

SOUTH LANARKSHIRE COUNCIL

Minutes of meeting held in via Microsoft Teams and the Banqueting Hall, Council Offices, Almada Street, Hamilton on 23 September 2020

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

Councillors' Apologies:

Councillor Jackie Burns, Councillor George Greenshields, Councillor Kenny McCreary, Councillor David Shearer

Attending:

Chief Executive's Service

C Sneddon, Chief Executive

Community and Enterprise Resources

M McGlynn, Executive Director

Education Resources

T McDaid, Executive Director

Finance and Corporate Resources

P Manning, Executive Director; P MacRae, Administration Adviser; G McCann, Head of Administration and Legal Services; K McVeigh, Head of Personnel Services

Housing and Technical Resources

D Lowe, Executive Director

Social Work Resources/Health and Social Care

V de Souza, Director

Provost's Opening Remarks

The Provost, on behalf of members, extended sincere condolences to Susan Somerville and family on the death of her father.

He also extended thanks to all involved in ensuring that essential services continued to be delivered during the lockdown period arising from the coronavirus pandemic.

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Watson	Notice of Motion – Reverse Saving CER09 from the 2020/2021 Budget	Representing constituents and as a resident of the Mossneuk/Gardenhall area of East Kilbride

2 Minutes of Previous Meeting

The minutes of the meeting of the South Lanarkshire Council held on 26 February 2020 were submitted for approval as a correct record.

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

3 Previous Special Meeting

Decided: that the delegated decisions taken by the Chief Executive, in consultation with Group Leaders, in relation to the previous special meeting of the South Lanarkshire Council agenda of 25 March 2020, be noted as a correct record.

4 Minutes of Risk and Audit Scrutiny Committee

The minutes of the meeting of the Risk and Audit Scrutiny Committee held on 27 November 2019 were submitted for noting.

The Council decided: that the minutes be noted.

5 Minutes of Risk and Audit Scrutiny Committee

The minutes of the meeting of the Risk and Audit Scrutiny Committee held on 19 February 2020 were submitted for noting.

The Council decided: that the minutes be noted.

6 Recommendation Referred by Executive Committee – Annual Investment Report 2019/2020

A report dated 23 September 2020 by the Chief Executive was tabled on the recommendation which had been referred to the Council by the Executive Committee of 23 September 2020 in relation to the Council's Annual Investment Report 2019/2020. The recommendation was that the Council's Annual Investment Report 2019/2020 be approved.

The Council decided: that the recommendation of the Executive Committee of 23 September 2020 in relation to the Council's Annual Investment Report 2019/2020 be approved.

[Reference: Minutes of the Executive Committee of 23 September 2020 (Paragraph 6)]

7 Review of the South Lanarkshire Scheme for Establishment of Community Councils

A report dated 24 August 2020 by the Executive Director (Finance and Corporate Resources) was submitted on proposals to carry out a review of the South Lanarkshire Scheme for the Establishment of Community Councils.

The last full review of the South Lanarkshire Scheme for the Establishment of Community Councils had been concluded in 2014. The Scheme had subsequently been updated to take account of legislative changes in 2018.

The current Scheme reflected the terms of the Model Scheme recommended by the Scottish Government. However, the coronavirus pandemic had highlighted that there were issues with the Scheme which had resulted in Community Councils being unable to continue to hold meetings and actively function using modern technology since coronavirus restrictions were put in place in March 2020.

Clause 11 of the South Lanarkshire Scheme, as detailed in Appendix 1 to the report, required meetings of a Community Council to be held in public with its members and members of the public being physically present. The Coronavirus (Health Protection) (Scotland) Regulations imposed restrictions on gatherings and there was no exception within that legislation which would permit Community Councils to hold meetings requiring the physical attendance of their members and members of the public.

Details were provided on the advice given to Community Councils, to date, to allow decisions to be taken. Community Councils had, however, indicated that they would prefer to have the ability to hold a formal meeting online. The following issues required to be dealt with to resolve the restrictions of the current Scheme in situations such as the coronavirus pandemic:-

- ◆ allowing all or some of the members of the Community Council, press and public to attend a meeting using remote access
- ◆ suspending the requirement for the public to be able to physically attend any meetings

To resolve those issues, it was proposed to amend the wording of Clause 11, as detailed in Appendix 2 to the report.

