



**MINUTES OF THE MEETING OF
THE CABINET**

**TUESDAY 12 JUNE 2012
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor W Innes (Convener)
Councillor S Akhtar
Councillor T Day
Councillor D Grant
Councillor N Hampshire
Councillor J McMillan
Councillor M Veitch

Other Councillors Present:

Councillor D Berry
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor J Gillies
Councillor J Goodfellow
Councillor P MacKenzie
Councillor P McLennan
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Mr P Collins, Executive Director of Environment
Mr D Ledingham, Executive Director (Services for People) (from Item 2)
Mr A McCrorie, Executive Director (Support Services)
Ms M Patterson, Executive Director (Services for Communities)
Dr R Jennings, Head of Housing and Environment
Mr J Lamond, Head of Council Resources
Mr M Leys, Head of Adult Wellbeing
Ms S Saunders, Head of Children's Wellbeing
Mr B Cooper, Senior Transportation Manager
Mr J Coutts, Service Manager – Housing Strategy, Development & Estates
Mr J Cunningham, Benefits Manager (from Item 3)
Ms C Dora, Administration Research Assistant
Mr E John, Healthy Living Manager (from Item 3)
Ms M Ferguson, Corporate Legal Adviser
Ms K MacNeill, Corporate Legal Adviser
Ms C McCorry, Community Housing Services Manager
Mr D Russell, Corporate Communications Manager
Mr P Vestri, Corporate Policy Manager

Visitors:

None

Clerk:

Mrs L Gillingwater

Apologies:

None

1. SUMMARY OF CONTRACTS AWARDED BY EAST LoTHIAN COUNCIL, 1 MARCH – 31 MAY 2012

A report was submitted by the Chief Executive advising Members of all contracts awarded by the Council from 1 March to 31 May 2012, with a value of over £150,000.

In response to comments made by Councillor Currie in relation to two high value contracts being awarded to companies based outwith East Lothian, the Head of Council Resources, Jim Lamond, advised that although the approval for the two contracts in question had not been granted by the Provost until 17 May, the tender process had been at an advanced stage prior to the Local Government Election.

Councillor McMillan commented that the Council would work with local companies to build growth and confidence in East Lothian and this would provide benefits to the local community.

Councillor McLennan remarked that the Opposition would hold the Administration to account on their pledge to guarantee contracts to local companies.

Councillor Berry welcomed the two projects in his ward, in particular the work being undertaken by Hub South East Scotland on the Gullane Medical Centre and Day Centre.

Decision

The Cabinet agreed to note the award of contracts with a value of over £150,000 from 1 March to 31 May 2012, as listed in Appendix 1 to the report.

2. STRATEGIC HOUSING INVESTMENT PLAN 2012/13 – 2014/15

A report was submitted by the Executive Director (Services for Communities) informing Cabinet of the Strategic Housing Investment Plan (SHIP) for 2012/13 to 2014/15.

The Head of Housing and Environment, Dr Richard Jennings, presented the report, explaining the purpose of the SHIP and the stages of its development. He advised that the SHIP was based on a 5-year capital plan and that further information, including the capital plan, would be presented to Members in the coming months.

Dr Jennings responded to a number of questions by Councillor Berry in relation to the cost of building new homes and buying back ex-Council houses. Dr Jennings mentioned the advantages of buying ex-Council houses, stating that the Council was getting value for money in terms of its acquisitions.

Councillor McLennan asked if there was an update on the proposed development at Abbeylands, Dunbar. Dr Jennings advised that this site was being revisited and that no decision on the future of the site had been made to date. He undertook to report back to Members on this issue in due course.

Councillor Currie expressed concern in relation to future education capacity at Musselburgh Grammar School, given that there were proposals for new housing developments in both Musselburgh and Wallyford. He also asked if there were any plans to buy houses that were not ex-Council houses.

Councillor Innes stated that it was unlikely that the Council would be able to comply with the new housing legislation to be enacted during 2012.

In response to a question from Councillor Hampshire, Dr Jennings advised that 77 housing units had now been purchased through the open market acquisition policy, with 22 of those having been re-let. He explained that a programme of work was underway to bring the remaining properties up to Council standard.

Decision

The Cabinet agreed:

- i. to note the contents of the report and approve the content of the SHIP Context Statement, as detailed in Appendices 1A and 1B; and
- ii. to note that the arrangements for Scottish Government funding through the Affordable Housing Supply Programme (AHSP), as explained at Section 3.9 of the report.

3. HOUSING INFORMATION AND ADVICE STRATEGY 2012 – 2017

A report was submitted by the Executive Director (Services for Communities) advising of the Housing Information and Advice Strategy, which sets out the Council's approach to developing a planned, joined up approach to good quality, continuously improving, consistent housing information and advice.

Dr Jennings presented the report, drawing particular attention to the aims of the Strategy and the proposals to improve advice and information delivery.

Councillor Currie asked if there were plans to re-introduce a programme of extensions and loft conversions in Council properties. Dr Jennings advised that the existing capital investment programme was fully committed up to September 2012 with kitchen and bathroom work, but that work was underway as regards identifying solutions to alleviate overcrowding. He stated that money would not be taken away from other service users to provide extensions or loft conversions. He suggested that constituents should contact their local housing office for advice.

