

**MINUTES OF THE MEETING OF  
THE CABINET**

**TUESDAY 12 SEPTEMBER 2023  
VIA A DIGITAL MEETING FACILITY**

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**Cabinet Members Present:**

Councillor S Akhtar	Councillor F Dugdale
Councillor A Forrest	Councillor N Hampshire (Convener)
Councillor C McGinn	Councillor J McMillan

**Other Councillors Present:**

Councillor C Cassini	Councillor L Jardine
Councillor C McFarlane	Councillor S McIntosh
Councillor L Menzies	Councillor C Yorkston

**Council Officials Present:**

Mrs M Patterson, Chief Executive  
Ms L Brown, Executive Director for Education and Children's Services  
Ms S Fortune, Executive Director for Council Resources  
Mr D Proudfoot, Executive Director for Place  
Ms L Byrne, Head of Children's Services & Chief Social Work Officer  
Ms E Dunnet, Head of Finance  
Ms M Ferguson, Head of Corporate Support  
Ms N McDowell, Head of Education  
Ms W McGuire, Head of Housing  
Mr T Reid, Head of Infrastructure  
M S Saunders, Head of Communities  
Mr S Cooper, Service Manager - Communications  
Mr J Coutts, Service Manager – Community Housing & Homelessness  
Ms M Coyle, Service Manager for Procurement, Transformation & Digital Portfolio  
Mr C Grilli, Service Manager – Governance  
Mr B Moffat, Service Manager – Transport & Waste  
Mr P Ritchie, Service Manager – People & Council Support  
Mr I Lennox, Team Manager – Assets and Regulatory  
Ms R Pringle, Team Manager – Housing Strategy  
Ms Z Rathe, Team Manager – Information Governance  
Mr R Robertson, Roads Asset Officer - EV  
Ms R Crichton, Committees Officer

**Clerk:**

Ms F Currie

**Apologies:**

None

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – CABINET 9 MAY 2023**

The minutes of the meeting of the Cabinet of 9 May 2023 were approved.

**2. FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 AND DATA PROTECTION ACT 2018 (GDPR) – COMPLIANCE STATISTICS IN 2022**

A report was submitted by the Executive Director for Council Resources reporting on the Council's compliance with the 20 working day timescale laid down by the Freedom of Information (Scotland) Act 2002 for the calendar year 2022 (i.e.: from 1 January 2022 to 31 December 2022); and the Council's compliance with the timescale laid down by the Data Protection Act 2018 (GDPR) for the calendar year 2022 (i.e.: from 1 January 2022 to 31 December 2022).

The Team Manager – Information Governance, Zarya Rathe, presented the report. She highlighted an increase in the number of Freedom of Information (FOI) requests and Subject Access Requests during 2022 and advised that the complexity of requests was also increasing. She provided a breakdown of the statistics relating to FOIs, to requests under the Environmental Information (Scotland) Regulations 2004 (EIR) and Subject Access Requests. She outlined some of the challenges in responding to more complex requests, including where to apply exemptions. She added that increasing pressure on services had contributed to delays in responses along with other factors. However, overall, compliance with statutory response timescales had remained high.

Ms Rathe responded to questions from Councillors McIntosh, Councillor McGinn and Councillor Dugdale. She advised that charging for EIR requests had been discussed at length by the Council's management team and while it had been agreed to continue the current regime, this decision could be reviewed at any time. She explained the difference between invalid and vexatious requests and agreed that figures relating to the latter could be included in future reports. She said that the Council did not track costs associated with FOI requests as no charges were made for these requests and the Council had never used the legal discretion to levy a fee for costs over £600.

Replying to further questions from Councillors Forrest and Jardine, Ms Rathe confirmed that where requests were received for information already available on the Council's website, the appropriate exemption could be used and individuals would be provided with a link to the relevant page on the website. She also reminded Members of the Publication Scheme which was used as a more proactive means of making information available to the public. Ms Rathe provided an explanation of the information covered by different types of requests – FOI, EIR and Subject Access Requests – and that each was covered by a different piece of legislation. She acknowledged that there were pros and cons to this, or any, regime.

**Decision**

The Cabinet agreed to note the report and Members provided feedback on the compliance statistics.

### **3. MENOPAUSE AND HORMONAL CONDITIONS POLICY**

A report was submitted by the Executive Director for Council Resources seeking endorsement of the Menopause and Hormonal Conditions Policy, following full employee and Trade Union consultation and Council Management Team approval.