Details were given on the process to be followed for a formal review of the Scheme which was contained in Appendix 3 to the report.

Members, in welcoming the report, recognised the important role played by Community Councils.

The Head of Administration and Legal Services responded to questions from members regarding:-

- ◆ the wording of the proposed amendments to Clause 11
- ◆ funding available to Community Councils to facilitate capacity for electronic meetings
- ◆ potential assistance from the Community Engagement Team

The Council decided:

- (1) that the terms of Clause 11 of the existing Scheme for the Establishment of Community Councils, attached as Appendix 1 to the report, which currently did not permit Community Councils to hold formal meetings other than in public, be noted;
- (2) that a review of the existing Scheme for the Establishment of Community Councils be undertaken on the proposed key amendments to Clause 11, as outlined in Appendix 2 to the report;

- (3) that a formal consultation exercise be carried out with all stakeholders; and
- (4) that the process and timeline for a review of the Scheme, as detailed in the report and outlined in Appendix 3, be noted.

[Reference: Minutes of 9 July 2014 (Paragraph 2)]

8 Notice of Motion – Support of Greater Control of the Use of Fireworks

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

“South Lanarkshire Council acknowledges that whilst attending a well organised fireworks display can be a positive community experience, the noise associated with displays and the anti social behaviour perpetrated by a minority can be distressing for vulnerable groups of people, livestock and pets.

South Lanarkshire Council notes the Consultation on Fireworks in Scotland carried out by The Scottish Government and the resulting Action Plan.

With cognisance that much of the legislation regarding fireworks is reserved to the UK Parliament, but laws on when and where fireworks can be used being devolved to The Scottish Parliament, this Council supports The Scottish Government's intention to offer additional safety advice to those purchasing fireworks and local groups holding displays by November 2020.

In accordance with suggestions being considered by the Scottish Government Fireworks Action Plan, South Lanarkshire Council would support the introduction of greater restrictions on private use of fireworks, times of day fireworks can be used, firework free zones (eg around retirement homes, hospitals or animal shelters), and a public notification system for private displays and mandatory conditions, e.g. safety training being applied at the point of sale.

To allow appropriate controls over all aspects of firework use, this Council requests the UK Government to tighten powers regarding firework sales and asks the Chief Executive to write to the UK Government to this effect.”

In moving her motion, Councillor Marrs:-

- ◆ acknowledged that the use of fireworks was an emotive subject
- ◆ referred to year on year concerns raised regarding the devastating effect caused by fireworks on vulnerable groups, pets and livestock
- ◆ highlighted the benefits of legislative and behavioural changes in relation to the use of fireworks in improving public safety

Councillor McClymont, in seconding the motion, urged members to support its terms.

The Council decided: that the terms of the motion be supported.

9 Notice of Motion – Reverse Saving CER09 from the 2020/2021 Budget

In terms of Standing Order No 19, a motion proposed by Councillor Watson, seconded by Councillor McAdams, was submitted in relation to the reversal of saving CER09 from the 2020/2021 budget.

Prior to hearing the motion, Councillor Ross requested clarification regarding Councillor Watson's declaration of interest on this matter and his intention to participate in the consideration and decision on the motion.

The Head of Administration and Legal Services referred to the terms of the Councillors' Code of Conduct but advised that it remained a matter on which the individual member required to come to a decision. Councillor Watson also referred to the Councillors' Code of Conduct and reiterated that he intended to participate in the discussion of and decision on the matter.

The motion was as follows:-

"Council agrees to reverse saving CER09 from the 2020/2021 budget with the cost implications being met by Council reserves.

Council also calls for a detailed review of all 101 sites identified in CER09 and a full detailed report regarding land ownership and adoption of land to be submitted to Councillors for further decision.

Following Council analysis of the report, if areas are deemed to be in others' ownership or have not been adopted, meaningful and appropriate notice and consultation should take place with the appropriate 3rd party before withdrawing ground maintenance work."

In moving his motion, Councillor Watson intimated that it was also supported by Councillor Harrow, a local member for the Mossneuk/Gardenhall area of East Kilbride. He advised that the land in the Mossneuk area had been maintained by the relevant local authorities for 45 years and that the motion aimed to address issues in the Mossneuk area as a consequence of saving CER09. In seconding the motion, Councillor McAdams advised that ownership of the land in question in the Mossneuk area was unclear and urged the Council to reverse the saving.

