

COMMUNITY AND ENTERPRISE RESOURCES COMMITTEE

Minutes of meeting held via Confero and in the Council Chamber, Council Offices, Almada Street, Hamilton on 14 March 2023

Chair:

Councillor Robert Brown

Councillors Present:

Councillor John Anderson, Councillor Ralph Barker, Councillor Walter Brogan, Councillor Gerry Convery, Councillor Poppy Corbett, Councillor Andrea Cowan, Councillor Margaret Cowie, Councillor Maureen Devlin (Depute), Councillor Colin Dewar, Councillor Gladys Ferguson-Miller, Councillor Ross Gowland, Councillor Graeme Horne, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Hugh Macdonald, Councillor Ian McAllan, Councillor Kenny McCreary, Councillor Davie McLachlan, Councillor Carol Nugent, Councillor David Shearer (*substitute for Councillor Maureen Chalmers*), Councillor David Watson

Councillors' Apologies:

Councillor Andy Carmichael, Councillor Maureen Chalmers, Councillor Joe Fagan, Councillor Cal Johnston-Dempsey, Councillor Helen Toner

Attending:

Community and Enterprise Resources

D Booth, Executive Director; A Brown, Head of Enterprise and Sustainable Development Services; C Brown, Environmental Services Manager; F Carlin, Head of Planning and Regulatory Services; K Carr, Head of Facilities, Waste and Grounds Services; S Laird, Engineering Manager; E Melrose, Development Officer; I Russell, Construction Unit Manager; G Simpson, Development Adviser

Finance and Corporate Resources

N Docherty, Administration Assistant; L Harvey, Finance Manager; E Maxwell, Human Resources Business Partner; E-A McGonigle, Administration Officer; L O'Hagan, Finance Manager (Strategy); M M Wilson, Legal Services Manager

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Community and Enterprise Resources Committee held on 13 December 2022 were submitted for approval as a correct record.

In relation to Item 11, Councillor Shearer enquired about the progress of discussions between the Council and the Lanark Business Improvement District (BID) on the potential continuation of the Comfort Scheme pilot in Lanark. Officers advised that there had been a meeting with the Chief Executive of the BID in January 2023 and that it was now a matter for its Board to come back to the Council with a decision. Councillor Shearer expressed his disappointment at the lack of progress on this matter.

The Committee decided:

- (1) that the minutes be approved as a correct record; and
- (2) that the update on the potential continuation of the Comfort Scheme pilot in Lanark be noted.

3 Community and Enterprise Resources - Revenue Budget Monitoring 2022/2023

A joint report dated 8 February 2023 by the Executive Directors (Finance and Corporate Resources) and (Community and Enterprise Resources) was submitted comparing actual expenditure at 27 January 2023 against budgeted expenditure for 2022/2023 for Community and Enterprise Resources and providing a forecast for the year to 31 March 2023.

Following the probable outturn exercise, there was a reported underspend for the Resource of £0.007 million after approved transfers to reserves of £1.270 million.

The Resource position as at 27 January 2023 was an overspend of £0.015 million after approved transfer to reserves, as outlined in Appendix A. The overspend mainly reflected under recovery on school meal income. Details were also provided on proposed budget virements in respect of Community and Enterprise Resources to realign budgets.

The Committee decided:

- (3) that the forecast to 31 March 2023 of an underspend of £0.007 million after approved transfers to reserves, as detailed in Appendix A of the report, be noted;
- (4) that an overspend of £0.015 million as at 27 January 2023 after approved transfers to reserves, as detailed in Appendix A of the report, be noted; and
- (5) that the budget virements, as detailed in appendices B to F of the report, be approved.

[Reference: Minutes of 13 December 2022 (Paragraph 3)]

4 Community and Enterprise Resources - Capital Budget Monitoring 2022/2023

A joint report dated 22 February 2023 by the Executive Directors (Finance and Corporate Resources) and (Community and Enterprise Resources) was submitted advising of progress on the Community and Enterprise Resources' Capital Programme 2022/2023 and summarising the expenditure position at 27 January 2023.

The revised Capital Programme for 2022/2023, as agreed at the meeting of the Executive Committee held on 1 February 2023, amounted to £48.444 million, a net increase of £0.174 million and, at 27 January 2023, expenditure was £22.898 million.

The projected outturn for the financial year was £43.7 million. This represented an underspend of £4.744 million and the majority of the variance was due to timing of spend on a number of projects which resulted in budget required in 2023/2024 rather than 2022/2023.

