

SOUTH LANARKSHIRE COUNCIL

Minutes of meeting held via Microsoft Teams on 16 December 2020

Chair:

Provost Ian McAllan

Councillors Present:

Councillor Alex Allison, Councillor John Anderson, Councillor John Bradley, Councillor Walter Brogan, Councillor Robert Brown, Councillor Archie Buchanan, Councillor Jackie Burns, Councillor Janine Calikes, Councillor Stephanie Callaghan, Councillor Graeme Campbell, Councillor Andy Carmichael, Councillor Maureen Chalmers, Councillor Gerry Convery, Councillor Margaret Cooper, Councillor Poppy Corbett, Councillor Margaret Cowie, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Isobel Dorman, Councillor Fiona Dryburgh, Councillor Joe Fagan, Councillor Allan Falconer, Councillor Grant Ferguson, Councillor Alistair Fulton, Councillor Geri Gray, Councillor George Greenshields, Councillor Lynsey Hamilton, Councillor Ian Harrow, Councillor Eric Holford, Councillor Graeme Horne, Councillor Mark Horsham, Councillor Martin Grant Hose, Councillor Ann Le Blond, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Eileen Logan, Councillor Katy Loudon, Councillor Joe Lowe, Councillor Hugh Macdonald, Councillor Julia Marrs, Councillor Monique McAdams, Councillor Catherine McClymont, Councillor Kenny McCreary, Councillor Colin McGavigan, Councillor Mark McGeever, Councillor Davie McLachlan, Councillor Gladys Miller, Councillor Lynne Nailon, Councillor Richard Nelson, Councillor Carol Nugent, Councillor Mo Razzaq, Councillor John Ross, Councillor Graham Scott, Councillor David Shearer, Councillor Collette Stevenson (Depute), Councillor Bert Thomson, Councillor Margaret B Walker, Councillor Jim Wardhaugh, Councillor Jared Wark, Councillor David Watson, Councillor Josh Wilson

Councillor's Apology:

Councillor Jim McGuigan

Attending:

Chief Executive's Service

C Sneddon, Chief Executive

Community and Enterprise Resources

M McGlynn, Executive Director

Education Resources

C McKenzie, Head of Education (Broad General Education)

Finance and Corporate Resources

P Manning, Executive Director; N Docherty, Administration Assistant; T Little, Head of Communications and Strategy; G McCann, Head of Administration and Legal Services; S Somerville, Administration Manager

Housing and Technical Resources

D Lowe, Executive Director

Social Work Resources/Health and Social Care

V de Souza, Director

Also Attending:

D Richardson, Audit Scotland

Provost's Opening Remarks

The Provost extended congratulations to:-

- ◆ Councillor Hamilton who was attending her first Council meeting following the birth of her baby girl, Erin

- ◆ Councillors Horsham and Logan on winning the New Councillor of the Year and Life Contribution awards respectively at the LGIU Scotland and CCLA 2020 Councillor Awards

1 Declaration of Interests

No Interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the South Lanarkshire Council held on 23 September 2020 were submitted for approval as a correct record.

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

3 Minutes of Risk and Audit Scrutiny Committee

The minutes of the meeting of the Risk and Audit Scrutiny Committee held on 18 June 2020 were submitted for noting.

The Council decided: that the minutes be noted.

4 General Procedures and Practices at Committee

A report dated 18 November 2020 by the Executive Director (Finance and Corporate Resources) was submitted providing an update on matters considered and endorsed by the Standards and Procedures Advisory Forum (SPAF).

At its meeting held on 30 September 2020, the SPAF considered the following 2 issues:-

- ◆ moving/seconding recommendations at committee
- ◆ removing the requirement for named substitutes

In relation to moving/seconding officer recommendations at committee, while recognising that Standing Orders stated that the chairperson of a committee or sub-committee would have the right to move the approval of a report, the Forum endorsed a change in operational practice in terms of moving and seconding recommendations at quasi judicial committees, as outlined at paragraph 3.2 of the report.

In terms of named substitutes, the Forum endorsed a proposal to remove the requirement for named substitutes in respect of the Recovery Board only to allow greater flexibility, particularly given the current situation with the COVID-19 pandemic.