Councillor Anderson, seconded by Councillor Craig, moved the following amendment:-

"Council continues grass cutting on the plots of land in Mossneuk contained in Budget Saving CER09 to allow officers and residents time to establish alternate arrangements for budget year 2021/2022. Council also calls for a detailed review of all 101 sites identified in CER09 and full detailed report regarding land ownership and adoption of land to be submitted to Councillors for further decision."

Following a full discussion and exchange of views, the Chief Executive asked Councillor Watson to clarify whether the saving reversal related only to the land in the Mossneuk area of East Kilbride. Councillor Watson confirmed that this was the case but that a detailed review of all 101 sites identified in CER09 required to be undertaken.

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

Motion

Alex Allison, Walter Brogan, Robert Brown, Graeme Campbell, Andy Carmichael, Gerry Convery, Margaret Cooper, Poppy Corbett, Margaret Cowie, Maureen Devlin, Fiona Dryburgh, Joe Fagan, Allan Falconer, Ian Harrow, Eric Holford, Martin Grant Hose, Ann Le Blond, Martin Lennon, Richard Lockhart, Eileen Logan, Joe Lowe, Monique McAdams, Catherine McClymont, Colin McGavigan, Mark McGeever, Davie McLachlan, Lynne Nailon, Richard Nelson, Mo Razzaq, Graham Scott, Bert Thomson, Margaret B Walker, Jim Wardhaugh, Jared Wark, David Watson

Amendment

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

24 members voted for the amendment and 35 members voted for the motion which was declared carried.

The Council decided: that the terms of the motion, as clarified, be supported.

10 Notice of Motion – The Coronavirus Crisis

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

“South Lanarkshire Council thanks the staff and officers of the Council, frontline NHS and care workers, the Third Sector, numerous volunteers, both organised and individual, and many others in all walks of life, many of whom have gone well beyond the call of duty, for their response to the Coronavirus crisis and the huge challenges it involved.

Council

1. Requests the Chief Executive to convey the gratitude of the Council and its Elected Members on behalf of the citizens of South Lanarkshire to all staff
2. Expresses our condolences to the families of all those who have lost their lives during or as a result of the pandemic
3. Notes that tackling Covid 19 required speedy and flexible action by the Council and its partners and, often, brought new ways of working in many areas
4. Recognises that the crisis brought both challenges and opportunities for the Council and its Resources and instructs the Corporate Management Team to bring forward as soon as practicable a Report on the lessons learned, areas of difficulty and opportunities to inform future strategy
5. Believes that economic recovery based on the potential of green jobs and other sectoral opportunities should be the top priority for the Council, declares its aim that South Lanarkshire should be the top “Economic Recovery” Council in Scotland, and asks Officers to develop suitable strategies to achieve this, making full use of the Council’s current and potential powers
6. Urges the Scottish and United Kingdom Governments to ensure that the cost of meeting the Covid crisis and of supporting local economic recovery resulting from the crisis are fully met by central government.”

In moving his motion, Councillor Brown referred to the coronavirus pandemic as the greatest medical, civic, political and social crisis of our lifetime and highlighted the effect of the crisis on lives and jobs. Councillor McGeever, in seconding the motion, endorsed Councillor Brown’s sentiments.

Councillor Fagan, seconded by Councillor Devlin, moved as an amendment that the terms of the motion be augmented to include the following point:-

“Considers that the vital role of key workers should be properly recognised by society, supports improvement in the terms and conditions and hourly rates of key workers and calls on government and industry to increase hourly rates for key workers by £2.00 per hour as called for by the STUC.”

Councillor Wilson, seconded by Councillor Loudon, moved as a further amendment that the terms of the motion be augmented to include the following point:-

“Urges the UK Government to extend the furlough scheme for sectors that, due to Covid-19 restrictions, are unable to fully reopen.”

Councillor Allison, seconded by Nelson, moved as a further amendment that the terms of the motion be augmented to include the following point:-

“Calls on both the Scottish and UK Governments to continue their support for businesses and residents within the sectors affected by this crisis.”

