



Council Offices, Almada Street
Hamilton, ML3 0AA

Tuesday, 17 September 2019

Dear Councillor

South Lanarkshire Council

The Members listed below are requested to attend a meeting of the Council to be held as follows:-

Date: Wednesday, 25 September 2019
Time: 11:30 (or immediately following the Executive Committee, whichever is the later)
Venue: Council Chamber, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

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| Members are reminded to bring their fully charged tablets to the meeting |
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Yours sincerely

Lindsay Freeland
Chief Executive

Members

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

BUSINESS

1 Sederunt and Declaration of Interests

- 2 Minutes of Previous Meeting** 5 - 14
Minutes of the meeting of the South Lanarkshire Council held on 26 June 2019 submitted for approval as a correct record. (Copy attached)
- 3 Minutes of Meeting of the Risk and Audit Scrutiny Committee** 15 - 18
Minutes of the meeting of the Risk and Audit Scrutiny Committee held on 24 April 2019 submitted for noting. (Copy attached)

Item(s) for Decision

- 4 Local Government By-election - Electoral Ward 8 (East Kilbride Central North)** 19 - 22
Report dated 16 September 2019 by the Executive Director (Finance and Corporate Resources). (Copy attached)
- 5 Recommendation Referred by Executive Committee - Annual Investment Strategy** 23 - 26
Report dated 30 August 2019 by the Executive Director (Finance and Corporate Resources). (Copy attached)
- 6 Appointment of Interim Returning Officer** 27 - 28
Report dated 16 September 2019 by the Head of Administration and Legal Services. (Copy attached)
- 7 Notice of Motion - South Lanarkshire Council Statement of Intent in Response to the Climate Change Emergency** 29 - 30
Motion received in terms of Standing Order No 19 on 6 September 2019, proposed by Councillor Marrs, seconded by Councillor Craig. (Copy attached)
- 8 Notice of Motion - Residential Care Facilities** 31 - 32
Motion received in terms of Standing Order No 19 on 10 September 2019, proposed by Councillor Fagan, seconded by Councillor Falconer. (Copy attached)
- 9 Notice of Motion - Proroguing the Parliament of the United Kingdom** 33 - 34
Motion received in terms of Standing Order No 19 on 2 September 2019, proposed by Councillor Brown, seconded by Councillor McGeever. (Copy attached)

Item(s) for Noting

- 10 External Auditor's Annual Report to South Lanarkshire Council**
Report dated 18 September 2019 by the Executive Director (Finance and Corporate Resources). (Copy to follow)

Urgent Business

11 Urgent Business

Any other items of business which the Provost decides are urgent.

For further information, please contact:-

Clerk Name: Susan Somerville

Clerk Telephone: 01698 454197

Clerk Email: susan.somerville@southlanarkshire.gov.uk

Minutes of meeting held in the Council Chamber, Council Offices, Almada Street, Hamilton on 26 June 2019

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 Andy Carmichael, Councillor Maureen Chalmers, Councillor Gerry Convery, 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 Alistair Fulton, Councillor Geri Gray, Councillor George Greenshields, Councillor Lynsey Hamilton, Councillor Ian Harrow, Councillor Eric Holford, Councillor Graeme Horne, Councillor Mark Horsham, 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 Jim McGuigan, Councillor Davie McLachlan, Councillor Gladys Miller, Councillor Lynne Nailon, Councillor Richard Nelson, Councillor Carol Nugent, Councillor John Ross, Councillor Graham Scott, Councillor David Shearer, Councillor Collette Stevenson (Depute), Councillor Bert Thomson, Councillor Margaret B Walker, Councillor Jared Wark, Councillor David Watson, Councillor Josh Wilson

Councillors' Apologies:

Councillor Graeme Campbell, Councillor Margaret Cooper, Councillor Poppy Corbett, Councillor Martin Grant Hose, Councillor Mo Razzaq, Councillor Jim Wardhaugh

Attending:

Chief Executive's Service

L Freeland, Chief Executive

Community and Enterprise Resources

M McGlynn, Executive Director

Education Resources

T McDaid, Executive Director

Finance and Corporate Resources

P Manning, Executive Director; G Bow, Administration Manager; 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

I Beattie, Head of Health and Social Care (Hamilton and Clydesdale)

Provost's Opening Remarks

The Provost referred to the death of Councillor Sheena Wardhaugh, elected member for Council Ward 8 (East Kilbride Central North) and extended sincere condolences to Councillor Jim Wardhaugh and family. As a mark of respect, all present stood and observed a minute's silence.

The Provost also extended best wishes to Councillor Marrs following her recent operation.

1 Declaration of Interests

The following interest was declared:-

| Councillor(s) | Item(s) | Nature of Interest(s) |
|----------------------|--|------------------------------|
| Convery | Standards Commission's Hearing Outcome | Subject of the hearing |

2 Minutes of Previous Meeting

The minutes of the meeting of the South Lanarkshire Council held on 13 March 2019 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 6 February 2019 were submitted for noting.

The Council decided: that the minutes be noted.

4 Recommendations Referred by Executive Committee – Treasury Management Strategy – Repayment of Debt

A report dated 26 June 2019 by the Executive Director (Finance and Corporate Resources) was tabled on a recommendation referred to the Council by the Executive Committee of 26 June 2019. The recommendation was that the change to the Treasury Management Strategy, to reflect the new method of debt repayment to be applied, be approved.