Following discussion, and, having heard from the Head of Administration and Legal Services on the matter, Councillor Ross, seconded by Councillor Chalmers, moved the recommendations in the report. Councillor Fagan, seconded by Councillor Scott, moved as an amendment that Recommendation (1) be disregarded as the existing Standing Orders already allowed for this.

On a vote being taken by roll call, members voted as follows:-

Motion

Alex Allison, John Anderson, John Bradley, Robert Brown, Archie Buchanan, Janine Calikes, Stephanie Callaghan, Graeme Campbell, Maureen Chalmers, Poppy Corbett, Peter Craig, Mary Donnelly, Isobel Dorman, Fiona Dryburgh, Grant Ferguson, Alistair Fulton, Geri Gray, Ian Harrow, Eric Holford, Graeme Horne, Mark Horsham, Martin Grant Hose, Ann Le Blond, Richard Lockhart, Katy Loudon, Hugh Macdonald, Julia Marrs, Ian McAllan, Kenny McCreary, Colin McGavigan, Mark McGeever, Gladys Miller, Lynne Nailon, Richard Nelson, Carol Nugent, John Ross, David Shearer, Colette Stevenson, Jim Wardhaugh, Jared Wark, David Watson Josh Wilson

Amendment

Walter Brogan, Jackie Burns, Andy Carmichael, Gerry Convery, Margaret Cooper, Margaret Cowie, Maureen Devlin, Joe Fagan, Allan Falconer, George Greenshields, Lynsey Hamilton, Martin Lennon, Eileen Logan, Monique McAdams, Catherine McClymont, Davie McLachlan, Mo Razzaq, Graham Scott, Bert Thomson, Margaret B Walker

20 members voted for the amendment and 42 for the motion which was declared carried.

The Council decided:

- (1) that the change in operational practice in terms of moving and seconding recommendations at quasi judicial committees, as outlined at paragraph 3.2 of the report, be noted; and
- (2) that the requirement for named substitutes in respect of the Recovery Board be removed and its Terms of Reference updated.

Councillor Lowe left the meeting during this item of business and prior to the vote

5 Equity Working Group – Terms of Reference

A report dated 26 November 2020 by the Executive Director (Finance and Corporate Resources) was submitted on a draft Terms of Reference for the Equity Working Group.

At its meeting held on 23 September 2020, the Council agreed that an all-party Working Group would be established which would be tasked to:-

- ◆ consider an officer’s report on recruitment disparities between white and BAME applicants
- ◆ investigate and identify sources of inequity
- ◆ develop consensus on effective ways to address them
- ◆ recommend measures to ensure equitable treatment to Council

The draft Terms of Reference, attached as Appendix 1 to the report, had been the subject of consultation, as outlined at paragraph 4.2 of the report, and endorsed by the Working Group.

The Council decided: that the Terms of Reference for the Equity Working Group, attached as Appendix 1 to the report, be approved.

[Reference: Minutes of 23 September 2020 (Paragraph 11)]

6 Committee and Council Meetings – Accessibility During the Current Pandemic

A report dated 30 November 2020 by the Executive Director (Finance and Corporate Resources) was submitted on a proposal to make Committee and Council meetings accessible to the public during the current COVID-19 pandemic.

The Council's Committee and Council meetings had been impacted by the current pandemic and, in terms of public health concerns and legislation, members of the public were not permitted to enter public buildings.

During June 2020, a pilot was undertaken to hold certain committee meetings via Microsoft (MS) Teams. Following the pilot, a survey was issued to members on its use and a copy of the outcome of the survey was attached as an appendix to the report.

Following the summer recess, the full programme of meetings had resumed and a blended approach was adopted, whereby members could choose to participate in person within the committee suite, while observing physical distancing measures, or by virtual means.

More recently, committee meetings had been held via MS Teams only, given the current level assigned to the South Lanarkshire area. For those meetings which would, in normal circumstances, be held in public, a Teams meeting invite was extended to the Local Democracy Reporter as well as the Council's Corporate Communications officers to allow Council business matters to be reported in the press.

The Head of Administration and Legal Services advised that, while the Council had conducted a trial of Microsoft Teams Live Events, it was not yet in a position to stream meetings live as there were certain issues that had not yet been resolved. Those included, in terms of equalities requirements, the ability to pin participants to allow the Interpreters to be fixed on screen and the use of subtitles.

