

Notice of Meeting and Agenda Council

Date	Time	Venue
Thursday, 30 April 2015	09:30	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

KENNETH GRAHAM
Head of Corporate Governance

Board Membership

Councillor Derek Bibby: Councillor Maria Brown: Councillor Bill Brown: Councillor Lorraine Cameron: Councillor Stuart Clark: Councillor Eddie Devine: Councillor Margaret Devine: Councillor Andy Doig: Councillor Audrey Doig: Councillor Christopher Gilmour: Councillor Roy Glen: Councillor Eddie Grady: Councillor Jim Harte: Councillor Jacqueline Henry: Councillor Michael Holmes: Councillor John Hood: Councillor Terry Kelly: Councillor Brian Lawson: Councillor Paul Mack: Councillor James MacLaren: Councillor Kenny MacLaren: Councillor Mags MacLaren: Councillor Mark Macmillan: Councillor Eileen McCartin: Councillor Cathy McEwan: Councillor Stephen McGee: Councillor Marie McGurk: Councillor Iain McMillan: Councillor James McQuade: Councillor Sam Mullin: Councillor Alexander Murrin: Councillor Will Mylet: Councillor Iain Nicolson: Councillor Allan Noon: Councillor Bill Perrie: Councillor Jim Sharkey: Councillor Maureen Sharkey: Councillor Tommy Williams

Provost Anne Hall (Convener): Councillor John Caldwell (Depute Convener)

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Items of business

Apologies

Apologies received from members.

Declarations of Interest

Members are asked to declare an interest in any item(s) on the agenda and to provide a brief explanation of the nature of the interest.

1 Minutes of Meetings of Council, Boards and Panels (attached separately)

Council Meeting, 26 February, 2015 (pages 388-396)

Special Council Meeting, 26 February, 2015 (pages 397-398)

Special Council Meeting, 23 March, 2015 (pages 468-478)

Social Work, Health & Well-being, 3 March, 2015 (pages 399-405)

Regulatory Functions, 4 March, 2015 (pages 406-412)

Education, 5 March, 2015 (pages 413-421)

Sport, Leisure & Culture, 5 March, 2015 (pages 422-426)

Housing & Community Safety, 10 March, 2015 (pages 427-433)

Planning & Property, 10 March, 2015 (pages 434-440)

Environment, 11 March, 2015 (pages 441-444)

Finance & Resources, 11 March, 2015 (pages 445-459)

Personnel Appeals & Applied Conditions of Service, 12 March, 2015
(pages 460-461)

Economy & Jobs, 18 March, 2015 (pages 462-467)

Audit, Scrutiny & Petitions, 30 March, 2015 (pages 479-485)

Leadership, 1 April, 2015 (pages 486-488)

Regulatory Functions, 2 April 2015 (pages 489-495)

Regulatory Functions, 23 April, 2015 (pages 496-504)

2 Standards Commission for Scotland - Decision of the Hearing Panel of the Commission **9 - 16**

Report by the Head of Corporate Governance.

3 Local Government Boundary Commission for Scotland – Fifth Review of Electoral Arrangements - Consultation on Ward Boundaries **17 - 48**

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Report by the Director of Finance & Resources

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Report by the Director of Finance & Resources

8	Notice of Motion (1) by Councillors Lawson and Andy Doig	
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"Renfrewshire Council notes the publication in March 2015 of a joint report by six Churches and religious bodies examining the impact of benefit sanctions on the lives of those sanctioned.

The report found that in the UK approximately 100,000 children were affected by sanctions in a single year, and every day over 100 sanctions are imposed on people who have been medically assessed as unfit to work as a result of mental health problems.

Council records its deep concern that these figures are likely to increase significantly with the extension of Universal Credit and that Renfrewshire has one of the highest level of benefit sanctions across the UK.

Council supports the key recommendations of the report, namely

- an immediate suspension of sanctions where these affect households with children
- an immediate suspension of sanctions against anyone with a mental illness
- the immediate removal of the two week waiting period before "non vulnerable" people can be considered for hardship benefit."

9 Notice of Motion (2) by Councillors Perrie and M MacLaren

"VAT Payments

Council calls on the Westminster Government to exempt Police Scotland and the Scottish Fire and Rescue Service from the payment of VAT."

10 Notice of Motion (3) by Councillor K MacLaren and Mylet

"Resignation from Health Board

Renfrewshire Council calls on the council's representative on NHS Greater Glasgow and Clyde Health Board, Councillor Mark Macmillan, to resign his post immediately.

Councillor Macmillan has recently taken part in publicity stunt alleging an apparent 'RAH A&E Crisis'. As the council's representative on the health board Councillor Macmillan should have addressed any concerns over the RAH A&E department at the health board but failed to do so and has therefore failed in his duty to represent the council effectively on the health board."

11 Notice of Motion (4) by Councillors Andy Doig and Cameron

"This Council believes that the election of another Tory led Westminster Government would be detrimental to the well being of Renfrewshire's children, and looks forward to SNP MP's representing Renfrewshire who will promote positive action to improve the position of Renfrewshire's children by

- Pushing for child tax credits and child benefit to be uprated instead of frozen as the Conservatives plan.
- Promoting action that supports in-work families by calling for an increase in the minimum wage to £8.70 by the end of the next parliament.
- Supporting an increase in the work allowance - helping those in work benefit from their earnings.
- Delivering an end to austerity and oppose the renewal of nuclear weapons to help fund a further expansion of childcare.
- The SNP Government has already extended free childcare provision to 600 hours and has pledged that if re-elected at the next Holyrood election, childcare provision will be extended further still to 1,140 hours per year."

12 Notice of Motion (5) by Councillors M Brown and McEwan

"This Council recognises that the SNP Government has already taken strong action in government to protect the interests of Renfrewshire's pensioners - including investing in free personal care and the concessionary travel scheme, and looks forward to SNP MP's representing Renfrewshire who will campaign for

- The retention of the Triple Lock to ensure that the state pension increases every year either by inflation, in line with wages or by 2.5 per cent - whichever is the higher.
- A Single Tier Pension rate of at least £160 to lift pensioners out of means tested benefits.
- A guarantee that there should be no further increase in the state pension age in Scotland while life expectancy still lags behind the rest of the UK and Europe.
- Opposition to any attempts to end the Winter Fuel Allowance which so many pensioners rely on".

13 Notice of Motion (6) by Councillors K MacLaren and Lawson

"Weapons of Mass Destruction

Renfrewshire Council believes that weapons of mass destruction have no place in a modern civilised society and no place on the shores of the Clyde, less than an hour's drive from this chamber.

Renfrewshire Council calls upon any party in government after the 7th May to immediately cease plans to renew Trident and to decommission the UK's nuclear weapons at the earliest opportunity."

EXCLUSION OF PRESS AND PUBLIC

The Council may by resolution exclude the press and public from the meeting during consideration of the following items of business as it is likely, in view of the nature of the business to be transacted, that if members of the press and public are present, there could be disclosure to them of exempt information as defined in paragraph 12 of Part I of Schedule 7A of the Local Government (Scotland) Act, 1973.

14 Proposed Settlement of Court Action

To: Council

On: 30 April 2015

Report by: Head of Corporate Governance

**Heading: Standards Commission for Scotland: Decision of the Hearing
Panel of the Commission**

1. Summary

- 1.1 A complaint was made to the Commission for Ethical Standards in Public Life in Scotland alleging that Councillor Andy Doig had potentially breached the Councillors' Code of Conduct (the code) by making remarks which were disrespectful to the Chair of the Planning & Property Policy Board, suggesting that he had made up his mind on a planning application in advance of due process having been completed, in contravention of the code.
- 1.2 The Commissioner for Ethical Standards in Public Life in Scotland (the Commissioner) conducted an investigation into the complaint and concluded that Councillor Andy Doig had contravened the code. The Commissioner subsequently submitted a report to the Standards Commission for Scotland (the Commission) on the outcome of his investigation.
- 1.3 The Commission, following receipt of the Commissioner's report, decided to hold a hearing in relation to the complaint and this hearing took place at the Glynhill Hotel, Renfrew on 11 March 2015.

- 1.4 The Hearing Panel issued an oral decision at the conclusion of the hearing that Councillor Doig had breached paragraph 3.2 of the code "You must respect the chair, your colleagues, Council employees and any member of the public present during meetings of the Council, its committees or sub-committees or of any public bodies where you have been appointed by, and represent the Council. You must comply with rulings from the chair in the conduct of the business of these meetings." The sanction of censure was applied.
- 1.5 The written decision of the Hearing Panel has now been received and a copy is appended to this report. This sets out the reasons for the decision that a breach of the code had been proven and the factors taken into account in deciding on the sanction imposed.
- 1.6 In terms of the Ethical Standards in Public Life (Scotland) Act 2000 a council receiving a copy of findings from the Standards Commission requires to consider those findings within 3 months of receiving them (or within such longer period as the Commission may specify).
- 1.7 Members are reminded that training on governance (which includes the code) has been and will continue to be provided to members as part of their training and development programme. Individual members can seek advice from the Head of Corporate Governance on any provisions of the code..

2 **Recommendation**

- 2.1 That the Council, in terms of the Ethical Standards in Public Life etc (Scotland) Act 2000, note the findings of the Standards Commission on this complaint.

Implications of the Report

1. **Financial** - none
2. **HR & Organisational Development** - none
3. **Community Planning** – none
4. **Legal** – in terms of the Ethical Standards in Public Life etc (Scotland) Act 2000 a council requires to consider the findings of the Standards Commission within 3 months of receipt (or within such longer period as the Commission may specify).
5. **Property/Assets** - none
6. **Information Technology** – none
7. **Equality & Human Rights** - The recommendation contained within this report has been assessed in relation to its impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** - none
9. **Procurement** – none
10. **Risk** – none.
11. **Privacy Impact** – none

List of Background Papers – none – report on Standards Commission's findings is appended.

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**Decision of the Hearing Panel of the Standards Commission for
Scotland following the Hearing held in the Glynhill Hotel,
Renfrew, Glasgow on 11 March 2015**

Complaint Reference LA/R/1525: Councillor Andy Doig, Renfrewshire Council

Panel Members: Mr Matt Smith, OBE, Chair of the Hearing Panel
Mr Ian Gordon, OBE, QPM
Mrs Julie Ward

The Hearing arises in respect of a Report by Mr Bill Thomson, the Commissioner for Ethical Standards in Public Life in Scotland ("the CESPLS"), further to complaint number LA/R/1525 ("the Complaint") concerning an alleged contravention of the Councillors' Code of Conduct ("the Code") by Councillor Andy Doig ("the Respondent") of Renfrewshire Council.

Mr Thomson, the CESPLS, was accompanied by Mr Iain McLeod, the Investigating Officer. The Respondent attended the Hearing and was represented by Councillor Iain Nicolson. No witnesses were called by the CESPLS or the Respondent.

The Complaint

The Complainant submitted a complaint to the CESPLS identifying that the Respondent had potentially breached the Councillors' Code of Conduct.

The CESPLS investigated the complaint and concluded that the Respondent made remarks whilst acting in his capacity as a councillor who was representing his local ward and was seeking to represent the views of his constituents. The CESPLS considered that whilst paragraph 3.2 of the code refers specifically to conduct at meetings, paragraph 3.1 indicates that Section 3 of the Code provides "the rules of good conduct in this section must be observed in all situations where you act as a councillor, including representing the Council on official business". The CESPLS considered that as the Respondent was acting as a councillor when he made the remarks which gave rise to the complaint he had therefore contravened paragraph 3.2 of the Councillors' Code of Conduct.

The relevant provision is:

With regard to general conduct paragraph 3.1 of the Code states:

3.1 The rules of good conduct in this section must be observed in all situations where you act as a councillor, including representing the Council on official business.

Conduct at Meetings

3.2 You must respect the chair, your colleagues, Council employees and any members of the public present during meetings of the Council, its committees or sub-committees or of any public bodies where you have been appointed by, and represent the Council. You must comply with rulings from the chair in the conduct of the business of these meetings.

The CESPLS submitted a report to the Standards Commission on 12 January 2015 in accordance with section 14.2 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 as amended.

Joint Statement of Facts

The CESPLS ("the Commissioner") and the Respondent provided a Joint Statement signed on 2 March 2015, in respect of facts that were agreed and facts that were in dispute.

Part 1 of the Commissioner's report was agreed.

Part 2 of the Commissioner's report was agreed

Part 3 of the Commissioner's report was agreed.

Part 4 of the Commissioner's report was agreed

Part 5 of the Commissioner's report was agreed, except as follows.

The Respondent does not agree with;

- the finding in paragraph 5.4 of the report that his remarks were disrespectful towards the complainant and could not be justified by reference to previous remarks in support of regeneration of the area attributed to the Leader of the Council;
- the statement in paragraph 5.5 of the report that his remarks were inappropriate in relation to Council Officers; and
- the Commissioner's opinion, expressed in paragraph 5.7 of the report, that the Respondent's remarks were a personal attack on the complainant.

Appendices A-J in the Commissioner's report contains true copies of the documents which they purport to be; which copies may be treated as equivalent to the oral evidence of their authors.

Evidence presented at the Hearing

The CESPLS outlined the facts and presented his case as set out in his report to the effect that Councillor Doig, in his comments, as reported in 'The Gazette' of 26 March 2014, had been disrespectful to the Chair of the Planning Board. The comments suggested that the Convener had made up his mind on a planning application in advance of due process having been completed. It was clear that the remarks referred to the complainant in his capacity as Convener of the Planning Board in contravention of the Councillors' Code of Conduct.

The CESPLS asked the Hearing Panel to adopt the findings and conclusions contained in the report.

For the Respondent, Councillor Nicolson argued that the comments made by Councillor Doig in 'The Gazette' of 26 March 2014 had not been specifically addressed to the Convener of the Planning Board but were in fact addressed more widely to the planning process. It was suggested that the terms 'chair' and 'convener' were not necessarily interchangeable in the context of the case. It was further argued that the 'Councillors' Code of Conduct' had been misinterpreted by the CESPLS in that paragraph 3.1, in referring to 'all situations where you act as a councillor' and the guidance note, could not be used to cover situations such as that being considered in this case.

The Respondent's representative argued that under section 3.2 of the Code the role of the Chair was not the same as Convener. He further argued that paragraph 3.2 of the

Code was the only area of the Code that the CESPLS had determined breach and that this was not relevant to the circumstances and that paragraph 3.1 could not be used in conjunction with paragraph 3.2.

Decision

The Hearing Panel considered in detail all of the evidence, the submissions given in writing and orally at the Hearing and found as follows:

1. The Councillors' Code of Conduct applied to the Respondent.
2. Based on the test of balance of probabilities, the Respondent had breached paragraph 3.2 of the Councillors' Code of Conduct.

The reasons for the Hearing Panel decision include:

- 1 The CESPLS and the Respondent provided a Joint Statement of Facts, signed on 2 March 2015, in respect of facts that were agreed and facts that were not agreed.
- 2 The CESPLS in his Report alleged that the Respondent had been disrespectful towards the Complainant in respect of comments made by him and reported in 'The Gazette' on 26 March 2014. The Respondent accepted that he made the remarks. Councillor Doig accused the 'Convener' of having already made up his mind on a planning application that had not at that time come before the Planning Board.
- 3 It was submitted by the Respondent that there is a distinction between the terms 'Convener' and 'Chair', the latter terms being quoted in the Code. The Panel; does not believe this distinction is relevant. The Panel considers it is clear to whom the comments referred.
- 4 The Respondent when making these comments was acting in his capacity as a Councillor. The Panel understood that he was representing his local ward and the views of constituents. Nevertheless, the Code is clear in paragraph 3.2 that respect must be given to fellow councillors and others and that the remarks made by the Respondent were disrespectful.
- 5 The Panel does not accept the submission by the Respondent that the Code and its Guidance is limited in its application to Council meetings. The Code is clear that these provisions apply in all circumstances when acting as a Councillor:
 - Paragraph 1.5 of the Code states: "Councillors hold public office under the law and must observe the rules of conduct stemming from the law, the Code and any guidance from the Standards Commission and the rules, standing orders and regulations of the Council."
 - Paragraph 7 of the Guidance to the Councillors' Code of Conduct states: "Paragraph 3.2 provides that you must respect the Chair, your colleagues, Council employees and any members of the public present and provides examples of the type of meetings to which this provision applies. However, as stated above, paragraph 3.1 provides that the rules of good conduct set out in Section 3 must be observed in all situations where councillors are acting as councillors, including representing the Council in official business and the list of meetings to which this provision applies should be viewed as illustrative, rather than exhaustive. The effect of the provision is that councillor must respect the Chair, colleagues, Council employees and any members of the public in all situations where they act as councillors including - but not restricted to -

meetings of the Council, its committees and sub-committees or of any public bodies where they have been appointed by, and represent the Council."