The Executive Director (Finance and Corporate Resources) responded to a question from Councillor Allison on the report and advised that a report on the planned maintenance approach for schools over the life of the assets would be reported to committee as appropriate.

The Council decided: that the recommendation of the Executive Committee of 26 June 2019 in relation to the amendment to the Treasury Management Strategy, to reflect the change to debt repayment, be approved.

[Reference: Minutes of the Executive Committee of 26 June 2019 (Paragraph 6)]

5 Support for Veterans

A report dated 11 June 2019 by the Executive Director (Finance and Corporate Resources) was submitted:-

- ◆ advising on the current range of supports provided to veterans and their families in South Lanarkshire
- ◆ outlining how this support might be developed through the work of the Council, in conjunction with partners on the Lanarkshire Firm Base, including assessing the arrangements that other local authorities had in place

- ◆ providing an update on creating a Guaranteed Interview Scheme for ex-armed forces personnel who applied for vacancies with the Council following a motion approved by the Council on 19 December 2018

As part of Armed Forces Day 2018, the Council had reaffirmed its commitment to the Armed Forces Community Covenant which provided a statement of mutual support between a civilian community and its local Armed Forces Community. Following this, the Council, together with North Lanarkshire Council and other appropriate voluntary sector and military partners, had relaunched Lanarkshire Firm Base to take forward the terms of the Covenant within Lanarkshire. The Council had subsequently hosted a one day seminar on 19 September 2018 for organisations and individuals who were either veterans or were part of organisations who provided support and advice to veterans and their families. One of the outcomes from the event was to identify the key areas which were of most relevance and importance to veterans living in Lanarkshire. Consequently, Firm Base had agreed a work plan based on the following priorities:-

- ◆ mental health
- ◆ access to benefits and education
- ◆ access to housing
- ◆ social inclusion

The priorities within the work plan would be taken forward on a themed basis at future meetings of Firm Base.

The Council already had a range of services in place to support veterans and those were detailed in the report.

Premises had been identified in Craigneuk, North Lanarkshire as a potential veterans' hub where veterans could go to network, have access to IT facilities and receive signposting information on services. Further options within the Lanarkshire area would continue to be explored by Firm Base.

Further work would be undertaken with other local authorities to assess any worthwhile initiatives and projects that could be taken forward via Firm Base. Any implications for the Council would be reported through the appropriate committee.

At its meeting held on 19 December 2018, the Council had agreed that a Guaranteed Interview Scheme be introduced for veterans who met the minimum criteria for a post. It was, therefore, proposed that the scheme would operate for all external recruitment and would apply to applicants whose previous long-term employer was the Armed Forces. Details of how the scheme would operate and how it would be communicated were provided in the report.

Councillor Horsham, as Veterans' Spokesperson, welcomed the initiatives within the report and thanked Councillor McGeever for his motion which had led to the introduction of the Guaranteed Interview Scheme. He also thanked officers and, in particular, Gordon Bow, Administration Manager for support given.

Councillors Thomson, Brown and McGeever spoke, in turn, in praise of the work undertaken to support veterans.

Officers responded to members' questions in relation to the hub.

The Council decided:

- (1) that the key areas included in the work plan of Lanarkshire Firm Base be noted;
- (2) that the current range of supports provided by the Council for veterans and their families be noted;

- (3) that the intention to assess initiatives/projects which had been implemented by other local authorities and potentially develop those through Lanarkshire Firm Base be noted; and
- (4) that the Guaranteed Interview Scheme for veterans, as detailed in paragraph 6 of the report, be approved and implemented.

[Reference: Minutes of 19 December 2018 (Paragraph 6)]

6 Best Value Assurance Report

A report dated 11 June 2019 by the Executive Director (Finance and Corporate Resources) was submitted on:-

- ◆ the Best Value Assurance Report (BVAR) published by the Accounts Commission following its audit of the Council
- ◆ a proposed action plan relating to the recommendations contained in the BVAR

The Council was audited by Audit Scotland in October and November 2018, with the final report being published by the Accounts Commission on 28 March 2019.

The BVAR contained the following key messages in relation to the Council:-

- ◆ it performed well and had demonstrated a steady pace of improvement since its last Best Value audit in 2009. It had a comprehensive and structured approach to continuous improvement and had evidenced that service redesign and capital investment were improving outcomes for citizens and resulting in efficiencies that would help ensure financial sustainability
- ◆ it benefited from effective leadership and clear strategic direction, with officers and councillors working well together in the interests of the residents of South Lanarkshire
- ◆ it demonstrated improved performance in many services but there were other areas where improvement was still required. Service satisfaction survey results from service users differed from those from national household surveys and the reasons for this required to be understood and addressed
- ◆ it acknowledged that it needed to review the number and quality of its targets and how it measured progress towards achieving those. This would allow it to provide elected members with a clearer picture of performance against its strategic objectives
- ◆ it worked well with a range of public sector, business and academic partners to improve outcomes for citizens. While partners had a shared vision, the links between the Council's Connect Plan and Community Plan could be clearer and the Community Planning Partnership Board needed to take a more active role in driving forward partnership working
- ◆ it needed to improve how it used community engagement to shape services
- ◆ while understanding its responsibilities under the Community Empowerment Act, the Council and its partners had been slow to progress elements of the Act, including the preparation of locality plans
- ◆ it demonstrated sound financial management, with a strong track record of delivering ambitious capital projects on time and on budget. It had a good process in place for long-term financial planning and was well placed to address future challenges

An action plan, attached as Appendix 1 to the report, had been developed to respond to the 10 recommendations within the BVAR and as detailed at paragraph 4.3 to the report.

