



Council Offices, Almada Street  
Hamilton, ML3 0AA

Tuesday, 26 June 2018

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, 27 June 2018  
**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.

<b>Members are reminded to bring their fully charged tablets to the meeting</b>
---

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, 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, Sheena Wardhaugh, Jared Wark, David Watson, Josh Wilson

## BUSINESS

### 1 Sederunt and Declaration of Interests

- 2 **Minutes of Previous Meeting** 3 - 8  
Minutes of the meeting of the South Lanarkshire Council held on 28 February 2018 submitted for approval as a correct record. (Copy attached)

---

### Item(s) for Decision

---

- 3 **Recommendation Referred by the Executive Committee - Annual Investment Report 2017/2018**  
Report dated 27 June 2018 by the Chief Executive. (Copy to be tabled)
- 4 **Review of Risk and Audit Scrutiny Forum** 9 - 20  
Report dated 4 June 2018 by the Executive Director (Finance and Corporate Resources). (Copy attached)
- 5 **Establishment of a Petitions Committee as Part of the Council's Decision Making Framework** 21 - 34  
Report dated 11 June 2018 by the Executive Director (Finance and Corporate Resources). (Copy attached)
- 6 **Construction Charter - Notice of Motion** 35 - 38  
Motion received in terms of Standing Order No 19 on 22 May 2018, proposed by Councillor Convery and seconded by Councillor Fagan. (Copy attached)
- 7 **Young People's Rights - Notice of Motion** 39 - 40  
Motion received in terms of Standing Order No 19 on 6 June 2018, proposed by Councillor Marrs and seconded by Councillor Loudon. (Copy attached)

---

### Urgent Business

---

- 8 **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](mailto:susan.somerville@southlanarkshire.gov.uk)

## **SOUTH LANARKSHIRE COUNCIL**

Minutes of meeting held in the Council Chamber, Council Offices, Almada Street, Hamilton on 28 February 2018

### **Chair:**

Provost Ian McAllan

### **Councillors Present:**

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, 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, Monique McAdams, Catherine McClymont, Kenny McCreary, Hugh Macdonald, Colin McGavigan, Mark McGeever, Jim McGuigan, Davie McLachlan, Julia Marrs, Gladys Miller, Lynne Nailon, Richard Nelson, Carol Nugent, Mo Razzaq, John Ross, Graham Scott, David Shearer, Collette Stevenson (Depute), Bert Thomson, Margaret B Walker, Jim Wardhaugh, Sheena Wardhaugh, Jared Wark, David Watson, Josh Wilson

### **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**

L Purdie, Head of Children and Justice Services

---

### **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 6 December 2017 were submitted for approval as a correct record.

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

---

### **3 Recommendations Referred by Executive Committee - Housing Revenue and Capital Account Budget 2018/2019; Revenue Budget and Level of Local Taxation 2018/2019; Prudential Indicators 2018/2019 to 2020/2021, Treasury Management Strategy and Annual Investment Strategy 2018/2019**

---

A report dated 28 February 2018 by the Chief Executive was tabled on recommendations referred to the Council by the Executive Committee of 28 February 2018. The recommendations were as follows:-

#### **◆ Housing Revenue and Capital Account Budget 2018/2019**

- ◆ that the Revenue Estimate proposals for the Housing Revenue Account Budget 2018/2019, as detailed in the report, be approved subject to the removal of the following items from the Housing Revenue Account savings proposals for 2018/2019 in relation to the rationalisation of services in tower blocks:-
  - ◆ removal of Greenhill Court night shift cover £0.087 million
  - ◆ reduction in communal cleaning £0.021 million
  - ◆ rationalisation of the laundry service £0.010 million
- ◆ that the weekly rent increase of 3.95% for Council houses be approved;
- ◆ that the 3.95% increase also be applied to the rent of lockups, garage sites and travelling persons' sites;
- ◆ that the Council's factoring fee be increased from £28.08 to £28.78 per quarter;
- ◆ that the next stage of rent harmonisation be progressed as detailed in the report;
- ◆ that, based on the proposed rent increase of 3.95%, the 2018/2019 Housing Capital Programme of £44.935 million, as detailed in Appendix 2 to the report, be approved; and
- ◆ that an indicative rent increase baseline of 3.95% for Council houses for financial years 2019/2020 and 2020/2021 be approved.

*[Reference: Minutes of the Executive Committee of 28 February 2018 (Paragraph 6)]*

#### **◆ Revenue Budget and Level of Local Taxation 2018/2019**

- ◆ that the Revenue Budget for 2018/2019 be approved;
- ◆ that the budget allocations for each Resource, as detailed in the appendix to the report, be approved;
- ◆ that the band D Council Tax for 2018/2019 be set at a figure of £1,134;
- ◆ that the actions required to finalise the Council's detailed Revenue Budget for 2018/2019 be approved; and
- ◆ that governance arrangements, incorporating the Performance and Review Scrutiny Forum, the Risk and Audit Scrutiny Forum and the Financial Resources Scrutiny Forum, be continued.

*[Reference: Minutes of the Executive Committee of 28 February 2018 (Paragraph 8)]*

#### **◆ Prudential Indicators 2018/2019 to 2020/2021, Treasury Management Strategy and Annual Investment Strategy 2018/2019**

- ◆ that the Prudential Indicators for the period 2018/2019 to 2020/2021, Treasury Management Strategy for 2018/2019 and the Annual Investment Strategy 2018/2019 be approved.

