



**MINUTES OF THE MEETING OF
THE CABINET**

**TUESDAY 9 JUNE 2015
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

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

Other Councillors Present:

Councillor S Brown
Councillor S Currie
Councillor J Gillies
Councillor J Goodfellow
Councillor P MacKenzie
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services
Mr D Small, Director of Health and Social Care Partnership
Mr J Lamond, Head of Council Resources
Mr D Nightingale, Head of Education
Mr D Proudfoot, Acting Head of Development
Mrs M Ferguson, Service Manager – Legal and Procurement
Ms C McCorry, Service Manager – Community Housing
Mr P Iannetta, Service Manager – Engineering Services and Building Standards
Mr E John, Service Manager – Sport, Leisure and Countryside
Mr A Stubbs, Service Manager – Roads
Ms J Mackay, Media Manager
Mr P Zochowski, Principal Planner

Clerk:

Ms A Smith

Apologies:

None

Declarations of Interest:

None

1. MINUTES OF THE MEETING OF THE CABINET OF 12 MAY 2015

The minutes of the meeting of the Cabinet of 12 May 2015 were approved.

3. STAFF BENEFIT SCHEME – SALARY SACRIFICE FOR CARS

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval to implement an employee salary sacrifice scheme for cars.

The Head of Council Resources, Jim Lamond, presented the report, informing Members of the Council's undertaking to the Joint Trades Unions to investigate the viability of implementing a salary sacrifice scheme as part of the implementation of new employee business travel arrangements. He outlined the details of the scheme and drew attention to the potential benefits. He made reference to the administrative implications and also some of the financial risks associated with the scheme. Subject to approval, the intention was to develop the scheme over the summer, with formal implementation in September.

Councillor Innes welcomed the report and hoped staff would feel the benefit of this scheme.

Decision

The Cabinet agreed to:

- i. implement an employee salary sacrifice scheme for cars as outlined in the report; and
- ii. delegate authorisation to the Head of Council Resources to finalise the details of the scheme.

3. PROPOSED HOUSING CAPITAL INVESTMENT MODERNISATION PLAN 2015/16

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) providing Cabinet with an update on the proposed expenditure plan for the modernisation element of the Housing Capital Investment Plan for 2015/16.

The Service Manager – Community Housing, Caitlin McCorry, presented the report, informing Members that a new Housing Asset Management team had been established to manage the HRA capital programme. A new stock condition management IT system, Keystone, had been acquired which would improve the management of the stock condition information held regarding Council properties. In relation to modernising existing stock, Ms McCorry highlighted the continued investment in disabled adaptations and specific modernisation projects; central heating, kitchen replacement programme, re-roofing and roughcasting, roads and footpaths, local initiatives, bathroom replacement and open market acquisition remedial works. The proposed plan for 2015/16 was attached as an appendix.

In response to a question from Councillor Akhtar, Ms McCorry advised that the new software would help to provide information to tenants regarding planned improvements.

Ms McCorry responded to several questions from Councillor Currie. She advised that the Keystone system would enable officers to have a full picture of the condition of council houses. Regarding budget, the outturn spend was very close to the budget; there had been some slippage due to a procurement delay for roofing work. In relation to repairs, expenditure on day to day repairs had reduced; she added that there were a number of pieces of work currently with Property Maintenance colleagues.

Councillor Hampshire stated that excellent progress had been made. Work on Keystone, the IT system, was progressing and this system would provide an accurate picture of every property in the Council's housing stock and inform future investment programmes. He referred to the consultation exercise with tenants; advising that bathroom improvements and energy efficiency works had been the top priorities. He stressed that this Administration was committed to providing the best possible housing stock for families in East Lothian.

Councillor Currie remarked that the housing stock was a credit to both current and previous Administrations; many local authorities were not in as good a position as East Lothian. He did have some concerns specifically in relation to budgets for IT systems, central heating, structural surveys and energy efficiency works.

Councillors Goodfellow and Akhtar welcomed the report, particularly the disabled adaptations which would enable people to stay in their own homes and local communities

Councillor Innes also welcomed progress; these improvements would make a big difference to tenants.

Decision

The Cabinet agreed to approve the Housing Capital Investment Plan for housing stock modernisation for 2015/2016 and noted that appraisals of plan progress as covered in the Head of Council Resources Quarterly Financial report would be provided.