It was proposed that, as the meetings were currently recorded for the purposes of the minutes, the recording for the non-restricted element of business be published following the committee meeting on an appropriate channel, such as YouTube, with links from the Council's website.

Councillor Campbell, seconded by Councillor Nelson, moved the following as an amendment:-

"Replace existing recommendation

- (1) that the recording from committee and Council meetings for the non-restricted element of business be published and made available following the meeting.

with the following recommendations:-

- (1) that the recording from committee and Council meetings for the non-restricted element of business be published and made available following the meeting.
- (2) the council will work towards the Live Broadcasting of all committee and Council meetings for the non-restricted element of business as soon as possible.
- (3) to facilitate this and to allow for potential teething challenges, a trial of live meeting broadcasts be aimed at the March 2021 Finance and Corporate Committee, pending no major technical glitches."

Councillor McGeever, seconded by Councillor Brown, moved the following as a further amendment:-

"Council believes that

1. Local democracy should be both transparent and inclusive and that the public and media should be able to view proceedings of the Council and its Committees
2. The vast expansion in teleconference facilities stimulated by the coronavirus pandemic opens up opportunities to provide enhanced access to the proceedings of the Council by the citizens of South Lanarkshire.

Council therefore approves the recommendation but notes that many other Local Authorities across the United Kingdom have found it possible to allow public access to Council and Committee meetings, that many Churches have facilitated online access to church services, and that numerous other public, private and voluntary sector bodies, large and small, have provided successful online access to conferences, webinars and other events.

Council agrees in principle that all relevant meetings of the Council and its Committees shall be open to the public and requests the Chief Executive to make arrangements in respect of any relevant meetings of the Council or its committees occurring after 18th January 2021 for contemporaneous virtual access to such meetings by such means as shall be most appropriate.”

Councillor Ferguson intimated that, while he welcomed the proposal to make virtual meetings open to the public, he considered that there was a need to ensure they were fully accessible to all by incorporating British Sign Language interpretation and subtitles. By doing so, this would promote South Lanarkshire Council as being one of the most inclusive local authorities in Scotland. He referred to the current inability of MS Live Events to pin participants and how it was important that trials be undertaken to get it right for all.

In response to various points raised by members, the Executive Director (Finance and Corporate Resources) advised that it was the Council’s intention to move towards live streaming, however, at this point, he could not confirm timescales. Currently, MS Teams was not suitable for streaming to a wide public audience and, as MS Teams Live Events had a different look and feel to the current offering, it would require further pilot events to be held. He continued that he would like to have progressed the procurement of better IT hardware, however, due to other priorities as a result of the COVID-19 pandemic, such as rolling out MS Teams across the Council and facilitating the business grants process, this had not proven possible. He advised that his intention would be to do this in the first quarter of 2021 and the current proposals were only the first stage in moving towards live streaming.

There followed a full discussion and, as no-one moved the recommendations in the report, the amendment by Councillor Campbell, being the first received, became the motion.

On a vote being taken by roll call, members voted as follows:-

Motion

Alex Allison, John Anderson, John Bradley, Archie Buchanan, Janine Calikes, Stephanie Callaghan, Graeme Campbell, Maureen Chalmers, Poppy Corbett, Peter Craig, Mary Donnelly, Isobel Dorman, Grant Ferguson, Alistair Fulton, Geri Gray, Ian Harrow, Eric Holford, Graeme Horne, Mark Horsham, Martin Grant Hose, Ann Le Blond, Richard Lockhart, Katy Loudon, Hugh Macdonald, Julia Marrs, Ian McAllan, Kenny McCreary, Colin McGavigan, Gladys Miller, Lynne Nailon, Richard Nelson, Carol Nugent, John Ross, David Shearer, Colette Stevenson, Jared Wark, Josh Wilson

Amendment

Walter Brogan, Robert Brown, Andy Carmichael, Gerry Convery, Margaret Cooper, Margaret Cowie, Maureen Devlin, Fiona Dryburgh, Joe Fagan, Allan Falconer, George Greenshields, Lynsey Hamilton, Martin Lennon, Eileen Logan, Monique McAdams, Catherine McClymont, Mark McGeever, Davie McLachlan, Mo Razzaq, Graham Scott, Bert Thomson, Margaret B Walker, Jim Wardhaugh, David Watson

24 members voted for the amendment and 37 for the motion which was declared carried.