Councillor Ross intimated that he welcomed the report and congratulated officers for the positive outcome. He acknowledged that there were areas for improvement, as identified in the action plan, however, steps were already being taken to address those.

Councillor Allison welcomed the fact that targets were being reviewed nationally to allow more realistic comparisons to be made. He also referred to the commitment required from councillors and the need for a fundamental review of councillors' workload.

In response to a member's question on advice on how to improve governance arrangements, D Richardson, External Auditor advised that he was unable to comment as it was a matter for the Council.

The Council decided:

- (1) that the contents of the Best Value Assurance Report be noted; and
- (2) that the action plan, attached as Appendix 1 to the report, be approved.

Councillor Le Blond left the meeting during this item of business

7 Cross-Party Working Group on Tackling Poverty

A report dated 11 June 2019 by the Executive Director (Finance and Corporate Resources) was submitted on the establishment of a cross-party working group on Tackling Poverty.

At its special meeting held on 27 February 2019, the Council had approved proposals for a cross-party working group to be formed on Tackling Poverty.

In order to progress arrangements, a proposed Terms of Reference for the working group was attached as Appendix 1 to the report.

The Council decided:

- (1) that the Terms of Reference for the cross-party working group on Tackling Poverty, attached as Appendix 1 to the report, be approved; and
- (2) that the Chief Executive, in consultation with the political and Independent Group Leaders, be authorised to finalise the membership of the Working Group.

[Reference: Minutes of special meeting of 27 February 2019 (Paragraph 2)]

Councillor Le Blond re-entered the meeting during this item of business

8 Membership of Committees/Forums, Joint Committees and Outside Bodies etc

A report dated 11 June 2019 by the Executive Director (Finance and Corporate Resources) was submitted confirming membership of the cross-party working group to review South Lanarkshire Leisure and Culture and on proposed changes to the membership of Committee/Forums, Joint Committees and Outside Bodies.

The Council decided:

- (1) that Councillors McLachlan and Watson be replaced by Councillors Scott and Greenshields respectively on the list of 15 members who were not on the Finance and Corporate Resources Committee who could be drawn on to serve on Appeals and Grievance and Dispute Panels;

- (2) that Councillor Callaghan be appointed as the Council's substitute member on the West of Scotland Road Safety Forum;
- (3) that the finalised membership of the Cross Party Working Group to review South Lanarkshire Leisure and Culture (SLLC), as detailed at paragraph 3.3 of the report, be noted;
- (4) that, following Councillor Convery's appointment as Depute Leader of the Labour Group his membership on the Conference Allocation Committee, as detailed at paragraph 3.4 of the report, be noted;
- (5) that Councillor Callaghan be appointed as a full member of the Community and Enterprise Resources Committee and that the Chief Executive be authorised, in consultation with the SNP Group Business Manager, to fill the resultant substitute position and to report the outcome at a later date;
- (6) that Councillor Fulton be replaced by Councillor Dorman as a member of the Executive Committee;
- (7) that Councillor Dorman be replaced by Councillor Donnelly as a member of the Financial Resources Scrutiny Forum; and
- (8) that the proposed changes received from the Labour Group Business Manager, as detailed at paragraph 3.7 of the report, be approved.

9 Notice of Motion – Proposed Wheelchairs (Short-term access) (Scotland) Bill

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

“That South Lanarkshire Council:-

- 1 support the Proposed Wheelchairs (Short-term access) (Scotland) Bill to ensure the provision of wheelchairs to anyone assessed as needing one on a short-term, as well as on a long-term, basis;
- 2 look at ensuring there is a joined up service between South Lanarkshire Council Social Work department, Glasgow and Edinburgh Sick Kids to ensure smooth discharge; and
- 3 improve signposting for services and aids available to families to ensure safety of the carer and vulnerable child in their home at any hospital a South Lanarkshire constituent is referred to.

At present there is no duty on the NHS, or any other public body, to provide short-term wheelchairs for anyone with a mobility problem that is expected to last for less than 6 months.”

In moving her motion, Councillor McAdams referred to the difficulties experienced by one of her constituents and considered that there was a requirement for better signposting of assistance available. Councillor Convery seconded the motion.

Councillor Holford intimated that although he generally agreed with the terms of the motion, he considered that the Bill required careful scrutiny due to the potential difficulties and financial implications for the NHS.

The Council decided: that the terms of the motion, as detailed above, in relation to the Proposed Wheelchairs (Short-term access) (Scotland) Bill, be supported.

10 Notice of Motion – South Lanarkshire Leisure and Culture Limited (SLLC) Compliance with Building Control Specifications

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

“That South Lanarkshire Council take steps to ensure that South Lanarkshire Leisure and Culture Limited comply with the building control specifications set out in the relevant guidance and equality legislation for all our community halls and leisure facilities under their care. In particular, we wish to ensure that the toilet facilities are wheelchair accessible.”