The Head of Corporate Support, Morag Ferguson, presented the report. She outlined the background to the development of the policy and highlighted the significant interest and support shown by staff, managers and trade unions during the consultation, which had resulted in a number of suggested changes being incorporated into the final draft. She advised that the Council was one of the early adopters of a menopause and hormonal conditions policy, and that it had been designed to be as inclusive as possible, covering a range of debilitating symptoms of hormonal conditions and signposting staff to internal and external support. If approved, managerial guidance would be developed, and a formal launch of the policy would take place to coincide with World Menopause Day in October.

Ms Ferguson responded to questions from Councillor Akhtar and Councillor McIntosh. She acknowledged that there were challenges in delivering a policy across a range of services and different working environments. However, this policy had been designed to be flexible and to allow members of staff to agree with their managers the type and level of support required to meet their individual needs. All HR policies were kept under regular review as part of efforts to continue improving working environments for all staff. Ms Ferguson said that the Council had tried to develop the policy in as broad a way as possible and the training provided to managers would reflect this; avoiding making assumptions about who is affected by conditions such as menopause and encouraging a focus on individual circumstances. She said that the Council would be consulting with a range of organisations on the development of a standalone transgender policy and would welcome input from staff.

Councillor Akhtar welcomed the policy and emphasised the importance of having a supportive and inclusive working environment. She said that menopause was not always an easy transition, and it was important to encourage open discussion, where staff could ask for and receive support. She also welcomed the fact that the staff survey would include questions on the menopause.

Councillor Dugdale also welcomed the policy and the recognition of the mental and physical impacts of these conditions, especially as they affected a large proportion of the Council's workforce. She welcomed the inclusion of a range of conditions, and she hoped that this policy demonstrated the Council's commitment to its staff.

Councillor McGinn echoed his colleague's remarks. He emphasised the importance of having discussions around these issues and of ensuring that the policy is as effective as possible.

#### **Decision**

The Cabinet agreed, by roll call vote, to note and endorse the Menopause and Hormonal Conditions Policy.

### **4. ANNUAL PENSIONS REPORT 2022/23**

A report was submitted by the Executive Director for Council Resources summarising the early retirement activity within the financial year 2022/23, in accordance with External Audit requirements and Council Policy.

The Service Manager – People & Council Support, Paul Ritchie, presented the report. He drew Members' attention to the summary of the Council's retirement activity in the financial year 2022/23, its liability to pay deferred pension costs and ex gratia payments.

Responding to a question from Councillor McGinn, Mr Ritchie explained that flexible retirement allowed staff over 55 to partially retire and draw part of their benefits. He said it was not easy to predict the likely numbers in future years but there had been a slow increase as the age profile of the Council's staff had come closer to this category.

The Executive Director for Council Resources, Sarah Fortune, responded to a question from the Convener. She advised that any application for flexible retirement required a business case and sign off by Finance colleagues. She agreed that there was a need for the Council to understand its ongoing financial liabilities in this respect but pointed out that flexible retirement could also offer opportunities for review and redesign of services going forward.

Councillor McMillan said that this was a complex issue which needed to be kept under review, and the report had helped to clarify the Council's commitments in this area.

The Convener agreed that this was an issue which should be monitored closely going forward.

### **Decision**

The Cabinet agreed to note the content of the report with regard to the pension activity in respect of early retirements in the financial year 2022/23.

## **5. ELC PROCUREMENT ANNUAL REPORT**

A report was submitted by the Executive Director for Council Resources informing Cabinet of East Lothian Council's Annual Procurement Report 2022-2023.

The Service Manager for Procurement, Transformation & Digital Portfolio, Michelle Coyle, presented the report. She outlined the background to the annual report for 2022/23 and the areas covered in the report. She drew attention to the higher than usual in-year spend on contracts awarded explaining that this was due to a higher spend on building and construction works. She highlighted how procurement activity had supported delivery of the Council Plan, including community benefits, and she outlined the cash savings and details of collaborative procurements, e.g., with Scotland Excel.

Ms Coyle responded to questions from Councillor McGinn, Councillor McMillan and Councillor Akhtar. She agreed to provide further details of work with third sector organisations. She outlined contract management procedures for monitoring payments between main and sub-contractors, and the arrangements in place to support local businesses to tender for non-regulated contracts (those under £50,000) and to access national frameworks. She indicated that the community wealth building plan would be coming forward shortly to support this approach and to provide more opportunities for local businesses.

