the Government grant allocation received for 2011/2012

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

Ongoing monitoring of the Revenue Budget 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 underspend on the General Fund Revenue Account of £0.277 million at 30 September 2011 and forecast to 31 March 2012 of a breakeven position be noted;
- (2) that the various allocations and transfers within the 2011/2012 revenue budget be noted; and
- (3) that the breakeven position on the Housing Revenue Account at 30 September 2011 and forecast to 31 March 2012 of a breakeven position be noted.

[Reference: Minutes of 5 October 2011 (Paragraph 4)]

5 Trading Services Financial Performance for Period 1 April to 30 September 2011

A report dated 10 October 2011 by the Executive Director (Finance and Corporate Resources) was submitted on the projected financial results for 2011/2012 for the Council's Trading Services. Minor budget adjustments in the period to 2 September 2011 had resulted in a revised budget of £9.649 million. At 30 September 2011, surpluses of £4.480 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 5 October 2011 (Paragraph 5)]

6 Additional Funding from the Scottish Government and Other External Sources

A report dated 26 October 2011 by the Executive Director (Finance and Corporate Resources) was submitted on additional capital funding totalling £3.718 million made available to the Council from the Scottish Government and other external sources to undertake various initiatives. The funding was summarised as follows:-

Capital Funding Resource	£ million 2011/2012	£ million 2012/2013
Community	0.100	-
Enterprise	0.398	-
Housing and Technical	0.740	2.480
Total Capital Funding	1.238	2.480

The Committee decided: that the report be noted.

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

7 Complaints Annual Report - 1 April 2010 to 31 March 2011

A report dated 24 October 2011 by the Executive Director (Finance and Corporate Resources) was submitted providing:-

- ◆ statistical information on analysis of all complaints received by the Council for the period 1 April 2010 to 31 March 2011

- ◆ feedback on the complaints process from those who had used it

The Council had received 3,868 complaints in 2010/2011 and 500 complainants had provided feedback. Information obtained through the feedback process was summarised and detailed in an appendix to the report.

The Scottish Public Services Ombudsman (SPSO) had issued final Complaints Handling Procedures which all public sector organisations were expected to implement by 1 April 2012. The new arrangements would involve a one stage process within a 20 day timescale with no right of appeal to the Council.

Detail was provided on the approach adopted by the SPSO including changes to the way in which decision letters and investigation reports were dealt with.

An overview of complaints referred to the SPSO for the last 3 years was provided together with a statistical analysis on the outcomes of those complaints. A detailed breakdown of complaints referred to the SPSO on a Resource basis was detailed in an appendix to the report.

The Committee decided: that the report be noted.

8 Certified Annual Accounts 2010/2011 and External Auditor's Report to the Council

The Council's External Auditor gave a verbal overview of the Annual Report to Members and the Controller of Audit for the year ended 31 March 2011 which included:-

- ◆ an executive summary
- ◆ financial statement and audit opinion
- ◆ financial performance 2010/2011
- ◆ financial outlook
- ◆ governance and control

A report dated 25 October 2011 by the Executive Director (Finance and Corporate Resources) was submitted on the:-

- ◆ Council's certified annual accounts for 2010/2011 which had received a clear audit certificate from the External Auditor, PricewaterhouseCoopers
- ◆ External Auditor's report on the accounts together with the Council's response to the action points raised by the External Auditor in an Action Plan attached to their report

The Auditor's report had made specific reference to the Council's current arrangements for progressing the retirement of senior officers. The report stated that the Council's process was not fully compliant with "Buy now, pay later?" guidance prepared by Audit Scotland in 2003. In view of the fact that regular monitoring reports were provided to members on severance and retirement packages, the Council was of the view that the spirit of the guidance had been complied with. In response to the Auditor's comments, the Council would review the current arrangements as part of a wider review of the Council's Scheme of Delegation in preparation for the new Council.

