



**MINUTES OF THE MEETING OF
THE CABINET**

**TUESDAY 11 DECEMBER 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
Provost L Broun-Lindsay
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor J Gillies
Councillor J Goodfellow
Councillor F McAllister
Councillor P McLennan
Councillor K McLeod
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Mr D Ledingham, Executive Director (Services for People)
Mr A McCrorie, Executive Director (Support Services)
Ms M Patterson, Executive Director (Services for Communities)
Mr J Lamond, Head of Council Resources
Mr T Shearer, Head of Policy & Partnerships
Mr B Cooper, Senior Transportation Manager
Mr P Forsyth, Senior Area Officer East, Transportation
Mrs K MacNeill, Corporate Legal Adviser
Mr R Sinclair, Communications Officer

Clerk:

Mrs L Gillingwater

Apologies:

None

1. SUMMARY OF CONTRACTS AWARDED BY EAST LOTHIAN COUNCIL, 1 – 28 NOVEMBER 2012

A report was submitted by the Executive Director (Support Services) advising Members of all contracts awarded by the Council from 1 to 28 November 2012, with a value of over £150,000.

In response to a question from Councillor McLennan in relation to the outsourcing of care services, Councillor Innes advised that in the case of this particular contract, the Administration had made a decision to undertake a comprehensive review and to extend the contract whilst that review was taking place.

Councillor McLennan asked what the costs would be of providing this service in-house. The Executive Director (Support Services) undertook to provide this information and to bring it back to Cabinet for discussion.

Councillor McMillan commented that the Administration was committed to working with other sectors to provide services where appropriate, and that alternative ways of delivering such services would be explored.

Decision

The Cabinet agreed to note the award of contracts with a value of over £150,000 from 1 to 29 November 2012, as listed in Appendix 1 to the report.

2. FINANCIAL REVIEW 2012/13, QUARTER 2

A report was submitted by the Executive Director (Support Services) advising of the financial position at the end of the second quarter of the financial year 2012/13.

The Head of Council Resources, Jim Lamond, presented the report in detail, highlighting the financial challenges facing the Council, particularly within the Services for People Directorate. He referred to the control measures approved by the Council in October 2012, as well as the reduction in capital spending limits, noting that detailed work had been undertaken by officers to manage the capital budget within these new limits. He also drew attention to proposed budget adjustments, outlined in Section 3.19 of the report.

Councillor Currie asked how the Council was preparing for the forthcoming changes in homelessness legislation. Mr Lamond advised that there would be an impact on the General Services budget and that officers were working to assess that impact. The Executive Director (Services for Communities) added that the reform of the welfare system would also need to be taken into consideration during the budget-setting process.

Councillor Berry asked a number of questions in relation to savings on salary costs, the education budget, the financial position within Children's Wellbeing and reserves.

Mr Lamond advised that there was not a recruitment freeze in place within the Council, but that vacancies were being controlled and monitored as part of the Efficient Workforce Management Plan. He added that some service reviews had not been concluded as quickly as anticipated, and that he could provide further details to Members as required.

On education, Mr Lamond reported an under-spend in the primary education sector, but this under-spend could not be used to fund the shortfall in the probationary teacher grant funding for a variety of reasons.

Mr Lamond explained to Members that a significant amount of work had been done with Children's Wellbeing on budgeting, particularly with regard to projections for residential care. He stated that the Council's budgets had to be managed, but accepted that the demand for services such as residential care were not always within the Council's control. The Executive Director (Services for People) advised of the preventative work that had been undertaken, adding that it would take some time to see the results of this work.

In response to comments from Councillor Hampshire, Mr Lamond conceded that the allocation for Children's Wellbeing for 2012/13 may not have been adequate, and that this had contributed to the pressure on that service.

Concerning reserves, Mr Lamond reiterated that there were no surplus reserves that could be used at this time, and that it would also be a challenge to work within the £4 million of reserves already approved for use in 2012/13. He noted that if planned service review work was delivered, there could be a further draw-down of funds from the Cost Reduction Fund to assist in the delivery of services, but warned that that fund may be exhausted in meeting such demands.

Mr Lamond called on officers to minimise expenditure where possible in order to retain some of the reserve monies for use in future years.

Councillor Grant asked if the reduction in the grant for probationary teachers was expected. Mr Lamond advised that he was surprised at the levels of funding allocated to the Council for this purpose. He provided an explanation of how the funding was distributed.

Councillor Currie praised the preventative work being done in respect of Children's Wellbeing services, highlighting in particular the Place 2B and Place to Talk initiatives, which had resulted in improvements in behaviour and attainment for many of the children using these services. However, he expressed his disappointment about progress with the Council's house building programme, especially in view of the forthcoming changes in legislation which, he warned, would place significant pressure on the general services budget. He urged the Administration to accelerate housing projects to mitigate the impact of the new legislation.

Councillor Veitch declared that every Councillor had a duty to ensure that Council funds were spent wisely. He spoke in favour of the control measures put in place to reduce expenditure and paid tribute to staff working to maximise efficiencies.