In reply to further questions from Councillor Cassini and the Convener, she outlined the scoring mechanism and other procedures in place to measure environmental impact and sustainability. She also confirmed that best value would always be considered as part of the contract award. While prices were often fixed throughout the life of the contract, some included benchmarking to ensure the Council continued to receive best value. Any price increases were managed within the terms and conditions of the contract and minimised wherever possible.

Councillor McMillan commended the annual report noting that the Charter built on the Council's Values. He highlighted a forthcoming event which would allow businesses interested

in working in East Lothian the chance to find out more about the opportunities in the county and the support available from the Council.

Councillor Dugdale welcomed the annual report as a really important and interesting document. She highlighted the sustainable procurement duty placed on the Council and the East Lothian schools healthy and sustainable food provision which included locally and organically sourced products.

Councillor Forrest also welcomed the report and, as Housing Spokesperson, he was pleased to see that the procurement activity was supporting local businesses, while also ensuring the availability of quality materials for housing works.

The Convener welcomed the community benefits and job creation delivered through the procurement strategy. He said that the Council would continue to do all it could to support local businesses to secure contracts, and he noted the costs savings which were particularly welcome in the current financial circumstances. With this strategy in place, he hoped to see continued benefits for East Lothian in the future.

## **Decision**

The Cabinet agreed to note the report.

## **6. EAST LOTHIAN CONSULTATIVE DRAFT LOCAL HOUSING STRATEGY 2024-29**

A report was submitted by the Executive Director for Place outlining the key elements of the consultative draft Local Housing Strategy 2024-29 and seeking approval to consult formally on this draft for an eight-week consultation period.

The Team Manager – Housing Strategy, Rebecca Pringle, presented the report. She outlined the background and content of the consultative draft LHS; the range of engagement which had taken place in last year and the range of stakeholders involved. She outlined plans for further consultation, which would include local events for stakeholders, staff and Elected Members. A range of impact assessments had been carried out, with an additional Health Impact Assessment to be completed with Public Health colleagues. Following the consultation, a revised strategy would be presented to Cabinet in January 2024 prior to its submission to the Scottish Government.

Responding to questions from Councillor Forrest, Ms Pringle said she was committed to making the engagement process as accessible as possible. The comments gathered to date had resulted in an overall vision and the next round of consultation would outline key challenges and why the Council was proposing the actions it had set out. The strategy would then be revised based on the feedback received. She acknowledged that the proposals were ambitious but necessary to support the Council's commitment to deliver affordable homes; and in particular the pressure for small and large homes, and for accessible houses.

Ms Pringle replied to further questions from Members. She confirmed that high level outputs from the recent census were expected shortly and would be taken into account in the final LHS. However, detailed figures would not be available until April 2024 and these would factor in the annual update of the LHS. She advised that there was a specialist team within the housing service to support Ukrainian refugees. No families had presented as homeless, and all were in private sector housing or were with sponsors.

She confirmed that the service worked closely with Health & Social Care Partnership colleagues to look at the need for accessible homes and to develop the appropriate level of

provision. She said that the Scottish Government required a wheelchair accessible housing target in the private sector, ensuring the affordable housing sector did not take the full weight of this need. The housing service would be working with planning colleagues through the development of LDP 2 to deliver this provision.

The Head of Housing, Wendy McGuire, replied to a question from the Convener. She advised that there were currently over 4000 people on the housing waiting list and over 400 people in temporary accommodation and she agreed to provide up-to-date figures to the Convener.

Councillor McMillan welcomed the report which he said demonstrated the professionalism and commitment of staff. He commented on the vision statement and aspirational goals for the next five years and commended the clarity of the consultation paper. He noted that good quality housing contributed so much to the health and wellbeing of individuals and communities.

Councillor Dugdale highlighted the role housing had for children and young people and welcomed the children's rights and screening impact assessment and the consultation around this aspect of the strategy.

The Convener commented on the importance of housing as a Council service. While significant development had taken place in every community, the demand on housing continued to grow, as did the need to deliver a range of housing types. This model supported the Council to deliver its own rented properties and to work with partners to deliver housing association and mid market rent properties. It allowed people who were unable to buy to gain a footing in the rental market. However, he said that the Council needed more financial support from government if it was going to meet demand and prevent more people being housed in temporary accommodation or becoming homeless.