4. THE EAST LOTHIAN COUNCIL (SCOTTISH OPEN, GULLANE GOLF COURSE) (EXEMPTION) ORDER 2015

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval for the making of an Order under Section 11 of the Land Reform (Scotland) Act 2003 to facilitate the holding of the Aberdeen Asset Management 2015 Scottish Open Golf Championship at Gullane Golf Course, Gullane Links, East Lothian.

The Service Manager – Sport, Leisure and Countryside, Eamon John, presented the report, outlining the purpose and period of the Order. He reported that consultation on the proposed Order had taken place with East Lothian Local Access Forum, Gullane Area Community Council, Scottish Natural Heritage, Hill Road Landowners (Gullane) and Aberlady Local Nature Reserve Advisory Group; no concerns had been raised by these organisations.

A number of Members welcomed the Scottish Open being held in Gullane.

Councillor Innes stated that golf was an integral part of East Lothian's economy and national events like the Scottish Open were beneficial in attracting tourists to the county.

Decision

The Cabinet agreed to approve the making of The East Lothian Council (Scottish Open, Gullane Golf Course) (Exemption) Order 2015.

5. PROPOSED TRAFFIC REGULATION ORDER – PROHIBITION OF VEHICULAR TRAFFIC (DURING SCHOOL TRAVEL TIMES): NEILSON PARK ROAD AND VICTORIA ROAD, HADDINGTON

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) a) advising Cabinet of the performance of the Experimental Traffic Regulation Order (TRO) to prohibit vehicular traffic in Neilson Park Road and Victoria Road in

Haddington, during specified school traffic time periods; b) seeking approval to commence the statutory procedures necessary to make the TRO permanent and c) advising that other suitable streets around schools in East Lothian would be considered for similar treatment in the future, which would follow the development of an appropriate assessment policy.

The Service Manager – Roads, Alan Stubbs, presented the report, referring Members to the earlier report to Cabinet in 2012. He outlined the aim of the experimental TRO, which had commenced on 27 January 2014 for an 18 month period. He gave an assessment of the TRO, drawing attention to the detailed traffic survey results and referred to the Head Teacher and Parent Council feedback, attached as appendices.

Councillor Veitch queried timescales for introducing this scheme to other schools. He also asked if the temporary order for Dunbar Primary School partial scheme was on target. Mr Stubbs advised that other suitable streets around schools in East Lothian would be considered for similar treatment in the future. This would follow the development of an appropriate assessment policy which should be in place later this year. The Dunbar scheme was on target, a report would be brought forward to Cabinet in due course.

Councillor Hampshire queried work done by the Police. Referring to proposed Dunbar signage, he suggested enhanced signage at restricted zones. Mr Stubbs reported that 14 tickets had been issued in Haddington, 9 in Dunbar, the restrictions were being enforced; the Police were supportive. He would take on board the signage comments.

Responding to Councillor McMillan's question about monitoring traffic on Meadowpark, Mr Stubbs replied that feedback about possible dispersion of traffic would be taken on board and monitored. He added that a new initiative, 'Park and Strides' was being promoted; parking further away and walking the remaining distance.

In response to a question from Councillor Williamson about potential consultation/roll-out to other primary schools, Mr Stubbs reiterated that an appropriate assessment policy would be developed, but added there had to be a desire and support for this scheme from local communities.

Councillor Veitch stated that the scheme appeared to be working well; the feedback from the Parent Council was positive and they were supportive of making the Order permanent. There was significant interest in other parts of the county; Parent Councils were the obvious forum for initial discussions and taking this forward. He endorsed Councillor Hampshire's comments regarding the signage in Dunbar.

Several Members praised the scheme, one of the first such schemes in Scotland.

Councillor Currie supported the recommendation and would welcome requests for further TROs; he encouraged Parent Councils to bring these forward.

Councillor Innes stated that this scheme would not necessarily meet the needs of all schools but, where appropriate, it would be introduced.

Decision

The Cabinet noted the findings as outlined in the report and agreed to approve the initiation of the statutory procedure necessary to make the Order in accordance with 'The Local Authorities' Traffic Orders (Procedures) Scotland Regulations 1999 and such amendments that were in force.

6. PROPOSED ALTERATIONS FORMING SECONDARY CP AT FORMER HADDINGTON INFANT'S SCHOOL

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval to award the contract for the Proposed Alterations Forming Secondary Communication Provision at Former Haddington Infant's School to Messrs Clark Contracts Ltd. noting that estimated project costs were now in excess of the original approved budget.