The Council decided:

- (1) that the recording from committee and Council meetings for the non-restricted element of business be published and made available following the meeting;
- (2) that the Council work towards the live broadcasting of all committee and Council meetings for the non-restricted element of business as soon as possible; and
- (3) that in order to facilitate live broadcasting and to allow for potential teething challenges, a trial of live meeting broadcasts be aimed for the March 2021 Finance and Corporate Resources Committee, pending no major technical glitches.

Councillor Burns left the meeting during this item of business and prior to the vote

7 Notice of Motion – A Pesticide Free Council

In terms of Standing Order No 19, a motion proposed by Councillor Brown, seconded by Councillor Dryburgh, was submitted as follows:-

“South Lanarkshire Council notes:-

- a. the increasing public concern about the use of pesticides, particularly those containing glyphosate, in weed control and the potential damage to health and to biodiversity.
- b. The potential expiry in December 2022 of the licence to use glyphosate.

The Council agrees:-

1. To identify and audit the extent of the Council’s spending on pesticides
2. To develop a pesticide policy stating for public information the current uses made of pesticides by the Council and their locations
3. To consider and report on alternatives to pesticide weed control and the potential for reducing longer term costs
4. To pilot alternative methods of weed control and pesticide free zones in partnership with local groups where appropriate
5. To commit to the aim of a pesticide-free Council (joining numerous other towns and cities across Britain and in other countries) and to set a timetable for the phased elimination of pesticide use by Council resources and their contractors”.

Councillor Craig, seconded by Councillor Anderson, moved the following as an amendment:-

“Replace the wording from "South Lanarkshire Council notes:-

- a the increasing public concern about the use of Pesticides and Herbicides, particularly those containing glyphosate, in weed control and the alleged potential damage to health and to biodiversity.
- b The potential expiry in December 2022 of the licence to use glyphosate.

With the Council agrees:-

To bring a paper to the Climate Change Committee

- 1 To identify and audit the extent of the Council's spending on pesticides and herbicides

- 2 To explain the current pesticide and herbicide policy stating for public information the uses made of pesticides and herbicides by the Council and where they are currently used.
- 3 Consider both the costs and efficacy of alternative weed control of pesticide and herbicide along with the feasibility of free zones in partnership with local groups where appropriate
- 4 To consider the implications of being a pesticide-free Council and whether to set a timetable for the phased elimination of pesticide and herbicide use by Council resources and their contractors.”

During discussion, Councillor Allison referred to point 3 of the amendment and asked for clarification on the wording. Councillor Craig confirmed that it should have read as ‘Consider both the costs and efficacy of alternative weed control methods and to consider the use of pesticide and herbicide along with the feasibility of free zones in partnership with local groups where appropriate.’

Following concerns highlighted by members that Councillor Ferguson could not fully participate in the remainder of the meeting as the Interpreters required to leave the meeting to attend other commitments due to insufficient time booked for their services, the Provost, in terms of Standing Order No 13, adjourned the meeting at 2.04pm to allow time to establish whether alternative Interpreter services could be secured.

The meeting reconvened at 2.30pm, with the attendance of 2 Interpreters. The Provost, on behalf of the Council, offered sincere apologies to Councillor Ferguson, with the assurance that steps would be taken to prevent a recurrence of the situation. Councillors Buchanan and Carmichael were not present when the meeting reconvened.

Following a full discussion, on a vote being taken by roll call, members voted as follows:-

Motion

Walter Brogan, Robert Brown, Gerry Convery, Margaret Cooper, Margaret Cowie, Maureen Devlin, Fiona Dryburgh, Joe Fagan, Allan Falconer, George Greenshields, Lynsey Hamilton, Martin Lennon, Eileen Logan, Monique McAdams, Catherine McClymont, Mark McGeever, Davie McLachlan, Mo Razzaq, Graham Scott, Bert Thomson, Margaret B Walker, Jim Wardhaugh, David Watson