Councillor Brown, with the agreement of Councillor McGeever, indicated that he was willing to include the amendments proposed by Councillors Fagan and Wilson within his motion. The motion was duly amended.

On a vote being taken by roll call, on the amended motion and the amendment submitted by Councillor Allison, members voted as follows:-

Motion:

John Anderson, John Bradley, Walter Brogan, Robert Brown, Archie Buchanan, Janine Calikes, Stephanie Callaghan, Andy Carmichael, Maureen Chalmers, Gerry Convery, Margaret Cooper, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Isobel Dorman, Fiona Dryburgh, Joe Fagan, Allan Falconer, Grant Ferguson, Alistair Fulton, Geri Gray, Graeme Horne, Mark Horsham, Martin Lennon, Eileen Logan, Katy Loudon, Joe Lowe, Hugh Macdonald, Julia Marrs, Monique McAdams, Ian McAllan, Catherine McClymont, Mark McGeever, Jim McGuigan, Davie McLachlan, Gladys Miller, Carol Nugent, Mo Razzaq, John Ross, Graham Scott, Collette Stevenson, Bert Thomson, Margaret B Walker, Jim Wardhaugh, David Watson, Josh Wilson

Amendment:

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

11 members voted for the amendment and 47 members voted for the motion which was declared carried.

The Council decided: that the terms of the amended motion be supported.

Councillor Harrow left the meeting during this item of business

In terms of Standing Order No 13, the Provost adjourned the meeting following this item of business at 2.10pm. The meeting reconvened at 2.25pm without the attendance of Councillors Buchanan, Corbett, Fulton, Harrow, Hose, Lowe, McGuigan, Stevenson, Wardhaugh and Wilson

11 Notice of Motion – Achieving Equity for People of Black and Minority Ethnic Origin

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

“South Lanarkshire Council holds that every person interacting with it deserves fair and equitable treatment at all times.

Council acknowledges that recruitment statistics continue to show clear disparities between the success rates of applicants of white ethnicity and applicants of black and minority ethnicities (BAME). This Council is concerned by evidence BAME applicants are statistically less likely to be selected for interview and, if interviewed, less likely to be offered a post. Council notes the vital importance of fully understanding and resolving this and any other identified sources of inequity.

This Council appreciates work has been undertaken by officers to investigate disparities in the recruitment statistics and welcomes the commitment for a report on this to be brought before the next meeting of the Finance and Corporate Resources Committee. Following this, it is essential that elected members of all groups now work together to provide political leadership and establish clear direction.

Notwithstanding the remit and work of the existing Equalities Forum, this Council believes successfully addressing inequity between white and BAME members of our communities requires the attention of a working group specifically established for that purpose.

South Lanarkshire Council therefore resolves:-

1. To create an all-party Equity Working Group tasked to:
 - (i) consider officers' report on recruitment disparities between white and BAME applicants;
 - (ii) investigate and identify sources of inequity;
 - (iii) develop consensus on effective ways to address them; and
 - (iv) recommend to full Council measures to ensure equitable treatment.
2. That this working group consist of six elected members; one to be appointed by the leader of each of the five political groups, and a chair.
3. The leader of each political group shall be able to designate a substitute member of the working group, who may participate in its proceedings in the absence of the political group's appointed member.
4. That the chair of the working group be Councillor Razzaq.
5. That the chair of the working group, in consultation with the leaders of each political group and the Chief Executive, establish terms of reference for the working group, to be approved at the next meeting of the Council."

In moving his motion, Councillor Razzaq expressed concerns regarding the Council's recruitment statistics for applicants of black and minority ethnicities (BAME) and advised that he was not seeking positive discrimination but equity for BAME applicants seeking employment with the Council. Councillor McGeever, in seconding the motion, advised that discrimination remained widespread in society and within public bodies and that it should be recognised that such barriers should be overcome.

There followed a full discussion during which members expressed support for the motion.

In summing up, Councillor Razzaq, with the agreement of Councillor McGeever, advised that he wished to amend the terms of point 2 of his motion to allow the membership of the all party Equity Working Group to reflect the political balance of the Council. This would require an increase in membership from 6 to 7 members.

The Council decided: that the terms of the motion, as amended, be supported.