The Executive Director (Community and Enterprise Resources) responded to members' questions on the ongoing maintenance programme for bridges, particularly those in the Clydesdale area which were vital to communities in the area.

The Committee decided:

- (1) that the Community and Enterprise Resources' capital programme of £48.444 million and expenditure to date of £22.898 million be noted; and
- (2) that the projected outturn of £43.7 million be noted.

[Reference: Minutes of 13 December 2022 (Paragraph 4) and Minutes of the Executive Committee of 1 February 2023 (Paragraph 4)]

5 Community and Enterprise Resources - Workforce Monitoring – October to December 2022

A joint report dated 10 November 2022 by the Executive Directors (Finance and Corporate Resources) and (Community and Enterprise Resources) was submitted on the following employee information for Community and Enterprise Resources for the period October to December 2022:-

- ◆ attendance statistics
- ◆ occupational health statistics
- ◆ accident/incident statistics
- ◆ disciplinary hearings, grievances and Dignity at Work cases
- ◆ analysis of leavers and exit interviews
- ◆ staffing watch as at 10 December 2022

The Committee decided: that the report be noted.

[Reference: Minutes of 13 December 2022 (Paragraph 5)]

6 Revocation of Lanark Air Quality Management Area – South Lanarkshire

A report dated 22 February 2023 by the Executive Director (Community and Enterprise Resources) was submitted providing an update on the improvements of air quality within the Lanark area and the proposed revocation of the Lanark Air Quality Management Area (AQMA).

The Council had a statutory duty to monitor the quality of air within its area. This was defined in the Environment Act 1995 as well as within the Air Quality (Scotland) Regulations 2000 and 2002 as amended. Monitoring results had to be considered against air quality objectives/targets and, should those be exceeded, the local authority had to take action to improve the air quality. Levels had previously been exceeded in East Kilbride, Rutherglen and Lanark which had resulted in the declaration of 3 AQMAs.

An AQMA, which encompassed the whole town of Lanark, had been declared in June 2016 due to likely breaches of the Nitrogen Dioxide (NO₂) hourly mean and annual mean air quality objectives/targets. The formal declaration process for the AQMAs and the resultant Air Quality Action Plan development had been detailed in previous reports to the Committee.

Environmental Services had supported traffic management and air quality improvement actions since 2016 and the specific initiatives that had been applied in Lanark were detailed at section 3.4 of the report. The interventions in Lanark had resulted in improved traffic flow and pollutant reduction.

Due to the measured NO₂ concentrations declining over recent years, Ricardo Energy and Environment had been commissioned by the Council to undertake a Detailed Assessment of Air Quality for NO₂ and Particulate Matter (PM_{2.5}) at Lanark. The executive summary of the Detailed Assessment was provided in Appendix 1 to the report. The Detailed Assessment included a review of pollutant measurements over the previous 10 years as well as a dispersion modelling study of current and future NO₂ and PM_{2.5} emissions.

The Council's Annual Progress Report on Air Quality, together with the Detailed Assessment, had been submitted to the Scottish Government and Scottish Environment Protection Agency (SEPA) for appraisal as part of statutory reporting requirements. Both reports concluded that the Lanark AQMA should be revoked under Section 83(2) of the Environment Act 1995. The findings of both reports had been accepted by both SEPA and the Scottish Government and, therefore, Environmental Services recommended that the Council revoke the Lanark AQMA.

If the Lanark AQMA was accepted to be revoked, a Revocation Order would be drawn up in conjunction with Legal Services. The Order would be advertised among statutory consultees before coming into effect in spring/summer 2023. The Council had already consulted with SEPA about the proposed revocation in accordance with the expectation from the Scottish Government. Consultation would also have to be conducted with statutory consultees, businesses, members of the public and other interested parties. Once the consultation process had been concluded, the Revocation Order would be submitted to the Scottish Government for information.

Where a Revocation Order was accepted, a local authority was expected to develop a Local Air Quality Strategy to ensure air quality maintained a high profile locally and responded to public expectations. Environmental Services sought to develop such a Strategy in 2023/2024 and would continue air monitoring at the existing automatic air station for a year after revocation of the AQMA. The monitoring would be reported through the Annual Progress Report to the Scottish Government and SEPA on compliance with the national air quality statutory objectives.

The Environmental Services Manager responded to members' questions regarding:-

- ◆ whether air quality was monitored in specific areas or across the whole town
- ◆ what steps would be taken if there were signs of air quality slipping back to poor quality
- ◆ whether similar sustained improvements were being seen in East Kilbride and Rutherglen

In response to a Councillor Lockhart's concern regarding whether there was adequate up-to-date air quality information to ensure the AQMA was not being revoked prematurely in Lanark, the Environmental Services Manager undertook to give assurance by providing the most recent monitoring information to him. Assurance was also provided by relevant safeguarding measures that were in place, which included the consultation that had been conducted with SEPA and the local consultation that would follow.