*[Reference: Minutes of the Executive Committee of 28 February 2018 (Paragraph 11)]*

In response to a proposal by Councillors Convery and Brogan to provide an additional £3 million funding for roads and pavements and £0.100 million for the Ashley Grant Older People's Day Care Centre, East Kilbride, the Head of Administration and Legal Services advised that, as the proposal related to a change to the full savings package which had been approved at today's Executive Committee, the proposal was not competent. She explained that the setting of the overall revenue budget comprised of various elements, the level of Council Tax and rent levels

for Council houses being within the powers and responsibilities of the Council, while the Executive Committee had the power to approve the savings package. She further advised that it had been open for any member of the Executive Committee at the earlier meeting today to propose that the savings package be referred to the Council for approval.

In response to concerns raised that not all members had had sight of the previous amendments considered at the Executive Committee, it was confirmed that both amendments had been emailed to all members in advance.

Councillor Ross:-

- ◆ made a statement highlighting that the Council's financial settlement from the Scottish Government, which had been higher than anticipated, had allowed the proposed budget to be progressive and its aim was to improve the lives of all South Lanarkshire's citizens
- ◆ referred to the introduction of a number of new initiatives, such as the introduction of breakfast clubs and holiday activity lunch clubs as well as a 50% increase in the clothing and footwear allowance for those pupils entitled to it, which would mitigate the difficulties caused by austerity
- ◆ highlighted the proposal to fund new teaching posts and trainees within the early years and elderly care sector
- ◆ acknowledged the contribution made by the Third Sector within communities and highlighted that the budget included an increase in grant support to Third Sector organisations
- ◆ referred to the fact that, as a minority Administration, consensus was sought with the other political leaders and, while not fully achieved, wished to thank, in particular, the Independent Group and the Liberal Democrat member
- ◆ thanked officers for their assistance with the budget process

Councillor Ross, seconded by Councillor Chalmers, moved that the recommendations within the report, including a 3% Council Tax rise, be approved. Councillor Holford, seconded by Councillor McCreary, moved as an amendment that the Council Tax rise be reduced from 3% to 1%, with the gap to be funded from reserves. For the avoidance of doubt, the Chief Executive clarified the recommendations and amendment which were being put before the Council for its consideration prior to moving to the vote.

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

**Motion – that the recommendations within the report, including a 3% Council Tax rise, be approved**

John Anderson, John Bradley, Robert Brown, Archie Buchanan, Jackie Burns, Janine Calikes, Stephanie Callaghan, Maureen Chalmers, Margaret Cooper, Peter Craig, Mary Donnelly, Isobel Dorman, Alistair Fulton, Geri Gray, George Greenshields, Graeme Horne, Mark Horsham, Katy Loudon, Joe Lowe, Ian McAllan, Hugh Macdonald, Jim McGuigan, Julia Marrs, Gladys Miller, Carol Nugent, John Ross, David Shearer, Collette Stevenson, Jim Wardhaugh, Sheena Wardhaugh, David Watson, Josh Wilson

**Amendment – that the Council Tax rise be reduced from 3% to 1%, with the gap to be funded from reserves**

Alex Allison, Graeme Campbell, Poppy Corbett, Ian Harrow, Eric Holford, Martin Grant Hose, Ann Le Blond, Richard Lockhart, Kenny McCreary, Colin McGavigan, Mark McGeever, Lynne Nailon, Richard Nelson, Jared Wark

**Abstained**

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

14 members voted for the amendment and 32 for the motion which was declared carried.

Councillor Brown intimated that, while overall he considered this to be a good budget, he had reservations in relation to the gap in capital and revenue funding for early years, as well as in relation to teacher recruitment. He also highlighted the democratic role of the Council and considered it would be useful to adopt the practice of subject Resource Committees considering the effects of changes to funding support as part of the budget process.

Councillor Brogan considered that councils required £545 million of funding and, while the settlement from the Scottish Government had been slightly better than anticipated, savings were still required. He welcomed the removal of some savings from the overall package, however, he considered that the 2 contained within his earlier amendment to the Executive Committee should also have been removed.

Councillor Allison intimated that the grant settlement from the Scottish Government was a cut in actual terms. He further considered that the 3% Council Tax rise, together with the increase in income tax, would adversely impact on low income families.

Councillor Dryburgh, while welcoming the free breakfast initiative, raised concerns it would not be for every school. She further raised concerns that there was no funding awarded for anti-bullying initiatives or to tackle period poverty.

**The Council decided:** that the recommendations of the Executive Committee of 28 February 2018 in relation to the following issues be approved:-

- ◆ Housing Revenue and Capital Account Budget 2018/2019
- ◆ Revenue Budget and Level of Local Taxation 2018/2019
- ◆ Prudential Indicators 2018/2019 to 2020/2021, Treasury Management Strategy and Annual Investment Strategy 2018/2019

*[Reference: Minutes of the Executive Committee of 28 February 2018 (Paragraphs 6, 8 and 11)]*

---

#### **4 Sale and Use of Single-use Plastic Items - Notice of Motion**

---

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

“This motion calls on South Lanarkshire Council to end the sale and use of single-use plastic items such as cups, cutlery and plastic drinking straws across Council facilities within a year. The motion also calls on South Lanarkshire to promote South Lanarkshire Leisure and Cultural Resources to follow the Council’s initiative.”

Councillor McClymont moved the motion and this was seconded by Councillor Dryburgh. Councillor S Wardhaugh suggested that the words ‘within a year’ be replaced by ‘as soon as is practicable’. This was accepted and the motion before the meeting was duly amended and unanimously agreed.

**The Council decided:**

that the terms of the motion as amended be supported to end the sale and use of single-use plastic items such as cups, cutlery and plastic drinking straws across Council facilities as soon as was practicable and to encourage South Lanarkshire Leisure and Culture to follow the Council's initiative.

---

**5 Urgent Business**

---

There were no items of urgent business.