Amendment

Alex Allison, John Anderson, John Bradley, Janine Calikes, Stephanie Callaghan, Graeme Campbell, Maureen Chalmers, Poppy Corbett, Peter Craig, Mary Donnelly, Isobel Dorman, Grant Ferguson, Alistair Fulton, Geri Gray, Ian Harrow, Eric Holford, Graeme Horne, Mark Horsham, Martin Grant Hose, Ann Le Blond, Richard Lockhart, Katy Loudon, Hugh Macdonald, Julia Marrs, Ian McAllan, Kenny McCreary, Colin McGavigan, Gladys Miller, Lynne Nailon, Richard Nelson, Carol Nugent, John Ross, David Shearer, Colette Stevenson, Jared Wark, Josh Wilson

36 members voted for the amendment and 23 for the motion. The amendment was declared carried.

The Council decided:

- (1) to note the increasing public concern about the use of pesticides and herbicides, particularly those containing glyphosate, in weed control and the alleged potential damage to health and to biodiversity;
- (2) to note the potential expiry in December 2022 of the licence to use glyphosate; and

(3) that a report be brought to the Climate Change and Sustainability Committee to:-

- ◆ identify and audit the extent of the Council's spending on pesticides and herbicides
- ◆ explain the current pesticide and herbicide policy stating, for public information, the uses made of pesticides and herbicides by the Council and where they were currently used
- ◆ consider both the costs and efficacy of alternative weed control methods and to consider the use of pesticide and herbicide along with the feasibility of free zones in partnership with local groups, where appropriate
- ◆ consider the implications of being a pesticide-free Council and whether to set a timetable for the phased elimination of pesticide and herbicide use by Council resources and their contractors

8 Notice of Motion – Covid-19 Testing

In terms of Standing Order No 19, a motion proposed by Councillor Fagan, seconded by Councillor Walker, was submitted as follows:-

“Further to the Statement to the Scottish Parliament by the Cabinet Secretary for Health and Sport on 25 November 2020 on Covid-19 (Roll-out of Testing Programme), the Council notes its concern:

- ◆ That the roll-out of visitor testing to all care homes in Scotland will not be completed until February 2021.
- ◆ That the roll-out of regular testing to the home care workforce, including permanent and visiting staff and personal assistants in a person's home, covering residential settings, sheltered housing and day care, will not be completed until March 2021.
- ◆ That South Lanarkshire is not included in initial trials for targeted geographic testing.

The Council therefore instructs the Chief Executive to write to the Cabinet Secretary on behalf of the Council, requesting that the Scottish Government take all reasonable steps to accelerate the provision of visitor testing in care homes, the testing of home care workforce and wider community testing in South Lanarkshire.

The Council investigates means of independently accelerating visitor testing in care homes, home care testing and wider community testing, should the Scottish Government be unwilling to do so.

The Council resolves to consult joint trade unions to identify occupational areas where additional testing of key workers may be prioritised.”

Councillor Wilson, seconded by Councillor Bradley, moved the following as an amendment:-

“Delete from ‘the Council notes its concern’ to end and replace with ‘the Council welcomes:

Plans to significantly expand testing as a further layer of protection for those most at risk of contracting Covid-19

That lateral flow tests are now available nationally for designated care home visitors, adding a further layer of protection for residents. PCR testing will also be provided over the Christmas period for those that do not have access to lateral flow tests.

The hard work of staff across the Health and Social Care Partnerships, Social Care, Scottish Care, CCPS and COSLA to deliver testing for designated care home visitors.

That plans for a Lanarkshire regional testing facility are currently underway.

The beginning of the vaccine programme which will further protect individuals from contracting the virus.”

Councillor Nelson suggested the following addition and slight amendment to the wording of the original motion:-

Addition

“The Council thanks all staff who will be involved in delivering the vaccination roll-out and for their continued dedication during this pandemic. Also, that this Council gives a clear commitment to the vaccination programme and that the focus is on getting the vaccination delivered.”

Amendment:

Replace ‘The Council resolves to consult Joint Trade Unions . . .’ with ‘The Council will work in partnership with Joint Trade Unions . . .’

This was accepted by Councillor Fagan.