For these reasons the Hearing Panel concluded that the Respondent had breached Paragraph 3.2 of the Councillors' Code of Conduct in writing and orally at the Hearing and found as follows:

Sanction

The decision of the Hearing Panel was to censure Councillor Doig.

This sanction was made under the terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000 section 19(1)(a).

Reasons for Sanction

In reaching their decision, the Hearing Panel took into account the following considerations:

The Respondent had breached the Councillors' Code of Conduct.

1. The Panel considered the background and in particular the statement of mitigation presented by Councillor Nicolson. The Panel acknowledged the complexity of the planning process and the fact that the Respondent was a relatively new councillor.
2. The Hearing Panel noted the apology offered.
3. It was clear to the Panel that the comments made by the Respondent were in breach of the Code. They were indicative of a lack of respect for another Councillor and related to issues where the Respondent accused that Councillor of having made up his mind on a planning application in advance of due process having been completed.
4. The purpose of the Code is to encourage and, where necessary, enforce ethical standards. Having found that there had been a breach of the Code and taking all circumstances into account the Hearing Panel consider the imposition of a censure is the appropriate sanction.

We would encourage Councillor Doig to undertake appropriate training on the Code and its Guidance.

Right of Appeal

The attention of the Respondent was drawn to section 22 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 as amended which detailed the right of appeal in respect of this Decision.

Date: 20 March 2015

Mr Matt Smith
Chair of the Hearing Panel

To: Council

On: 30 April 2015

Report by: Director of Finance & Resources

Heading: Local Government Boundary Commission for Scotland – Fifth Review of Electoral Arrangements – Consultation on Ward Boundaries

1. Summary

- 1.1 The Local Government Boundary Commission is currently undertaking its Fifth Review of Electoral Arrangements in Scotland. In 2014, the Commission completed that part of its Review dealing with the number of councillors for each council area. The Commission has now issued its proposals for consultation in relation to the Ward boundaries within the Renfrewshire Council local authority area.
- 1.2 The purpose of this report is to provide elected members with information on the detailed proposals put forward by the Commission and to provide members with the opportunity to consider their response to the consultation.
- 1.3 The consultation paper issued by the Commission is included as an appendix to this report
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2. Recommendations

- 2.1 It is recommended that the Council

- (a) agrees that a response to the consultation should be sent to the Local Government Boundary Commission for Scotland making the points set out in Section 4 of this report; and
- (b) notes that a 12 week public consultation will take place later in 2015.

3. **Background**

- 3.1 On 19 March 2015, the Local Government Boundary Commission for Scotland issued proposals to all councils on wards within each council area. The proposals are at this stage for consultation with councils only with the deadline for councils to respond to the consultation being 14 May 2015. Thereafter, it is intended that the Commission will issue the proposals, subject to any amendments arising from the consultation with councils, for a 12 week public consultation commencing in July 2015.
- 3.2 At present, the Council is divided into 11 wards with 7 wards each electing 4 members and the remaining 4 wards each electing 3 members for a total of 40 elected members on Renfrewshire Council. Those arrangements have been in place since the 2007 Local Government election which was the first one to elect members to multi-member wards.
- 3.3 The first phase of the current Review of Electoral Arrangements was a review of the number of elected members for each council area. Members will recall that the proposal consulted on was that the number of elected members in Renfrewshire be increased from 40 to 43 and as reported to the Leadership Board on 18 February 2015, the Commission has retained that proposal following the conclusion of that phase of the consultation.
- 3.4 The consultation document issued on 19 March 2015, which is attached as an Appendix to this report, illustrates the proposals for wards in Renfrewshire. For each electoral ward, the Commission makes recommendations about its boundary, its name and the number of councillors to represent the ward (legislation restricts this to either 3 or 4 councillors). The main points to note from the consultation paper are:
 - The number of wards is increased from 11 to 13.

- None of the current wards remain unaltered.
- There will be 9 wards each electing 3 members and 4 wards each electing 4 members.
- Johnstone has its own single ward.
- Paisley is given two additional wards and, if Gallowhill is included, will be divided between seven wards. In addition, all of the wards in Paisley are to be 3 member wards.

3.5 When reviewing electoral arrangements the legislation requires the Commission to take account of the following factors:

- the interests of effective and convenient local government;
- within each council, that each councillor should represent the same number of electors as nearly as may be;
- local ties which would be broken by making a particular boundary;
- the desirability of fixing boundaries that are easily identifiable; and
- special geographical considerations.

3.6 The Commission consultation document states that their proposals for the council area:

- improve overall forecast parity;
- introduce 2 new wards in Paisley;
- address forecast disparities in Paisley South West Ward;
- make changes to ward boundaries throughout the council area to align with community council area boundaries;

3.7 The proposals have been developed using electorate data from 1 September 2013 and having regard to the likely changes in the number of electors by considering forecast electorate counts in 2019.

4. **Commentary**

4.1 As a general comment, the consultation document does not provide a great deal of information and is insufficient to enable the council to determine all that has been taken into account by the Commission when creating the proposals for the new wards. In particular, no

indication is given as to how the Commission believes it has applied the factors it is required to take into account in the relevant legislation when undertaking this exercise. In these circumstances, the council may consider that it is not in a position to offer a definitive view on whether or not the proposals offer an improvement to the current electoral arrangements. However, it is recommended that a response to the consultation is issued to cover the points set out in this Section 4 and that the Council requests that these points be addressed in the consultation documentation issued for the wider public consultation later in 2015.

4.2 The names of some of the thirteen wards in the Boundary Commission proposal no longer make reference to some of the well-defined areas of population in Renfrewshire that feature in the names of existing wards. For example, if the proposed ward names were to be accepted, there would no longer be reference to Gallowhill, Ralston, Elderslie, Howwood and Kilbarchan. It could also be argued that to reflect the importance of the Braehead centre and the recent housing developments adjacent to it, the name of Ward 1 should specifically refer to Braehead. Finally, in the new Ward 11, Crosslee is not in that ward despite being referred to in the ward name. Therefore, it is suggested that the response to the consultation should propose the following names for some of the wards:

- Ward 1 Renfrew North and Braehead
- Ward 2 Renfrew South and Gallowhill
- Ward 3 Paisley Northeast and Ralston
- Ward 8 Paisley Southwest and Elderslie
- Ward 10 Bridge of Weir, Howwood, Kilbarchan and Lochwinnoch
- Ward 11 Linwood and Craigends.

4.3 The proposal intends to coordinate the ward boundaries with community council boundaries. An analysis of the new ward boundaries compared with the 25 community council area boundaries show that 8 community council areas cross ward boundaries with one community council area (Charleston) being split across three wards. The remaining 17 community council areas are each contained within single wards. Therefore, generally there is a reasonably good match between community council areas and ward areas. For example, it is clear that the proposed new Johnstone Ward is based on the existing community council area.

- 4.4 When the Commission was reviewing the number of elected members in each council area it decided for the first time to include in the criteria it used to determine member numbers the Scottish Index of Multiple Deprivation (SIMD) data. The Council supported this approach which resulted in the council being allocated three additional members. However, this now begs the question whether the allocation of the 43 members across the newly defined wards achieves the aim of securing increased representation for the more deprived communities in Renfrewshire.
- 4.5 The proposed changes would mean that Renfrewshire's 60 datazones that are part of Scotland 20% most deprived, which are currently dispersed over 9 wards will be dispersed over 10 of the new wards. Currently, there are five wards with datazones in the 5% most deprived in Scotland. However, this will increase to six wards under the Boundary Commission's proposals. The main change is that the current Paisley North West ward will be split across two new wards; Paisley Northwest and Central and Paisley West. Therefore, as it stands, there are four councillors that represent people living in the 5% most deprived datazones in Paisley North West whereas under the new proposals, these datazones would be represented by six councillors, an increase of two.
- 4.6 Currently there are eight wards with datazones in the 5-10% most deprived in Scotland, although this will decrease under the Boundary Commission's proposals to seven wards. One of the main reasons for this is due to the current wards of Johnstone North, Kilbarchan and Lochwinnoch and Johnstone South, Elderslie and Howwood being split across various proposed wards. The datazones in question would be clustered together in the new Johnstone ward. Previously, the majority of these datazones had been in Johnstone North, Kilbarchan and Lochwinnoch and were represented by three councillors, but under the current proposals, they would be represented by four councillors, an increase of one. Another change in the boundaries would see the Paisley East and Ralston ward split across the proposed wards of Paisley East and Paisley Northwest and Central. At present, the areas of deprivation in Paisley East and Ralston are represented by four councillors, although under the proposed boundaries, there would be a total of six councillors representing these datazones, an increase of two.
- 4.7 The number of wards in Renfrewshire that hold the 10-15% most deprived datazones will increase from eight to ten under the Boundary Commission proposals. The main change here is due to the current Paisley East and Ralston ward being split across the proposed Paisley

East and Paisley Northeast wards. At present, the datazones are represented by four councillors, but under the proposals this could increase to six (three in each of the proposed wards). Another change in the wards where people live in the 10-15% most deprived datazones, would be that the current Paisley South West ward is anticipated to split between the proposed wards of Paisley West and Paisley Southwest. At present, people living in these datazones are represented by four councillors, while under the proposed new boundaries; a total of six councillors will be present across two wards.

- 4.8 Overall, it is clear that the 60 datazone that are part of the most deprived 20% in Scotland will be dispersed across more wards under the Boundary Commission proposals. However, it could be claimed that the areas of deprivation are concentrated within proposed wards, rather than spread across the local authority. This is due to the number of wards in Paisley increasing by two as well as the town of Johnstone being represented in its entirety as one ward. Along with the greater concentration of deprivation across these areas comes an increase in elected representatives.
- 4.9 Across Renfrewshire it is proposed to increase the number of councillors from 40 to 43, which would see an extra two councillors in Paisley, and four councillors for the entire Johnstone area. In each of Paisley's proposed six wards there would be three councillors, meaning there would be a range of elected representatives covering the most deprived areas. It could therefore be claimed that the proposal will result in an increased number of councillors across wards where deprivation exists and that the proposal does meet the aim of achieving greater representation for deprived communities.
- 4.10 In relation the factor in the second bullet point of paragraph 3.5, the ideal is that all councillors represent the same number of electors. This is referred to as "parity". Although it is apparent from the Boundary Commission document forming the Appendix to this report that this has not been possible to achieve, the table at page 4 of the document shows the variation from parity in each of the proposed 13 wards using the electorate figure from 2013 and the forecast electorate figure for 2019. Applying those figures would mean that each of the 43 councillors should represent 3033 electors which translates to each 3 member ward ideally having 9099 electors and each four member ward having 12,132 electors.
- 4.11 Based on the 2013 figures this illustrates wards ranging from a variation of -8% (over-representation) in Renfrew North to 10% (under representation) in Paisley North East. Using the 2019 forecast

electorate figures the variation from parity will range from -6% (over – representation) in Bridge of Weir and Lochwinnoch to 9% (under-representation) in Paisley Southwest. However, the same table shows a 4% variation overall for both 2013 and 2019 figures which indicates that a consequence of the proposals is a general under representation of electors across Renfrewshire.

- 4.12 No information is given by the Commission regarding whether these variations fall within a range of acceptable tolerances or whether they are typical of the variations across Scotland. Therefore, it is difficult to make an informed comment on whether the proposals achieve an acceptable level of parity.
- 4.13 In relation to whether the proposals will result in the breaking of local ties, there is already an example of this in the current arrangements with the Gallowhill area which is traditionally regarded as being part of Paisley, being included in a ward with Renfrew South. However, it could be argued that the new proposals create further examples of this. There doesn't appear any good reason to include Paisley town centre with Paisley Northwest and there is no traditional link between Foxbar and Elderslie which are combined in the new Ward 8. Elderslie would be seen locally as having closer links to Johnstone. Similarly, the inclusion of Craigends with Linwood when it is more clearly associated with Houston and Crosslee which are both in ward 12 could be seen as breaking local ties. In addition, Bridge of Weir has now been included in a ward with the villages to the south west such as Lochwinnoch and Howwood whereas previously it shared a ward with the villages to the north, Langbank and Bishopton. Finally, the proposal sees Erskine being split between two wards which again could be seen as breaking local ties.
- 4.14 In relation to easily identifiable boundaries and geographical considerations it is acknowledged that an effort has been made to use rivers, railways and main roads as boundaries. However, the boundaries between wards 8 and 9 and between wards 9 and 10 are difficult to locate by reference to any physical boundaries
- 4.15 An analysis has been undertaken of the extent to which the ward boundaries reflect the boundaries of the Westminster and Scottish Parliamentary constituencies. At present the boundary between the two Westminster constituencies cuts across four wards (Wards 3, 4, 9 and 10). That position remains unchanged under the Boundary Commission proposals with the boundary cutting across four of the new wards (Wards 3, 4, 8 and 10).

- 4.16 For the three Scottish Parliamentary constituencies that cover the Renfrewshire area, the only point of note under the current structure is that the line of the Renfrewshire South constituency boundary with Renfrewshire North and West constituency splits one ward (Ward 9). The new proposals involve Ward 4 being part of both the Paisley and the Renfrewshire North and West constituencies. The new Ward 7 would straddle the Paisley and the Renfrewshire South boundaries and the new Ward 10 straddles the Renfrewshire North and West and the Renfrewshire South boundary. Accordingly the new proposals result in an increased disconnection between ward boundaries and Scottish Parliament constituency boundaries
- 4.17 The purpose of this part of the review of the Local Government Electoral Arrangements is to give local authorities the opportunity to comment on the Commission's proposals ahead of the public consultation later in 2015. The public consultation will allow political parties and groups as well as individual elected members to submit their own comments on the proposals at that stage.

Implications of the Report

1. **Financial** – If the proposals are adopted, there will be three additional elected members for Renfrewshire who will all be entitled to receive a remuneration and expenses.
2. **HR & Organisational Development** - none
3. **Community Planning** – none
4. **Legal** – In terms of the Local Government (Scotland) Act 1973, the electoral boundaries for local authorities must be reviewed every 8 to 12 years.
5. **Property/Assets** - none
6. **Information Technology** - none
7. **Equality & Human Rights** -

- (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** - None

9. **Procurement** - None

10. **Risk** - None

11. **Privacy Impact** - None

List of Background Papers

- (a) Background Paper 1 – Report to the Leadership Board on 2 April 2014- “Local Government Boundary Commission for Scotland- Fifth Review of Electoral Arrangements.
- (b) Background Paper 2 – Report to the Leadership Board on 18 February 2015 – “Local Government Boundary Commission for Scotland- Update on Fifth Review of Electoral Arrangements.

The foregoing background papers will be retained within Legal and Democratic Services for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is Ken Graham, Head of Corporate Governance (Ext. 7360).

Author Ken Graham, Head of Corporate Governance (Ext 7360).

Local Government Boundary Commission for Scotland

Fifth Reviews of Electoral Arrangements

Renfrewshire Council Area

Proposals for wards



March 2015

Local Government Boundary Commission for Scotland

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Membership of the Commission

Chairman: Mr Ronnie Hinds

Deputy Chairman: Mr William Magee

Commissioners: Mr Roland Bean
Prof. Ailsa Henderson
Dr Susan Walker

Secretary to the Commission: Dr Hugh Buchanan (to October 2014)
Ms Isabel Drummond-Murray (from October 2014)

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Introduction

1. The Local Government Boundary Commission for Scotland is an independent, non-political body whose purpose is to make recommendations for local government administrative and electoral boundaries in Scotland.
2. We are tasked by the Local Government (Scotland) Act 1973 to undertake reviews of local government electoral arrangements in Scotland. These reviews are our fifth periodic reviews of local government electoral arrangements in Scotland since we were first established in 1973. We intend to submit a report containing our recommendations for electoral arrangements for each council area in Scotland to the Scottish Ministers by May 2016, in time for implementation for the next local government elections in May 2017.
3. This booklet contains a summary of our proposals for Scotland as a whole and our proposals for wards in Renfrewshire council area, and information on how to participate in our consultation with councils from 19 March to 19 May 2015.