In moving her motion, Councillor McAdams referred to difficulties experienced by a wheelchair user at a community hall. Councillor Convery seconded the motion.

The Council decided: that the terms of the motion, as detailed above, in relation to the accessibility of toilet facilities for wheelchair users, be supported.

11 Notice of Motion – Unfair Practices Being Employed by Integrated Service Solutions at Hospitals Across the UK

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

“That South Lanarkshire Council write to whomever holds the contract to express concern of the impact on constituents in relation to:-

- 1 the unfair practices being employed by ISS (Integrated Service Solutions) at hospitals across the UK including Hairmyres University Hospital in East Kilbride;
- 2 that ISS plan to move from working 5 days in arrears to working 11 days in arrears meaning that members won't receive that additional week's pay until they leave the service; and
- 3 the new payroll system will mean:-
 - ◆ that workers will work three weeks but only get paid for two;
 - ◆ that workers will have to wait until they leave their employment before they can get the outstanding money owed to them

It is the view of South Lanarkshire Council that these policies represent a contemptuous attitude towards the staff who carry out the work for which ISS is paid. These policies represent standards of business that the Council finds unacceptable for an organisation receiving public money.”

Councillor McAdams moved the motion and it was seconded by Councillor Convery. Councillor Donnelly, seconded by Councillor Gray, moved as an amendment that the final paragraph of the motion be deleted and replaced with the following:-

“We do note, however, that employees are able to receive interest free loans until such times as they are remunerated.

South Lanarkshire Council would like to note the concerns of John White, Director of Human Resources at NHS Lanarkshire: **“we (NHS Lanarkshire) had no input into these pay changes”**, which further exposes the disastrous PFI projects from a previous Labour government.”

Councillor Burns intimated his support for the motion and questioned the competence of the last sentence of the amendment as there was no mention of the NHS in the original motion.

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

Motion

Alex Allison, Walter Brogan, Robert Brown, Jackie Burns, Andy Carmichael, Gerry Convery, Margaret Cowie, Maureen Devlin, Fiona Dryburgh, Joe Fagan, Allan Falconer, George Greenshields, Lynsey Hamilton, Ian Harrow, Eric Holford, Ann Le Blond, Martin Lennon, Richard Lockhart, Eileen Logan, Joe Lowe, Monique McAdams, Catherine McClymont, Kenny McCreary, Colin McGavigan, Mark McGeever, Davie McLachlan, Lynne Nailon, Richard Nelson, Graham Scott, Bert Thomson, Margaret B Walker, Jared Wark, David Watson

Amendment

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

24 members voted for the amendment and 33 for the motion which was declared carried.

The Council decided: to support the terms of the motion, as detailed above, and write to the appropriate contractor to express concerns in respect of the impact on constituents as a consequence of the proposed changes to the NHS payroll system.

12 Local Government By-Election – Electoral Ward 8 (East Kilbride Central North)

A report dated 11 June 2019 by the Chief Executive was submitted on arrangements for the by-election for Electoral Ward 8 (East Kilbride Central North) to be held on Thursday 29 August 2019.

Polling hours would be from 7.00am to 10.00pm and, at close of poll, the votes would be counted electronically at Blacklaw Primary School, East Kilbride. The last date and time for lodging nomination papers for the by-election would be Friday 26 July 2019 by 4.00pm.

The Council decided: that the report be noted.

13 Standards Commission’s Hearing Outcome

A report dated 11 June 2019 by the Chief Executive was submitted advising of the decision of the Standards Commission of Scotland following the Hearing into a complaint against Councillor Convery held on 4 April 2019.

The Hearing Panel found that Councillor Convery had breached paragraphs 3.1 and 3.2 of the Councillors' Code of Conduct and, as a consequence, took the decision to censure Councillor Convery under section 19 (1) of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

The full decision was available on the Standards Commission for Scotland's website.

The Council decided:

- (1) that the decision of the Hearing Panel of the Standards Commission for Scotland that Councillor Convery had breached paragraphs 3.1 and 3.2 of the Councillors' Code of Conduct be noted; and
- (2) that the decision of the Hearing Panel to censure Councillor Convery be noted.

Councillor Convery, having declared an interest in the above item, withdrew from the meeting during its consideration

14 Urgent Business

There were no items of urgent business.

RISK AND AUDIT SCRUTINY COMMITTEE

3

Minutes of meeting held in Committee Room 2, Council Offices, Almada Street, Hamilton on 24 April 2019

Chair:

Councillor Graeme Campbell

Councillors Present:

Councillor Poppy Corbett, Councillor Maureen Devlin, Councillor Isobel Dorman (*substitute for Councillor Mary Donnelly*), Councillor Mark Horsham, Councillor Julia Marrs, Councillor Margaret B Walker

Councillors' Apologies:

Councillor Mary Donnelly, Councillor Martin Lennon, Councillor Carol Nugent, Councillor Jim Wardhaugh

Attending:

Finance and Corporate Resources

Y Douglas, Audit and Compliance Manager; P MacRae, Administration Officer; J Taylor, Head of Finance (Strategy)

Also Attending:

Audit Scotland

A Kerr and D Richardson, External Auditors

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Risk and Audit Scrutiny Committee held on 6 February 2019 were submitted for approval as a correct record.