Following a full discussion, on a vote being taken by roll call, members voted as follows:-

Motion

Alex Allison, Walter Brogan, Robert Brown, Graeme Campbell, Gerry Convery, Margaret Cooper, Poppy Corbett, Margaret Cowie, Maureen Devlin, Fiona Dryburgh, Joe Fagan, Allan Falconer, George Greenshields, Lynsey Hamilton, Ian Harrow, Eric Holford, Martin Grant Hose, Ann Le Blond, Martin Lennon, Richard Lockhart, Eileen Logan, Monique McAdams, Catherine McClymont, Kenny McCreary, Colin McGavigan, Mark McGeever, Davie McLachlan, Lynne Nailon, Richard Nelson, Mo Razzaq, Graham Scott, Bert Thomson, Margaret B Walker, Jim Wardhaugh, Jared Wark, David Watson

Amendment

John Anderson, John Bradley, Janine Calikes, Stephanie Callaghan, Maureen Chalmers, Peter Craig, Mary Donnelly, Isobel Dorman, Grant Ferguson, Geri Gray, Graeme Horne, Mark Horsham, Katy Loudon, Hugh Macdonald, Julia Marrs, Ian McAllan, Gladys Miller, Carol Nugent, John Ross, David Shearer, Colette Stevenson, Josh Wilson

22 members voted for the amendment and 36 for the motion which was declared carried.

The Council decided:

- (1) that, further to the Statement to the Scottish Parliament by the Cabinet Secretary for Health and Sport on 25 November 2020 on Covid-19 (Roll-out of Testing Programme), its concerns be noted that:-
- ◆ the roll-out of visitor testing to all care homes in Scotland would not be completed until February 2021
 - ◆ the roll-out of regular testing to the home care workforce, including permanent and visiting staff and personal assistants in a person’s home, covering residential settings, sheltered housing and day care, would not be completed until March 2021
 - ◆ South Lanarkshire was not included in initial trials for targeted geographic testing

- (2) that the Chief Executive write to the Cabinet Secretary, on behalf of the Council, requesting that the Scottish Government take all reasonable steps to accelerate the provision of visitor testing in care homes, the testing of home care workforce and wider community testing in South Lanarkshire;
- (3) that means of independently accelerating visitor testing in care homes, home care testing and wider community testing be investigated, should the Scottish Government be unwilling to do so;
- (4) to work in partnership with Joint Trades Unions to identify occupational areas where additional testing of key workers may be prioritised;
- (5) to record its thanks to all staff who would be involved in delivering the vaccination roll-out and for their continued dedication during this pandemic; and
- (6) that a clear commitment be given to the vaccination programme, with a focus on getting the vaccination delivered.

Councillor Fulton was not present during the vote

9 Amendment to Membership of Committees etc

A report dated 9 November 2020 by the Executive Director (Finance and Corporate Resources) was submitted on proposed amendments to the memberships of Committees, etc.

The Council decided:

- (1) that Councillor Burns be replaced by Councillor Wardhaugh as a member of the Climate Change and Sustainability Committee;
- (2) that Councillor McGavigan be replaced by Councillor Corbett as a member of the Executive Committee;
- (3) that Councillor Corbett be replaced by Councillor Harrow as a substitute member of the Executive Committee and that, as a consequence, he no longer serve as a substitute member on the Financial Resources Scrutiny Forum and the Risk and Audit Scrutiny Committee;
- (4) that Councillor McGavigan be replaced by Councillor Holford as a member of the Rural Task Force;
- (5) that Councillor McGavigan be replaced by Councillor Harrow as a substitute member of the Community and Enterprise Resources Committee;
- (6) that Councillor McGavigan be replaced by Councillor Hose as a substitute member of the Planning Committee; and
- (7) that Councillor McGavigan be replaced by Councillor McCreary as a substitute member of the Education Resources Committee.

10 External Auditors Annual Report to South Lanarkshire Council 2019/2020

A report dated 25 November 2020 by the Executive Director (Finance and Corporate Resources) was submitted on the External Auditor's, Audit Scotland, Annual Report to the Council for 2019/2020.

The Council decided: that the External Auditor's Annual Report 2019/2020 to the Council be noted.

[Reference: Minutes of the Risk and Audit Scrutiny Committee (Special) of 16 November 2020 (Paragraph 2)]

11 Urgent Business

There were no items of urgent business.