The reviews

4. In 2011 we consulted the public on our methodology for determining councillor numbers. The results of that consultation can be found on our website www.lgbc-scotland.gov.uk
5. We formally began the current reviews on 21 February 2014. We consulted councils and the public on our proposals for councillor numbers for each council between February 2014 and August 2014. We have now considered all the submissions received during these consultations. We have reached a decision on councillor numbers and the associated ward designs and are now presenting our proposals for wards for further consultation. The meeting papers that informed our deliberations and the minutes of our meetings are referenced on page 4. Details of how to participate in the consultation are given below.
6. For each electoral ward, we make recommendations about its boundary, its name and the number of councillors to represent the ward (legislation restricts this to either 3 or 4 councillors).
7. When reviewing electoral arrangements the legislation requires us to take account of the following factors:
 - the interests of effective and convenient local government;
 - within each council, that each councillor should represent the same number of electors as nearly as may be;
 - local ties which would be broken by making a particular boundary;
 - the desirability of fixing boundaries that are easily identifiable; and
 - special geographical considerations.
8. For further information on the policies and procedures we have adopted to underpin these reviews and the legal requirements for ward design, please refer to our *Guidance*

Booklet, which is available on our website http://www.lgbc-scotland.gov.uk/reviews/5th_electoral/resources.asp or on request.

Our proposals for wards in Scotland

9. We developed our proposals using electorate data from 1 September 2013. The number of electors registered in each council electoral ward on that date can be found on our website. In developing our proposals for wards, we have had regard to the likely changes in the number of electors by considering forecast electorate counts in 2019. The methodology we have used to forecast electorates can be found on our website. Whilst the dataset does not include 16 and 17 year olds, we have considered the impact their inclusion on the electoral register would have and are content that this would not affect our proposals.
10. Our proposals use population size to set councillor numbers. In keeping with past reviews we have created categories of similar councils to set ratios of councillors to electors. In doing so, we have used population distribution and levels of deprivation to group councils together. Population size, however, remains the biggest determinant of councillor numbers and the design of wards.
11. We consulted on proposals for councillor numbers in 2014. In 5 council areas, we have changed the number of councillors proposed for the area from our original proposals for councillor numbers because it allows us to take better account of the factors in the legislation during ward design. Overall, our proposals provide for 1,217 councillors representing 351 wards in Scotland: a decrease of 6 councillors and 2 wards from existing electoral arrangements.
12. Our proposals for wards include unchanged electoral arrangements in 2 council areas and minor changes in 2 other council areas.
13. Nationally, over 96% of proposed wards are forecast to be within 10% of parity for the council area. At present 17% of existing wards are 10% or more from parity. Only 2 proposed wards are forecast to be more than 15% from parity, compared to 19 existing wards.
14. Our proposals improve parity between councillors in terms of the number of electors they represent (the forecast average variation from a council area's parity per councillor improves from 6.0% for existing wards to 4.6% for proposed wards).
15. In general we have sought to construct wards from complete local sub-geographies such as community council areas. In our proposals for wards almost 80% of community council areas are wholly within wards. In a few council areas, we have adopted ward designs that recognise other locally-significant boundaries such as community planning areas, neighbourhoods or natural communities.

Consultation on our proposals for wards

16. The legislation provides that we must first of all consult on our proposals with councils. This consultation on our proposals for wards runs from 19 March 2015 until 19 May 2015. After consideration of responses to this consultation with councils, we intend to conduct a 12-week public consultation on our proposals for wards between

July and October 2015. Depending on the outcome of the consultation, we may further develop and consult on our proposals later in 2015. We expect to submit our reports containing our final recommendations to the Scottish Ministers by May 2016.

17. Further copies of this booklet are available on request.
18. We welcome all comments on our proposals to help inform our deliberations. Comments can be made in the following ways:

In writing to:	Local Government Boundary Commission for Scotland Thistle House 91 Haymarket Terrace Edinburgh EH12 5HD
by email to:	comments@scottishboundaries.gov.uk

19. All comments we receive in response to this consultation will be available to view on our website in due course. For further information, please visit our website.
20. Where comments contain objections to our proposals, it would be helpful if they could be accompanied by alternative proposals that take account of statutory requirements and consider the consequences on the council area as a whole.

Proposals for wards in Renfrewshire council area

21. The maps on the following pages illustrate our proposals for wards in Renfrewshire council area. We present an electoral arrangement for 43 councillors representing 9 3-member wards and 4 4-member wards, increasing councillor numbers in the area by 3.

22. Our proposals for the council area:

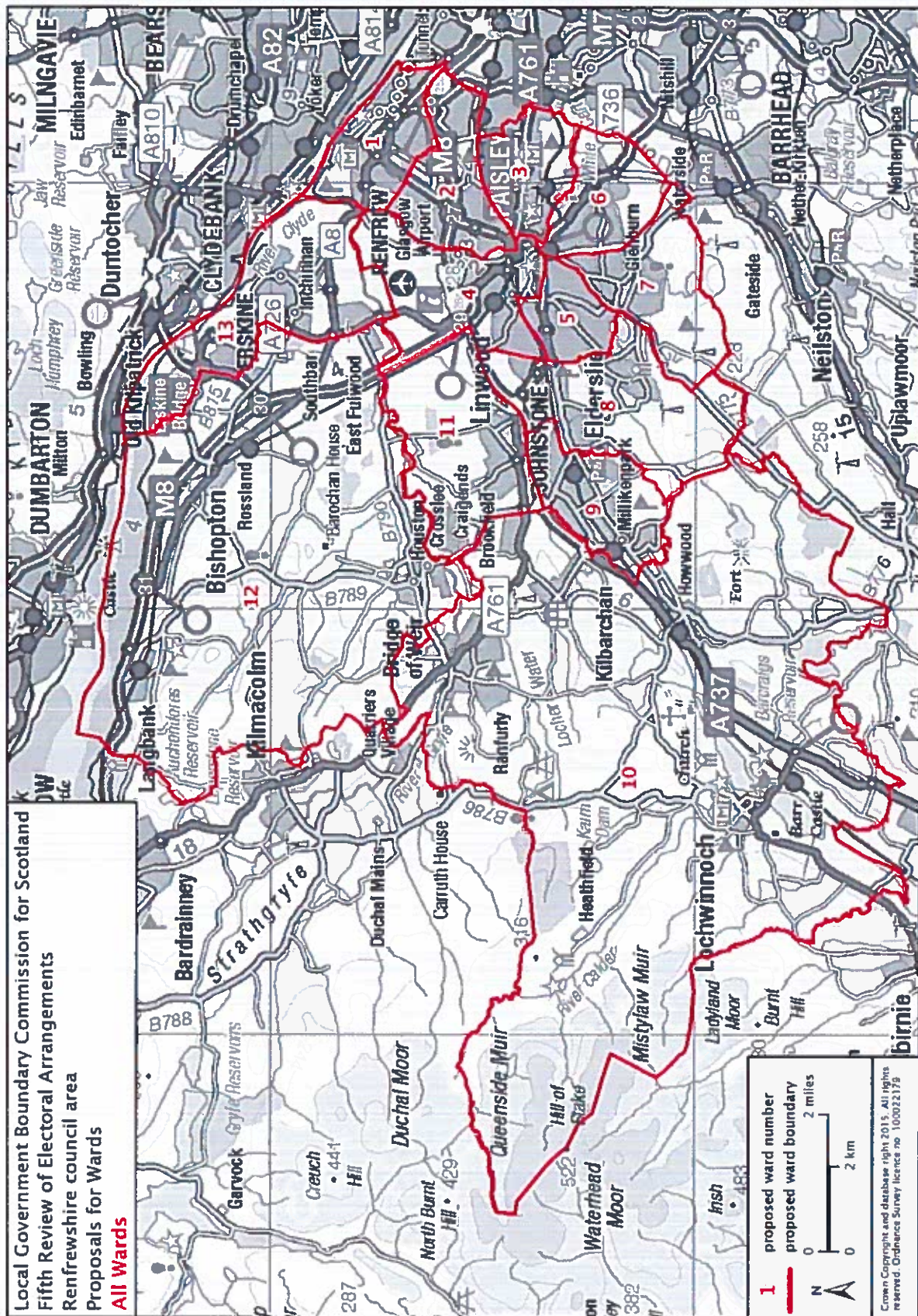
- improve overall forecast parity;
- introduce 2 new wards in Paisley;
- address forecast disparities in Paisley South West ward; and
- make changes to ward boundaries throughout the council area to align with community council area boundaries.

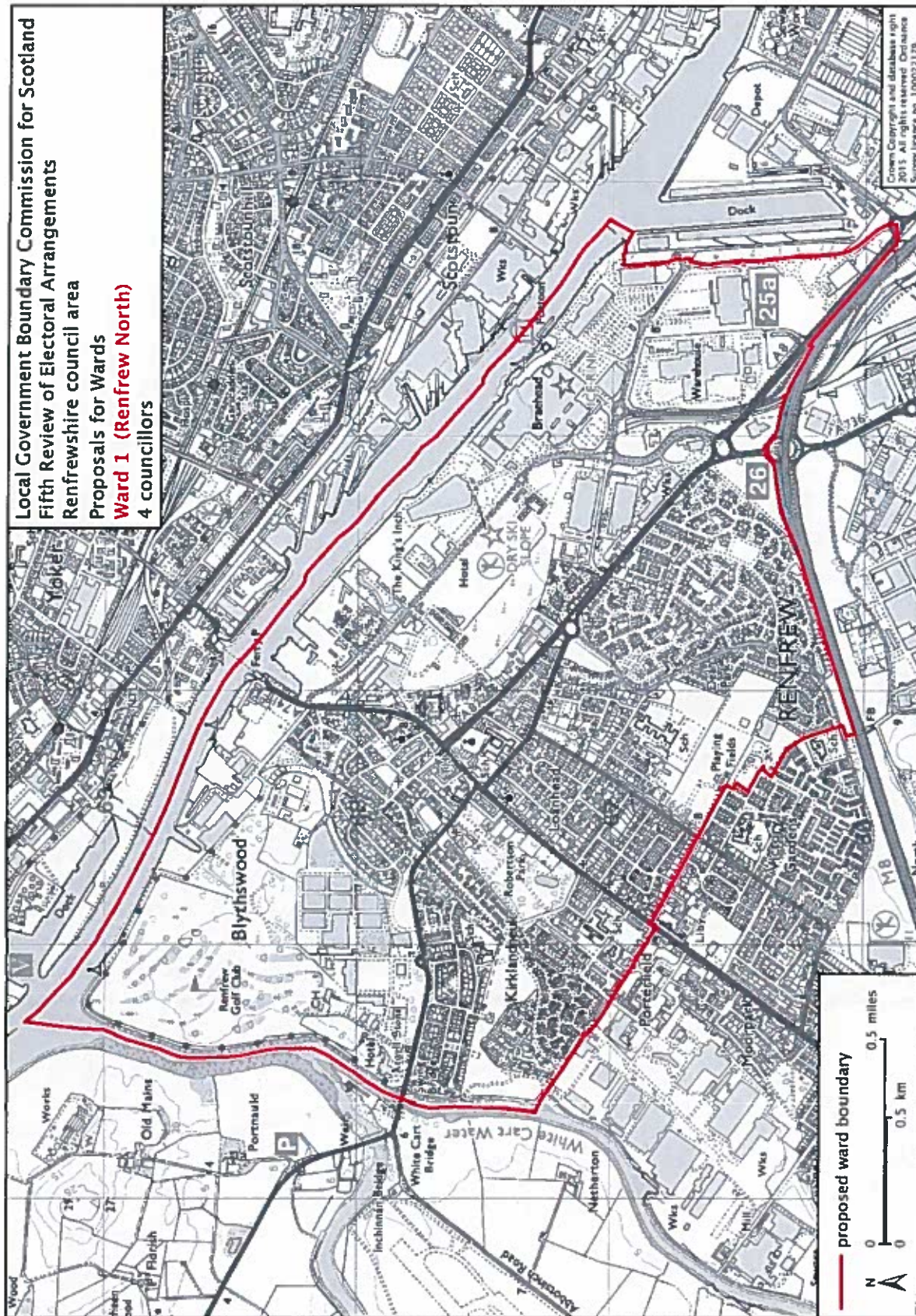
23. We discussed the proposals for Renfrewshire council area at our meetings of 10 September 2014 (See LGBCS Paper 2232/14) and 7 October 2014 (See LGBCS Paper 2239/14). We decided on our proposals at our meetings of 3 February 2015 and 3 March 2015 (see LGBCS Paper 2276/15).

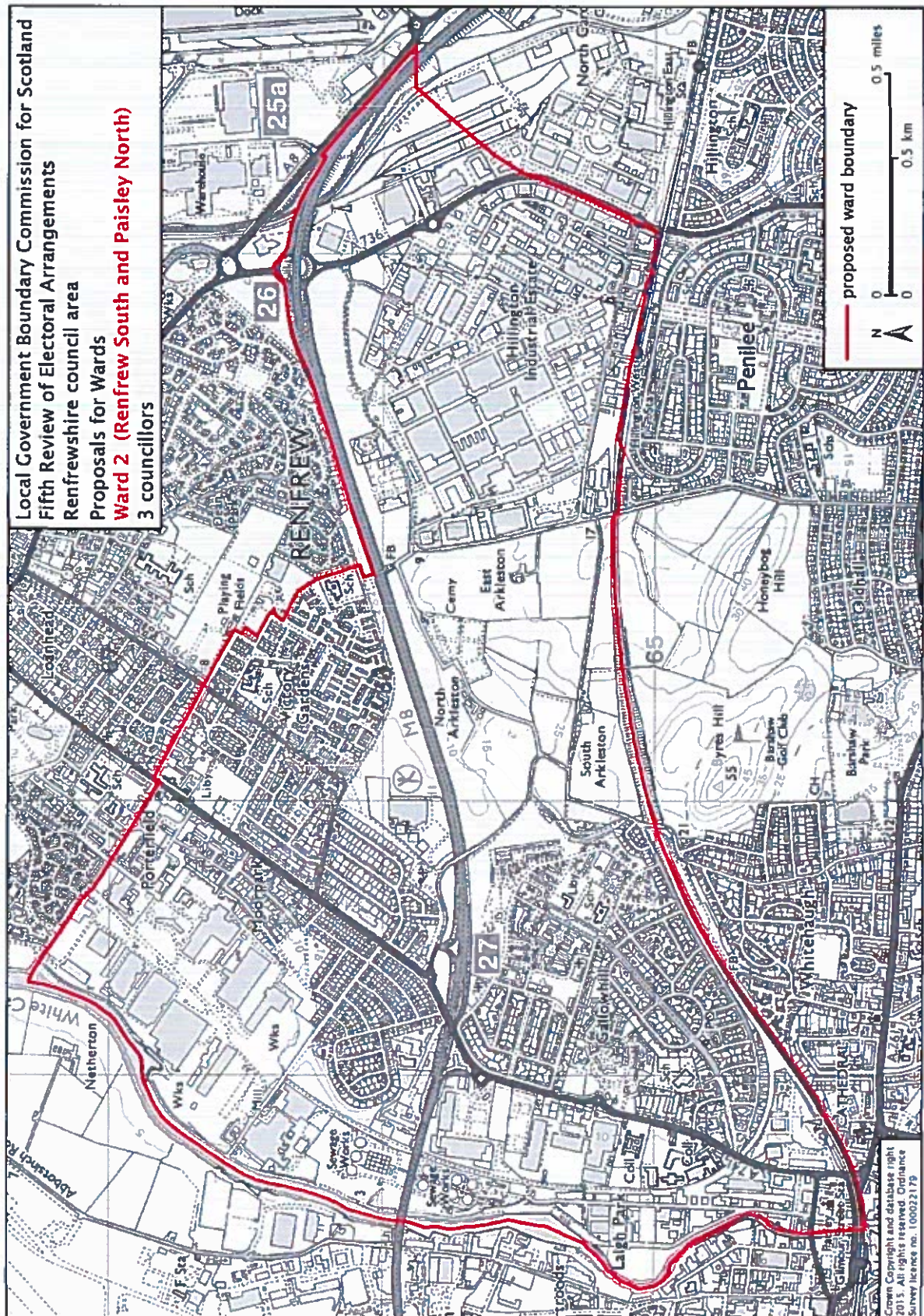
24. Table 1 below details the electorates and associated variation from parity of the proposed wards:

ward no.	ward name	cllrs	electorate Sept 13	actual variation from parity	forecast electorate 2019	forecast variation from parity
1	Renfrew North	4	11,192	-8%	11,646	-4%
2	Renfrew South and Paisley North	3	9,329	3%	9,054	-1%
3	Paisley Northeast	3	9,985	10%	9,747	7%
4	Paisley Northwest and Central	3	8,831	-3%	9,313	2%
5	Paisley West	3	9,591	5%	9,495	4%
6	Paisley East	3	8,817	-3%	9,115	0%
7	Paisley South	3	9,345	3%	9,085	-1%
8	Paisley Southwest	3	9,778	7%	9,955	9%
9	Johnstone	4	12,067	-1%	11,948	-2%
10	Bridge of Weir and Lochwinnoch	4	11,352	-6%	11,403	-6%
11	Crosslee and Linwood	3	8,880	-2%	8,756	-4%
12	Bishopton, Houston and Langbank	3	9,317	2%	9,838	8%
13	Erskine and Inchinnan	4	11,959	-1%	11,610	-5%
Totals		43	130,443	4%	130,956	4%