Councillors Campbell and Le Blond left the meeting during this item of business

12 European Charter of Local Self Government (Incorporation) (Scotland) Bill

A report dated 28 August 2020 by the Executive Director (Finance and Corporate Resources) was submitted on a call for views on the provisions of the European Charter of Local Self-Government.

The United Kingdom (UK) was a signatory to the European Charter of Local Self-Government (Incorporation) (Scotland) Bill drawn up by the Council of Europe in 1985 and ratified by the UK in 1997. The Council of Europe was an international body unrelated to the European Union and the Treaty would be unaffected as a result of Brexit.

Details were given on:-

- ◆ the purpose of the Treaty
- ◆ the effect of the Bill
- ◆ the way in which the Bill would enforce duties set out previously
- ◆ the matters on which the call for views had sought comments
- ◆ the main points contained in the Council's consultation response, which was outlined in Appendix 1 to the report

The Council's response to the call for views had been submitted to the Scottish Ministers within the required timescale of 17 September 2020, however, there was provision for further comments from members to be submitted to the Scottish Ministers following the Council meeting.

The Council decided: that the content of the report and the Council's response to the call for views on the provisions of the European Charter of Local Self-Government (Incorporation) (Scotland) Bill, which had been submitted to the Scottish Ministers by the deadline date of 17 September 2020, be noted.

Councillor Carmichael left the meeting during this item of business

13 Amendments to Memberships of Committees, Forums etc

A report dated 26 August 2020 by the Executive Director (Finance and Corporate Resources) was submitted advising on:-

- ◆ action taken, in terms of Standing Order No 36(c), by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to approve amendments to the membership of Committees, Forums etc
- ◆ the filling of a temporary vacancy of ordinary member on the Lanarkshire Valuation Joint Board
- ◆ a number of proposed changes received from the Conservative Group to the membership of Committees, Forums etc

The Council decided:

- (1) that the action taken, in terms of Standing Order No 36(c), by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to approve the amendments to the membership of Committees, Forums etc, as detailed in the report, be noted;
- (2) that it be noted that Councillor Walker had filled the temporary vacancy of ordinary member on the Lanarkshire Valuation Joint Board; and
- (3) that the proposed changes to the membership of Committees, Forums etc received from the Conservative Group Business Manager, as detailed in the report, be approved.

14 South Lanarkshire Integration Joint Board – Reappointment of the Council's Voting Members and Substitute Members

A report dated 1 July 2020 by the Executive Director (Finance and Corporate Resources) was submitted advising on action taken in terms of Standing Order No 36(c) because of the timescales involved, by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, in respect of the reappointment of the Council's voting and substitute members on the South Lanarkshire Integration Joint Board (IJB) as follows:-

- ♦ Councillors Falconer and McGuigan as voting members on the South Lanarkshire Integration Joint Board
- ♦ Councillors Chalmers and Macdonald as substitute members on the South Lanarkshire Integration Joint Board

The Council decided: that the action taken, in terms of Standing Order No 36(c), by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to approve the reappointment of Councillors Falconer and McGuigan as voting members on the South Lanarkshire Integration Joint Board and Councillors Chalmers and Macdonald as substitute members on the South Lanarkshire Integration Joint Board, be noted.

15 Standards Commission's Hearing Outcome

A report dated 24 August 2020 by the Chief Executive was submitted advising of the decision of the Standards Commission of Scotland following the Hearing held on 23 July 2020 into a complaint against Councillor Convery.

The Hearing Panel had found that Councillor Convery had breached paragraphs 5.2, 5.3, 5.10 and 5.12 of the Councillors' Code of Conduct and, as a consequence, took the decision to censure Councillor Convery.

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

Councillor Convery, having intimated that he wished to make a statement on the matter, was advised that, in doing so, he could not refer to the Commission's decision. On that basis, Councillor Convery proceeded to make a short statement on the matter.

The Council decided:

- (1) that the decision of the Hearing Panel of the Standards Commission for Scotland that Councillor Convery had breached paragraphs 5.2, 5.3, 5.10 and 5.12 of the Councillors' Code of Conduct be noted; and
- (2) that the decision of the Hearing Panel to censure Councillor Convery be noted.

16 Urgent Business

There were no items of urgent business.