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

3 Internal Audit Activity as at 3 April 2019

A report dated 3 April 2019 by the Executive Director (Finance and Corporate Resources) was submitted on the work completed by Internal Audit during the period 17 January to 3 April 2019.

Details were given on the progress of audit assignments and the performance of Internal Audit which highlighted that:-

- ◆ the target of 80% of assignments delivered within budget had been achieved
- ◆ 82% of draft reports had been delivered on time against a target of 80%
- ◆ all routine assignments within 2018/2019 had been completed to draft stage
- ◆ 94% of audit assignments had been concluded to a signed action plan within 4 weeks of the issue of a draft report against a target of 80%
- ◆ 91% of Internal Audit recommendations had been delivered on time against a target of 90%

The findings from assignments completed in the period 17 January to 3 April 2019 were detailed in Appendix 2 to the report.

Following a review of the current year's Audit Plan, it was proposed to delay work on the following 2 audit assignments until 2019/2020 for the reasons detailed in the Executive Director's report:-

- ♦ waste contract audit 2018/2019
- ♦ follow up additional support needs (ASN) taxi provision

Officers responded to a member's questions on various aspects of the report.

The Committee decided:

- (1) that the performance of the Internal Audit Service and the progress of assignments in the period 17 January to 3 April 2019 be noted; and
- (2) that the proposed amendments to the Internal Audit Plan 2018/2019 be approved.

[Reference: Minutes of 6 February 2019 (Paragraph 4)]

4 Internal Audit Plan 2019/2020

A report dated 8 April 2019 by the Executive Director (Finance and Corporate Resources) was submitted on the Internal Audit Plan 2019/2020.

A total of 1,184 audit days, inclusive of days which had been allocated to external clients, had been provided for in the Plan. The proposed Internal Audit Plan, which included a brief outline scope for each proposed assignment, was attached as Appendix 2 to the report.

The content of the Audit Plan each year was determined by the requirement to deliver a programme of work that would inform the annual audit opinion on the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control arrangements.

Details were given on risks which had not been included in the Plan, together with the reasons for this.

The 2019/2020 Audit Plan would be delivered within the context of the revised Internal Audit Charter, attached as Appendix 1 to the report, and in accordance with the Public Sector Internal Auditing Standards (PSIAS).

The Committee decided: that the proposed Internal Audit Plan for 2019/2020 be approved.

[Reference: Minutes of 21 March 2018 (Paragraph 4)]

5 Audit Scotland – Financial Overview 2017/2018

A report dated 28 March 2019 by the Executive Director (Finance and Corporate Resources) was submitted on the Audit Scotland report entitled 'Financial Overview 2017/2018' which had been published in November 2018.

The report had been structured around the following 4 headings:-

- ◆ budgets and spending for 2017/2018
- ◆ financial position
- ◆ Integration Joint Boards' overview 2017/2018
- ◆ financial outlook

Details were given on key points contained in the Audit Scotland report. The report also included a number of questions which Audit Scotland had intimated should be considered by elected members. The questions, which covered a variety of issues, together with the Council's position on each of the areas identified, were detailed in Appendix 1 to the Executive Director's report.

Officers responded to members' questions on the:-

- ◆ use of cash balances in lieu of borrowing
- ◆ financial position in respect of Integration Joint Boards

In response to a point raised by a member regarding the Council's position, as detailed in Appendix 1 to the report, in relation to members' engagement with the budget setting process, it was noted that, as part of the process, elected members considered alternative budget proposals before ultimately setting the budget.

The Committee decided:

- (1) that the key points contained in the Audit Scotland report entitled 'Financial Overview 2017/2018' be noted; and
- (2) that the issues identified by Audit Scotland for consideration by elected members and the Council's position on those, taking account of comments in relation to members' engagement with the budget setting process, be noted.

[Reference: Minutes of 13 June 2018 (Paragraph 9)]

6 Fraud Statistics and National Fraud Initiative Six Monthly Update

A report dated 8 April 2019 by the Executive Director (Finance and Corporate Resources) was submitted on:-

- ◆ fraud statistics for the 6 month period to September 2018
- ◆ progress achieved in relation to the 2018 National Fraud Initiative (NFI) exercise

Details were given on the number, types, outcomes and costs of fraud investigations, together with performance measures for the 6 month period to September 2018. A comparison with the statistics for the same period in 2017 was also provided. The fraud statistics for the 6 month period to September 2018, highlighted that:-

- ◆ 196 investigations, with a total value of £501,000, had either been reported in the period or carried forward from 2017/2018, representing an increase in number but a decrease in value from the same period in 2017
- ◆ of the 196 cases, 81, valued at £153,000, had been closed within the period, representing an increase when compared to the closed investigations for the same period in 2017
- ◆ 70% of cases investigated were founded
- ◆ 96% of the founded cases related to benefit fraud or fraud committed by a third party

The 2018 NFI exercise had commenced in October 2018. Matches had been returned and plans were being developed to investigate target groups of matches during 2019/2020.

Officers responded to a member's questions on various aspects of the report.