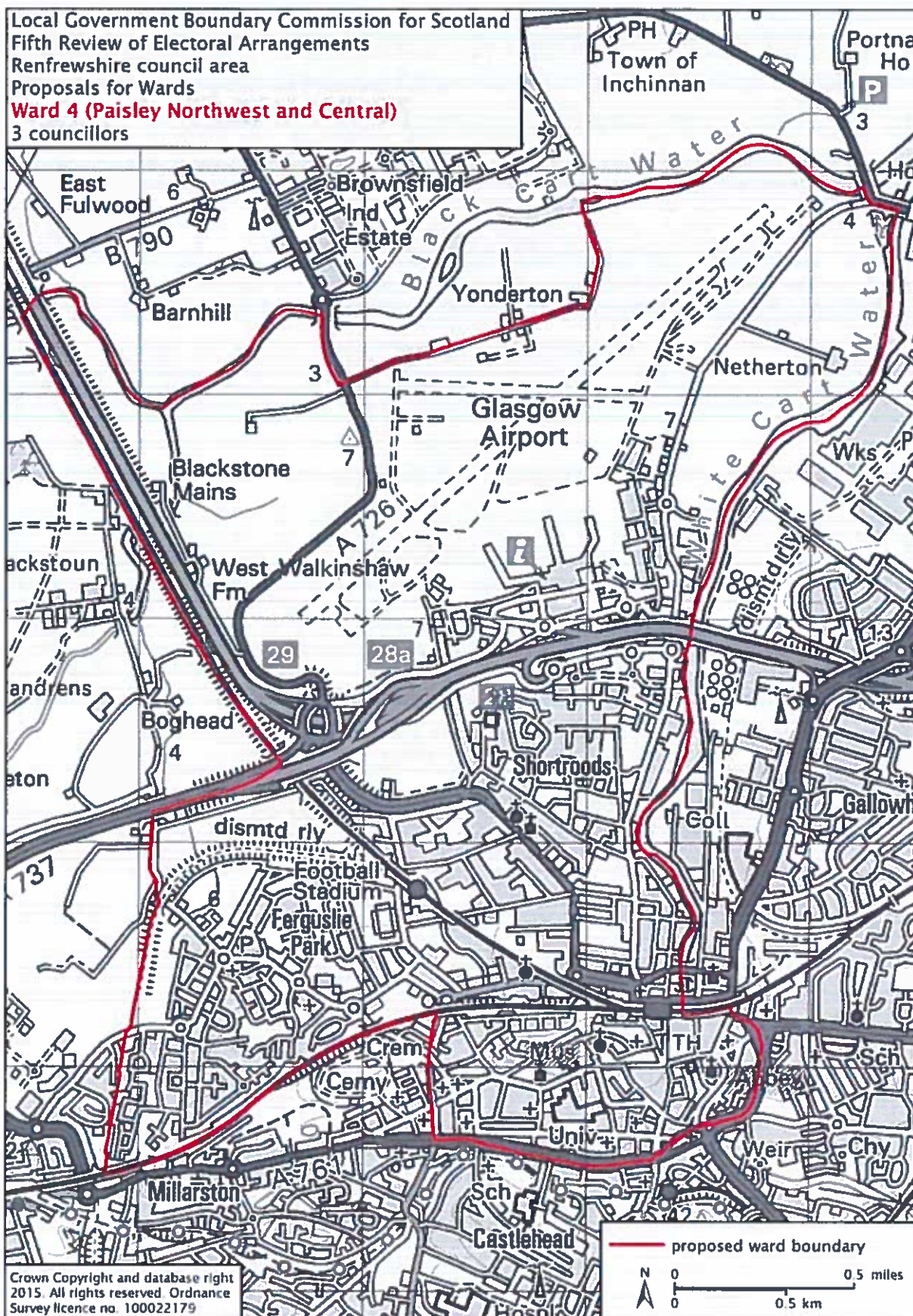
Table 1 – proposed wards' electorate counts.