# Report

<b>To:</b>	<b>South Lanarkshire Council</b>
<b>Date:</b>	<b>27 June 2018</b>
<b>Prepared by:</b>	<b>Executive Director (Finance and Corporate Resources)</b>

<b>Subject:</b>	<b>Review of Risk and Audit Scrutiny Forum</b>
-----------------	--

## **1. Purpose of Report**

1.1. The purpose of the paper is to:-

- ◆ Advise of the findings of the Review of the current arrangements for the Risk and Audit Scrutiny Forum against the Chartered Institute of Public Finance and Accountancy (CIPFA) best practice guidance

## **2. Recommendation(s)**

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

- (1) that the content of the CIPFA Best Practice Guidance is noted;
- (2) that the findings of the benchmarking exercise with other local authorities, outlined at Appendix 2, are noted;
- (3) that the Risk and Audit Scrutiny Forum be renamed the Risk and Audit Scrutiny Committee and be given full decision-making powers; and
- (4) that the enhanced Terms of Reference for the Risk and Audit Scrutiny Committee, attached at Appendix 3, be approved.

## **3. Background**

- 3.1. Following Audit Scotland's comparison of the Risk and Audit Scrutiny Forum's arrangements against the then current CIPFA best practice guidance as part of the audit of the 2016/2017 accounts, Audit Scotland, the Council's external auditors, advised the Council of its opinion that the Risk and Audit Scrutiny Forum's current terms of reference were limited as it had not been delegated the responsibility to approve matters such as the annual accounts.
- 3.2 The Forum currently does not have decision making powers. It considers audit reports and other relevant matters and reports to the Executive Committee.
- 3.3 On 30 August 2017, the Executive Committee approved a recommendation that a review be undertaken of the current arrangements in place for the Risk and Audit Scrutiny Forum against CIPFA Best Practice and that the findings of the review be reported to a future meeting of the Council.

#### **4. Risk and Audit Scrutiny Forum Terms of Reference**

4.1 The current powers and responsibilities of the Risk and Audit Scrutiny Forum are attached at Appendix 1 and are as follows:-

- ◆ To consider and monitor the implementation of the annual Audit Plan together with the impact and effectiveness of the Audit Planning process.
- ◆ To review and consider all relevant matters from internal and external audit reports.
- ◆ To consider and review the external audit planning memorandum
- ◆ To monitor the Council's Good Governance and risk management responsibilities.

#### **5. The Chartered Institute of Public Finance and Accounting Best Practice Guidance**

5.1 CIPFA guidance advises that the three fundamental principles that define the expression "audit committee principles" are that there should be effective mechanisms in place to provide:-

- ◆ independent assurance of the adequacy of the risk management framework and the associated control environment within the authority
- ◆ independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment
- ◆ assurance that any issues arising from the process of drawing up, auditing and certifying the authority's annual accounts are properly dealt with

5.2 In terms of delivering the audit committee principles, CIPFA guidance also states that the audit committee should have clear terms of reference or a set remit which has been agreed by the full Council. It states that, if the committee is charged with delivering each of the audit committee principles, its remit will include:-

- ◆ **forming a judgement on risk management procedures** within the Council and the impact of these on internal controls
- ◆ **consideration** of non-financial performance where this affects the authority's exposure to risk and weakens the control environment
- ◆ **approval and subsequent monitoring** of the internal audit strategy and periodic internal audit plan. A product of this process will be the formation of a view by the committee of the effectiveness of internal audit; and,
- ◆ **consideration** of the annual statement of accounts

5.3 CIPFA guidance further states that, in respect of audit committees:-

- ◆ consideration should be given to selecting a Chair from outwith the administration
- ◆ the Committee may function more effectively with a small membership
- ◆ membership of the audit committee should reflect the overall political balance of the Council
- ◆ the audit committee should submit a periodic or annual report to Council
- ◆ the frequency of meetings will be prescribed within the council's committee cycle
- ◆ the audit committee should not play a role in the day to day operational or strategic management of the authority

- 5.4 In relation to annual accounts, CIPFA Guidance states that there should be an effective mechanism in place to provide assurance that any issues arising from the process of drawing up, auditing and certifying the authority's annual accounts are properly dealt with. This is to reflect the statutory nature of this key aspect of financial accountability. The guidance suggests that the audit committee may be given a role in providing an overview of the progress from commencement of compilation to the receipt of the audit certificate but recognises that it is a matter for each local authority to determine the extent of the audit committee's role in the process and that it may be that the role can be limited to a consideration of progress of the process overall without an active consideration of the statement of accounts.
- 5.5 The 2018 Guidance provides in relation to decision making powers and delegations that an audit committee is a non-executive body whose role is to make recommendations. It goes on to indicate that the impact of the committee is through influence and persuasion rather than direct decision making and that its effectiveness does not depend on the delegation of powers. It does advise, however, that a Council may include direct delegations to the Audit committee to approve as well as review and monitor for example the Annual Governance Statement and financial statements on behalf of the Council.
- 5.6 The CIPFA Survey on Audit Committees in Local Authorities and Police 2016 found that 85% of Councils had audit committees that reported to the full council. It explained that whereas an audit committee reporting to an Executive Committee may be advantageous if it increases the likelihood of its recommendations being addressed, it has two disadvantages from a wider governance perspective, in that it is not reporting to the body charged with governance, the full Council and therefore is not assisting the Council to discharge its governance responsibilities and secondly it may be perceived by the public as not being independent of the Executive.
6. **South Lanarkshire Council position**
- 6.1 Following the review of the Council Annual Accounts 2017-18, Audit Scotland recommended that the Council review the reporting line of the Forum and consider, with reference to best practice, whether powers to approve matters such as the audited annual accounts were appropriate.
- 6.2 The current terms of reference of the Risk and Audit Scrutiny Forum are set out at paragraph 4.1 above and in Appendix 1.
- 6.3 The Council's Risk and Audit Scrutiny Forum currently follows CIPFA guidance detailed in paragraph 5.2 and 5.3 above in relation to:-
- ◆ selection of the Chair from outwith the administration
  - ◆ political balance
  - ◆ smaller membership
  - ◆ frequency of meetings
  - ◆ clear Terms of Reference agreed by the Council
- 6.4 The Council's Risk and Audit Scrutiny Forum deviates from CIPFA guidance in so far as, firstly, it does not have decision making powers, in particular, it does not approve the internal audit strategy and internal audit plan but endorses both for approval by the Executive Committee, and, secondly, it does not report to the full Council.