The Committee decided: that the report be noted.

[Reference: Minutes of 21 March 2018 (Paragraph 5)]

7 Annual Audit Plan 2018/2019

The Committee considered the South Lanarkshire Council Audit Plan for 2018/2019 submitted by the Council's External Auditors, Audit Scotland.

The Plan set out the audit work necessary to allow Audit Scotland to provide an independent auditor's report and meet the wider scope requirements of public sector audit which included assessing arrangements for:-

- ◆ financial sustainability
- ◆ governance and transparency
- ◆ value for money

The Plan was structured around the following areas:-

- ◆ risks and planned work
- ◆ audit scope and timing

Details were given on key aspects of those areas.

The Committee decided: that the report be noted.

8 Forward Programme for Future Meetings

A report dated 8 April 2019 by the Executive Director (Finance and Corporate Resources) was submitted on the outline forward programme for the meetings of the Risk and Audit Scrutiny Committee to 27 November 2019.

As part of future arrangements, members were invited to suggest topics for inclusion in the Committee's forward programme.

The Committee decided: that the outline forward programme for the Risk and Audit Scrutiny Committee to 27 November 2019 be noted.

9 Urgent Business

There were no items of urgent business.

Report

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| Report to: | South Lanarkshire Council |
| Date of Meeting: | 25 September 2019 |
| Report by: | Executive Director (Finance and Corporate Resources) |

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| Subject: | Local Government By-election – Electoral Ward 8 (East Kilbride Central North) |
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1. Purpose of Report

1.1. The purpose of the report is to:-

- advise of the outcome of the by-election held in Ward 8 (East Kilbride Central North)
- allow consideration to be given to the allocation of vacant committee places following the by-election
- note the updated representation from the Liberal Democrat Group on certain working groups
- allow consideration for an additional elected member to serve on the South Lanarkshire Leisure and Culture Board

2. Recommendation(s)

2.1. The Council is asked to approve the following recommendation(s):-

- (1) that it be noted that, following the by-election held on 29 August 2019, Grant Ferguson has been elected to represent Electoral Ward 8 (East Kilbride Central North) on South Lanarkshire Council;
- (2) that the vacant place on each of the Resource, Planning, Licensing and Executive Committees be filled by a representative from the SNP Group;
- (3) that the updated representation from the Liberal Democrat Group on working groups, as detailed at paragraph 5.3, be noted;
- (4) that the vacant place on the South Lanarkshire Leisure and Culture Board be filled by a representative from the Independent Group; and
- (5) that authority be delegated to the Depute Chief Executive and/or his representative(s), in consultation with the Leaders of the relevant political/independent groups, to finalise all memberships.

3. Background

3.1. Arrangements were made to hold a by-election on Thursday 29 August 2019 to fill the vacancy in Electoral Ward 8 (East Kilbride Central North), a multi-member ward comprising 3 members.

4. Result of By-Election

4.1. Specific information in relation to the by-election in Ward 8 (East Kilbride Central North) is as follows:-

Electorate – 12,960
 Percentage Poll – 26.7%
 Total Valid Votes Cast – 3,405

Quota (number of votes required to be elected) – 1,703

Ballot Papers Rejected - 51

- 4.2. The number of first preference votes polled for each candidate was as follows:-

| Candidate | Party | No of first preference votes | Elected (Stage No) |
|-----------------------|------------------------------------|-------------------------------------|---------------------------|
| Grant Ferguson | Scottish National Party (SNP) | 1,582 | Yes (Stage 5) |
| Graham William Fisher | Scottish Conservative and Unionist | 498 | |
| Antony Lee | Scottish Green Party | 153 | |
| David MacKay | UKIP | 48 | |
| Paul MGarry | Scottish Liberal Democrats | 422 | |
| Stephen McNamara | Scottish Libertarian Party | 12 | |
| Kirsty Williams | Scottish Labour Party | 690 | |

- 4.3. Grant Ferguson has, therefore, been elected to represent Electoral Ward 8 (East Kilbride Central North) on South Lanarkshire Council.

5. Places on Committees etc

- 5.1. As reported previously to the Executive Committee in August 2019, vacancies were held pending the outcome of the by-election. Due to the updated political composition of the Council, it is proposed that the SNP Group be invited to fill the vacancies on the Resource, Planning, Licensing and Executive Committees.
- 5.2. It is intended that a comprehensive list of committee etc memberships will be submitted to the next meeting of the Executive Committee for noting.
- 5.3. The Leader of the Liberal Democrat Group has advised that he will be replaced by Councillor Dryburgh on the South Lanarkshire Leisure and Culture Working Group and by Councillor McGeever on the IT Working Group.

6. South Lanarkshire Leisure and Culture Board

- 6.1. As set out in the Memorandum of Understanding and Articles of Association, the Board has 5 Directors appointed by the Council. Currently, there are 3 elected members who serve on the Board plus the Chief Executive and Executive Director (Community and Enterprise Resources). Following the Chief Executive's retirement and subsequent resignation from the Board, it is proposed that this place be filled by an additional elected member from the Independent Group.

7. Employee Implications

- 7.1. None.

8. Financial Implications

- 8.1. None.

9. Other Implications

- 9.1. There are no risks or sustainability issues in terms of the information contained in this report.