The annual Accounts would be advertised as being available for public inspection in Finance Services, Floor 4, Council Offices, Almada Street, Hamilton, libraries and Q&A offices as well as being made available on the Council's website.

The Committee decided:

- (1) that the Accounts for 2010/2011 be approved; and

- (2) that the policy and strategic implications, together with the proposed response to the External Auditor's Action Plan, be approved and referred to the Finance and Information Technology Resources Committee for consideration.

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

9 Roads and Rural Investment Plan 2008 to 2016

A report dated 26 October 2011 by the Executive Director (Enterprise Resources) was submitted on:-

- ◆ progress achieved in relation to the Roads and Rural Investment Plan 2008 to 2016
- ◆ proposals to extend the completion date of the Roads and Rural Investment Plan from 31 March 2016 to 31 March 2019

Good progress had been made during the first 3 years of the Plan with £30 million being invested in carriageway and footway resurfacing projects.

The current Plan included the future investment of £12 million in 2012/2013 and the investment of £24 million in each of the final 3 years of the Plan from 2013/2014 to 2015/2016, a total of £84 million. It was considered that doubling investment in the final 3 years of the Plan would lead to a level of disruption which could be regarded by the travelling public as unacceptable. To overcome this concern and to ensure longer term consistency with the current partner contractor, it was proposed that the Plan be rephased and extended until 2018/2019 and that the level of investment of £12 million per annum be maintained throughout the period of the Plan.

The Committee decided: that the final 3 years of the Roads and Rural Investment Plan 2008 to 2016 be rephased and extended until 31 March 2019.

[Reference: Minutes of 30 April 2008 (Paragraph 10)]

10 Representation on Partnership Bodies

A report dated 24 October 2011 by the Executive Director (Finance and Corporate Resources) was submitted on:-

- ◆ amendments to the Council's elected member representation on various Partnership bodies
- ◆ the merger of the South Lanarkshire Health and Care Partnership with the Operating Management Committee of the Community Health Partnership

The Committee decided:

- (1) that amendments be made to elected member representation on various Partnership bodies as follows:-

- ◆ Councillor Shearer to replace Councillor Gray on the South Lanarkshire Rural Partnership
- ◆ Councillor Douglas to replace Councillor Gray on the Community Safety Partnership
- ◆ Councillor Sutherland to replace Councillor Gray on the Lanarkshire Economic Forum

- (2) that the merger of the South Lanarkshire Health and Care Partnership with the Operating Management Committee of the Community Health Partnership, be noted.

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

11 Recommendation Referred by Resource Committee

A report dated 8 November 2011 by the Chief Executive was submitted on the following recommendation which had been referred to this Committee by the Community Resources Committee of 11 October 2011.

Due Diligence and intellectual Property Rights

- ◆ that the Due Diligence and Intellectual Property Rights (DDIPR) Policy and protection of the Council's copyright in relation to the museums' collections be approved

The Committee decided: that the recommendation of the Community Resources Committee in relation to the Due Diligence and Intellectual Property Rights (DDIPR) and protection of the Council's copyright in relation to the museums' collections be approved.

[Reference: Minutes of Community Resources Committee of 11 October 2011 (Paragraph 6)]

12 "Connect" - Council Plan 2007/2012 - Quarter 2 Update - 2011/2012

A report dated 3 November 2011 by the Chief Executive was submitted on the progress of "Connect", the Council Plan 2007 to 2012, at the Quarter 2 stage of 2011/2012.

"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, 191 had been achieved or were on course to achieve with no issues anticipated. A further 20 were on course to achieve but might be subject to some minor slippage and 2 measures were not on course to achieve and would be subject to considerable slippage. Progress on 77 measures would be reported at a later stage.