## **7 Practices Adopted by Other Scottish Local Authority Audit Committees**

- 7.1 CIPFA guidance recognises that all councils are audited and exercise some form of self-scrutiny but the structures that are employed to carry out these functions vary considerably.
- 7.2 An exercise was undertaken to determine practices adopted by other local authorities in Scotland in terms of audit committees. While all Scottish local authorities have an audit committee, these vary in terms of remit. Results from the benchmarking exercise are detailed in Appendix 2.
- 7.3 Most audit committees have decision making powers but the functions differ in part to the remit of this Council's Risk and Audit Scrutiny Forum.

## **8. Next Steps**

- 8.1 With regard to decision making powers, Audit Scotland has recommended that the Council review the reporting line of the Risk and Audit Scrutiny Forum and consider, with reference to best practice, whether powers to approve matters such as the audited annual accounts are appropriate. CIPFA Guidance regarding the remit of audit committees indicates that the audit committee should approve the internal audit plan and strategy but is less clear in relation to approval of the annual statement of accounts, risk strategy and governance issues. As detailed above, practice adopted by other local authorities is also varied and CIPFA, in its guidance, recognises that local authority audit committees adopt a range of approaches and acknowledges that "there is no one model which could ever be taken as representing best practice".
- 8.2 In view of the CIPFA Best Practice Guidance, it is recommended that the Risk and Audit Scrutiny Forum be renamed as the Risk and Audit Scrutiny Committee and that it be delegated decision making powers in terms of the matters within its remit, including the power to approve the Internal Audit Strategy, the Annual Internal Audit Plan, the Annual Statement of Accounts, together with the Internal Audit Annual Assurance Report and the Annual Governance Statement as these form part of the Accounts.
- 8.3 A Terms of Reference for a renamed Risk and Audit Scrutiny Committee with decision making powers is attached at Appendix 3.
- 8.4 In terms of CIPFA guidance, the Leader of the Council, Chief Executive and Executive Director (Finance and Corporate) Resources would be required to attend the meeting of the Risk and Audit Scrutiny Committee at which the Annual Statement of Accounts and Annual Governance Statement are approved for signature.

## **9 Employee Implications**

- 9.1 There will be the requirement to service another Committee within the Council, however, as arrangements are already in place to support the Forum, no additional employee resources are required.

## **10 Financial Implications**

- 10.1 There would be no significant financial implications resulting from the report.

## **11 Other Implications**

- 11.1 There are no significant implications in terms of risk or sustainability arising from this report.

## **12 Equality Impact Assessment and Consultation Arrangements**

- 12.1 There was no requirement to carry out an Equality Impact Assessment or carry out a consultation exercise in terms of the recommendation in this report.

**Paul Manning**

**Executive Director (Finance and Corporate Resources)**

4 June 2018

### **Link(s) to Council Values/Ambitions/Objectives**

Fair, open and sustainable

Accountable, effective, efficient and transparent

### **Previous References**

Executive Committee of 30 August 2017

### **List of Background Papers**

None

### **Contact for Further Information**

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

Name: Geraldine McCann

Designation: Head of Administration and Legal Services

Tel: 01698 454658

E-mail: [geraldine.mccann@southlanarkshire.gov.uk](mailto:geraldine.mccann@southlanarkshire.gov.uk)



**Risk and Audit Scrutiny Forum****4****1 Powers and Responsibilities**

- 1.1 To consider and monitor the implementation of the annual Audit Plan together with the impact and effectiveness of the Audit Planning process.
- 1.2 To review and consider all relevant matters from internal and external audit reports.
- 1.3 To consider and review the external audit planning memorandum
- 1.4 To monitor the Council's Good Governance and risk management responsibilities.

**2 Membership**

- 2.1 10 members (Political balance: 4 SNP; 3 Labour; 2 Con; 1 Ind Group/Lib Dem). Membership to be drawn from members not on the Executive Committee, with the exception of the Chair, who will be an Opposition councillor, and may serve on the Executive Committee.
- 2.2 There will be provision for individual Groups to substitute up to a maximum of 2 members.
- 2.3 Quorum – 3.

**3 Meeting Arrangements and Practice**

- 3.1 To meet as required in line with the annual audit cycle with meetings held in public.
- 3.2 To report through the Executive Committee.