Councillor Grant spoke in support of providing extensions and loft conversions for families experiencing overcrowding, but called on officers to reconsider the qualifying criteria.

Decision

The Cabinet agreed to approve the Housing Information and Advice Strategy 2012 – 2017.

4. TENANT PARTICIPATION STRATEGY 2012 - 2015

A report was submitted by the Executive Director (Services for Communities) seeking approval of the Council's Tenant Participation Strategy as the basis for effective tenant participation between now and June 2015.

Dr Jennings presented the report, highlighting the Council's duties in relation to tenant participation and outlining the process undertaken to bringing forward the new Tenant Participation Strategy.

Decision

The Cabinet agreed:

- i. to endorse the Tenant Participation Strategy publication in line with its legal requirements under the Housing (Scotland) Act 2001;
- ii. to recognise that the Strategy was a living document and that as such the action plan in particular would evolve as consultation with tenants and tenant organisations help inform the Council's future plans in this area; and
- iii. to note that the success of the Strategy was dependent on good relationships being developed between the tenants' movement and Elected Members and, that Elected Members would be invited to specific tenant participation training events in 2012/13 and would be encouraged to attend.

5. SERIOUS TENANCY BREACHES POLICY (HOUSES AND GARDENS)

A report was submitted by the Executive Director (Services for Communities) advising Cabinet of a proposed new Policy dealing with breaches of tenancy (STB) in Council-owned houses and gardens, and seeking approving for the provisions of the policy and the sanctions it proposes for dealing with breaches, up to and including eviction.

Dr Jennings presented the report, highlighting a number of proposed changes to the report and the policy resulting from further discussions with the Council's Corporate Legal Advisers. He explained that the policy set out ways of addressing serious breaches of tenancy and the support available to tenants. He advised that the powers outlined in the policy had been used in the past, and that the purpose of the policy was to bring consistency to dealing with tenancy breaches. He noted that the policy would be publicised through Tenant & Resident Panels and local engagement.

Councillor Berry asked for further information on the types of breaches covered by the policy. The Community Housing Services Manager provided examples of such breaches. Dr Jennings offered to provide Members with additional information as regards the tenancy agreement and the expectations placed on tenants of Council properties in relation to maintaining their properties.

Councillor Currie welcomed the report and suggested that information on the policy should be included in the next edition of 'Home Front'.

Responding to comments from Councillor Grant, Dr Jennings advised that community housing officers would be given appropriate training on implementation of the policy. He undertook to provide Members with further information as regards the timescales involved in each stage of the process.

Decision

The Cabinet agreed:

- i. to approve the procedures outlined in the report for resolving tenancy breaches; and

- ii. to approve the use of legal sanctions should tenants refuse to remedy serious breaches of tenancy.

6. TRAVELLING PERSONS SITE – PITCH ALLOCATIONS POLICY

A report was submitted by the Executive Director (Services for Communities) seeking approval of the new Travelling Persons Site – Pitch Allocations Policy and presenting further information in respect of the new Policy in relation to consultation and equalities duties.

Dr Jennings introduced the report, making reference to the Accommodation Needs Assessment for Gypsies/Travellers, which was carried out in 2007/8, and the findings of that study. He explained that the terms of the Pitch Allocations Policy would be aligned with those of the Housing Allocation Policy.

Councillor Currie mentioned that there had been some uncertainty as to the future of the site and asked if there was any new information on this matter. Dr Jennings advised that this issue was currently under consideration and that recommendations would be brought forward in due course.

Decision

The Cabinet agreed:

- i. to approve the new Travelling Persons Site – Pitch Allocations Policy;
- ii. to approve an implementation date of 18 June 2012; and
- iii. to note that the consultation process approach meets the Council's legal requirements under the Housing (Scotland) Act 2001 and also reflects good practice.

7. SUSTAINABLE PROCUREMENT POLICY

A report was submitted by the Executive Director (Support Services) seeking approval for a new Sustainable Procurement Policy.

The Head of Council Resources, Jim Lamond, presented the report, explaining that this policy was intended to conduct procurement in a more sustainable way, to engage more effectively with suppliers and to support social aspirations, including the community benefits initiative. He pointed out that community benefits would be a standard component of procurement and would be included in most contracts, where appropriate. He highlighted a number of recent procurement initiatives, including the construction of Windygoul Primary School, which had incorporated a range of sustainable design features.

In response to a question from Councillor Hampshire, Mr Lamond advised that procurement contracts would contain information relating to social, economic and environmental benefits, but that further thought as to how to present this information was required.

Mr Lamond confirmed that this policy would not affect the Council's membership of Scotland Excel.

Councillor Akhtar spoke in support of the policy, which she said would provide an opportunity for the Council to take advantage of sustainable economic benefits. Mr Lamond undertook to provide regular reports on the impact of the policy.

Councillor McLennan also welcomed the policy, particularly in relation to tackling environmental issues.