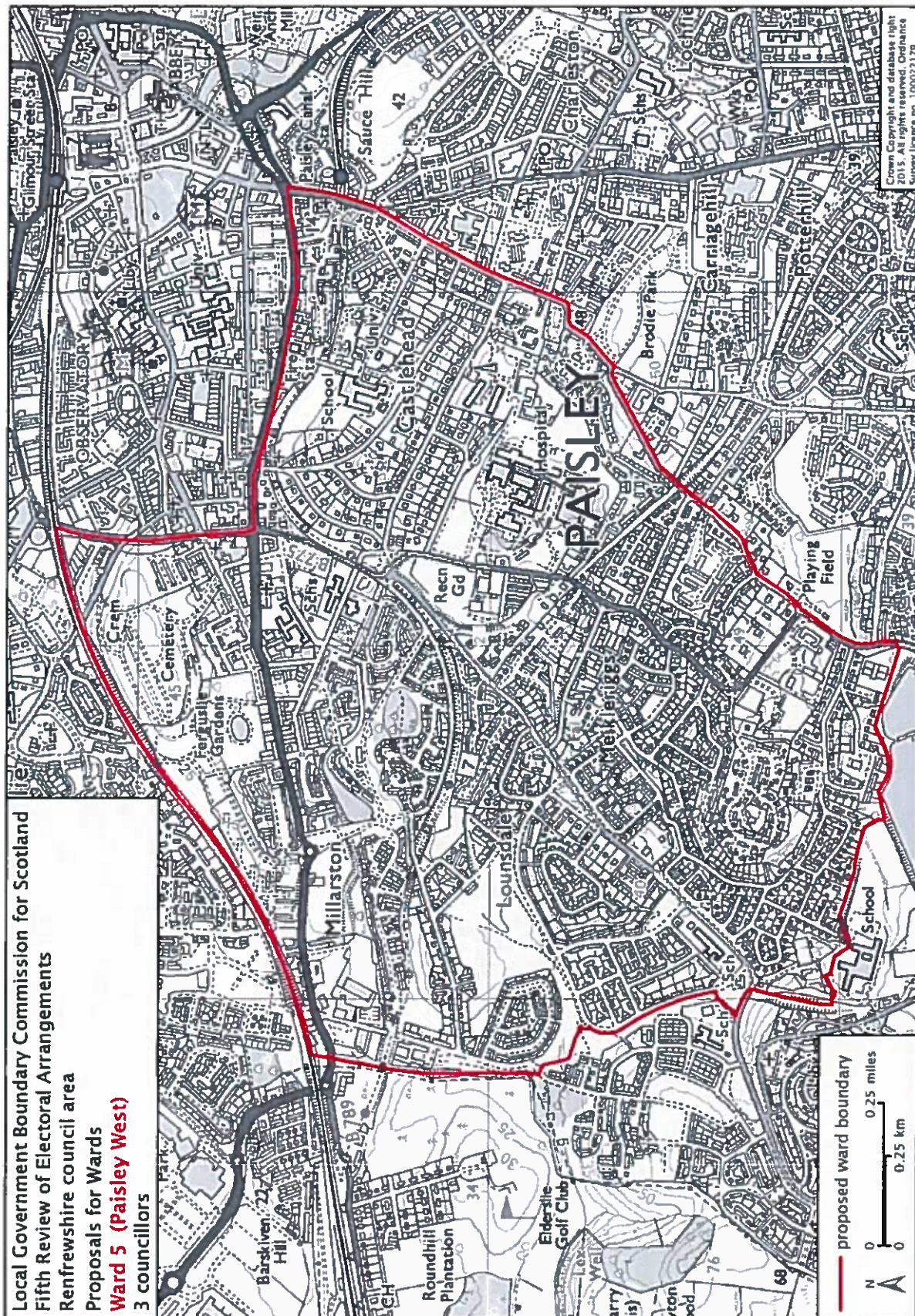


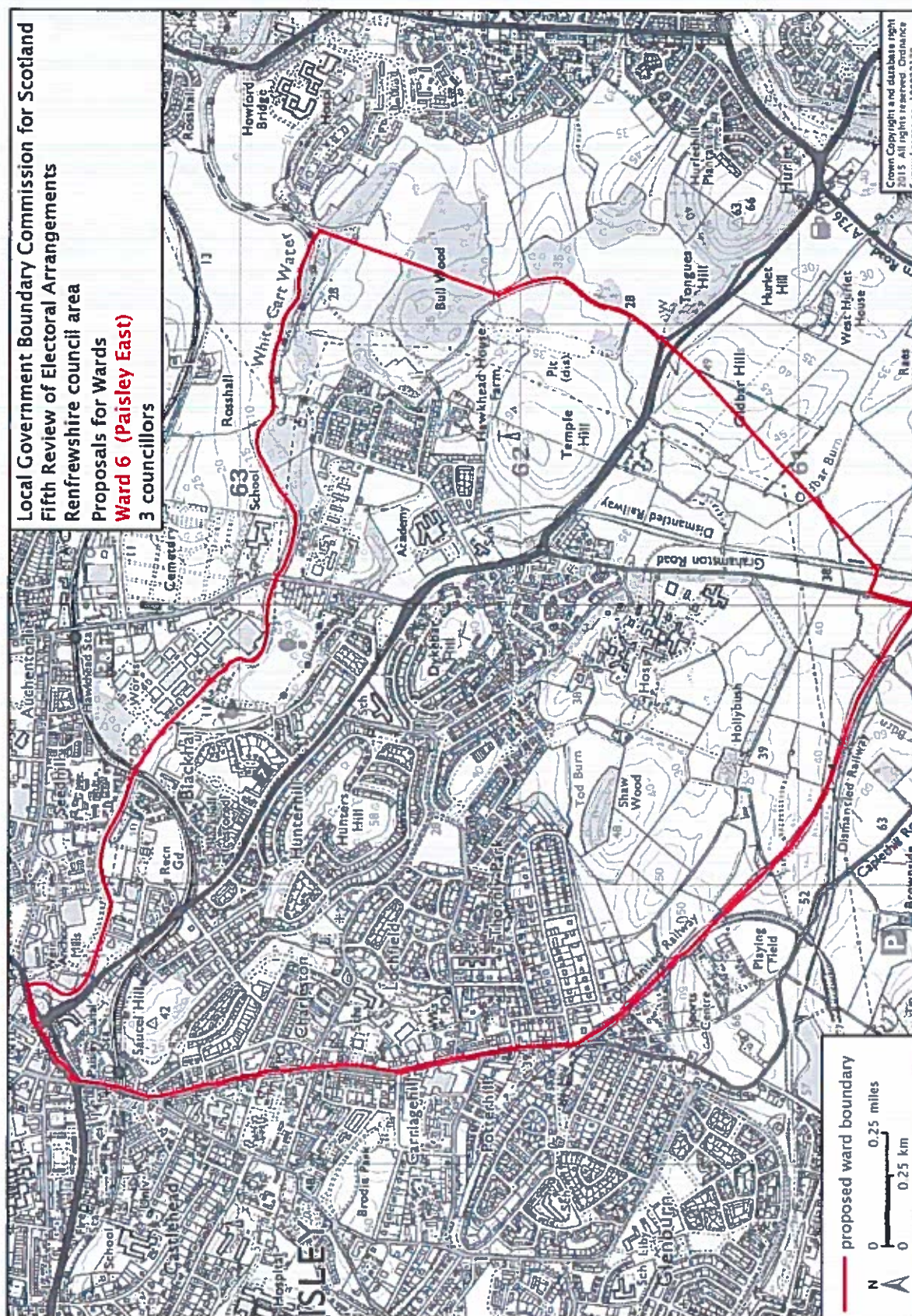


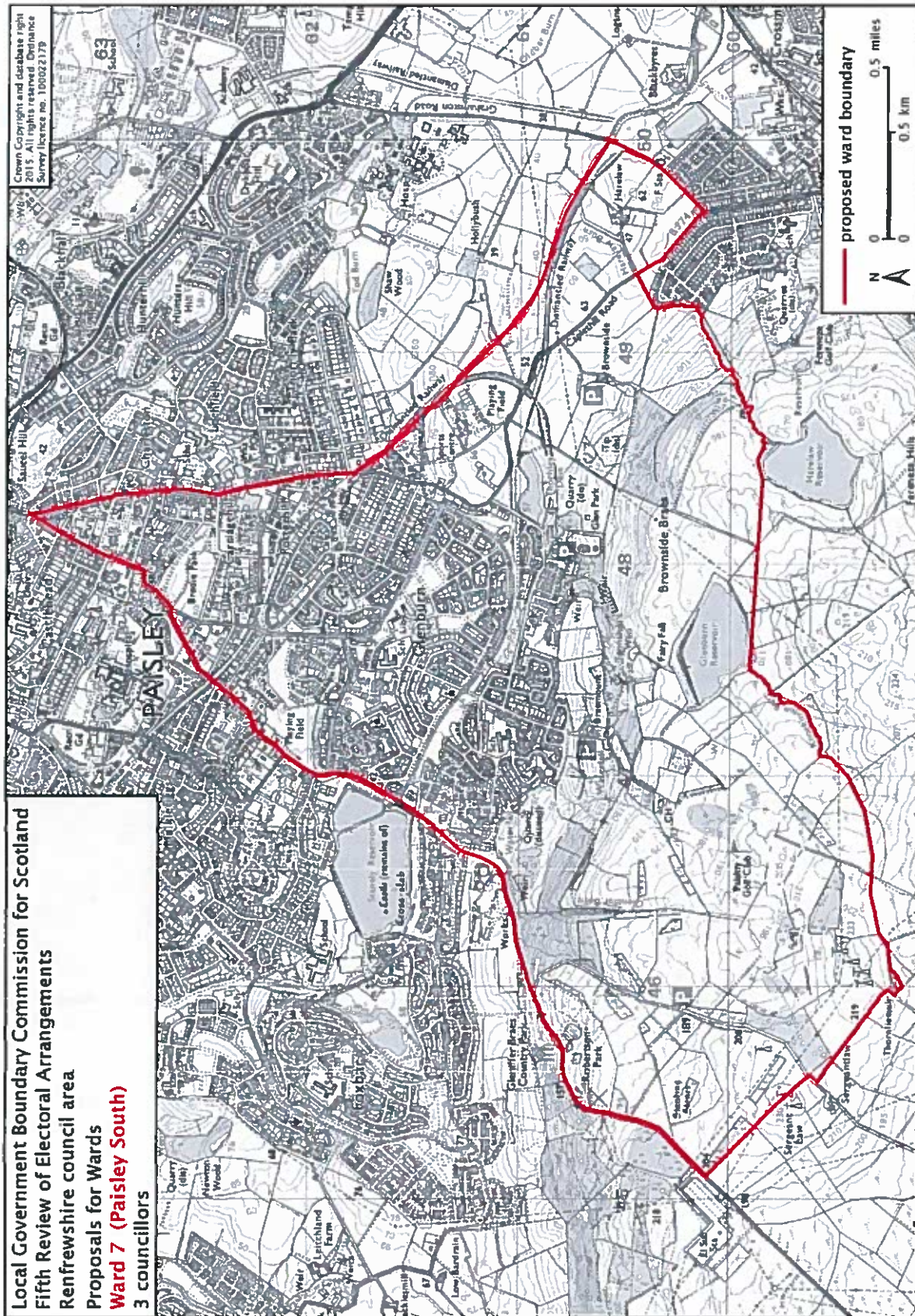




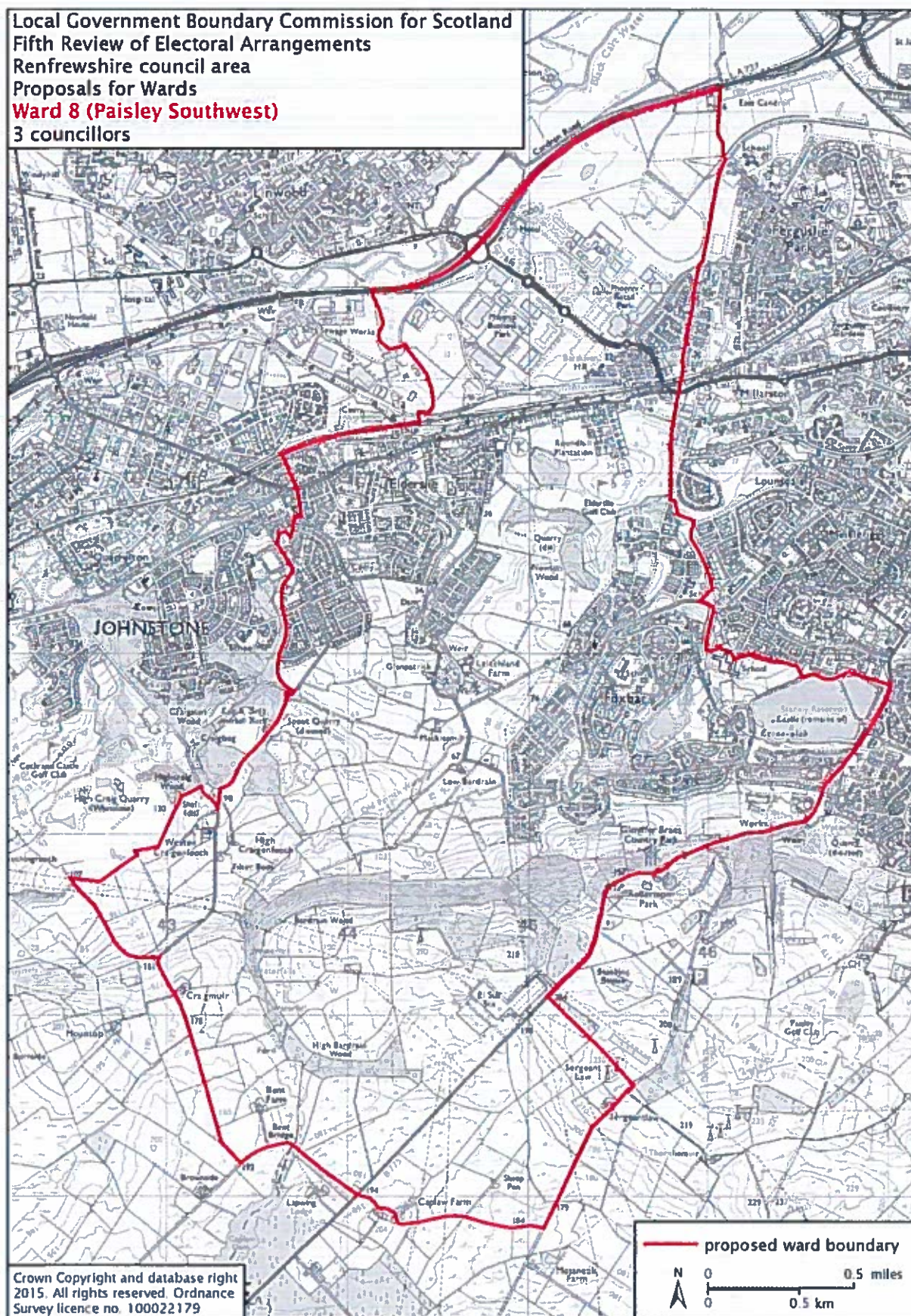


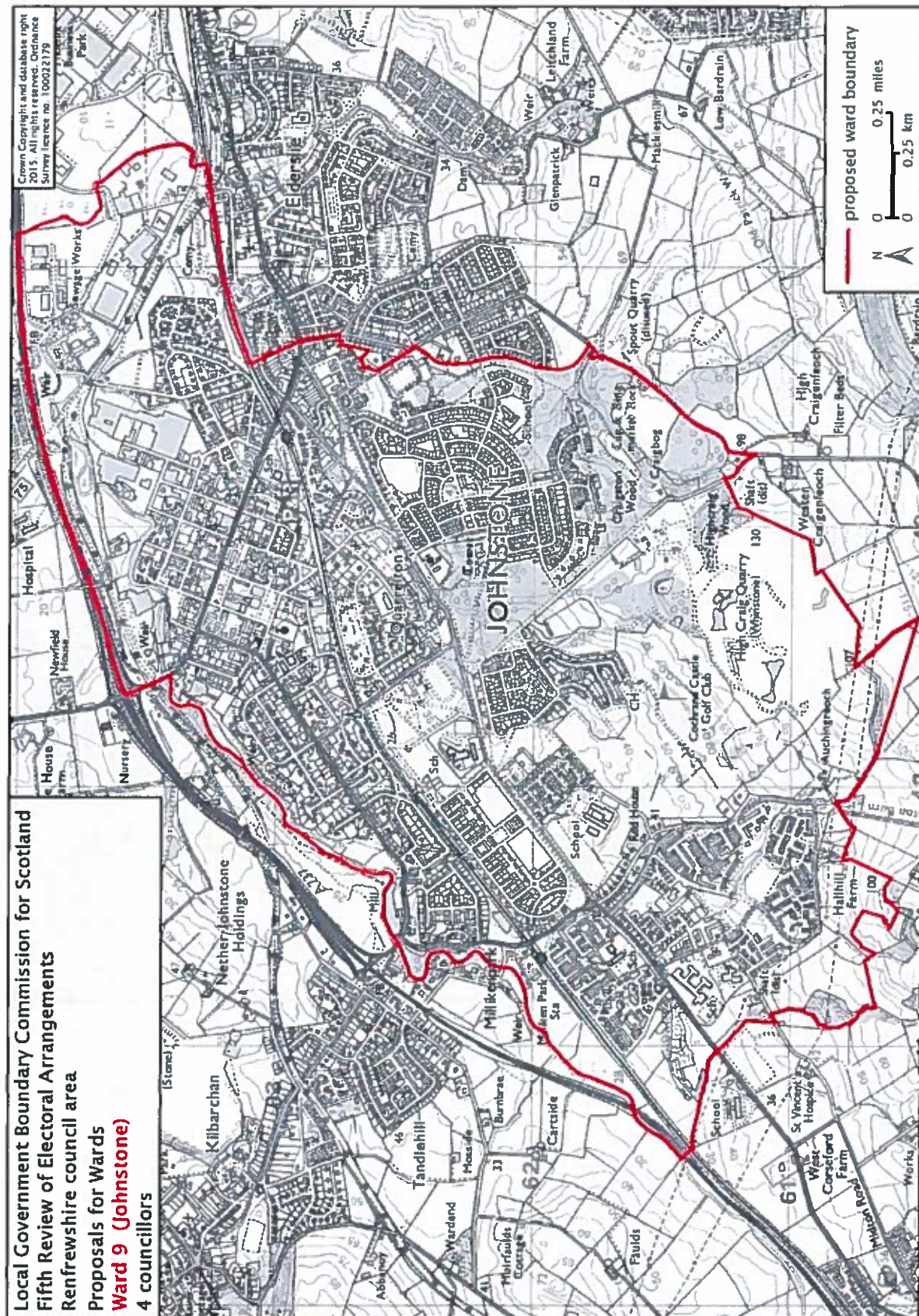


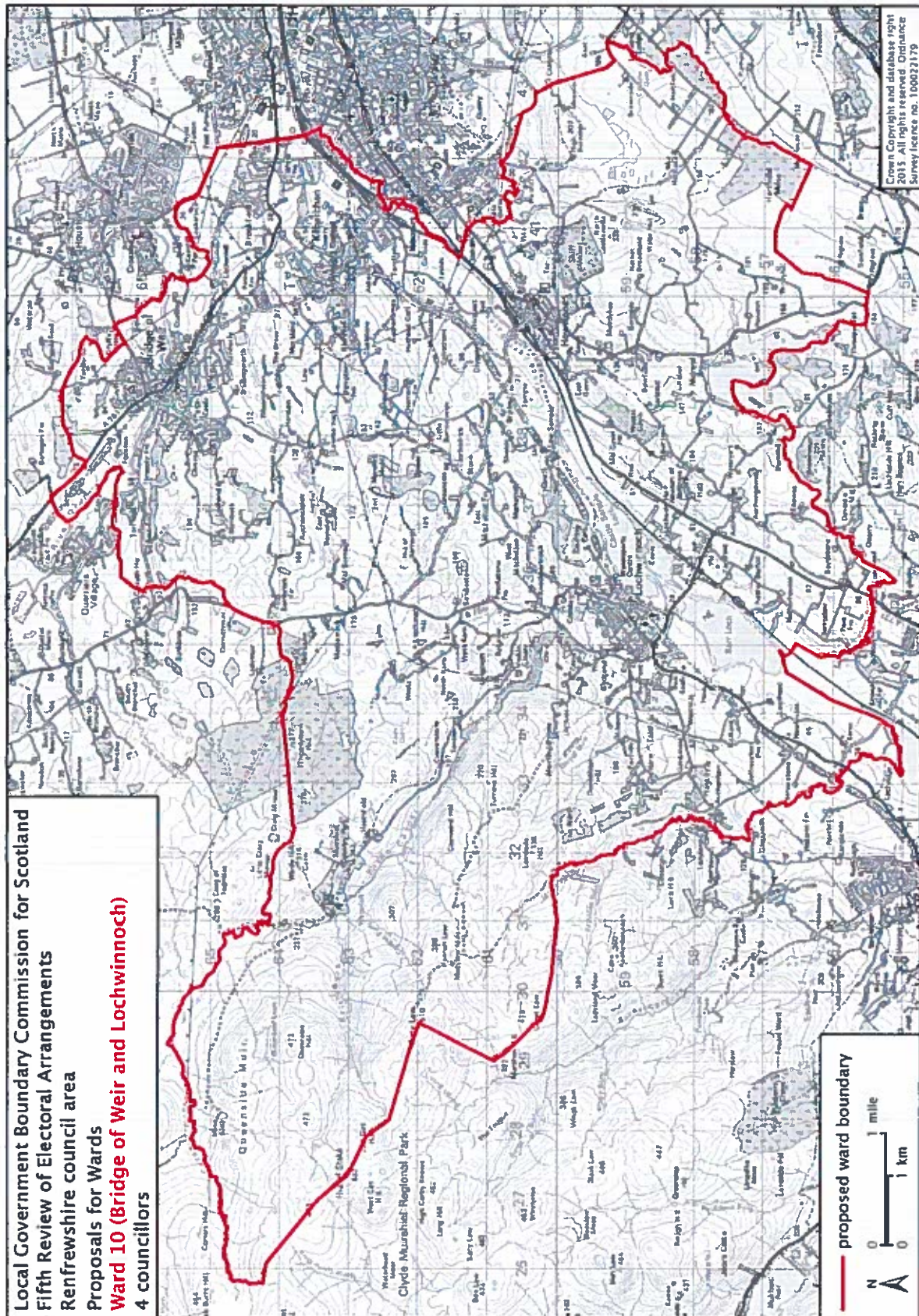


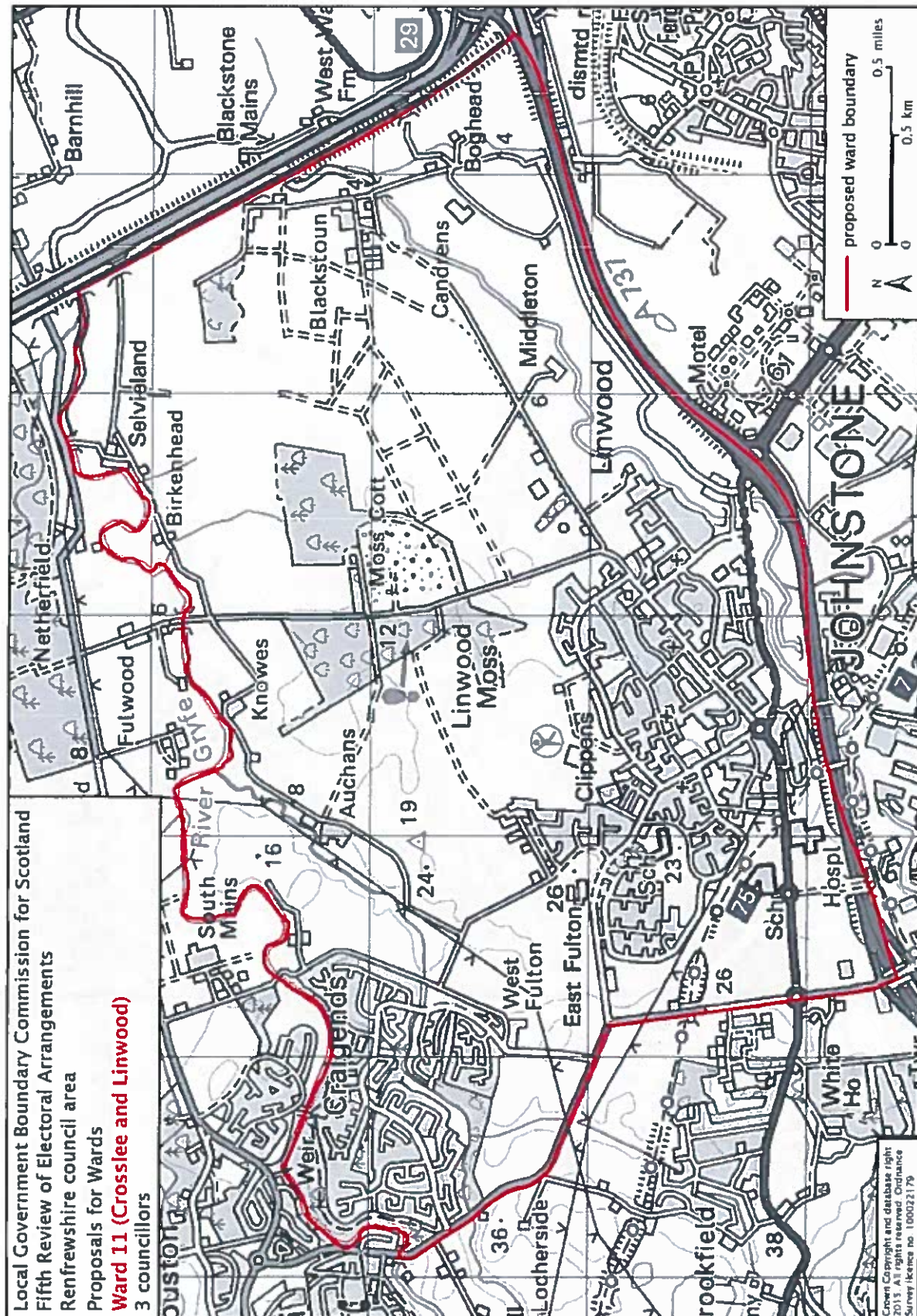


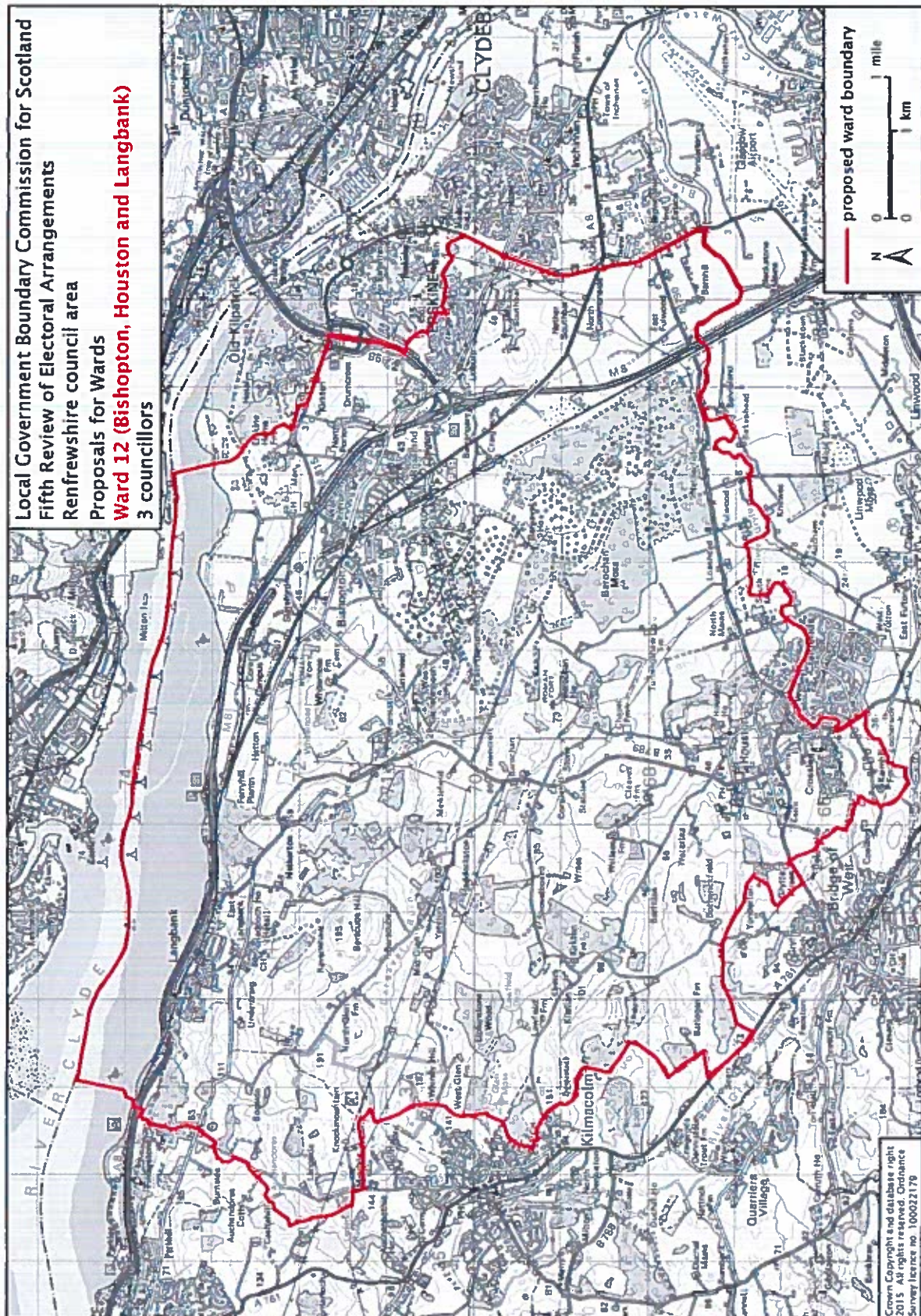
Local Government Boundary Commission for Scotland
Fifth Review of Electoral Arrangements
Renfrewshire council area
Proposals for Wards
Ward 8 (Paisley Southwest)
3 councillors

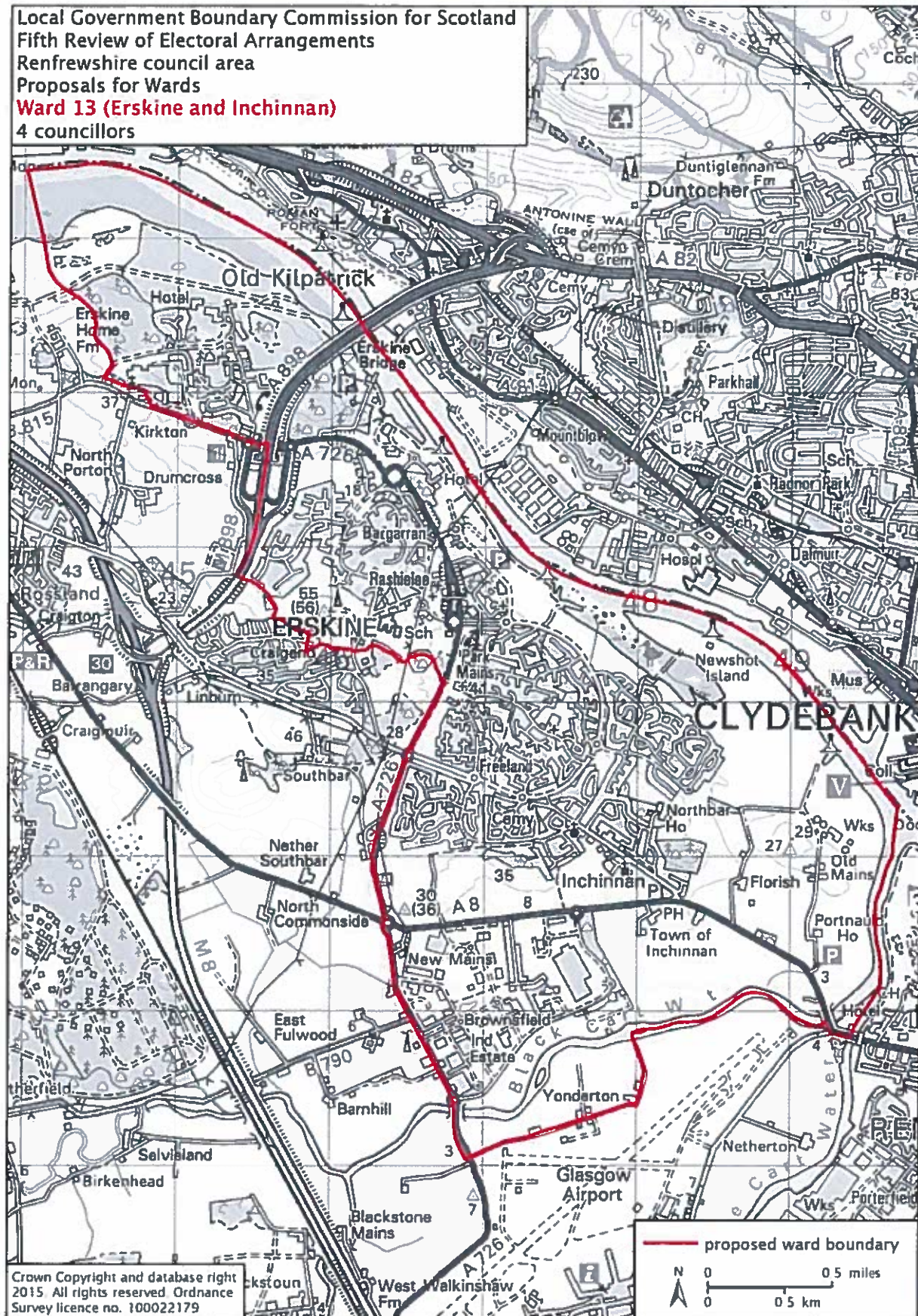














To: Council

On: 30 April 2015

Report by: Director of Finance and Resources

Heading: Remuneration of Elected Members

1. Summary

- 1.1 Renfrewshire Council's remuneration arrangements for elected members are in accordance with prevailing Scottish Government regulations, and the current arrangements were approved by Council on 17 May 2012. Amendments to the regulations were laid before the Scottish Parliament on 16 January 2015 and come into force from 1 April 2015. As a result of the amended regulation an increase of 1% in councillors' remuneration has been implemented from 1 April 2015.

2. Recommendations

- 2.1 It is recommended that Council notes the 1% increase in remuneration levels mandated by The Local Governance (Scotland) Act 2004 (Remuneration and Severance Payments) Amendment Regulations 2015 for the Leader of the Council and for elected members other than the Leader, the Provost and Senior Councillors; and homologates the decision to apply a 1% pay increase from the 1st April 2015 for the Provost and Senior Councillors ie Policy Board Conveners, Regulatory Board Conveners and the Leader of the Opposition.

Implications of the Report

1. **Financial** - The report relates to the implementation of remuneration increases for elected members effective from 1 April 2015.
2. **HR & Organisational Development** - None
3. **Community Planning –**

Children and Young People – None
Community Care, Health & Well-being - None
Empowering our Communities - None
Greener - None
Jobs and the Economy - None
Safer and Stronger - None
4. **Legal** - The Council is statutorily required to put in place appropriate arrangements for the remuneration of its elected members. This includes complying with all relevant legislation and regulations and, in the case of the Provost and Senior Councillors, deciding on appropriate levels of remuneration consistent with the remuneration limits set by regulations.
5. **Property/Assets** - None
6. **Information Technology** - None
7. **Equality & Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because the report relates to remuneration increases stipulated by Scottish Government regulations and to recommendations about remuneration increases which are proposed based solely on the classification of elected members in terms of the extant Scottish Government regulations relating to remuneration of elected members. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** - None
9. **Procurement** - None
10. **Risk** - None
11. **Privacy Impact** - None

List of Background Papers

None

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To: Council

On: 30 April 2015

Report by: Director of Finance & Resources

**Heading: Surplus Site at Moss Road Linwood
Linwood Community Development Trust**

1. Summary

- 1.1 This report seeks to obtain Council's agreement to the Community Asset Transfer of surplus land adjacent to Clippens School to Linwood Community Development Trust.
-

2. Recommendations

It is recommended that Council:-

- 2.1 Agree to the transfer of the surplus site as indicated on the attached plan to Linwood Community Development Trust, subject to the terms and conditions detailed within the body of this report.
- 2.2 Request the Head of Legal & Democratic Services to conclude, on the satisfaction of the terms and conditions, the transfer of the site to Linwood Community Development Trust in terms of the Council's Community Asset Transfer Policy.
- 2.3 Note that should the Linwood Community Development Trust be unable to secure the necessary funding for this project or necessary statutory consents, then the ground will remain with the Council on its surplus list.

- 2.4 Agree, if the Trust is successful in securing stage 1 funding from the Big Lottery to support a full stage 2 funding submission that the Council commits to make available match funding of £50,000 to the Trust to assist in meeting the cost of developing the project proposals and Stage 2 submission.
-

3. **Background**

- 3.1 Former playing fields at Clippens School Linwood were declared surplus by the former Strathclyde Regional Council's Buildings & Property Committee at its meeting on the 18th April 1991. This decision related purely to the school playing fields with the building at that time being allocated to Education for Clippens Special School.
- 3.2 The former Strathclyde Regional Council (SRC) did attempt to dispose of the site on a number of occasions and while developers had been identified to take forward proposed development of the site, in all instances, the proposed disposal failed to conclude due to poor ground conditions following a site and soil test.
- 3.3 The site has been used informally by youths and by the local Linwood Rangers Boys football club for training purposes.