Councillor Forrest endorsed Councillor McMillan's comments and welcomed the report. He said he was looking forward to attending local events to hear constituents' views and how they could feed these into the consultation.

## **Decision**

The Cabinet agreed, by roll call vote, to:

- i. Approve the consultative draft Local Housing Strategy 2024-29; and
- ii. Approve an eight-week consultation period from 13<sup>th</sup> September to 3<sup>rd</sup> November 2023, with a final document presented to cabinet in January 2024.

## **7. RENT CONSULTATION 2024/25**

A report was submitted by the Executive Director for Place seeking Cabinet approval to consult with Council tenants on a range of options in respect of a potential rent increase for 2024/25; setting out the continued changes impacting on the Council's investment programme; and explaining the context, legal position and rationale for this approach.

The Service Manager – Community Housing & Homelessness, James Coutts, presented the report. He outlined the background, context and rationale for the proposed consultation on rent increases. He said it was currently unclear whether any further amendments would be made to legislation relating to the rent increase cap, however, there had been an agreement reached with Scottish Government and CoSLA regarding local authority rent increases. AS a result of the continuing challenging financial circumstances for the Council, the intention was to consult tenants on 3 options for rent increases, as well as the potential impacts of each.

The consultation would run from early November to mid-December with the outcome presented to Council in February 2024.

Mr Coutts responded to questions from Councillor Forrest and Councillor Cassini. He confirmed that East Lothian's rents were the fourth lowest in Scotland and significantly lower than its neighbouring authorities. He acknowledged that the Council had decisions to make regarding investment in the modernisation programme and a reduction in the new build programme, which would result in detriment to tenants. While it was dependant on a range of factors, the proposed 5, 6 or 7% increase in rents would have the most acute impact on those outwith the benefits system, which was around 30-35% of tenants. He confirmed that there would be discussion with ELTRAP on how to frame the consultation document but that, in line with previous years, the proposed increases would be detailed in cash sums as well as percentages.

Replying to a question from the Convener, Ms Fortune explained that the Council's financial strategy had approved two limits for the Housing Revenue Account (HRA): a 40% debt to income ratio; and to keep a minimum of £1 million in reserves. She advised that exceeding the 40% limit would have a sustained impact on the Council's strategy for managing debt over the longer term. This would mean that a greater percentage of monies would be required to repay debt charges, leaving less to invest in existing and new housing stock and to support tenants.

Responding to a further question from the Convener, Ms McGuire advised that the funding benchmark had been reviewed last year and this had helped to bring local authority investment more in line with RSLs, although local authorities continued to receive £10-15,000 less.

Councillor Forrest thanked staff and ELTRAP and local housing tenants and residents' panels for their contributions to the consultation and noted its importance in supporting the work of housing teams going forward.

## **Decision**

The Cabinet agreed, by roll call vote, to:

- i. approve a consultation exercise with Council tenants on a range of potential rent increase options;
- ii. note the context, legal position and rationale for this approach;
- iii. note the modelling impacts as set out in paragraph 3.11 of the report; and
- iv. note that meaningful consideration of the consultation results are a key element in setting rents for 2024/25 and beyond.

## **8. INTRODUCTION OF CHARGING DEVELOPERS FOR THE PROVISION OF WASTE AND RECYCLING CONTAINERS TO NEW PROPERTIES**

A report was submitted by the Executive Director for Place setting out the proposal for introducing a charge to housing developers for refuse and recycling containers which are required for new properties.

The Service Manager – Transport & Waste, Bruce Moffat, presented the report. He outlined the background and detail of the proposed charges as set out in the report.

Responding to questions from Councillor Jardine and Councillor Akhtar, Mr Moffat advised that cost recovery was based on purchase price plus a small amount for delivery. The costs

had been kept on low side to make the Council's containers attractive to developers and to ensure their use of preferred containers. He added that while it was possible to provide specifications to developers for them to source their own products, it was preferred that they use the Council's containers. He indicated that the charges would be reviewed on an annual basis and would be dictated by manufacturer costs increases and controlled through procurement mechanisms, currently Scotland Excel.

Mr Moffat replied to further questions from Councillor McMillan and the Convener. He explained that regular updates on residential construction allowed his team to manage stock levels and that it was safer for the Council's collection vehicles if developers used the Council's containers.

Councillor McMillan thanked officers for bringing forward this report and emphasised the continuing need for the Council to look at all options available to address its ongoing financial challenges.