Responding to a question from Councillor McMillan as regards the realisation of savings, Mr Lamond indicated that the targets set out in the report were realistic but that it may be 2-3 years before the full impact of the benefits were realised.

Decision

The Cabinet agreed to approve the Sustainable Procurement Policy and supporting Action Plan.

8. NORTH BERWICK HARBOUR – AREA TO BE TRANSFERRED AS PART OF PROPOSED EMPOWERMENT ORDER

A report was submitted by the Executive Director (Support Services) seeking a Cabinet decision on the area to be transferred as part of the proposed North Berwick Harbour Empowerment Order.

The Healthy Living Manager, Eamon John, presented the report, informing Members of the background to the report and advising that in the absence of a local agreement as regards the area of land to be transferred, the Council was now required to make a final decision.

Councillor Day expressed regret that a solution could not be reached at a local level. He spoke in support of the position proposed in the report, adding that there would be no value in enforcing a solution that went against the will of the Scottish Seabird Centre (SSC).

Councillor Berry declared that, although he had been a supporter of the Scottish Seabird Centre since its inception, he now had concerns about aspects of the management of the facility and the way in which the SSC had engaged with the North Berwick Harbour Trust Association. He voiced his disappointment at the proposals set out within the report.

Councillor Goodfellow accepted the position outlined in the report, but hoped that in the future both parties could work together.

Referring to the plan attached to the report at Appendix 1, Mr John noted that that the land transferred would exclude any area on the list of public roads.

Decision

The Cabinet agreed:

- i. to approve that the area of land currently leased to the Scottish Seabird Centre (SSC) does not form part of the proposed Empowerment Order, as per the plan attached as Appendix 1 to the report; and
- ii. to approve that, three years following the formation of the prospective new Harbour Trust, a joint review would be undertaken of the SSC position on being part of the overall Harbour Trust with the Harbour Trust as its potential landlord.

9. PAYMENTS TO VOLUNTARY ORGANISATIONS – CHILDREN’S WELLBEING 2012/13

A report was submitted by the Executive Director (Services for People) seeking approval for the payment to voluntary organisations of the amounts specified in Appendix 1 to the report, for the financial year 2012/13.

The Head of Children’s Wellbeing, Sharon Saunders, presented the report, noting in particular that there would be no uplift in funding for 2012/13.

Councillor Innes expressed regret that the Council was not currently in a position to provide financial support to a number of organisations, including Richmond’s Hope.

Councillor MacKenzie welcomed the report and the investment in the organisations outlined in the Appendix. He reminded Members of their role and responsibilities as corporate parents of looked after and accommodated children in East Lothian.

Councillor Currie suggested that the Council should consider allocating funding from Council reserves to Richmond’s Hope and the Children’s Hospice Association Scotland.

Decision

The Cabinet agreed to award grants for 2012/13, as shown in Appendix 1 to the report, noting that, except where indicated, these awards were based on grants made to these organisations in 2011/12 and that there had been no uplift to funding for the year 2012/13.

10. CYCLING, WALKING AND SAFER STREETS (CWSS) – PROPOSED PROJECTS FOR 2012/13

A report was submitted by the Executive Director (Services for Communities) presenting the proposed works for the twelfth year of funding from the Scottish Government for the Cycling, Walking and Safer Streets initiative.

The Senior Transportation Manager, Brian Cooper, presented the report, outlining the improvements that would be made during 2012/13.

Councillor Veitch welcomed the proposed improvements at Halhill, Dunbar, and in East Linton, commenting that this would contribute to reducing reliance on car use.

Referring to the proposed work at the new school campus in Haddington, Councillor McMillan suggested that the access to the new campus from the Maltings and Tynebank Road should also be considered. Mr Cooper agreed to look into this issue.

Decision

The Cabinet agreed to progress the proposals, set out in Appendix A to the report, during 2012/13.

11. AMENDMENTS TO SPEED LIMITS – VARIOUS LOCATIONS

A report was submitted by the Executive Director (Services for Communities) advising Cabinet of the proposed amendments to speed limits at the locations listed in Appendix A to the report.

The Senior Transportation Manager, Brian Cooper, presented the report, advising that approval of the report would initiate the consultation process. He drew attention to each of the proposed locations where speed limit changes were proposed.

Councillor Berry asked if any of the proposed speed limit changes would result in additional work to be carried out as regards footpaths and street lighting. Mr Cooper explained that some of the proposals would have such an impact, as 30 mph areas required street lighting, but that a number of these were development led and would be dealt with as part of the planning process. He added that the exception was the proposals for Pencaitland, where the Council would meet the cost of additional footpaths and lighting.

Mr Cooper also provided an explanation on the location and funding of solar powered speed limit signs.

Decision

The Cabinet agreed to approve the introduction of the proposed amended speed limit restrictions at the locations outlined in Appendix A to the report and the initiation of the Traffic Regulation Order formal consultation and legal procedures.

Sederunt: Councillor Currie left the meeting.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Cabinet unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraphs 1 and 6 (information relating to particular employees of the Authority, information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

Policy Matters

A private report submitted by the Executive Director (Support Services) concerning a Risk Based Verification Policy was approved.