10. Equality Impact Assessment and Consultation Arrangements

- 10.1 There was no requirement for an equality impact assessment or formal consultation in terms of the information contained in this report.

Paul Manning

Executive Director (Finance and Corporate Resources)

16 September 2019

Link(s) to Council Values/Ambitions/Objectives

- ◆ Fair, open and sustainable
- ◆ Accountable, effective, efficient and transparent

Previous References

- ◆ Executive Committee of 28 August 2019

List of Background Papers

None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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Report

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| Report to: | South Lanarkshire Council |
| Date of Meeting: | 25 September 2019 |
| Report by: | Executive Director (Finance and Corporate Resources) |

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|----------|--|
| Subject: | Recommendation Referred by Executive Committee – Annual Investment Report 2018/2019 |
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1. Purpose of Report

1.1. The purpose of the report is to:-

allow consideration of the following recommendation referred to the Council by the Executive Committee held on 28 August 2019:-

♦ **Annual Investment Report 2018/2019**

- ♦ that the Annual Investment Report 2018/2019 be approved

2. Recommendation(s)

2.1. The Council is asked to approve the following recommendation(s):-

- (1) that the recommendation of the Executive Committee of 28 August 2019 in relation to the Annual Investment Report 2018/2019 be approved.

3. Recommendation Referred by the Executive Committee - Annual Investment Report 2018/2019 – Extract of Minute

3.1. A report dated 7 August 2019 by the Chief Executive was submitted on recommendations which had been referred to this Committee by the following Resource Committees:-

- ♦ Education Resources Committee of 6 August 2019
- ♦ Social Work Resources Committee of 7 August 2019
- ♦ Finance and Corporate Resources Committee of 7 August 2019

The recommendation of the Education Resources Committee was as follows:-

- ♦ that the Education Resource Plan for 2019/2020 be approved

The recommendation of the Social Work Resources Committee was as follows:-

- ♦ that the Social Work Resource Plan for 2019/2020 be approved

The recommendations of the Finance and Corporate Resources Committee were as follows:-

- ♦ that the Finance and Corporate Resource Plan for 2019/2020 be approved

- ◆ that the Treasury Management Activity Report for 2018/2019 and the Treasury Management and Prudential Code Indicators for 2018/2019 be noted
- ◆ that the 2018/2019 Annual Investment Report be endorsed and referred to the Council for formal approval in line with the Local Government Investments (Scotland) Regulations 2010

[Reference: Minutes of Education Resources Committee of 6 August 2019 (Paragraph 8)], Minutes of Social Work Resources Committee of 7 August 2019 (Paragraph 9)] and Minutes of Finance and Corporate Resources Committee of 7 August 2019 (Paragraphs 11 and 13)

The Committee decided:

- (1) that the recommendations referred by the Education Resources Committee, the Social Work Resources Committee and the Finance and Corporate Resources Committee in relation to their respective Resource Plans for 2019/2020 be approved; and
- (2) that the recommendation referred by the Finance and Corporate Resources Committee in relation to the Treasury Management Activity Report for 2018/2019 and Prudential Code Indicators for 2018/2019 be noted.

The Committee recommended to the Council: that the Annual Investment Report 2018/2019 be approved.

4 Employee Implications

- 4.1 All employee implications were highlighted as part of the original report to the Finance and Corporate Resources Committee.

5. Financial Implications

- 5.1 All financial implications were highlighted as part of the original report to the Finance and Corporate Resources Committee.

6. Other Implications

- 6.1 Any risks or sustainability issues or other implications have been highlighted as part of the original report to the Finance and Corporate Resources Committee.

7. Equality Impact Assessment and Consultation Arrangements

- 7.1 All equality impact assessment and consultation arrangements have been highlighted as part of the original report to the Finance and Corporate Resources Committee.

Paul Manning

Executive Director (Finance and Corporate Resources)

30 August 2019

Link(s) to Council Values/Ambitions/Objectives

- ◆ Fair, open and sustainable
- ◆ Accountable, effective, efficient and transparent

Previous References

- ◆ Executive Committee of 28 August 2019
- ◆ Finance and Corporate Resources Committee of 7 August 2019

List of Background Papers

As detailed in the reports to the Resource and Executive Committee

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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Report

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| Report to: | South Lanarkshire Council |
| Date of Meeting: | 25 September 2019 |
| Report by: | Head of Administration and Legal Services |

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| Subject: | Appointment of Interim Returning Officer |
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ Seek approval of the appointment of Paul Manning, Executive Director (Finance and Corporate Resources), Depute Chief Executive, to act as Returning Officer for election purposes, on an interim basis, following the resignation of the current post holder, until the newly appointed Chief Executive takes up post.

2. Recommendation(s)

2.1. The Council is asked to approve the following recommendation(s):-

- (1) that Paul Manning, Executive Director (Finance and Corporate Resources), Depute Chief Executive, be appointed as Interim Returning Officer for election purposes.

3. Background

3.1. The Chief Executive and Returning Officer for election purposes will retire on 23 September 2019.

3.2. Each Council must appoint a Returning Officer who is responsible for the organisation of elections within the Council's area. This role is usually carried out by the Chief Executive of the Council. The Returning Officer is appointed under section 41 of the Representation of the People Act 1983.