- 3.4 Linwood Community Development Trust (LCDT) is a company limited by guarantee with charitable status and was established in 2011. Its goal is of preserving the recreational, cultural, social networking, educational and personal welfare resources of Linwood. They undertake community projects for the benefit of the people of Linwood. To date they have raised funding in the order of £300,000 for a number of projects in Linwood. e.g. HELP (Health Eating in Linwood Project), Linwood in Bloom, Light up Linwood and Kit and Caboodle. They have also undertaken a community consultation with over 2,200 residents and developed a Community Action Plan to improve Linwood based on the consultation findings.
- 3.5 LCDT has identified the surplus site at Clippens School as an opportunity to develop a 3G synthetic sports pitch to serve the local community and has applied for the transfer of the fields to the Trust in terms of the Council's Community Asset Transfer Policy.
- 3.6 LCDT initiated a stage 1 outline application for the site on 25 November 2013. To assist the determination of the suitability of the ground the Council undertook its own site and soil tests which confirmed the ground was not suitable for residential development. This ground report was shared with LCDT to assist in their consideration of whether to progress with a stage 2 full business case application. Following receipt of the site and soil information and consultation with their own property advisers, LCDT submitted a stage 2 application on the 19 December 2014.

- 3.7 Council will recall that the prospect of this moving forward was outlined at the Planning and Property Board at its meeting on 26 August 2014 in terms of the Community Asset Transfer Update Report.
- 3.8 LCDT in terms of their business and delivery plan have highlighted that they will require to secure upwards of £0.700 million to progress the project and they are in active discussion with a number of funding bodies in this regard.
- 3.9 The Head of Planning & Economic Development has advised that should they seek to develop the 3G sports pitch with lighting and portacabins changing facilities this will require a change of use application.

4. Discussions on Terms and Conditions

- 4.1 Council Officers upon receiving the stage 2 application have examined the business and delivery plan submitted and convened the Asset Transfer Panel in accordance with the Council's Community Asset Transfer Policy. The Head of Property Services chaired the panel, which met with LCDT and their consultant on the 13th March 2015 to discuss the proposal.
- 4.2 LCDT and their consultants advise they have a viable proposal which will result in additional 3G sports pitch being created for the benefit of the local community. This will augment the Council run facilities at the On-X and Ferguslie Sports Centre. The Trust and their consultants advise that they are fully aware of the existing ground conditions as detailed in the reports provided to them by the Council and that these have been appropriately taken into account in the estimated construction costs forming part of their business case.
- 4.3 LCDT is seeking a full asset transfer with the Council transferring the site to the Trust for a nominal sum. This is due in part to the level of investment required for this facility. Recognising the poor ground conditions attributable to the site, it has a current Asset value of £500; officers would recommend it is transferred for the sum of £1, if asked, in support of this community initiative.
- 4.4 LCDT had hoped to be starting on site during September 2015. However, as they have not, as yet, secured appropriate funding for this project or all of the necessary statutory consents, it is recognised that this timescale is unlikely to be achievable. It is proposed that a date of entry will be mutually agreed between the Council and LCDT, reflecting an achievable project delivery timescale and one which would only be triggered once LCDT have secured the necessary funding commitments, statutory consents and have in place a satisfactory delivery plan.
- 4.5 Should LCDT secure the funding and statutory consents prior to Clippens School closing and pupils transferring to the new build facility on the site of the former St. Brendan's High School, scheduled for summer 2016, then LCDT and its contractors will agree with the Council's Director of Children's Services and Director of Finance & Resources on an appropriate safe

working delivery plan to ensure there is no adverse effects to the day to day running of Clippens School.

- 4.6 Recognising this is a Community Asset Transfer officers would recommend that each party will bear their own professional & legal expenses with this transaction with the purchaser being responsible for meeting any stamp duties, taxes or registration dues.
- 4.7 At present LCDT are progressing a Stage 1 application to the Big Lottery seeking £50,000 of funding to support the Trust to progress the development of the project to a position appropriate for a full Stage 2 funding submission. LCDT have requested that the Council support this application by committing to provide £50,000 of funding to match any award secured from the Big Lottery.

Implications of the Report

1. **Financial** – as detailed in the report and subject to the related conditions £50,000 of funding would be provided to the LCDT from existing resources earmarked by the Council to support the development of community facilities along with the proposed transfer of 2.4ha site for £1, if asked.
2. **HR & Organisational Development** - None.
3. **Community Planning** -

Wealthier and Fairer -
A key objective of LCDT is to increase opportunities for volunteering and health benefits for the residents of Linwood and to deliver affordable sports pitches.