**Results of benchmarking with other local authorities.**

In addition to the remit of the Council's Risk and Audit Scrutiny Forum (paragraph 4.1 of the Report), audit committees in other local authorities have responsibility for a number of other matters including:-

- ◆ approval of Health and Safety Policy (Aberdeen City Council)
- ◆ review and oversight of complaints procedure (Aberdeenshire Council, Angus Council, City of Edinburgh Council, Fife Council)
- ◆ approval of local policing and fire and rescue plans (Aberdeenshire Council)
- ◆ setting key performance indicators and targets to be monitored by Area Committees (Dumfries and Galloway Council)

A number of authorities include within the remit of the audit committee, approval of the Internal Audit Plan but only consideration or review of the audited accounts. These include:-

- ◆ West Lothian Council
- ◆ Stirling Council
- ◆ Falkirk Council
- ◆ Renfrewshire Council
- ◆ City of Edinburgh Council

In some other authorities, the audit committee does not have the authority to approve either the Internal Audit Plan/strategy or the statement of accounts. This includes this Council and the following authorities:-

- ◆ Glasgow City Council
- ◆ Inverclyde Council
- ◆ North Ayrshire Council

Other audit committees have authority to approve both the Internal Audit Plan and the Statement of Accounts. This includes those in:-

- ◆ Aberdeen City Council
- ◆ Aberdeenshire Council
- ◆ Angus Council
- ◆ East Ayrshire Council
- ◆ East Dunbartonshire Council
- ◆ Fife Council
- ◆ North Lanarkshire Council
- ◆ Perth and Kinross Council

Audit committees which only have authority to only approve the annual Statement of Accounts:-

- ◆ Shetland
- ◆ South Ayrshire Council

With regard to Good Governance and risk responsibilities, the remit of a number of local authority audit committees include scrutiny, consideration, assessment or review of arrangements in place. These include:-

- ◆ Angus Council
- ◆ City of Edinburgh Council
- ◆ East Renfrewshire Council
- ◆ Falkirk Council
- ◆ Fife Council
- ◆ Glasgow City Council
- ◆ Inverclyde Council
- ◆ North Lanarkshire Council
- ◆ Perth and Kinross Council
- ◆ Scottish Borders Council
- ◆ Shetlands Council
- ◆ South Ayrshire Council
- ◆ Stirling Council

Audit committees which have authority to approve the risk management strategy:-

- ◆ Aberdeen Council
- ◆ Clackmannanshire Council
- ◆ Renfrewshire Council

Approval of the Council's annual governance statement and Corporate Governance Implementation Plan:-

- ◆ East Ayrshire Council

Approval of the annual governance statement and risk management strategy:-

- ◆ North Ayrshire Council

**Risk and Audit Scrutiny Committee****4****1 Powers and Responsibilities**

- 1.1 To approve the annual Audit Plan and monitor the implementation of it together with the impact and effectiveness of the Audit Planning process.
- 1.2 To review and consider all relevant matters from internal and external audit reports.
- 1.3 To approve the Internal Audit Annual Assurance Report
- 1.4 To consider and review the external audit planning memorandum
- 1.5 To monitor the Council's Corporate Governance and risk management responsibilities
- 1.6 To consider and approve the Council's Annual Governance Statement
- 1.7 To make recommendations to full Council or Executive committee as appropriate in terms of their remit in relation to any matters within its remit relating to corporate governance, risk and risk management
- 1.8 To consider and approve the Council's Annual Statement of Accounts

**2 Membership**

- 2.1 10 members (Political balance: 4 SNP; 3 Labour; 2 Con; 1 Ind Group/Lib Dem). Membership to be drawn from members not on the Executive Committee, with the exception of the Chair, who will be an Opposition councillor, and may serve on the Executive Committee.
- 2.2 There will be provision for individual Groups to substitute up to a maximum of 2 members.
- 2.3 Quorum – 3.

**3 Meeting Arrangements and Practice**

- 3.1 To meet as required in line with the annual audit cycle with meetings held in public.
- 3.2 Approved Minutes of the Committee to be reported to the Council for noting.



# Report

5

Report to:	<b>South Lanarkshire Council</b>
Date of Meeting:	<b>27 June 2018</b>
Report by:	<b>Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>Establishment of a Petitions Committee as Part of the Council's Decision Making Framework</b>
----------	--

## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise the Council on the work undertaken by the Task and Finish Group set up by the Executive Committee to consider the establishment of a Petitions Committee as part of the Council's Decision Making Framework
- ◆ advise the Council on the recommendations resulting from the work of the Group

## 2. Recommendation(s)

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

- (1) that the establishment of a Petitions Committee as part of the Council's decision making framework be approved; and
- (2) that membership of the Petitions Committee be finalised by the Chief Executive in consultation with the political and independent group Leaders in line with the proposed Terms of Reference.

## 3. Background

3.1. At its meeting held on 28 June 2017, the Executive Committee approved proposals to set up a Task and Finish Group to consider the merits and potential benefits of the Council establishing a Petitions Committee within its Decision Making Framework.

3.2. Chaired by Councillor Robert Brown, the Task and Finish Group held its first meeting on 12 October 2017 and met on 4 occasions, holding its final meeting on 15 March 2018.

3.3. As well as the chair, the Group included Councillors Chalmers, Horsham, and McGuigan from the SNP Group, Councillors Logan and McLachlan from the Labour Group, Councillor McGeever from the Conservative Group and Councillor Burns from the Independent Group.

3.4. The Group considered the following areas in detail:-

- to what extent the establishment of a Petitions Committee would improve the ability of local communities/residents to engage with the Council
- the development of a set of guidance and criteria for the public on how to submit a Petition and how the process of validating and considering a petition would work in practice within the Council when a Petition was submitted (a copy of the guidance/criteria document is attached as appendix 1)
- a Terms of Reference for the Petitions Committee (attached as appendix 2)

- the development of a communications plan via the Council's website, local newspapers other digital mediums e.g. facebook and twitter to raise public awareness that the Council has established a Petitions Committee.

3.5 As stated above, the Group has produced a "Guidance on sending a Petition" document which is attached at appendix 1. The key sections covered in the document are:-

- issues we will consider
- issues we will not consider
- action you should take before submitting your petition
- the ways you can submit a petition, eg post, electronic and online
- how the Council will validate a petition
- privacy policy and content of petitions
- how to access support and help with submitting a petition
- the process for considering your petition including guidance on attending and addressing the Petitions Committee
- how to get further information

3.6 It should be noted that the Group have recommended that the minimum number of signatories be set at 50 and that the principal petitioner should be a South Lanarkshire resident or be directly affected by the issue that the petition is raising.

