

SOUTH LANARKSHIRE COUNCIL

Minutes of meeting held in the Council Chamber, Council Offices, Almada Street, Hamilton on 26 September 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, 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, Ian Harrow, Eric Holford, Graeme Horne, Mark Horsham, Martin Grant Hose, Martin Lennon, Richard Lockhart, Eileen Logan, Katy Loudon, Joe Lowe, Monique McAdams, Catherine McClymont, Kenny McCreary, Hugh Macdonald, Colin McGavigan, Mark McGeever, Jim McGuigan, 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

Councillors' Apologies:

Andy Carmichael, Lynsey Hamilton, Ann Le Blond, Davie McLachlan

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 20 June 2018 were submitted for approval as a correct record.

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

3 Representation on Joint Boards and Partnership Bodies

A report dated 11 September 2018 by the Executive Director (Finance and Corporate Resources) was submitted on proposed amendments to the elected member representation on the Board of South Lanarkshire Leisure and Culture Limited and Strathclyde Partnership for Transport Board.

The Council decided:

- (1) that Councillor McLachlan be replaced by Councillor Convery as a Council representative on the South Lanarkshire Leisure and Culture Limited Board; and
- (2) that Councillor Falconer be replaced by Councillor Devlin as a Council representative on the Strathclyde Partnership for Transport Board.

[Reference: Minutes of the Executive Committee of 27 June 2017 (Paragraph 17)]

4 Notice of Motion - Planning (Scotland) Bill

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

“That South Lanarkshire Council:-

- ◆ Notes the progress of the Planning (Scotland) Bill through the Scottish Parliament
- ◆ Notes that the draft Bill makes no provision for reforming or equalising rights of appeal, despite this being a key concern for local communities and key groups engaged in the planning system
- ◆ Acknowledges that Planning Democracy Scotland advocates equalising rights of appeal by extending a limited right of appeal to communities **in certain circumstances where developments are approved which are not in accordance with the development plan, and limiting the developer right of appeal to ensure a plan-led system**
- ◆ Believes that such an approach would help ensure that the voice of communities is strengthened and that the planning process operates in the wider public interest
- ◆ Council therefore commits to write to the Minister for Local Government and Housing and to the LGCC of the Scottish Parliament urging them to support amendments to the Bill which would bring about more equal rights of appeal.”

In moving the motion, Councillor Scott referred to a statement by the Minister for Local Government, Housing and Planning, and intimated that he considered the planning process should be participatory to involve the community. Councillor Brogan seconded the motion.

Councillor Fulton, seconded by Councillor Ross, moved as an amendment that the last bullet point of the motion be amended to read as follows:-

“Council therefore commits to write to the Minister for Local Government and Housing and to the LGCC of the Scottish Parliament urging them to consider a Bill which would bring about more equal rights of appeal.”

In moving his amendment, Councillor Fulton intimated that he did not wish the Council to be committed to supporting and scrutinising every amendment to the Bill.

In response to a member’s request, the Executive Director (Community and Enterprise Resources) outlined current practice and the potential implications for the Council should appeal rights be changed.

On a vote being taken by a show of hands, 41 members voted for the amendment and 18 for the motion. The amendment was declared carried.

The Council decided:

- (1) that the progress of the Planning (Scotland) Bill through the Scottish Parliament be noted;
- (2) that it be noted that the draft Bill made no provision for reforming or equalising rights of appeal, despite this being a key concern for local communities and key groups engaged in the planning system;
- (3) that it be acknowledged that Planning Democracy Scotland advocated equalising rights of appeal by extending a limited right of appeal to communities in certain circumstances where developments were approved which were not in accordance with the development plan, and limiting the developer right of appeal to ensure a plan-led system;
- (4) that it be noted that such an approach would help ensure that the voice of communities was strengthened and that the planning process operated in the wider public interest; and
- (5) to write to the Minister for Local Government, Housing and Planning and to the Local Government Communities Committee of the Scottish Parliament to urge them to consider a Bill which would bring about more equal rights of appeal.

Councillor Marrs entered the meeting during this item of business

5 Notice of Motion - Political Management and Decision-Making Arrangements

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

“That the Council asserts the importance of openness, transparency and democratic accountability in our political management and decision-making arrangements; believes that full meetings of the Council should be strengthened as a forum for political debate and decision and, to that end, agrees:

- 1) That, as a priority, Officers be asked to review the Terms of Reference for Council, Committees and Forums and other procedural documentation and advise of any changes which would be required in order to reserve the power to approve the annual savings package to the Council in addition to all Revenue and Capital Budgets. This advice to be provided in the form of a report to Council by December 2018 for formal determination.
- 2) That the Standing Orders, Terms of Reference for Committees and Forums and other procedural documentation be reviewed, including any enhancements to the role of the Council, by the Standards and Procedures Advisory Forum and its recommendations be reported in the first instance to the Executive Committee, as parent committee of the Standards and Procedures Advisory Forum, prior to any referral to Council.
- 3) That, as part of said review, recommendations be made on how the Standing Orders, Terms of Reference for Committees and Forums and other procedural documentation be amended to enhance the role of the Council on key policy initiatives and other issues the Standards and Procedures Advisory Forum considers appropriate.”

In moving the motion, Councillor Fagan stated that he considered the Standing Orders were an important part of democracy and he was seeking cross-party support to ensure the annual savings package was remitted to the Council. Councillor Brown seconded the motion.

Councillor Ross, seconded by Councillor Craig, moved as an amendment that Point 1 of the motion be deleted and replaced and that a further point be added after Point 3. The amended Point 1 to read as follows:-

“The Council will ask the existing Standards and Procedures Advisory Forum to review the Council’s Terms of Reference and procedural documentation for the full Council, Committees and Forums, in time for the mid-term Standing Orders Review.”

The additional point to read as follows:-

“The review process will also consider arrangements for Elected Members on maternity, paternity or adoptive leave and for those on an extended leave of absence.”

In moving his amendment, Councillor Ross advised that he had been working with the Improvement Service to discuss improvements to Standing Orders to achieve better governance and also in relation to arrangements for elected members on special leave.

Councillor Brown intimated that he concurred with the point in relation to special leave and, with the agreement of Councillor Fagan, the motion was duly amended to reflect its inclusion.

On a vote being taken by a show of hands, 31 members voted for the amendment and 29 for the motion. The amendment was declared carried.

The Council decided:

- (1) that, as part of the mid-term review, the Standards and Procedures Advisory Forum review the Council’s Terms of Reference and procedural documentation for the full Council, Committees and Forums, including any enhancements to the role of the Council in relation to key policy initiatives and other issues the Forum considered appropriate, and its recommendations be reported in the first instance to the Executive Committee, as parent committee, prior to any referral to the Council; and
- (2) that, as part of the review process, arrangements be considered for elected members on maternity, paternity or adoptive leave and for those on extended leave of absence.

6 External Auditor’s Annual Report to South Lanarkshire Council

A report dated 13 September 2018 by the Executive Director (Finance and Corporate Resources) was submitted on the External Auditor’s, Audit Scotland, Annual Report to the Council for 2017/2018.

The Council decided: that the External Auditor’s Annual Report 2017/2018 to the Council be noted.

[Reference: Minutes of the Risk and Audit Scrutiny Committee of 18 September 2018 (Paragraph 3)]

7 Urgent Business

There were no items of urgent business.