

SOUTH LANARKSHIRE COUNCIL

Minutes of meeting held in the Council Chamber, Council Offices, Almada Street, Hamilton on 25 September 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 Graeme Campbell, Councillor Maureen Chalmers, Councillor Margaret Cooper, Councillor Margaret Cowie, Councillor Peter Craig, Councillor Mary Donnelly, Councillor Isobel Dorman, Councillor Fiona Dryburgh, Councillor Joe Fagan, Councillor Allan Falconer, Councillor Grant Ferguson, Councillor Alistair Fulton, Councillor Geri Gray, Councillor George Greenshields, Councillor Lynsey Hamilton, Councillor Ian Harrow, Councillor Eric Holford, Councillor Graeme Horne, Councillor Mark Horsham, Councillor Martin Grant Hose, Councillor 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 Richard Nelson, Councillor Carol Nugent, Councillor Mo Razzaq, Councillor John Ross, Councillor David Shearer, Councillor Collette Stevenson (Depute), Councillor Bert Thomson, Councillor Margaret B Walker, Councillor Jim Wardhaugh, Councillor Jared Wark, Councillor Josh Wilson

Councillors' Apologies:

Councillor Andy Carmichael, Councillor Gerry Convery, Councillor Poppy Corbett, Councillor Maureen Devlin, Councillor Ann Le Blond, Councillor Lynne Nailon, Councillor Graham Scott, Councillor David Watson

Attending:

Community and Enterprise Resources

M McGlynn, Executive Director

Education Resources

T McDaid, Executive Director

Finance and Corporate Resources

P Manning, Executive Director and Depute Chief Executive; 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

Provost's Opening Remarks

The Provost welcomed:-

- ◆ D Richardson, Audit Scotland
- ◆ pupils from Hamilton Grammar
- ◆ Councillor Ferguson to his first meeting of the Council

The Provost also wanted to record his thanks to Lindsay Freeland, former Chief Executive, for his dedicated service and, on behalf of the Council, wished him a long and happy retirement.

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 26 June 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 24 April 2019 were submitted for noting.

The Council decided: that the minutes be noted.

4 Local Government By-election – Electoral Ward 8 (East Kilbride Central North)

Prior to consideration of this item, the Head of Administration and Legal Services advised that there was a typographical error in paragraph 5.3 of the report and that there was no change to the Liberal Democrat membership on the South Lanarkshire Leisure and Culture Working Group.

A report dated 16 September 2019 by the Executive Director (Finance and Corporate Resources) was submitted on:-

- ◆ the outcome of the by-election held in Ward 8 (East Kilbride Central North)
- ◆ the proposed allocation of vacant committee places following the by-election
- ◆ updated representation from the Liberal Democrat Group on the IT Working Group
- ◆ proposed additional elected member representation on the South Lanarkshire Leisure and Culture Board

Following the by-election held on 29 August 2019, Grant Ferguson had been elected to serve as Councillor for Electoral Ward 8 (East Kilbride Central North).

Councillor Ferguson referred to the fact that this Council was the 5th largest local authority in Scotland and that he was the first elected member to use British Sign Language. He intimated that the Council was highly regarded for its stance on equalities issues and thanked officers for their support. He concluded by stating that he had been made to feel very welcome and was looking forward to working with staff and colleagues.

In terms of filling the vacant places on each of the Resource, Planning, Licensing and Executive Committees, it was proposed that these be allocated to the SNP Group.

The Leader of the Liberal Democrat Group had confirmed that Councillor McGeever would replace him on the IT Working Group.

Following the Chief Executive's retirement and subsequent resignation from the South Lanarkshire Leisure and Culture Board, it was proposed that this place be filled by an elected member from the Independent Group.

The Council decided:

- (1) that the result of the by-election held in Electoral Ward 8 (East Kilbride Central North) on 29 August 2019 be noted;
- (2) that the vacant places on each of the Resource, Planning, Licensing and Executive Committees be filled by a representative from the SNP Group;
- (3) to note that Councillor McGeever would replace Councillor Brown on the IT Working Group;
- (4) that, following the Chief Executive's retirement, 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.

5 Recommendations Referred by Executive Committee – Annual Investment Strategy 2018/2019

A report dated 30 August 2019 by the Executive Director (Finance and Corporate Resources) was submitted on a recommendation referred to the Council by the Executive Committee of 28 August 2019. The recommendation was that the Annual Investment Report 2018/2019 be approved.

The Council decided: that the recommendation of the Executive Committee of 28 August 2019 in relation to the Annual Investment Strategy 2018/2019 be approved.