#### **4. Next Steps**

- 4.1. The overarching recommendation coming from the Group is that there was unanimous cross-party support for the establishment of a Petitions Committee and that this be put in place for the first cycle of meetings following the Council's summer recess. This report is, therefore, submitted to the Council for approval.
- 4.2 If approved, work will be undertaken to raise public awareness of the establishment of a Petitions Committee through the Council's website, local newspapers, other digital platforms such as facebook and twitter.

#### **5. Employee Implications**

- 5.1. There will be the requirement to service another Committee within the Council and this can be accommodated within existing resources.

#### **6. Financial Implications**

- 6.1. There would be no significant financial implications resulting from the report.

#### **7. Other Implications**

- 7.1. There are no significant implications in terms of risk or sustainability arising from this report.
- 7.2 There might be other implications in terms of Members' time if there are significant numbers of petitions submitted.

#### **8. Equality Impact Assessment and Consultation Arrangements**

- 8.1. There was no requirement to carry out an Equality Impact Assessment or carry out a consultation exercise in terms of the recommendation in this report.

**Paul Manning**  
**Executive Director (Finance and Corporate Resources)**

11 June 2018

**Link(s) to Council Values/Ambitions/Objectives**

Fair, open and sustainable

Accountable, effective, efficient and transparent

**Previous References**

Executive Committee of 28 June 2017

**List of Background Papers**

None

**Contact for Further Information**

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

Gordon Bow

Administration Manager

Ext: 4719 (Tel: 01698 454719)

E-mail: [gordon.bow@southlanarkshire.gov.uk](mailto:gordon.bow@southlanarkshire.gov.uk)





## South Lanarkshire Council Guidance on Sending a Public Petition

### Our Values

One of South Lanarkshire Council's key values is that we are focused on people and their needs. People and communities are at the very heart of this vision, which is to improve the quality of life of everyone in South Lanarkshire.

The Council aims to work with all sections of the community to ensure South Lanarkshire remains a great area for residents to live, and an attractive place for others to visit and in which to invest.

### 1 Introduction

- 1.1 South Lanarkshire Council aims to provide you with good quality services which are easy to access and meet your needs as a citizen of South Lanarkshire.
- 1.2 The public petitions' process plays a key part in these aims by encouraging you to participate fully in the decision making process, either by yourself or as part of a group.
- 1.3 If you would like to send the Council a petition, please read the following guidance and instructions carefully before preparing and submitting a petition.

### 2 Issues which we will consider

- 2.1 Your petition should refer to services provided by South Lanarkshire Council or issues that affect your community that the Council is involved in. You should clearly explain the purpose of the petition and what result you expect to achieve.

### 3 Issues we will not consider

- ♦ If your petition is a comment or a complaint you should send it through the Council's well established complaints process. The link to the comments and complaints form is provided below:-  
[https://www.southlanarkshire.gov.uk/info/200170/comments\\_comments\\_and\\_consultations/579/comments\\_compliments\\_and\\_complaints\\_procedure](https://www.southlanarkshire.gov.uk/info/200170/comments_comments_and_consultations/579/comments_compliments_and_complaints_procedure)
- ♦ Petitions that refer to any current court, legislative or regulatory proceedings, for example planning or licensing applications
- ♦ Petitions that are the same or very similar to petitions the Council has already considered within the previous twelve months
- ♦ Petitions submitted by Councillors
- ♦ Petitions that relate to a current or recent proposal that is subject to a specific Council consultation/engagement exercise
- ♦ Petitions that relate to individual or personal issues

### 4 Action you should take before you send us a petition

- 4.1 Before submitting a petition, you should have:-
  - ♦ raised the issue with the Council, in the first instance, ie as a comment/complaint/email to the relevant Resource/Service
  - ♦ it is desirable that you have raised the issue with one of your local elected members or the relevant Community Council
- 4.2 Please ensure copies of your correspondence on the above are attached with your petition.

### 5 Submitting a Petition

- 5.1 You can submit a petition by email, by post or by hand
- 5.2 For all petitions submitted by email, post or by hand there are some basic requirements.

5.3 The petition should be titled and include a statement of no more than 250 words which covers the purpose of the petition and details the results you would expect to achieve by presenting the petition to the Petitions Committee.

5.4 Your Petition must have a minimum of 50 signatories who must live within the South Lanarkshire area or be directly affected by the issue that the petition is raising.

(Note: Fewer signatories may be accepted at the discretion of the Petitions Committee Chair, where the issue concerns a small community which could not be reasonably be expected to raise 50 signatories).

The petition **must** include the following:-

- ◆ Your **name or the name of the principal petitioner** who **must** live within the **South Lanarkshire Council area**; (we may check your eligibility).
- ◆ You or the principal petitioner's **address** to which all communications will be sent
- ◆ The **name, address and signature** of any person(s) supporting the petition

5.5 Names and addresses can be gathered both online and by paper. If you are going to use both a paper and online version, we ask that you remove any repeat names before submitting it to the Council.

5.6 For paper petitions, it would be helpful if your petition is typewritten or completed using a black pen. If you have any difficulty in filling in the form, please contact the Clerk to the Committee for assistance.

5.7 If your petition is endorsed by a Community Council, a Community Council Office Bearer must countersign the petition at part two. Where relevant, you should also attach a copy of the minutes of the Community Council meeting, when the support was approved.