In response to a member's question regarding additional funding of £0.347 million received from the Scottish Government in 2022/2023 for clean air initiatives, as reported at the Executive Committee meeting of 21 September 2022, the Environmental Services Manager undertook to provide a report to a future meeting of the Committee on progress made with those funds, together with an update on funding received in 2023/2024.

The Committee decided: that the Lanark AQMA be revoked.

[Reference: Minutes of 4 February 2020 (Paragraph 11) and Minutes of the Executive Committee of 21 September 2022 (Paragraph 5)]

7 Zero Carbon Indoor Multi Sports Facility Proposal at Strathaven Rugby Club

A report dated 22 February 2023 by the Executive Director (Community and Enterprise Resources) was submitted:-

- ◆ providing information on a planning application submitted by Strathaven Rugby Club (SRC) to add an indoor training facility ("the Facility") to their current establishment
- ◆ seeking approval to support the Facility with funds from the Strathaven Community Sports and Sports Facilities Fund ("the Funds") created in accordance with an agreement under Section 75 of the Town and Country Planning (Scotland) Act, subject to an appropriate legal agreement being entered into between the Council and SRC

SRC had submitted a planning application to the Council in September 2022 for the Facility as part of its continued development of the club. Funding had been requested from the Council to help support the Facility.

The Strathaven Community and Sports Facility Fund was established as part of an agreement made under Section 75 of the Planning Act between the Council and Henry Jardine Patterson and Mrs Jean Watson Patterson, registered in the Land Register of Scotland (“the Section 75 Agreement”) on 23 December 2014. This agreement had been pursuant to Planning Application EK/12/0003. The policy tests required to be met in regard to the Section 75 agreement and developer contributions were detailed at section 5.4 of the report.

SRC’s planning application for the Facility stated the purpose of its organisation was to provide sporting facilities for a large rural community and its aim was to provide an indoor training facility which could accommodate training and general exercise in all weathers. The Facility would be built in line with carbon neutral standards which complied with the government’s carbon net zero by 2035. Further details on the zero carbon indoor multi-sports Facility were provided in section 4 of the report.

SRC had advised that initial quotes for the build ranged from £920,000 to £1.1 million and that the programme would take 28 weeks from commencement of the construction. Funding was being sought from the Scottish Rugby Union and other fund matching opportunities would also be identified including Virador, Sports Scotland, Banks Renewables and the National Lottery.

The total and final balance of Council funds held in the Fund was £387,473 and SRC had requested that this Fund be released to contribute towards the Facility. The Section 75 agreement provided that the Fund would be administered and used by the Council in consultation with the initial owner of the East Overton land (Initial Owner). The Initial Owner had already been consulted in relation to the proposal and supported the application for the Facility.

It was proposed that releasing the monies from the Fund for this project would be underpinned by an appropriate legal agreement which would include the conditions that SRC would need to adhere to in order that the funds could be accessed, which included demonstrating that the project would benefit the wider community. The Council, through the legal agreement, would ensure the monies would be released in phases and through approval of work stages. There would be a cap on the amount released and, if the project did not adhere to set conditions, monies would be revoked. The Executive Director (Community and Enterprise Resources), in consultation with the Head of Administration and Legal Services, would conclude the legal agreement under delegated authority.

The Head of Enterprise and Sustainable Development Services responded to members’ questions on various aspects of the report.

The Committee decided:

- (1) that, subject to the grant of the planning application on acceptable terms to the Council, the release of the Funds totalling £387,473 to support the Facility be approved;
- (2) that it be noted that the Funds would not be released until an appropriate legal agreement had been concluded between the Council and SRC, which would cover, amongst other things, the:-
 - ◆ level and phasing of payments of the Funds
 - ◆ requirement that the Facility should serve the local community at large
 - ◆ ability for the Council to ‘clawback’ the Funds for use on alternative community projects if the Funds were not used within a certain timescale
- (3) that authority be delegated to the Executive Director (Community and Enterprise Resources), in consultation with the Head of Administration and Legal Services, to conclude the legal agreement.