### **Decision**

The Cabinet agreed, by roll call vote:

- i. That a direct charge of £67.00 (exc VAT) per property, applicable to all future housing developers, be introduced to cover the supply and delivery of a full set of waste and recycling containers to new properties, with the exception of a brown bin for garden waste, which would be provided through an annual subscription service that properties must apply for separately.
- ii. That the charge would be payable when the developer applies for street naming and/or property numbering, this will be included in the application charge as part of the registration process. Once the property has been formally registered and the charge has been paid, the waste and recycling containers would be delivered to the developer on a call off basis for them to distribute to properties as they become occupied.

## **9. OPTIONS FOR EAST LoTHIAN'S CAR CHARGING ESTATE**

A report was submitted by the Executive Director for Place to review the independent evaluation by Cenex (a not-for-profit consultancy specialising in charging infrastructure) of the options for the future of the car charging network in East Lothian; and seeking Cabinet approval for its recommendations.

The Team Manager – Assets and Regulatory, Ian Lennox, presented the report. He outlined the background to the Council's EV network and the requirement to expand to meet increasing demand. He summarised the options brought forward as a result of the consultation work and the external grant funding required to put in place the preferred option.

Mr Lennox replied to questions from Councillor Jardine and Councillor McGinn. He confirmed that the majority of monies generated would be reinvested to pay for staffing and future proofing of the service. He agreed that communication would be key to the success of the service and would require a variety of methods including the involvement of area partnerships and public consultation. He added that this service was for the benefit of people who did not have the option to park and charge at home, and communicating information to them was an important consideration.

Councillor McMillan commended the professional and technical advice and said it was good to have reassurance around community engagement. He welcomed the work that had been done and the efforts to identify government and grant funding. He hoped that this would allow



the expansion of expertise and provision in a way that improved quantity and quality of service, while partnering with stakeholders and communities to address the climate change challenge.

Councillor McGinn agreed with Councillor McMillan. He said that the Council was ahead of game in this area but that it could not keep up the pace of change if it didn't take communities along with it. He welcomed the commitment to a communications strategy, acknowledging that officers were striving to do their best for local communities.

Councillor Akhtar also echoed her colleagues' remarks. She reflected that when looking at meeting agenda the Council was, as an authority, making significant contributions to the Programme for Government in areas such as tackling poverty through the local housing strategy, ensuring that procurement supported local communities and making the just transition to an electric future, and doing so in a way that was self-funding.

The Convener also concurred with these remarks. He reiterated that the Council was facing real financial challenges in meeting demands for services. Electric charging facilities was one area where the Council needed to work with partners to deliver future requirements and to seek different ways of doing things.

## **Decision**

The Cabinet agreed, by roll call vote, to:

- i. approve the recommendation to fully investigate leveraging the Council's existing charging assets to attract the best private investment available in the network, while retaining sufficient control over locations, pricing and access; and
- ii. approve the production and publication of a detailed Electric Vehicle Infrastructure strategy.

## **10. VARIOUS ROADS EAST LOTHIAN, INTRODUCTION AND AMENDMENTS TO TRAFFIC REGULATION ORDERS, SEPTEMBER 2023**

A report was submitted by the Executive Director for Place seeking Cabinet approval of the statutory procedures necessary to make and amend various Traffic Regulation Orders (TROs) to prohibit waiting, loading and unloading, introduce new speed limits, Quiet Roads NCN 76 Haddington and close off a lay-by.

Mr Lennox, presented the report, advising Members of further changes required to existing TROs and the introduction of new TROs relating to parking and speed restrictions, as set out in appendices to the report.

Responding to questions from Councillor Jardine and Councillor Cassini, Mr Lennox advised that the ban on overnight parking in beach car parks had been put in place to address camping in unauthorised areas. However, he acknowledged that there could be unintended consequences from restrictions and a review of car parking and restrictions, in the round, would be undertaken at the end of the season. He stated that while the Council did not use CCTV for enforcement, it did have a very proactive team of mobile patrol officers who targeted areas where new restrictions had come into force.

In response to a further question from Councillor Akhtar, Mr Lennox outlined the process and timeframe for the introduction of TROs, including a period for public consultation, and said that, on average, it took 6 months to complete.

Councillor McMillan welcomed the report but observed that so much of what had been discussed would depend on the behaviour and attitudes of drivers and other road users. These measures would promote safety but he urged people to think and drive carefully. He noted that many of the restrictions would be welcomed by community councils; and he welcomed the proposals.

