



**MINUTES OF THE MEETING OF
THE CABINET**

**TUESDAY 11 SEPTEMBER 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor S Akhtar
Councillor J Goodfellow
Councillor N Hampshire
Councillor W Innes (Convener)
Councillor J McMillan
Councillor F O'Donnell

Other Councillors Present:

Councillor L Bruce
Councillor F Dugdale
Councillor A Forrest
Councillor J Henderson
Councillor C McGinn
Councillor B Small

Council Officials Present:

Mr A McCrorie, Depute Chief Executive – Resources and People Services
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services
Mr J Lamond, Head of Council Resources
Mr D Proudfoot, Head of Development
Ms F Robertson, Head of Education
Mr T Reid, Head of Infrastructure
Mr C Grilli, Service Manager – Legal and Procurement
Ms K MacNeill, Service Manager – Licensing, Administration and Democratic Services
Mr J Cunningham, Service Manager – Benefits
Mr S Kennedy, Emergency Planning, Risk and Resilience Officer
Mr S Cooper, Team Manager – Communications

Clerk:

Ms A Smith

Apologies:

None

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – CABINET 12 JUNE 2018

The minutes of the meeting of the Cabinet of 12 June 2018 were approved.

Matters Arising – Item 9 (Introduction of New Charges)

Councillor Akhtar asked for an update regarding Instrumental Music Instruction. Fiona Robertson, Head of Education, advised that the assessment of new pupils for the Instrumental Music Service was underway; it would take a further two weeks to complete all the assessment work so she could not currently provide an accurate number as regards take up. She confirmed that the assessment process was the same as in previous years. In response to a request from the Convener, she confirmed that an update would be brought forward in due course.

2. SUMMARY OF CONTRACTS AWARDED BY EAST LoTHIAN COUNCIL, 31 MAY TO 3 SEPTEMBER 2018

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of all contracts awarded by the Council from 30 May to 3 September 2018, with a value of over £150,000.

Councillor Henderson queried how many contracts Hadden Construction Ltd currently had in East Lothian. Tom Reid, Head of Infrastructure, indicated he would need to check into this and would respond outwith the meeting.

Members welcomed the contract for the new Community Centre in Whitecraig.

Decision

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

3. CORPORATE RISK REGISTER

A report was submitted by the Chief Executive presenting the Corporate Risk Register 2018 to Cabinet for discussion, comment and approval.

The Emergency Planning, Risk and Resilience Officer, Scott Kennedy, presented the report. He informed Members that the Council Management Team (CMT) had carried out a full review of the Corporate Risk Register. He gave an explanation of the method used to evaluate risk and outlined the Council's response in relation to adverse risk or its risk appetite. He stated that those risks identified as 'very high' or 'high' would be subject to closer scrutiny by CMT, the Cabinet and the Audit and Governance Committee.

Mr Kennedy and other officers responded to questions. In relation to Councillor Goodfellow's query about the Development Plan risk rating in the past, Mr Kennedy advised that this rating had continually reduced over the period reported.

Responding to Councillor O'Donnell's questions about Welfare Reform, involvement with the local CABs and the Council's own capacity, John Cunningham, Service Manager – Benefits, said that officers were in regular contact with the CAB and in an effort to provide more support for Universal Credit (UC) claimants the Council was putting in place its own Personal Budgeting Support capacity. Whilst this in turn may take some pressure off the CAB it was likely that UC claimants could still present themselves to the CAB and Council Services would continue to refer cases when appropriate. He also confirmed that there was temporary

finance from the DWP to put this in place. Regarding moving into the managed migration phase there was no time line yet for this.

Councillor Henderson asked for an explanation regarding the preparation of a new Capital Strategy in accordance with CIPFA's requirements. Jim Lamond, Head of Council Resources, advised that this related to a Code of Practice change, which recommended approval of this new requirement by April 2019. It was an overarching Capital Strategy that would bring together several elements currently in place as well as existing financial strategies. Reports would be brought forward between now and next April. Following additional related questions from Councillor Small, Mr Lamond clarified that the risk review was done in August; he stated that CMT was committed to managing the pressures.

Councillor Small, referring to the UK Government's Counter Terrorism Strategy, asked why the rating had changed. Mr Kennedy reported this had been done following discussions with CMT; this risk was being managed better. Fiona Robertson, Head of Education, reported that the Council was a member of a wider group Prevent Safeguarding (East Prevent) which received regular communications and had been commended for its approach.

In response to Councillor Akhtar's queries, Ms Robertson said that the Scottish Government last week had set out its intentions as regards education reform. A Joint Working Group comprising CoSLA, SoLACE, Head Teachers and other professional organisations, would be taking forward aspects of the reform agenda in line with the agreed principles set out within the joint agreement. There would also be significant changes to Education Scotland's role in reviewing local authorities' role in empowering schools and the inspection programme. Regarding the risk if local authorities did not make sufficient progress, Ms Robertson stated that the risk was not delivering on key principles in the key agreement. The Council was well placed; Head Teachers' submission to the Scottish Government's consultation said they felt empowered to take forward aspects of the curriculum and staffing. Regarding the Council's Parental Engagement Strategy, this would be evaluated this year; it was held up as an example of good practice and some other local authorities may be adopting it. She added that the full implications for the Council would become clearer next year.

In response to questions from Councillor O'Donnell about ongoing work as regards Coastal Erosion, Tom Reid, Head of Infrastructure, advised that planting and dunes work had taken place at North Berwick. The Ranger Service continually assessed the situation across all the county's coastal areas. Councillor Henderson, also in relation to Coastal Erosion, asked where risk in respect of harbours was detailed. Mr Kennedy stated that this information was contained in the Infrastructure Service Risk Register, which was reported to the Audit and Governance Committee.

Councillor Hampshire welcomed the report. He was very pleased that the Development Plan was now categorised as a low risk and paid tribute to officers and those Members that had delivered this.

Councillor McMillan remarked that the Corporate Risk Register presented a rounded picture, the direction was strong; people were more risk aware. This report represented the robust values of the Council; he hoped the Audit Commission would recognise this.

Councillor Akhtar, commenting on public sector reform, stated that the Council was well placed to manage these processes. She emphasised the need to ensure that the voices of Head Teachers and pupils were brought to the fore. She was glad to note that issues regarding that equality and poverty were highlighted in this Risk Register.

The Convener thanked Mr Kennedy for his report. It was important for the Council not to become risk adverse; accepting, controlling and managing risks were all required to continue

to deliver quality services for the East Lothian community. He stated that risk controlling measures put in place were lowering risk ratings.

Decision

The Cabinet agreed to approve the Corporate Risk Register for 2018, and in doing so agreed:

- i. that the relevant risks had been identified;
- ii. that the significance of each risk was appropriate to the current nature of the risk;
- iii. that the total profile of corporate risk could be borne by the Council at this time in relation to the Council's appetite for risk;
- iv. to recognise that, although corporate risks required close monitoring and scrutiny throughout 2018, many were in fact long term corporate risks for the Council that were likely to be a feature of the risk register over a number of years; and
- v. to note that the Council Management Team would review all risks in the Corporate Risk Register on a regular basis.

Signed

Councillor Willie Innes
Council Leader and Convener of the Cabinet