8 Ash Dieback Disease Programme – Arboriculture Operatives (Trainee)

A joint report dated 24 February 2023 by the Executive Directors (Community and Enterprise Resources) and (Finance and Corporate Resources) was submitted:-

- ◆ updating the Committee on a programme of work required on Ash Dieback Disease (ADD) following allocation of capital funding
- ◆ seeking approval for 3.0 FTE Arboriculture Operatives (Trainees) to be added to the establishment for a fixed-term of 12 months

ADD was considered the most significant tree disease to affect broadleaved trees in the UK since Dutch Elm Disease gained prominence in the 1960s. It had spread rapidly and only a small fraction of trees had proved to be resistant due to genetic factors which gave them tolerance to the disease. The disease, which was incurable, was caused by the fungal pathogen *Hymen scyphus fraxineus*, and affected just ash species. Data from Europe suggested that it would lead to the decline and death of 50% to 75% of ash trees in Scotland over the next 2 decades and had the potential to infect more than 75 million ash trees across the country. ADD was first recorded in the UK and South Lanarkshire in 2012.

The national cost of managing trees with ADD, which could include monitoring, pruning and, where necessary, felling, was difficult to calculate but had been estimated to exceed £2.5 billion across the UK in the next 10 years. Scotland's costs would potentially be in the region of £200 million in the same period. The Association of Public Service Excellence (APSE) estimated the economic cost at £14.8 billion, which was 3 times as much as estimates for Dutch Elm Disease in the 1960s and 1970s due to the quantity of ash trees.

The management of ADD was proving a real challenge for tree managers as to whether trees would be felled or allowed to stand so that resistance could be developed to the disease and, therefore, species that were reliant upon the ash for their home would be protected.

The Council, through the Arboriculture Team, had participated in a number of national initiatives with key stakeholders, such as The Forestry Commission, the Tree Council and the Scottish Government, to develop policy and processes in response to the ADD problem. The Council had included ADD in the corporate risk register as well as the Sustainable Development and Climate Change Strategy.

A pilot investigation had been undertaken following funding that had been allocated over the last year. This had identified an initial programme of work to further quantify the scale of the issue and to respond to immediate concerns. Additional resources would be required to:-

- ◆ address the challenges in the arboriculture sector
- ◆ allow the Grounds Service to reprofile its current workload
- ◆ address succession planning concerns within the establishment

It was, therefore, proposed that the following temporary posts be added to the establishment on a fixed-term basis for 12 months, as detailed in section 5 of the report:-

- ◆ 3.0 FTE posts of Arboriculture Operative (Trainee Temporary) on Grade 1, Level 2, SCP 22-23 (£22,011 to £22,282)

Funding of £0.500 million had been allocated from the 2023/2024 Capital Programme to deliver this programme of work and would be allocated as follows:-

- ◆ £0.087 million on staffing
- ◆ £0.413 million on vehicles, equipment, materials and other contractor costs

The Head of Facilities, Waste and Grounds Services responded to members' questions on various aspects of the report.

The Committee decided:

- (1) that contents of the report be noted; and
- (2) that it be approved that 3.0 FTE Arboriculture Operatives (Trainees) be added to the Grounds Services' establishment for a fixed-term of 12 months, as detailed in section 5 of the report.

9 Community and Enterprise Resource Plan – Quarter 2 Progress Report 2022/2023

A report dated 21 February 2023 by the Executive Director (Community and Enterprise Resources) was submitted on the Community and Enterprise Resource Plan Quarter 2 Progress Report 2022/2023 for the period 1 April to 30 September 2022.

The Resource Plan measures were rated using a traffic light system of red, amber or green as well as blue (BRAG) which indicated that an action had been completed.

Details were provided on:-

- ♦ progress made in implementing the priority projects identified in the Resource Plan Quarter 2 2022/2023, as detailed in Section 5.2 and attached as Appendix 2 to the report
- ♦ key achievements made by the Resource to date, as detailed in Section 5.3 of the report
- ♦ areas for improvement and associated management actions, as detailed in Section 5.4 of the report
- ♦ the additional scrutiny of reporting the updated status of those measures identified as 'report later' at Quarter 4 2021/2022, as detailed in Section 5.5 and attached as Appendix 3 to the report

The Committee decided:

- (1) that the Community and Enterprise Resource Plan Quarter 2 Progress Report 2022/2023, attached as Appendix 2 to the report, be noted;
- (2) that the key achievements made by the Resource up to Quarter 2, as detailed in paragraph 5.3 of the report, be noted; and
- (3) that the areas for improvement and associated management actions, as detailed in paragraph 5.4 of the report, be noted.

[Reference: Minutes of 4 October 2022 (Paragraph 11)]

10 Urgent Business

There were no items of urgent business.