Smarter -
Delivery through Community Asset Transfer will provide an effective approach to delivering local services by augmenting the existing sporting facilities and increasing the scale of community involvement and integration.

Developing our Organisation -
By supporting LCDT in this initiative it promotes learning and development through joint working across the third sector and enhanced, partnership working.
4. **Legal** - transfer of the Council's title to LCDT.
5. **Property/Assets** - As per this report.
6. **Information Technology** - None.
7. **Equality & Human Rights** -

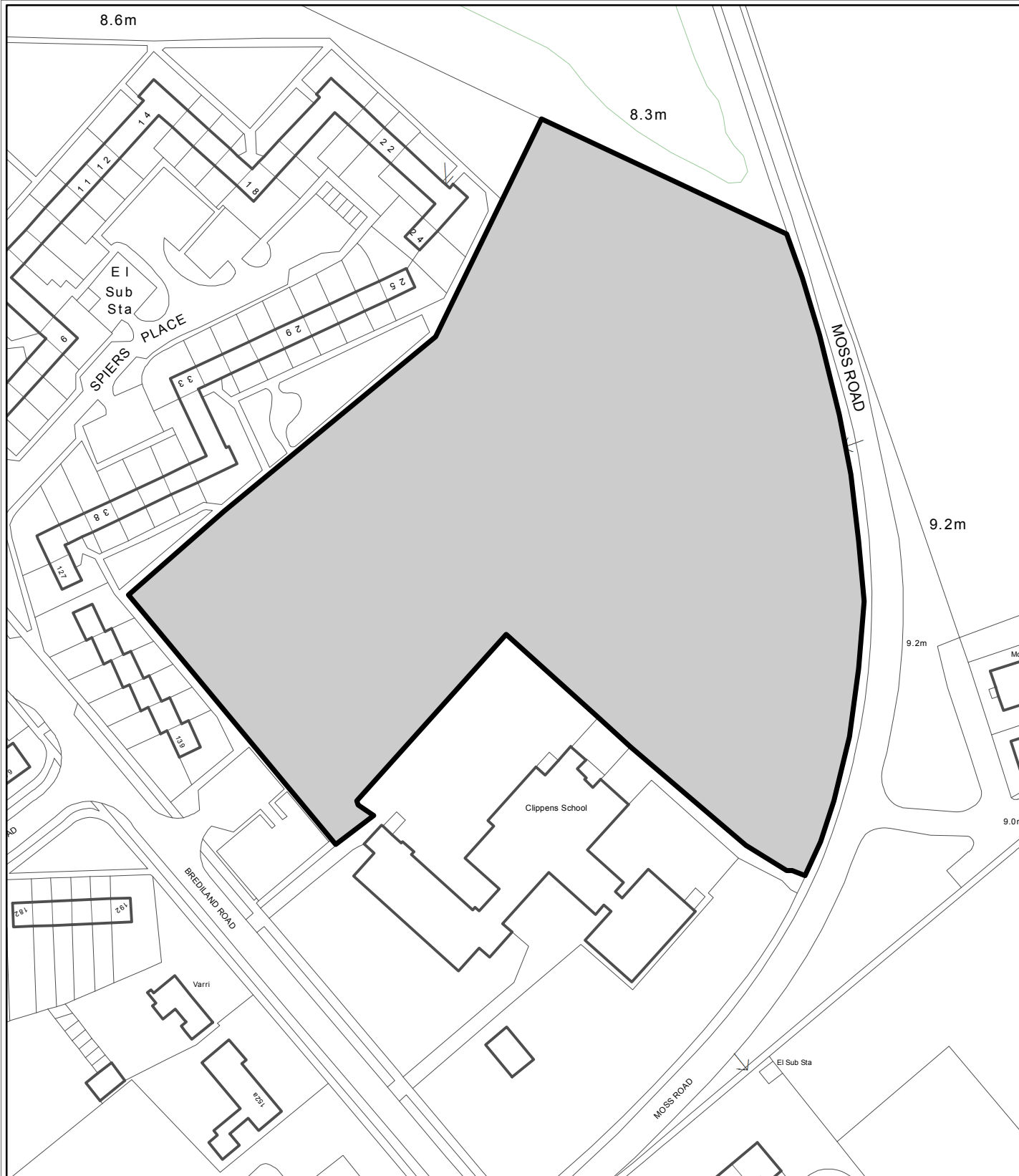
(a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because no groups or individuals have any involvement currently at the property. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** - None.
9. **Procurement** - None.

10. **Risk** – There remains a risk that LCDT do not obtain the necessary funding support and as detailed in the report the site will remain with the Council. Further, that if they do succeed in securing funding, there remains a risk that the proposal does not prove to be as viable as envisaged.
 11. **Privacy Impact** - None.
-

Author Frank Hughes, Asset Manager, tel. 0141 618 6175, email – frank.hughes@renfrewshire.gov.uk

User: howardhaughj2

Date: 31/07/2013



Notes:



Site area extends to 2.4 hectares or thereby.



To: Council

On: 30 April 2015

Report by: Director of Finance and Resources

Heading: Consultation on Changes to the Public Procurement Rules in Scotland

1. Summary

- 1.1 On 9 February 2015, the Scottish Government issued a consultation on changes to the public procurement rules in Scotland. The proposed response on behalf of the Council is attached as an appendix to this report.
-

2. Recommendations

- 2.1 Council is asked to approve the response included as an appendix to this report.
-

3. Background

- 3.1 The proposed changes largely arise from three new EU Directives concerned with Public Procurement, Concessions and Utilities contracts which must be implemented into new Scottish Regulations by 18 April 2016. The consultation also considers elements of the Procurement Reform (Scotland) Act 2014. The Scottish Government is adopting a co-ordinated approach to the implementation of the Directives and the Act and this will result in one consolidated set of regulations.
- 3.2 Some of the changes introduced by the Directives are mandatory and the Scottish Government has no choice but to implement these by the 18 April 2016 deadline but there are also some elements where the

Scottish Government has a choice about whether to, or how best to, implement further change. These discretionary elements, and the Scottish Government's plans to implement these, are the main focus of the consultation document. The consultation paper also discusses elements of the Procurement Reform (Scotland) Act 2014 that have yet to be implemented or further described in the Scottish regulations and guidance.

3.3 Some of the key issues the regulations and guidance will cover are:-

- the requirement for the Council to have a Procurement Strategy that sets out how it intends to carry out procurements regulated by the Act. The Strategy must also contain information on the Council's approach to a range of issues including how it engages with those affected by its procurements; its approach to promoting health and safety and the procurement of fair and ethically traded goods and service;
- rules on the award of contracts for care and support services;
- workforce matters guidance which will deal with issues such as the payment of a living wage and ending blacklisting.
- the new sustainable procurement duty which will require the Council to consider how each procurement process might improve the economic, social and environmental wellbeing of the Renfrewshire area; promote innovation; and facilitate the involvement of SMEs, third sector bodies and supported businesses.
- the requirement to include community benefits in contracts valued at £4 million and above.

Implications of the Report

1. **Financial** - None

2. **HR & Organisational Development** – None

3. **Community Planning** –

Jobs and the Economy - The Scottish Government's intention is that regulations will complement the Scottish Model of Procurement through simplifying, standardising and streamlining procedures for both businesses and public bodies. Statutory Guidance on workforce matters; the sustainable procurement duty; and community benefits will also be issued.

4. **Legal** – The new regulations must be implemented by the Scottish Government by 18 April 2016. These will require significant changes to the Council's standing orders relating to contracts.

- 5. **Property/Assets – None**
- 6. **Information Technology - None**
- 7. **Equality & Human Rights -**

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

- 8. **Health & Safety – None**
- 9. **Procurement –** The new regulations and guidance will require significant changes to existing procurement policy and procedures.
- 10. **Risk – None**
- 11. **Privacy Impact - None**

List of Background Papers

Background Paper 1 – Scottish Government Consultation Document: Public Procurement: A consultation on changes to the public procurement rules in Scotland.

The foregoing background papers will be retained within Finance and Resources for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is Lynn Mitchell, Managing Solicitor, Tel; 0141 618 7163: email: lynn.mitchell@renfrewshire.gcsx.gov.uk

Author: Lynn Mitchell, Managing Solicitor Tel; 0141 618 7163: email: lynn.mitchell@renfrewshire.gcsx.gov.uk

Appendix

Annex B – Respondent Information Form



Public Procurement: A Consultation on Changes to the Public Procurement Rules in Scotland

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Renfrewshire Council

Title Mr ☐ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ **Please tick as appropriate**

Surname

Forename

2. Postal Address

Renfrewshire House

Cotton Street

Paisley

Postcode PA11BU

Phone 01416187163

Email lynn.mitchell@renfrewshire.gcsx.gov.uk

3. Type of Respondent

Please tick as appropriate

Executive Agencies and NDPBs

☐

Local authority

☒

NHS

☐

Other statutory organisation

☐

Representative body for private sector organisations

☐

Representative body for third sector/equality organisations

☐

Representative body for community organisations

☐

Representative body for professionals

☐

Private sector organisation

☐

Third sector/equality organisation

☐

Community group

☐

Academic

☐

Individual

☐

4. Permissions - I am responding as...

Individual

/

Group/Organisation

☐

Please tick as appropriate

☒

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick **ONE** of the following boxes

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

☒ Yes ☐ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

☒ Yes

☐ No

Questions

Q1 What are your views about what should be included in this Statutory Guidance? Please explain your answer.

All guidance must be available well in advance of the Regulations coming into force. It must be clear and unambiguous but not overly prescriptive and must build on existing good practice. It must be recognised that these duties, coupled with the increased scope for challenges under the Act, may have considerable resource implications so the requirements must not be onerous and the processes must be as streamlined as possible. This guidance should provide a clear explanation of the regulations, in particular in relation to matters such as the living wage and community benefits. It should detail the steps to be taken to produce the strategy; the procedures and requirements for any in-year amendments; the elements that must be included; and the level of detail required. A standard format would be helpful and this should include an Action Plan, as an appendix, which should be reviewed annually. For local authorities, there should be links to the AR15 Assessment.

Q2 What are your views about what should be included in this Statutory Guidance? Please explain your answer.

As this is a new duty, it should be clearly explained in the guidance as should the obligations on public bodies. Tools would be welcome and guidance should be provided on the appropriate use of these.

Q3 What are your views about what should be included in this Statutory Guidance? Please explain your answer.

Guidance should be developed through consultation with those who have experience of dealing with community benefits. It should include information on how to deal with community benefits in frameworks or collaborative procurements and the issue of proportionality in relation to lower value contracts.

Q4 We believe that a statutory obligation on public bodies to include relevant clauses in their contracts is the best way to ensure that contractors comply with all relevant laws and collective agreements. This should also ensure that public bodies are able to end contracts where a contractor does not meet these requirements. Do you agree or disagree with this position? Please explain your answer.

Agree ☒ Disagree ☐

Guidance should include model clauses but authorities should have the ability to refine these.

Q5 Is there still a case for reserving contracts for supported businesses in Scotland?

Yes x No ☐

This option should be included in the regulations.

Q6 Do you think that the definition of a “disadvantaged person” in this context should be “the unemployed, members of disadvantaged minorities or otherwise socially marginalised groups”?

Yes ☐ No x

If not, what do you think the definition should be and why?

We are in favour of using procurement activity to tackle disadvantage but believe the definition given is too wide and lacks clarity. There is a concern that such a loose description would be difficult for authorities to manage and apply and it could be open to abuse by suppliers. The definition needs to identify clearer target groups. For example, there are widely recognised definitions for the unemployed (such as that provided by International Labour Organisation and used by the Office for National Statistics) which could be adopted to provide this type of clarity.

Q7 Our view is that we are not aware of any arguments that currently support reserving contracts for mutual and other non-public sector bodies in Scotland, and we believe this is less of an issue in Scotland. Do you think there are any advantages or disadvantages to applying this provision to the procurement activities of public bodies in Scotland? Please explain your answer.

Advantages X Disadvantages ☐

Agree this is less of an issue in Scotland but we do not see any disadvantage in applying this provision. The financial and demand challenges faced by the public sector in Scotland will require innovation in approaches to service delivery that may bring forward currently unforeseen models which this provision could facilitate..

Q8 Should the rules about labels which apply to contracts that are EU regulated procurements also apply to lower value regulated procurement contracts covered by the Act? Please explain your answer.

Yes x No ☐

For consistency, especially where the value of a regulated procurement is close to EU threshold. Labels can help evidence that supplies are responsibly sourced.

Q9 Do you think we should align the rules on technical specifications for all regulated procurements, including those lower value procurements regulated by the Act? Please explain your answer.

Yes x No ☐

Lifecycle costs are equally important in lower value contracts.

Q10 We believe that contracts should not be awarded on the basis of price or cost alone? Do you agree or disagree? Please explain why.

Agree x Disagree ☐

However it is recognised that there may be very limited circumstances where price alone would be appropriate such as the purchase of software licences; where there are clear technical specs; or the commodity is regulated.

Q11 We believe that public bodies should retain discretion to split requirements into smaller lots and to award more than one lot to the same bidder. Do you agree or disagree with this? Please explain your answer.

Agree X Disagree ☐

Authorities should have this discretion as they are best placed to assess whether this would widen opportunities and that should be decided on a case by case basis.

Q12 To avoid creating unnecessary confusion, we believe that public bodies should have the discretion to decide whether to request additional information about sub-contractors. What are your views about this?

Agree authorities should have this discretion.

Q13 The Directives also make clear that public bodies are responsible for obtaining any information about sub-contractors from the main contractor. There is an option to transfer this obligation (to deliver the information) to the main contractor. We do not plan to transfer that obligation to the main contractor. What are your views about this?

We would query whether there would be any practical benefit in doing so. Instead, contract conditions should be included obliging the contractor to facilitate obtaining the information.

Q14 We believe that we should not apply similar provisions on sub-contracting to contracts covered by the Act, as we do not think this would be proportionate. Do you agree or disagree with this?

Agree x Disagree ☐

Although there may be circumstances where this would help demonstrate

compliance with the sustainable procurement duty.

Q15 We believe that similar payment terms for sub-contractors, as for main contractors, is a good thing and there are some measures underway, or in place, to address this. We also believe that direct payments to sub-contractors could be complicated and could mean public bodies assuming some responsibilities that should arguably remain with the main contractor. In light of this, we believe that public bodies should be able to make direct payments to sub-contractors only where the contract allows this to happen and parties agree. Do you agree or disagree?

Agree X Disagree ☐

This should be determined by the contract.

Q16 Do you think that the same rules on selection criteria should apply to lower value regulated contracts as to higher value EU regulated public contracts? In particular, should the same rules apply on:

- The use of turnover as a selection criterion?
- The right of a public body to assume that a business does not have the professional ability needed for the performance of a specific contract, if that business has a conflict of interest which might mean that it is less able to deliver the contract?

Please explain your answer.

Yes XNo ☐

For consistency with higher value procurements Adopting different criteria for lower and higher value procurements introduces complexity in procurement processes with the potential to increase the time taken to complete, the associated cost and, the risk of error. Standardisation of process reduces these factors.

Q17 Do you agree or disagree that public bodies should retain the flexibility to decide for themselves the basis upon which groups of businesses will be able to meet tests of economic and financial standing and technical and professional ability that will be necessary to perform a particular contract or should there be national standards? Please explain your answer.

Agree x Disagree ☐

This would depend on the commodity being purchased, market conditions etc. so authorities should have discretion to decide.

Q18 Should the list of criminal convictions which may result in exclusion from bidding be the same for all regulated contracts, regardless of value? Please explain your answer.

Yes X No ☐

Q19 Should public bodies be required to exclude a business from bidding for lower value regulated contracts if it, or someone who holds a senior position in it, has been convicted of any of the offences on the list?

Yes ☐ No X

Should not be required but should have the discretion to do so.