5.8 A form for petitions is included within these Guidance Notes. You can also download the form from the Council's website at [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk) You can also request a paper copy by contacting the:-

Clerk to the Public Petitions Committee  
South Lanarkshire Council  
Council Offices  
Almada Street  
Hamilton  
ML3 0AA

## 6 **Online Petitions**

6.1 The Council has a dedicated webpage where you can set up your petition and people can sign up to your petition.

6.2 Online petitions can be hosted on the website, once approved, for one month. During this time, people wishing to support the petition can do this online by registering the following details:

- ◆ Name
- ◆ Address
- ◆ Email address

6.3 Supporting signatories **must** live within the South Lanarkshire Council area or be directly affected by the issue that the petition is raising.

6.4 You can also collect paper signatures alongside online signatures. Only the principal Petitioner can submit paper signatures to the Committee Clerk to update the number on the website.

6.5 Online Petitions will display:

- ◆ Title/subject of the Petition
- ◆ Principal Petitioner's name
- ◆ Start and closing date

6.6 The Clerk to the committee will notify the person who registered the petition (the principal petitioner) once a petition has reached the required number of signatures.

6.7 Once submitted, South Lanarkshire Council will endeavour to validate online petitions within **10 working days**. This time will be used to ensure that petitions are valid and meet the eligibility criteria. Principal Petitioners are advised to take this into account before proceeding.

6.8 Once the petition has been accepted, it will become a public document available to view on the Council's website.

## 7 **Privacy Policy and Content of Petitions**

7.1 Information about any individual will not be used for any other purpose other than in relation to the petition. Our Privacy Statement sets out how we collect information and what we do with it.

7.2 For your part, you must make sure the information you send does not include:

- ◆ false or insulting statements
- ◆ information that is protected by an interdict or court order
- ◆ information that is commercially sensitive, confidential or that may cause personal distress or loss
- ◆ the names of individual officers of public bodies
- ◆ the names of other individuals or information whereby they may be easily identified
- ◆ offensive language, for example swear words, insulting, sarcastic or provocative language or other terms that could reasonably be considered as offensive by the reader
- ◆ duplicate signatures

## 8 **Support and help with a petition**

8.1 We will accept petitions in community languages and other formats. We will also arrange for interpretation and translation services, including British Sign Language if you need it. We will take account of your needs when making arrangements to hear petitions. If you need any support, you or your representative, should discuss these with the Clerk to the Committee.

## 9 **How to send in your petition**

9.1 If you complete your petition using our online petition system, we will confirm your petition is submitted once you reach the required level of signatures or support.

Email, post or hand-delivery

9.2 When you are satisfied your petition meets the conditions outlined in this guidance, you should submit the petition to:-

Clerk to the Public Petitions Committee  
South Lanarkshire Council  
Council Offices  
Almada Street  
Hamilton  
ML3 0AA

9.3 You can also email your petition to a generic Petitions inbox which will be set up for this purpose. The Clerk will let you know your petition has been received.

## 10 **What happens next**

- 10.1 Once your petition has been checked (validated) that it meets the criteria set out at section 2 to 5 as being completed correctly, a committee date will be allocated. This will depend both on the workload of the Committee and also the time taken to complete the validation process.
- 10.2 The Chair of the Committee may invite petitioners to appear before the committee to speak in support of their petition to help the committee reach a decision. As a petitioner, you should indicate on the form if you want to make a statement to the committee.
- 10.3 Subject to the discretion of the Chair of the Committee, you as a petitioner can speak for up to 10 minutes. You may bring up to two supporters to the Committee who may speak on your behalf.
- 10.4 Councillors on the Committee may ask you questions relating to the issue or issues that have been raised in the petition.
- 10.5 If you as a petitioner need any help making a statement to the Committee – for example translation and or interpretation – please contact the Clerk to the Committee in advance.
- 10.6 Following the consideration of a petition, the Public Petitions Committee will take a decision on action to be taken as follows:-
- (a) Agree the issue(s) raised deserves further action and agree to refer the petition to another Council Committee, officer or other organisation
  - (b) Agree the issue(s) raised does not merit further action; or
  - (c) Refer, with recommendations, for further action
- 10.7 You, as the petitioner, will be advised of the committee's decision in writing within 10 working days of the Petition Committee meeting.

**11 Further Information**

- 11.1 All letters and enquiries should be sent to:-

Clerk to the Public Petitions Committee  
South Lanarkshire Council  
Council Offices  
Almada Street  
Hamilton  
ML3 0AA



Please refer to the **Guidance on Submission of Public Petitions** before filling in this form. If you need more information or advice, please contact the Clerk to the Committee at the address provided in Paragraph 11 of the guidance or on 01698 454719 or email [gordon.bow@southlanarkshire.gov.uk](mailto:gordon.bow@southlanarkshire.gov.uk)

### Details of principal petitioner

Please enter the name of person and organisation (if this applies) raising the petition. Please include a contact address where correspondence will be sent, a phone number and email address if available

**Name:**

**Address:**

**Phone No:**

**Email:**

### Petition Statement

**Title of Petition .....**

Please write in no more than 250 words

- ♦ the purpose of your petition; and
- ♦ the result you are looking to achieve from your petition

### Action taken, if any, to resolve issues of concern before submitting the petition

Please enter below details of any individuals or organisations approached. You should attach copies of correspondence, including any responses. This information will be made available to the Public Petitions Committee before it considers the petition.

### Appearance before Committee

The Chair of the Public Petitions Committee may invite petitioners to appear before the committee to speak in support of their petition

Please indicate below whether you would like to make a brief statement to the committee when it is considering your petition

\*I **do** wish the opportunity to make a statement to the committee

\*\*I **do not** wish to make a statement to the committee

*Please tick as appropriate*

**Signature of principal petitioner**

When you are satisfied the petition meets all the conditions outlined in the Guidance on Submission of Petitions, you, as the principal petitioner, should sign and date the form in the box below.