As regards meeting the terms of the new housing legislation, Councillor Hampshire remarked that the Council could not be held responsible if it did not have an adequate supply of houses. He believed that many councils, including East Lothian Council, would not be able to meet the requirements of this legislation. Councillor McLennan claimed that East Lothian was the only council which would not be able to meet the target, and criticised the Administration for not proceeding with the housing project at Abbeylands, Dunbar.

Councillor Innes made reference to the advice of the external auditor in relation to the pressure on the Council's revenue budget, and reiterated his view that the budget of the previous Administration was not sustainable. He believed that the actions taken by the Administration in relation to expenditure were necessary.

Decision

The Cabinet agreed:

- i. to note the financial performance of services at the end of September 2012 and, in particular, the implications this may have in developing budgets for years beyond 2012/13;

- ii. to note that measures continue to be taken to reduce expenditure and secure greater efficiencies with a view to increasing the reserves available for future budgets; and
- iii. to approve the 2012/13 budget adjustments, as outlined at Section 3.19 of the report.

3. PROPOSED ALTERNATIVE PEDESTRIAN ROUTE AND FACILITIES BETWEEN WESTER AND EASTER PENCAITLAND VILLAGE

A report was submitted by the Executive Director (Services for Communities) providing Cabinet with background information on the project proposals submitted by Transportation for planning approval (planning reference 12/00062/PCL) and reporting on the outcome of the public consultation on these proposals held on 30 October 2012.

The Senior Transportation Manager, Brian Cooper, presented the report, advising that a full public consultation had now taken place. He made reference to the preferred path route, and noted that discussions were ongoing with the community council regarding the introduction of traffic calming measures.

Councillor Gillies asked if the school would continue to have control over the use of the car park outwith school hours. Mr Cooper confirmed that this would be the case.

Councillor Grant reminded Members that the proposals set out in the report would require planning approval and cautioned members of the Planning Committee against commenting at this stage.

Councillor Akhtar welcomed the report and the consultation process.

Decision

The Cabinet agreed that, in light of the support shown for the provision of an alternative path route from the west end of the village to the primary school, the proposed path route as shown on the plan attached to the report, as submitted for planning approval, be confirmed as a project, but omitting the additional car parking spaces in the school grounds.

4. VARIOUS ROADS – EAST LOTHIAN AMENDMENTS TO THE PROHIBITION AND RESTRICTION ON WAITING, LOADING AND UNLOADING TRAFFIC REGULATION ORDERS 2012

A report was submitted by the Executive Director (Services for Communities) seeking Cabinet approval to commence the statutory procedure necessary to introduce and permanently amend various Traffic Regulation Orders to prohibit waiting, loading and unloading on various roads in East Lothian, and to introduce a new one-way system in Templar Place, Gullane.

The Transportation Officer, Peter Forsyth, presented the report, summarising the reasons for the proposals.

Councillor Currie asked about the possibility of introducing vehicle plate recognition in certain areas. Mr Forsyth explained that there would be difficulties with introducing this for legal reasons.

Mr Forsyth responded to a number of questions from Members in relation to specific proposals contained within Appendix 1 to the report.

Decision

The Cabinet agreed to approve the initiation of the statutory procedure necessary to introduce or amend various Traffic Regulation Orders in accordance with 'The Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999 and such amendments that are in force in respect of the locations and proposals listed in Appendix A.

5. HEALTH AND SAFETY POLICY

A report was submitted by the Executive Director (Support Services) seeking approval of the revised and updated Health and Safety Policy.

The Head of Policy & Partnerships, Tom Shearer, presented the report, advising Members that the current policy had been in place since 2008 and now required updating to take account of changes in legislation and guidance. It was noted that the revised policy had been subject to extensive consultation.

Councillor Berry asked if contractors and arms length external organisations (ALEOs) would be bound by this policy. Mr Shearer advised that ALEOs were required to establish and maintain their own health and safety policies and that they were responsible for the safety and wellbeing of people using their facilities. He added that common sense should be applied when dealing with health and safety matters.

Councillor McMillan, the Elected Member Champion for health and safety, welcomed the report and commended staff for their approach to health and safety when carrying out their duties.

Decision

The Cabinet agreed:

- i. to approve the Health and Safety Policy, as attached as Appendix 1 to the report; and
- ii. to note the policy/management arrangement approval process contained within the policy document.

6. PUBLIC MINUTE OF THE MEETING OF THE LICENSING SUB-COMMITTEE HELD ON 8 NOVEMBER 2012

The public minute of the meeting of the Licensing Sub-Committee held on 8 November 2012 was approved.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Cabinet unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraphs 3 and 6 (information relating to any particular applicant for, recipient or former recipient of a service provided by 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.

Sub-Committee Minutes

The private minute of the meeting of the Licensing Sub-Committee held on 8 November 2012 was approved.

The private minute of the meeting of the Social Work Appeals Sub-Committee held on 1 November 2012 was approved.