The Acting Head of Development, Douglas Proudfoot, presented the report, informing Members of the significant factors that had contributed to an increased project cost. He drew attention to the resource implications as detailed in the report.

Councillor Currie queried why local firms, despite submitting tenders for many contracts, were not successful; he also queried the lack of appointment of local sub-contractors. Mr Proudfoot advised that this contract was let under an existing Framework Agreement and that the local firm on that Framework had submitted a more expensive bid. He advised that work was ongoing with colleagues in the Procurement Team to review the Framework Arrangements which were due to end soon and to raise awareness of the tendering process among local companies. Officers were also looking at how to translate increased growth in the construction industry and track this into a wider partnership approach. In relation to sub-contractors, work was ongoing to signpost contractors to local suppliers.

In response to a further question regarding community benefits, specifically the work placement duration, Mr Lamond advised that community benefits in procurement should not be confused with wider community benefits. In relation to our own procurement procedures, these were mostly targeted at training/skills for young people. He reported that for this type and value of contract 2 weeks work placement was typical, on a larger contract there could be a year's placement. He would take these concerns away for consideration. If Members wished, he could bring forward an update report on community benefits achieved through procurement after the summer recess.

Responding to a question from Councillor Hampshire regarding whether unsuccessful bidders were advised of the reasons for this, Morag Ferguson, Service Manager – Legal and Procurement, advised that following any procurement contract, tenders were evaluated and a debrief was offered to contractors advising of the reasons they were not successful.

In response to questions from Councillor Akhtar, Darrin Nightingale, the Head of Education, advised that if approved today the contractor should conclude works around Easter 2016; he confirmed that delivery to timescales would be closely monitored.

Councillor McMillan welcomed progress on this project. Responding to Councillor Currie's points he reiterated that working better and more collaboratively was actively being looked at. There were issues regarding sub-contractors and he welcomed the comments from Mr Lamond and Mr Proudfoot. This Communication Provision would provide a much needed resource to Haddington, East Lothian and beyond.

Councillor Currie remarked that Cabinet was being asked to approve, not note, this tender. He made reference to comments made by the Council Leader at a previous Cabinet meeting regarding the procurement process and local companies. He also recalled similar comments from other Administration Members before the last local government elections. He suggested that this contract should be awarded to the local firm on the Framework or the tender process should be abandoned and started again.

Councillor Hampshire requested a legal opinion. Ms Ferguson advised that it would not be competent to award a tender to anyone other than the lowest tender; the only criteria for evaluation was price, based on the Framework, which had been put in place 4 years ago.

Councillor Veitch stated that Councillor Currie's suggestion would delay this important work and would breach legal and procurement advice. All Members wanted local firms to do well but there was a Procurement Policy in place that had to be adhered to.

Councillor Akhtar stressed there could be no delay on the Communication Provision for young people. She asked for a further legal opinion. Ms Ferguson advised that if the tender was re-issued or if any other bidder, other than Clark Contracts Ltd. was awarded the contract, a challenge would be extremely likely. She added that when awarding a contract there was a 'standstill' period; if challenged during this period legal action could be taken, if it went through the court process it could take a year to conclude and the Council may not be able to award the contract during this time.

Councillor Akhtar reassured the parents present that the Council would deliver this project. This Administration was committed to this project; it was very important, it would deliver Communication Provision in East Lothian. The Council would ensure allocation of the necessary resources.

Councillor MacKenzie made reference to a Scottish Government paper on Autism Strategy. He remarked that behind this essentially financial report was provision of a much needed facility; it was very unfortunate that it would not be ready this autumn. It was important that parents were kept informed of developments.

Councillor Innes expressed concern about some of the debate in the Chamber today. This Administration had inherited this Framework; work was underway to review and modify it. With regard to this project the increased cost was unfortunate but the Communication Provision was extremely important and would be delivered.

Decision

The Cabinet agreed to approve acceptance of Messrs Clark Contracts Ltd's tender amounting to £1,161,677.42 for the Proposed Alterations Forming Secondary CP at Former Haddington Infant's School.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

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

Property Matters

A private report submitted by the Depute Chief Executive (Partnerships and Community Services) concerning a dangerous building was approved.