Q20 Should public bodies retain the discretion to decide whether or not to exclude a business from bidding for a contract where the body can demonstrate by appropriate means, short of a court, tribunal or administrative decision, that the business has breached its obligations to do with paying tax or social security contributions?

Yes x No ☐

Q21 Should public bodies be given the discretion not to exclude a business which has breached its obligations to do with paying tax or social security contributions, and where this has been established by a court, tribunal or administrative decision, if it would be disproportionate to do so?

Yes x No ☐

Q22 Should public bodies also have the discretion to exclude a business from bidding for lower value regulated contracts if it has breached its obligations in relation to the payment of tax?

Yes x No ☐

Q23 Should public bodies retain the discretion to decide whether or not to exclude a business which is bankrupt, or is in insolvency proceedings from bidding? Please explain your answer – in particular, if you think that public bodies should have discretion in these situations, do you think that discretion should apply in every circumstance?

Yes x No ☐

This should be decided on a case by case basis.

Q24 Should the same rules apply to EU regulated contracts and to lower value regulated contracts? Please explain your answer.

Yes XNo ☐

For consistency. Adopting different criteria for lower and higher value procurements introduces complexity in procurement processes with the potential to increase the time taken to complete, the associated cost and, the risk of error. Standardisation of process reduces these factors.

Q25 Should a public body be allowed not to exclude a business with disqualifying criminal convictions, or which has breached its obligations to pay tax or social security, in exceptional circumstances? Please explain your answer.

Yes XNo ☐

Whether there are exceptional circumstances should be decided on a case by case basis.

Q26 Should the same rules apply to EU regulated contracts and to lower value regulated contracts? Please explain your answer.

Yes XNo ☐

For consistency. In all cases, but particularly lower value contracts, proportionality would require to be considered. Adopting different criteria for lower and higher value procurements introduces complexity in procurement processes with the potential to increase the time taken to complete, the associated cost and, the risk of error. Standardisation of process reduces these factors.

Q27 Should the law allow public bodies the discretion to decide whether or not to exclude bidders in situations where there is evidence of a breach of environmental, social and labour law obligations, grave professional misconduct, distortion of competition, a conflict of interest, a significant failure to perform in an earlier contract, or a security risk (in the case of defence and security concessions)? Please explain your answer.

Yes XNo ☐

There may be exceptional circumstances.

Q28 Should the same rules apply to EU regulated contracts and to lower value regulated contracts? Please explain your answer.

Yes X No ☐

For consistency. Adopting different criteria for lower and higher value procurements introduces complexity in procurement processes with the potential to increase the time taken to complete, the associated cost and, the risk of error. Standardisation of process reduces these factors.

Q29 Do you agree or disagree with our proposed maximum periods of exclusion? Please explain your answer.

Agree X Disagree ☐

Q30 Should the same rules apply to EU regulated contracts and to lower value regulated contracts? Please explain your answer.

Yes X No ☐

For consistency. Adopting different criteria for lower and higher value procurements introduces complexity in procurement processes with the potential to increase the time taken to complete, the associated cost and, the risk of error. Standardisation of process reduces these factors.

Q31 Should public bodies be required to check that sub-contractors do not fail any of the exclusion criteria?

Yes ☐ No X

They should not be required to do so but should have the option. They should be free to develop their own policies on this matter, always bearing in mind that public money is being spent.

Q32 What are your views about what should be included in this Statutory Guidance? Please explain your answer.

Guidance must be clear and unambiguous, bearing in mind the consequences of a bidder being excluded. Guidance on assessing self-cleansing measures is needed. The guidance should provide a definition of what would constitute "grave professional misconduct" and would enable public bodies to exclude tenderers who have engaged in blacklisting of workers, unless they have taken suitable and proportionate remedial action. Further, the guidance must permit public bodies to require contractors to have a positive approach to their workforce and to be able to take account of that in the selection of tenderers and the award of contracts. The guidance should enable public bodies to oblige contractors to pay the Living Wage and to prohibit the use of zero hours contracts. Additional measures to support and extend the Living Wage should also be investigated.

Renfrewshire Council has resolved to the extent permitted by law to utilise its public procurement activities to benefit the community of Renfrewshire. This includes but is not restricted to: the promotion of the living wage, the use of community benefit clauses to encourage the creation and retention of employment, including the hiring of apprentices; where appropriate the use of Regulation 23 of the Public Contract (Scotland) Regulations 2012 to exclude contractors that are found to have committed an act of grave misconduct in the course of their business activities, such as tax evasion or the illegal use of blacklists, from being selected to tender for Council contracts (either as a main contractor or sub-contractor). Council will require, where appropriate, a statement from those applying for contracts on what community and other benefits, including fair-trade and family-friendly employment practices such as childcare vouchers, will apply to their employees, those working on their behalf and to the wider community.

Post- tender negotiations will be held with preferred suppliers for contracts where the living wage is not paid and closer working with all suppliers is now taking place to ensure that markets regard the preference for the payment of a living wage as a normal aspect of doing business with Renfrewshire Council.

Q33 We expect to apply only limited rules to contracts for social and other specific services to the person. These will require compliance with the basic Treaty Principles and publication of contract opportunity and award notices as described in this section. Do you agree or disagree that these rules will be sufficient for an effective light-touch regime? Please explain your answer.

Agree x Disagree ☐

We would need to see the draft rules but proposals appear appropriate in principle. There should be obligation to fulfil the requirements of current Regulation 8 (21). It should be noted that some contracts/frameworks for these services can be well in excess of 750,000Euros.

Q34 We believe that contracts should not be awarded on the basis of price or cost alone? Do you agree or disagree with this position? Please explain why.

Agree X Disagree ☐

For services to the person, quality must always be a significant factor.

Q35 What are your views about what should be included in this Statutory Guidance? Please explain your answer

Given the light touch regime that will apply, the 2010 guidance is a useful starting point but it should be developed in light of experience over the last 5 years. The new guidance must be capable of being read and understood by those who will be required to make decisions on these matters. Bearing in mind the legislation that underpins the provision of these types of services, the guidance should include provisions on issues such as service user involvement, consultation and equalities.

Q36 Should provision be made for the use of a Prior Information Notice by non-central authorities (where they choose) as the call for competition in restricted procedures and competitive procedure with negotiation? Please explain your answer.

Agree x Disagree ☐

The current contract notice is quite onerous so this would be welcomed. However, it is recognised that there is a need to give fair notice to the market of the contract opportunity and clarity is needed on the level of detail that would require to be included in this type of PIN. For example would much of the detail currently included in a contract notice require to be provided? Further, suppliers would need to be made aware that this would be the only call for competition that will be issued. There should also be requirements to consider best value and the Treaty principles and whether market conditions have changed since PIN was published.

Q37 Do you agree or disagree that this provision should also apply to lower value regulated contracts, that is, those that are below European regulated thresholds and are regulated by the Act? Please explain your answer.

Agree x Disagree ☐

Authorities should be should be given this option for regulated procurements.

Q38 Do you agree or disagree that public bodies should be permitted to award a contract without competition in the circumstances permitted by the Directives? Please explain why.

Agree X Disagree ☐

It is recognised that there may be exceptional circumstances where a contract requires to be awarded without competition so authorities should be given this option.

Q39 Do you agree or disagree that public bodies should also be permitted to award lower value regulated contracts in similar situations? Please explain why.

Agree X Disagree ☐

Further flexibility for the use of this procedure should be considered for lower value contracts.

Q40 Do you agree or disagree that all non-central authorities using the restricted procedure should be able to set the time limit for the receipt of tenders by agreement with candidates? Please explain why.

Agree X Disagree ☐

Authorities should have the option to do this in appropriate circumstances, bearing in mind the Treaty principles. Care would need to be taken to ensure this does not advantage SMEs.

Q41 When using the open procedure, should public bodies retain the flexibility to determine whether to evaluate bids before evaluating qualification and exclusion criteria? Please explain your answer.

Yes XNo ☐

This flexibility would be welcome as it would help streamline the procurement process.

Q42 Should public bodies be allowed to ask for supplementary or missing information and to ask a company to provide clarification of their bid?

Yes XNo ☐

Where bidders are less resourced, there may be more likelihood of administrative mistakes in their bids so this option should be made available. It must only be used for the purposes of clarifying or correcting obvious, minor errors and not to give bidders an opportunity to revisit their tenders.

Q43 Do you agree or disagree that the rules in the Directives about modifying contracts should not apply to contracts under the Act? Please explain why.

Agree X Disagree ☐

These rules are too restrictive for lower value contracts and greater flexibility should be available.

Q44 We believe we should continue to progress the work plan from the Construction Review report, rather than requiring the use of BIM or similar in works contracts and design contests. Do you agree or disagree? Please explain your answer.

Agree X Disagree ☐

This decision should be kept under review but such a requirement should only be introduced when market conditions are mature enough and there is no disadvantage to groups of bidders such as SMEs.

Q45 Do you agree or disagree that we should establish an overall confidentiality and security framework which individual public bodies would use to inform their own approach to the security handling of electronic communication? Please explain your answer.

Agree X Disagree ☐

It would be helpful to have a defined standard which should be built using existing models. Authorities should also have the ability to tailor the framework to suit their needs.

Q46 Do you agree or disagree that we should maximise the time available to implement fully electronic procurement processes and defer the requirement for full electronic communication for the maximum permissible time?

Agree X Disagree ☐

To ensure there is a mature market and no disadvantage to groups such as SMEs.

Q47 Do you agree or disagree that all communications about concession contracts in a procurement exercise should be by electronic means?

Agree X Disagree ☐

However, a financial threshold should be considered for this requirement as it may not be appropriate for lower value concession contracts.

Q48 Do you think that public bodies should retain the flexibility to decide when the use of electronic catalogues is appropriate? Please explain your answer.

Yes X No ☐

This should be a case by case decision based on best value.

Q49 Do you agree or disagree that we should defer the requirement to provide the European Single Procurement Document in electronic form only until 18 April 2018? Please explain your answer.

Agree X Disagree ☐

We need to see the detailed proposals for the ESPD and make sure we have appropriate processes and procedures in place to support its use.

Q50 Do you agree or disagree that we should defer until 18 October 2018 the provision that says businesses should not have to submit supporting documents where the public body awarding the contract holds these? Please explain your answer.

Agree X Disagree ☐

Systems would need to be developed to support this. The onus should be on suppliers to ensure records are current and up to date. Records should be centrally managed, perhaps through Public Contracts Scotland.

Q51 Do you agree or disagree that we should defer the obligation on public bodies to use e-Certis until October 2018?

Agree X Disagree ☐

This obligation needs to be planned for properly.

Q52 Do you agree or disagree that we adopt this option for utilities contracts? Please explain your answer.

Agree X Disagree ☐

For transparency and consistency with public contracts.

Q53 Do you think that dynamic purchasing systems should be available as a tool for purchasers in respect of regulated procurements?

Yes X No ☐

It should be available an option as there may be circumstances where it would be a useful tool provided its use does not disadvantage SMEs.

Q54 Do you think that the same rules which apply in Article 34 of the Public Procurement Directive should be extended to lower value regulated procurements under the Act?

Yes X No ☐

Q55 Do you agree or disagree that we should continue to allow public bodies in Scotland to use central purchasing bodies as described in this section?

Agree X Disagree ☐

Collaborative procurement has many positive benefits.

Q56 Do you agree or disagree that we should not require the use of central purchasing bodies for particular types of procurement, thereby allowing public bodies to exercise discretion as to when, and which, central purchasing body to use?

Agree ☒ Disagree ☐

This should be a case by case decision based on best value.

Q57 Do you agree or disagree that we should not restrict access by Scottish public bodies to European centralised purchasing activities? Please explain your answer.

Agree ☒ Disagree ☐

Such access could widen choice for public bodies and may help keep competitive pressures on suppliers. It may encourage suppliers on Scottish frameworks to expand into wider European markets. There may also be an opportunity for Scottish Enterprise to actively promote Scottish frameworks to other European countries provided they are eligible to use them.

Q58 Do you agree or disagree that the monitoring and enforcement body for Scotland should be the Scottish Ministers, acting through the existing Single Point of Enquiry? Please explain your answer.

Agree ☐ Disagree ☒

The SPOE was established for other purposes and there needs to be a clear separation of responsibilities between handling of complaints and monitoring and enforcement.

Q59 Do you agree or disagree that we should simply copy the provisions on applications to the court from the existing 2012 Regulations? Please explain your answer.

Agree ☐ Disagree ☒

There is an apparent disconnect between the court rules and the regulations. In the Court of Session, lengthy adjustment periods often lead to new lines of argument being introduced which conflict with time limited requirement under the current regulation 47 to provide grounds of proceedings in the letter before action. We would also query whether proceedings in the Sheriff Court are appropriate especially if tribunals are introduced.

Q60 Do you think there is a need for a review body which sits beneath the national courts?

Yes ☒ No ☐

This could eliminate need to allow proceedings in the sheriff court. It could operate like a case management system and direct cases to an appropriate forum e.g. court or tribunal.

Q61 If so, do you think the review body should be established as a tribunal within the Scottish tribunals system?

Yes ☒ No ☐

This could be a quicker and more efficient way of dealing with procurement disputes but there would need to be further debate on powers/proceedings of tribunal and how this would link to the courts e.g. whether the use of tribunals would be mandated for certain types of proceedings etc.

Q62 Or do you think it should take some other form, for example, a Scottish Procurement Ombudsman?

Yes ☐ No ☒

bidders can already complain to the Scottish Public Services Ombudsman or seek judicial review if a public law issue arises,

Q63 What is your view of the Scottish Government's position to broadly endorse the principles of open contracting and commitment to work with civil society and wider stakeholder groups to improve transparency in its procurement practices as part of its continuing programme of procurement reform?

We agree with the approach as it will help improve transparency for public spend.



To: Council
On: 30 April 2015

Report by: Director of Finance & Resources

Heading: **Timetable of Meetings**

1. Summary

- 1.1 The purpose of this report is to propose change to the timetable of meetings to take account of the Local Authority Accounts (Scotland) Regulations 2014. In addition, there has been a request to reschedule certain meetings of the Procurement Sub-Committee.
- 1.2 The Council at its meeting held on 9 October, 2014 agreed its timetable of meetings until June, 2016, which included a meeting of the Council on 8th October, 2015. Subsequent to this decision, following the introduction of the Local Authority Accounts (Scotland) Regulations 2014, the required date for sign off of the Audited Accounts is no later than 30th September. Accordingly, it is proposed that the meeting of the Council be rescheduled to 9.30 am on Thursday, 24th September, 2015 and the meeting of the Regulatory Functions Board scheduled for 10.00 am on that day be rescheduled to 10.00am on Thursday 17th September.
- 1.3 In relation to the Procurement Sub-Committee, this meeting takes place twice in each cycle of meetings - at 3.00pm after the meeting of the Finance & Resources Policy Board and at 2.00pm when it follows the Leadership Board Meeting. The membership of the Sub-Committee is drawn from the Finance & Resources Policy Board and on occasion, this meeting has concluded significantly earlier than 3.00pm. Accordingly it is proposed that the meeting of the Procurement Sub-Committee which takes place following the Finance & Resources Policy Board is rescheduled from 3.00pm to 2.30pm or at the conclusion of the Policy Board meeting whichever is the later.
-

2 Recommendations

- 2.1 That the meeting of the Council scheduled to be held at 9.30 am on Thursday, 8 October, 2015 be rescheduled to 9.30 am on Thursday, 24 September and that the meeting of the Regulatory Functions Board scheduled to be held on that day be rescheduled to 10.00 am on Thursday, 17 September, 2015.
- 2.2 That the meetings of the Procurement Sub-Committee which are currently scheduled at 3.00pm following Finance & Resources Policy Board are rescheduled to 2.30pm or at the conclusion of the Policy Board, whichever is the later.
-

Implications of the Report

1. **Financial** – none.
 2. **HR & Organisational Development** – none.
 3. **Community Planning** – none.
 4. **Legal** – none
 5. **Property/Assets** – none.
 6. **Information Technology** – none.
 7. **Equality & Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
 8. **Health & Safety** – none.
 9. **Procurement** – none.
 10. **Risk** – none.
 11. **Privacy Impact** – none.
-

List of Background Papers – none

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