Councillor Dugdale said she was pleased to see a plan for double yellow lines on Winton Place in Tranent, which would assist those using the dropped kerb.

Councillor McGinn echoed Councillor Dugdale's remarks about the use of dropped kerbs and said he was delighted to see proposals for a TRO which came about because of an issue raised by a young person within his Ward.

Councillor Forrest welcomed the proposed restrictions in Musselburgh and said it was important for people to park sensibly to help ensure the safety of pedestrians and cyclists.

The Convener agreed that the Council should do whatever it could to make communities safer and these restrictions would help to do that. Commenting on coastal parking restrictions, he acknowledged that these could have implications elsewhere for communities and he noted that a review of the restrictions would be taking place. He added that the Council had to find ways of accommodating visitors while protecting sensitive sites.

### **Decision**

The Cabinet agreed, by roll call vote, to approve the statutory procedure necessary to initiate, consider any objections and make or amend Traffic Regulation Orders in accordance with the relevant legislation in respect of locations and proposals listed in the appendices to the report.

### **SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

The Cabinet agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (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.

#### **Mid-Market rent Proposal – Hallhill North**

A private report submitted by the Executive Director for Place regarding a Mid-Market Rent proposal at Hallhill North was approved.





**REPORT TO:** Cabinet

**MEETING DATE:** 14 November 2023

**BY:** Executive Director for Council Resources

**SUBJECT:** Alignment of ELC Procurement Strategy 2023-2028 with the New Procurement Strategy for Scotland 2023-2028

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## **1 PURPOSE**

- 1.1 To inform and seek approval from Cabinet for an update to the East Lothian Council Procurement Strategy 2023-2028, to align with the new Procurement Strategy for Scotland.

## **2 RECOMMENDATIONS**

- 2.1 To approve the updated East Lothian Council Procurement Strategy 2023-2028.

## **3 BACKGROUND**

- 3.1 The Procurement Reform (Scotland) Act 2014 requires contracting authorities:
- to prepare a procurement strategy setting out how they intend to carry out regulated procurements, and
  - to review its procurement strategy for the current financial year and make such revisions to it as the authority considers appropriate
- 3.2 The ELC Procurement Strategy 2023-2028 was approved by Cabinet on 17 January 2023.
- 3.3 As outlined in the report to Cabinet in January 2023, the Procurement Strategy is to be reviewed on an annual basis to ensure continued alignment with supporting the delivery of the Council's priorities and outcomes.
- 3.4 A new Procurement Strategy for Scotland was published in April 2023 (attached at Appendix 1), which public sector bodies can align to and

deliver against. Therefore, an early review of the ELC Strategy was considered appropriate.

3.5 The proposed updates to our Procurement Strategy reflect alignment with the structure of the Procurement Strategy for Scotland, rather than a change to the previously approved key strategic objectives. An updated ELC Procurement Strategy 2023-2028 is included in Appendix 2. Key changes include:

- Key strategic objectives and content are now presented in the Enablers & Objectives tables. There are new elements included under the sub-headings: Supporting a sustainable built environment, Whole life costing, Community Participation, Emergency Situations, Food Security, Global Reach, Connectivity and Consistency.
- Monitoring, reviewing, transparency and reporting is now headed Reporting.
- Supporting Suppliers, Third Sector and Communities and Capacity and skills sections have now been incorporated into the Enablers section.
- Simplified Action Plan.

3.6 The first Annual Procurement Report (against the updated Procurement Strategy) will be detailed in a future report to Cabinet in Autumn 2024 and will include:

- a summary of the regulated procurements completed during the year
- a summary of community benefits and Fair Work First performance; and
- a summary of future regulated procurements.

3.7 Performance against the Action Plan will be monitored by the Procurement Service Manager and with updates reported regularly to CMT.

## **4 POLICY IMPLICATIONS**

4.1 The Council is required to use UK and Scottish regulations, policies, guidance and tools concerning public procurement activity, in conjunction with the Council's own regulations, policies, guidance and tools concerning procurement activity. Details of these regulations, policies, guidance and tools are provided on p23 of the Procurement Strategy.

## **5 INTEGRATED IMPACT ASSESSMENT**

5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified.