[Reference: Minutes of the Executive Committee of 28 August 2019 (Paragraph 11)]

6 Appointment of Interim Returning Officer

A report dated 16 September 2019 by the Head of Administration and Legal Services was submitted on the appointment of an interim Returning Officer.

In terms of Section 41 of the Representation of the People Act 1983, each Council was required to appoint a Returning Officer to be responsible for the organisation of elections within that Council's area. As the Chief Executive and Returning Officer for election purposes had retired on 23 September 2019, it was proposed that Paul Manning, Executive Director (Finance and Corporate Resources) and Depute Chief Executive, act as Returning Officer for election purposes, on an interim basis, until a newly appointed Chief Executive took office.

The Council decided: that Paul Manning, Executive Director (Finance and Corporate Resources) and Depute Chief Executive, act as Returning Officer for election purposes, on an interim basis, until a newly appointed Chief Executive took office.

[Reference: Minutes of the Executive Committee of 14 December 2011 (Paragraph 13)]

7 Notice of Motion – South Lanarkshire Council Statement of Intent in Response to the Climate Change Emergency

In terms of Standing Order No 19, a motion proposed by Councillor Marrs, seconded by Councillor Craig, was submitted 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.”

Councillor Brown, seconded by Councillor McGeever, moved as an amendment that the last 2 paragraphs of the motion be deleted and replaced by:-

“Council therefore agrees:-

- 1 To instruct officers to review climate change actions proposed within the Strategy’s Action Plan and set new timescales reflecting the growing urgency of the climate change challenge to meet or exceed the new national targets for Scotland.
- 2 **To establish a committee on Climate Change and Sustainability** to oversee climate change work across the Council (and which would replace the current Sustainable Development Member/Officer Working Group and other appropriate bodies), and to work with community planning partners, the business community, third sector, trades unions and local citizens to accelerate climate change action to benefit our local area and contribute to addressing the global climate emergency.

- 3 **To publicise a number of attractive initiatives to engage and commit the public** to action on climate change (such as green community planting schemes, solar power initiatives, safe routes to school or regional food initiatives which reduce the carbon footprint)."

This was accepted and the motion before the meeting was duly amended.

In moving the amended motion, Councillor Marrs intimated that, as Spokesperson for Youth, she applauded the actions of young people and welcomed the representation of pupils from Hamilton Grammar. She highlighted that actions taken now would determine the future for all in South Lanarkshire and, therefore, sought cross-party support to reach, or even exceed, national climate change and sustainable targets. Councillor Craig seconded the amended motion and requested that officers, in consultation with all political/independent groups, draft a Terms of Reference for a committee on climate change and sustainability. He further requested that, in future, where appropriate, a paragraph be included within committee reports on the impact of the subject matter on climate change measures and targets.

Members from all political/independent groups spoke in favour of the amended motion and expressed their individual concerns on climate change and the need to take urgent action to identify potential solutions. It was further suggested that a members' seminar on this issue would be worthwhile.

The Council decided:

- (1) that the terms of the amended motion, as detailed above, in relation to the Council's statement of intent in response to the climate change emergency, be supported;
- (2) that officers, in consultation with all political/independent groups, draft, for approval, a Terms of Reference for a committee/forum on climate change and sustainability;
- (3) that, in future, where appropriate, a paragraph be included within committee reports on the impact of the subject matter on climate change measures and targets; and
- (4) that a members' seminar on the various aspects of climate change and sustainability be arranged.

8 Notice of Motion – Residential Care Facilities

In terms of Standing Order No 19, a motion proposed by Councillor Fagan, seconded by Councillor Falconer, was submitted 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."

In moving his motion, Councillor Fagan referred to there being areas of political consensus, with a shared view to assist older people to stay in their homes for longer. He considered, however, that the Council excelled in providing long-term residential care and that the new model hub in Blantyre should also include that provision. He intimated that, in his opinion, the events and consultation were not sufficient as the public had not been given the full facts and the Labour Group had, therefore, undertaken its own survey.

Councillor Dryburgh intimated the Liberal Democrat Group's general support for the motion, however, indicated that reference to areas, rather than localities, could be ambiguous as it was imperative that care was provided close to home and be both transitional and long-term. Councillor McGavigan responded that all areas did provide both transitional and long-term care but not necessarily within the public sector.

Councillors Walker, Falconer and Thomson, in turn, were heard in support of the inclusion of residential facilities.

Councillor Burns referred to the wording of the motion and considered that reference should have been made to people, rather than areas. He welcomed the positive discussions the Director, Health and Social Care and her staff had held on the direction of travel for care provision.

Councillor Bradley, seconded by Councillor Chalmers, tabled an amendment, however, both wished to amend the wording slightly to take account of the comments made by Councillor Burns. The amendment was as follows:-

“That this Council believes that the people of South Lanarkshire should have access to care facilities providing long-term, respite and transitional care.