The "Connect" Performance Report for Quarter 2 (July to September 2011) was attached as an appendix to the report. Resources would report progress through Quarter 2 Resource Plan progress 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 8 June 2011 (Paragraph 12)]

13 Public Asset Transfer - Phase 2

A report dated 12 October 2011 by the Executive Director (Housing and Technical Resources) was submitted on:-

- ◆ applications received from third sector organisations in terms of Phase 2 of the Council's property transfer process
- ◆ recommendations made following an evaluation of the applications against the agreed assessment criteria

Following the initial pilot exercise undertaken using 5 potential properties to establish criteria and procedures for transfer to third sector organisations as part of Phase 1 of the project, a further 3 properties had been taken forward in terms of Phase 3, namely:-

- ◆ Eddlewood Sports Barn, Hamilton
- ◆ John Hastie Museum, Strathaven
- ◆ Hunter House Museum, East Kilbride

There had been community interest in each of the properties since their closure at the beginning of 2011 and the Public Asset Management Steering Group had considered the applications received for each property, assessing them against the previously established criteria.

The outcome of the assessment of each application and the subsequent recommendations made by the Public Asset Transfer Group were detailed in the report.

In line with the consultation process agreed for the Executive Committee, comments from Councillors Campbell, Filshie and Holman were considered.

The Committee decided:

- (1) that the Executive Director (Housing and Technical Resources) be authorised to take forward negotiations in respect of the transfer of:-
 - ◆ Eddlewood Sports Barn to Hamilton Gymnastics Club
 - ◆ John Hastie Museum to Strathaven Dynamos
 - ◆ Hunter House Museum to Calderwood Baptist Church
- (2) that the negotiated terms and conditions of the transfers be referred to the Estates Committee for consideration.

[Reference: Minutes of 23 March 2011 (Paragraph 18)]

14 Property Transfer to Third Sector Organisations - Jubilee Hall, Lesmahagow

A report dated 31 October 2011 by the Executive Director (Housing and Technical Resources) was submitted on the application by Lesmahagow Development Trust for the transfer of the former Jubilee Hall, 1 Wellwood Road, Lesmahagow.

At its meeting on 5 October 2011, this Committee had decided to continue consideration of the application to allow Lemahagow Development Trust to establish if a one year lease of the Jubilee Hall was a viable proposal and to allow the terms of any future leasing arrangement to be considered in detail.

It was recognised that Lesmahagow Development Trust and the Lesmahagow Amateur Boxing Club had made considerable efforts to develop their proposals. However, it was the Public Asset Management Steering Group's view that the proposed one year lease did not overcome the concern raised during the original assessment which was that the Boxing Club could not demonstrate a sustainable business model.

The Committee decided:

- (1) that the application by Lesmahagow Development Trust for the transfer of the Jubilee Hall, 1 Wellwood Road, Lesmahagow be refused;
- (2) that the future of the property be managed through the Council's normal Property Bulletin and disposals process; and

- (3) that discussions continue with the Boxing Club with a view to identifying alternative premises.

[Reference: Minutes of 5 October 2011 (Paragraph 12)]

15 Rezoning of the James Aiton Primary School Catchment Area from Cathkin High School to Stonelaw High School

A report dated 3 November 2011 by the Executive Director (Education Resources) was submitted on the realignment of the catchment area for James Aiton Primary School from Cathkin High School to Stonelaw High School commencing from August 2012.

At its meeting on 7 September 2011, this Committee had noted that a report would be submitted to a future meeting on the outcome of the consultation process in relation to the proposed realignment of the James Aiton Primary School catchment area from Cathkin High School to Stonelaw High School.

The consultation period had concluded and no responses or representations had been received regarding the proposals.

It was proposed that the new arrangements include a clause that children attending James Aiton Primary School, or living in the school catchment area but attending other schools as a result of a placing request, who had brothers or sisters currently attending Cathkin High School be allowed to enroll in Cathkin High School without the need for a placing request. This arrangement would remain in place until August 2019.