4. Proposals

4.1. As a result of the retirement of the Chief Executive on 23 September 2019, the post of Returning Officer will also fall vacant and will not be filled until the new Chief Executive takes up post following the recruitment and selection process.

4.2. To ensure the ongoing management of Elections, approval is sought to appoint Paul Manning, Executive Director (Finance and Corporate Resources), Depute Chief Executive, to fill the vacant post of Returning Officer, on an interim basis, until the newly appointed Chief Executive takes up post.

5. Employee Implications

5.1. As noted above.

6. Financial Implications

- 6.1. Any costs associated with the role of Returning Officer are recoverable from the Westminster or Scottish Governments.

7. Other Implications

- 7.1. There are no issues in terms of risk or sustainability arising from this report.

8. Equality Impact Assessment and Consultation Arrangements

- 8.1. There was no requirement to carry out an EIA in terms of this report or undertake a consultation exercise.

Geraldine McCann

Head of Administration and Legal Services

16 September 2019

Link(s) to Council Values/Ambitions/Objectives

- ◆ Accountable, effective, efficient and transparent

Previous References

- ◆ Executive Committee, 14 December 2011

List of Background Papers

- ◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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Head of Administration and Legal Services

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South Lanarkshire Council Statement of Intent in Response to the Climate Change Emergency

Notice of Motion

Motion received in terms of Standing Order No 19 on 6 September 2019, proposed by Councillor Julia Marrs, seconded by Councillor Peter Craig, as follows:-

“Following both the Scottish and UK Governments declaring a climate emergency and setting new net-zero emission targets of 2050 for the whole of the UK and 2045 for Scotland, South Lanarkshire Council acknowledges the serious and immediate threat of climate change.

Irrefutable scientific evidence now points to an unavoidable 1.5°C warming happening as early as 2030 and the pace of action needs to be accelerated to stop global temperature rising above 1.5°C, as this will have potentially devastating consequences for people and nature here and around the world.

Every citizen, organisation and government needs to work collectively to accelerate the actions needed to future-proof our planet for current and subsequent generations.

As large organisations with thousands of employees and service users, local councils have a vital role in leading and influencing action on tackling climate change in their local area, particularly supporting the vulnerable people and communities most affected by climate change.

The Council is recognised for its prominent role in South Lanarkshire to reduce carbon emissions and be more resilient to the impacts of climate change. It has a robust and valid Sustainable Development and Climate Change Strategy which outlines the Council’s approach towards contributing to a carbon neutral society, however, we will have to accelerate our pace of delivering action in light of the Scottish and UK Governments’ declaration of a climate emergency.

I propose that officers of the Council revise climate change action within the strategy’s action plan and set new timescales to meet or exceed the new national target for Scotland.

I also propose that the Council calls upon its community planning partners, the business community, third sector, trades unions and local citizens to work collectively across South Lanarkshire, accelerating climate change action to benefit our local area and contribute to addressing the global climate emergency.”

Residential Care Facilities

Notice of Motion

Motion received in terms of Standing Order No 19 on 10 September 2019, proposed by Councillor Joe Fagan, seconded by Councillor Allan Falconer, as follows:-

“That the Council believes every area of South Lanarkshire should have access to residential care facilities providing long-term, respite and transitional care; notes community concern about the future provision of residential care in South Lanarkshire; requests that all phases of the modernisation of residential care facilities are subject to public consultation, and requests the modernisation programme be amended to include the provision of long-term care in the planned Blantyre care hub.”

South Lanarkshire Council Unequivocally Condemns the Actions of the Prime Minister Boris Johnson and the Current Government in Proroguing the Parliament of the United Kingdom

Notice of Motion

Motion received in terms of Standing Order No 19 on 2 September 2019, proposed by Councillor Robert Brown, seconded by Councillor Mark McGeever, as follows:-

“South Lanarkshire Council unequivocally condemns the actions of Prime Minister Boris Johnson and the current government in proroguing the Parliament of the United Kingdom. The Council has identified Brexit as a major risk on the Council’s Risk Register.

Council holds that any suspension of Parliament ordered against the will of the House of Commons is antidemocratic and welcomes the recent decision of the Inner House of the Court of Session on the matter. This Council believes the recent actions of ministers are a dangerous and historic misuse of powers vested in the Crown, and are contrary to the core principles of the British constitution. Council laments that the present government has placed its own political interest ahead of its fundamental duty to uphold parliamentary democracy.

This Council notes that overwhelming majorities of MPs have consistently rejected leaving the EU either without an agreement, or under the terms of the Withdrawal Agreement negotiated between the previous Government and the EU. Further, in the 3 years since the 2016 Referendum, it has been demonstrated beyond doubt that there is no form of Brexit able to be delivered which is in the interests of Scotland or the United Kingdom and that the mandate of the 2016 referendum is now exhausted.

South Lanarkshire Council commends the cross-party efforts to defend the rights of elected representatives in parliament, and to prevent a deeply damaging and illegitimate Brexit being imposed against the wishes and the interests of most people in South Lanarkshire, Scotland and the United Kingdom.

This Council holds that the time has come to halt Brexit and that that this needless and harmful crisis should be resolved by returning the question to the public through a People’s Vote.”