Wishes to thank Social Work for the extensive public consultation undertaken on the 2016 to 2019 Strategic Commissioning Plan and the more recent 2019 to 2022 Strategic Commissioning Plan confirming public support for transitional care and a reduction in residential care provision.

That Council acknowledges the need for detailed community based discussions and welcomes those currently underway in Larkhall/Stonehouse and Clydesdale and thanks officers for the recent public consultation events in Blantyre which provided excellent community feedback.”

In moving his amendment, Councillor Bradley considered that the consultation undertaken by the Director, Health and Social Care and her team had been excellent and based on evidence and statistics. Councillor Chalmers seconded the amendment and highlighted that concerns raised during the consultation events had been in relation to access and traffic management.

Prior to moving to the vote, the Provost ruled on a Point of Order raised by Councillor Loudon.

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

Motion

Walter Brogan, Robert Brown, Margaret Cowie, Fiona Dryburgh, Joe Fagan, Allan Falconer, Lynsey Hamilton, Martin Lennon, Eileen Logan, Monique McAdams, Catherine McClymont, Mark McGeever, Davie McLachlan, Mo Razzaq, Bert Thomson, Margaret B Walker

Amendment

Alex Allison, John Anderson, John Bradley, Archie Buchanan, Jackie Burns, Janine Calikes, Stephanie Callaghan, Graeme Campbell, Maureen Chalmers, Margaret Cooper, Peter Craig, Mary Donnelly, Isobel Dorman, Grant Ferguson, Alistair Fulton, Geri Gray, George Greenshields, Ian Harrow, Eric Holford, Graeme Horne, Mark Horsham, Martin Grant Hose, Richard Lockhart, Katy Loudon, Joe Lowe, Ian McAllan, Kenny McCreary, Hugh Macdonald, Colin McGavigan, Jim McGuigan, Julia Marrs, Gladys Miller, Richard Nelson, Carol Nugent, John Ross, David Shearer, Collette Stevenson, Jim Wardhaugh, Jared Wark, Josh Wilson

40 members voted for the amendment and 16 for the motion. The amendment was declared carried.

The Council decided:

that the terms of the amendment, as detailed above, in relation to care facilities, be supported.

9 Notice of Motion – Proroguing the Parliament of the United Kingdom

Prior to consideration of this item, the Provost asked Councillor Brown if he wished to proceed with his motion given the Supreme Court's ruling the previous day. Councillor Brown indicated his intention to proceed.

In terms of Standing Order No 19, a motion proposed by Councillor Brown, seconded by Councillor McGeever, was submitted 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.”

In response to a comment by Councillor Allison that he considered the motion was not competent as Lady Hale had ruled that the proroguing of Parliament was void and, in effect, did not happen, the Head of Administration and Legal Services advised that as matters in the motion were wider than the issue of proroguing Parliament and extended to Brexit and the People's Vote, those parts of the motion would stand. Councillors Brown and McGeever agreed to amend the terms of the motion to remove reference to the proroguing of Parliament and replace 'the recent decision of the Inner House of the Court of Session' with 'the unanimous decision of the United Kingdom Court yesterday, upholding the recent decision of the Inner House of the Court of Session'.

In moving the amended motion, Councillor Brown welcomed the Supreme Court's decision. Councillor McGeever seconded the motion.

Following a full and frank discussion, a vote was taken by a show of hands. As 38 members voted in favour of the motion, and this represented a majority of those present, the motion was declared carried. Councillor Allison requested that the dissent of the Conservative Group be recorded.

The Council decided: that the terms of the amended motion, with reference to the proroguing of Parliament removed and change to the wording, as detailed above, be supported.

Councillors Dorman, Buchanan, McClymont, Thomson and Callaghan left the meeting during this item of business. Councillors McLachlan, Burns, Cooper, Lowe, Wardhaugh, Hose, Greenshields, McCreary, Wilson and Gray left the meeting following this item of business

10 External Auditor's Annual Report to South Lanarkshire Council

A report dated 18 September 2019 by the Executive Director (Finance and Corporate Resources) was submitted on the External Auditor's, Audit Scotland, Annual Report to the Council for 2018/2019.

The Executive Director (Finance and Corporate Resources) agreed to provide further information to Councillor Fagan following his question on the level of reserves.

The Council decided: that the External Auditor's Annual Report 2018/2019 to the Council be noted.

[Reference: Minutes of the Risk and Audit Scrutiny Committee of 18 September 2019 (Paragraph 3)]

Councillors Horsham and Calikes left the meeting during this item of business

11 Urgent Business

There were no items of urgent business.