The Committee decided:

- (1) that Stonelaw High School's catchment area be rezoned to include the James Aiton Primary School catchment area from August 2012;
- (2) that Cathkin High School's catchment area be rezoned to exclude James Aiton Primary School's catchment area from August 2012; and
- (3) that children attending James Aiton Primary School, or living within the James Aiton Primary School catchment area but attending other schools as a result of a placing request, who had brothers or sisters currently attending Cathkin High School be allowed to enrol in Cathkin High School without the need for a placing request until August 2019.

[Reference: Minutes of 7 September 2011 (Paragraph 14)]

16 International Children's Games - Final Report

A report dated 24 October 2011 by the Executive Director (Community Resources) was submitted on the success and final costs of the International Children's Games which had been hosted jointly by North and South Lanarkshire Councils from 3 to 8 August 2011.

Details were provided on the arrangements which had been put in place to stage the Games together with a breakdown of the performance of Team Lanarkshire.

The President of the International Children's Games Committee had confirmed that the organisation of the Games was considered to be the best ever.

The total cost of staging the Games was £1.951 million, with income from sponsors and donations totalling £0.439 million, giving a net expenditure of £1.525 million. Those net costs had been evenly split between the 2 councils amounting to £0.756 million each, less than the £1 million budgeted for by both councils.

An economic impact assessment had confirmed that considerable local and national economic benefit had accrued as a result of hosting the Games.

It was intended to send a team of competitors from Lanarkshire to Daegu in South Korea for the Games in 2012, with the costs being met from fundraising and sponsorship, and any shortfall being met by both councils.

The Committee decided: that the report be noted.

[Reference: Minutes of 23 June 2010 (Paragraph 12)]

17 Arrangements for the End of the Current Council and Preparations for the New Council

A report dated 3 November 2011 by the Executive Director (Finance and Corporate Resources) was submitted on:-

- ◆ arrangements made to schedule meetings in the last cycle of the current Council to deal with the budget setting process
- ◆ decision-making arrangements in the period leading up to and immediately following the Local Government Elections on 3 May 2012

The final committee cycle was due to commence week beginning 16 January 2012 and conclude with meetings of the Executive Committee and full Council on 7 March 2012. Arrangements had been put in place to hold special meetings to deal with the budget setting process and details of when those special meetings would take place within the cycle were contained in an appendix to the report.

The need might arise to hold meetings in the period after 7 March 2012 to deal with specific matters such as hearings in respect of licensing and planning matters or to consider appeals. Appropriate arrangements would be made for any meetings considered necessary.

In line with the practice previously adopted, it was proposed that authority be delegated to the Chief Executive to deal with any issues in the period from 7 March 2012 to the Statutory Meeting of the new Council. A report on the matters dealt with by the Chief Executive in this way would be submitted to the first meeting of the new Council for noting.

The Committee decided:

- (1) that the committee cycle for the period in the lead up to the Local Government Elections on 3 May 2012, as detailed in the appendix to the report, be noted; and
- (2) that the Chief Executive be authorised to deal with any issues during the period from 7 March 2012 until the establishment of the new Council, with a report on the issues dealt with to be submitted to the first meeting of the new Council for noting.

18 Local Government By-Election - Electoral Ward 18 (Hamilton West and Earnock)

A report dated 3 November 2011 by the Chief Executive was submitted on arrangements for the by-election for Electoral Ward 18 (Hamilton West and Earnock) to be held on Thursday 8 December 2011.

The Committee decided: that the report be noted.

19 Urgent Business – Amendments to Committee and Forum Memberships

In terms of Standing Order No 4, the Chair decided that, in view of the requirement to regularise the position in relation to the Council's decision-making arrangements, this matter be dealt with as a matter of urgency.

The Chair referred to the vacancies on committees and forums arising from the death of Councillor Tommy Gilligan and proposed that the vacant place on the Executive Committee and the position of Chair of the Financial Resources Scrutiny Forum be filled by Councillor Filshie.

The remainder of the vacancies would be considered following the by-election on 8 December 2011.

The Committee decided: that the vacant place on the Executive Committee and position of Chair of the Financial Resources Scrutiny Forum be filled by Councillor Filshie.