## **6 RESOURCE IMPLACATIONS**

- 6.1 Financial - None
- 6.2 Personnel - None
- 6.3 Other – N/A

## **7 BACKGROUND PAPERS**

- 7.1 Report to Cabinet on 17 January 2023 (agenda item 5) [Procurement Strategy 2023-2028](#)

Appendix 1 - Procurement Strategy for Scotland 2023-2028

Appendix 2 - Updated East Lothian Council Procurement Strategy 2023-2028

<b>AUTHOR'S NAME</b>	Michelle Coyle
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<b>DATE</b>	17 October 2023





# Public Procurement Strategy for Scotland 2023 to 2028



April 2023

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# Ministerial Foreword

**We must use public spending power to make Scotland a better place to live, work and do business. How we procure goods, works and services should promote inclusive economic growth, create fair opportunities for all, and accelerate our just transition to a net zero economy.**

This Public Procurement Strategy for Scotland outlines the bold and ambitious plans we have for Public Procurement. It's a vision and a plan for our future that will provide a clear way forward that all public sector bodies can align to and deliver against.

Inspired by the collaborative approach taken to develop this strategy, the aspirations it contains reflect how we can collectively drive Public Procurement forward in Scotland.

To maximise the impact procurement can have, we must empower our procurement community to be bold, ambitious and innovative. Working across sectors and boundaries to deliver Scotland's economic recovery now and into the future.



**Mr Arthur**  
Minister for Community Wealth  
and Public Finance



# Introduction



**The Public Procurement Group (PPG) is excited to see the first Public Procurement Strategy for Scotland being published. This is a landmark publication and indicative of the group's ambition to embed collaboration and support Scotland as a world leader in delivering sustainable procurement outcomes.**

The PPG is the leadership group for public procurement across Scotland, made up of the heads of Procurement Centres of Expertise, and senior Scottish Government procurement officials. Together with the **Heads of Procurement** across the Public Sector, who all work to set strategic direction and priorities for public procurement in Scotland.

There are four Procurement Centres of Expertise in Scotland, which between them, provide support and guidance to all public sector bodies. They are:

- [Advanced Procurement for Universities and Colleges \(APUC\)](#)
- [Central Government Procurement](#)
- [NHS National Procurement](#)
- [Scotland Excel](#)

The intention of this first Public Procurement Strategy for Scotland is to provide a high-level vision for Scottish Public Procurement covering the next 5 years, which all public sector bodies can align to. Led by a cross sectorial working group, this strategy has been developed by our procurement community, for our procurement community. Aiming to be both practical and ambitious, it acknowledges the challenging environment of current times, while being flexible. Designed to allow organisations to engage irrespective of their size or position. It strives to be efficient and effective, while considering the reach and ability of Procurement to deliver successful outcomes.

This strategy will ensure we put in place initiatives, practices and policies to enable the profession to deliver innovative approaches to whatever circumstance comes our way.

# Vision

**Putting public procurement at the heart of a sustainable economy to maximise value for the people of Scotland.**

# Strategy Structure

Our National Performance Framework provides a common purpose, and values, for all of Scotland. Through this, we aim to:

- create a more successful country
- give opportunities to all people living in Scotland
- increase the wellbeing of people living in Scotland
- create sustainable and inclusive growth
- reduce inequalities and give equal importance to economic, environmental and social progress

Within Procurement we have outcomes outlined by the Sustainable Procurement Duty, which requires us to buy in a way which is:

- good for businesses and employees
- good for society
- good for places and communities
- open and connected

These outcomes, which are supported by Scottish Government **policies and guidance** as well as sectorial and organisational policies and guidance, underpin and enable our work. To further support this, the Public Procurement Strategy for Scotland is structured around these areas, as well as acknowledging enablers to help achieve our aims.



# Enablers

The enablers to this Strategy are fundamental to the success of the strategic aims and objectives. The enablers have been identified as underpinning the successful delivery across all elements of the Strategy.



## Procurement Capability

People are key. We must ensure the Procurement profession is developing individuals and teams. As well as attracting, developing and retaining new and existing procurement talent, leadership is essential.



## Supplier Development

The supply chains we work with are fundamental to our success. Providing support and opportunities for suppliers to develop and to navigate the evolving landscape will contribute to positive outcomes for communities, society and organisations.



## Engagement

Having appropriate shared processes and tools to provide consistency to both Procurement Professionals and suppliers. This will allow for efficient and effective delivery of Procurement services.