**Signature**..... **Date**.....

**Name in block capitals**.....

**Form A**

**Petition submitted by citizens****A petition must be supported by**

- ◆ a minimum of 50 signatures from people living in the South Lanarkshire Council area
- ◆ or, if submitted by a community where it could not reasonably expected to raise 50 signatures, this will be determined by the Chair

**If gathering signatures please complete this part of the form**

<b>Name</b>	<b>Address</b>	<b>Signature</b>
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21		
22		
23		
24		
25		

50		





---

**Petitions Committee**

---

**5**

**Petitions Committee**

**1 Powers and Responsibilities**

- 1.1 To consider matters and take action as considered appropriate on matters raised through the Council's public petitions process.
- 1.2 To refer any item of business raised through the public petitions process to the appropriate Resource Committee or Executive Committee that it considers appropriate

**2 Membership**

- 2.1 8 members (Political balance: 3 SNP; 2 Labour; 1 Con; 1 Ind Group and 1 Lib Dem)
- 2.2 There will be provision for individual Groups to substitute up to a maximum of 2 members.
- 2.3 Quorum – 3.
- 2.4 The Petitions Committee will be chaired by a Councillor who is not a member of the Council's ruling group.

**3 Meeting Arrangements and Practice**

- 3.1 To meet as required with meetings held in public.



**Construction Charter**

**Notice of Motion**

Motion received in terms of Standing Order No 19 on 22 May 2018, proposed by Councillor Gerry Convery, seconded by Councillor Joe Fagan, as follows:-

“That the Council approves the adoption of a Construction Charter based on the North Ayrshire Council Construction Charter (as per appendix attached).”



### **North Ayrshire Council Construction Charter**

As a Local Authority we either directly procure, or are the planning authority, for a multitude of construction projects. It is our intention to promote and support positive workforce practices involving **“Direct Employment”** on all construction projects which we procure. We expect all construction companies who secure contracts on these projects within our boundaries to comply fully with this charter.

#### **Health and Safety**

The health and safety of all workers is paramount. We expect all contractors to ensure that:

- Health and safety regulations and standards are rigorously implemented and adhered to;
- Welfare facilities for construction workers are appropriate for the 21st century, including reasonable standards for toilets, amenities and drying facilities in accordance with the Construction, Design and Management Regulations 2015.
- The Non Profit Distributing (NPD) programme, alternatively known as HUBCOs, must include local community benefits, in particular local jobs and apprenticeships, and help local SME's develop the capacity to take on those infrastructural projects. The Scottish Government should work with relevant bodies to produce strong and clear guidelines on Community Benefit Clauses for externally awarded contracts through HUBCOs and that those contracts uphold the working practices contained herein.

#### **Employment Standards**

We require the highest standards of project delivery in order to ensure that North Ayrshire's people's aspirations are met and the projects serve our communities well in the years to come. We are also mindful of the projected skills shortage across the sector and wish the industry to train the next generation of skilled workers for the future. We therefore encourage, and will require where appropriate, all contractors to:

- Be able to demonstrate the skill level of their employees on the project by ensuring appropriate checks are carried out by contractors;
- Comply with the employment and skills requirements set out in our tender documents, promoting and encouraging full apprenticeships;
- Prioritise hard to reach and under-represented groups in employment, training and skills initiatives;
- Work with us to support initiatives aimed at promoting and improving opportunities in education and training of employers and employees engaged on all construction projects within our authority.

#### **Pay and Benefits**

This Council is a Living Wage employer and will encourage all construction companies working on its contracts to adhere to that policy. Where workers are not directly connected to industry collective

agreements then the living wage is a minimum standard and we will promote and encourage that those companies are registered with the Scottish Living Wage Accreditation Initiative.

We also expect that all employees, and encourage that all workers, should have access to:

- Paid holiday,
- A sickness benefit scheme,
- A pension scheme,
- Accident compensation,
- Death in service benefits.

### **Employment Rights**

This Council expects direct employment by contractors and sub-contractors on a PAYE Class 1 National Insurance basis. We believe that Trade Unions play an important role in creating a safe and productive worksite and developing good industrial relations. We therefore expect our contractors, within the context of the contract let, to:

- Employ workers under recognised industry collective agreements as set out in SJIB, SNIJB, BESA, CIJC, NAECI and TICA or other EU equivalent,
- Promote the benefits of belonging to a recognised Trade Union,
- Recognise on-site Shop Stewards as having an important role to play in achieving and promoting good industrial relations,
- Ensure that the Trade Union has input into the development of Health and Safety policy (to ensure members' priorities are reflected),
- Actively promote the election of Health and Safety Representatives and support their role in helping to ensure a safe site,
- Provide equality and opportunity for all,
- Be able to certify that they have not engaged in the practice of blacklisting workers for any reason.

This Council also supports the Get Britain Building campaign which is aimed at supporting and sustaining the construction industry in Great Britain. Consequently, we seek to maximise the building materials used on Council construction projects that are covered by BES6001 Responsible Sourcing of Construction Products Certificate or equivalent. North Ayrshire Council looks forward to working with contractors to help support the aims set out in this Charter.

## **Young People's Rights**

### **Notice of Motion**

Motion received in terms of Standing Order No 19 on 6 June 2018, proposed by Councillor Julia Marrs, seconded by Councillor Katy Loudon, as follows:-

“That South Lanarkshire Council recognises the importance of young people's rights, our role in defending those rights, and endorses The Scottish Youth Parliament's 'Right Here, Right Now' Campaign which seeks to influence law, policy and practice to strengthen the protection of young people's rights, and to improve links between the Scottish Youth Parliament and public bodies. That we note the principal focus of the Campaign to be of Article 12 of the UNCRC which states that children and young people should be given appropriate information to make decisions on matters that involve them, that their opinions should be listened to and taken into account when decisions are taken, and we commit to incorporate that ethos in all Council workings.”