## Collaboration

Collaboration will assist us in achieving our shared goals and anchoring our success in our communities, people and organisations. Strengthening collaboration and engagement across the Public Procurement landscape will allow consistent approaches where practical, and facilitate development and sharing of best practice

# Objectives

The objectives are the very heart of the strategy. They set out how public sector bodies in Scotland can align.

## Good for Businesses and their Employees

Maximise the impact of procurement to boost a green, inclusive and wellbeing economy, promoting and enabling innovation in procurement.

By Business we include any organisation or enterprising entity engaged in commercial, industrial, or professional activities including, voluntary, charity, for – profit and non-profit entities.



### Suppliers

Promoting early supplier engagement to foster innovative and entrepreneurial responses to Public Sector needs and requirements.

Collaborating with organisations to deliver positive, green and inclusive social impacts within public contracts. Having a holistic approach with key suppliers.



### Supply Chain and Resilience

Encouraging a sustainable supply base that can support the work of the Public Sector to provide resilient and robust supply chains.

Developing appropriate relationships and putting forward looking plans in place to support the development of the Supply Markets, improving security of supply and reducing risk.



### SMEs, Third Sector and Supported Businesses

Consider how procurements are conducted and contracts are developed, to reduce barriers and enable participation for SMEs, Third Sector organisations, and Supported Business, in Public Sector Procurement.



### Contract Management

Carrying out ongoing proportional contract management to ensure the right outcomes are delivered and the performance of contracts is maximised.



## Good for Places and Communities

Maximising the impact of procurement with strong community engagement and development to deliver social and economic outcomes as a means to drive wellbeing by creating quality employment and skills.



### **Community Wealth Building – Fair Work First and Community Benefits**

Maximising economic and social benefits through procurement and commissioning, applying fair work practices, developing good enterprises, and secure supply chains.



### **Supporting a sustainable built environment**

Maximising opportunities in procurement to develop, enhance and maintain a sustainable built environment.

Creating a portfolio of frameworks delivering a range of construction activity across the public sector which considers the economic impact and the sustainability of the construction industry and the requirement for inclusive growth and climate change targets. Ensure construction projects reflect and help deliver all pertinent Scottish Government obligations including Fair Work First and Net Zero. Actively consider issues including but not limited to Fair Work First and Net Zero early in procurements and commissioning activity.



### **Whole life costing**

Promoting sustainable procurement through routine consideration of whole life costing to ensure value for money in procurement, minimise environmental damage and maximise socio-economic benefits



### **Community Participation**

Engaging with communities to understand local needs and requirements to help shape procurement policies, initiatives and contracts.



### **Climate Crisis and Environment**

Making informed decisions as we engage early with suppliers to create innovative solutions to positively respond to the climate crisis.

Eliminating waste throughout the supply chain where possible.

Act in a way that will secure net zero emissions through a Just Transition and promote a circular economy.

## Good for Society

Ensure that we are efficient, effective and forward thinking through continuous improvement to help achieve a fairer and more equal society.



### Economic Wellbeing

Make conscious and considered decisions that achieve best value and aims to establish practices and contracts that support the people and organisations of Scotland.



### Emergency situations

Procurement has been critical in responding to previous emergencies and humanitarian situations, and will strive to provide innovative, effective and efficient responses to future emergency situations.



### Food security

Ensuring high standards of animal welfare and sustainable production and waste reductions through the procurement process to improve community health, wellbeing and education.

## Open and Connected

Ensure procurement in Scotland is open, transparent and connected at local, national and international levels.



### Global Reach

Remain connected to support development of best practice.



### Connectivity

We will strive for an ease of doing business with the Public Sector and for the Public Sector to be able to easily do business with our suppliers.

Take advantage of opportunities to develop and improve the data, management information and systems, while leveraging automation and future technologies.



### Consistency

Promoting consistent use of tools, platforms and systems, processes, guidance and templates.

# Reporting

## Measurement of Success

To ensure there is movement towards the aims and aspirations of this Public Procurement Strategy for Scotland, measurement of progress will be undertaken. Making use of both qualitative and quantitative data, measurement will be taken across the Public Sector making use of data already gathered, and will be focused on measures for each Good For. Public bodies' Procurement Strategies and Annual Procurement Reports should reflect the Public Procurement Strategy for Scotland. Progress against the Strategy will be presented through the Annual Report on Procurement Activity in Scotland as well as common established Key Performance Indicators. During the life of the Strategy, measurement will be continually improved to allow new data sources to be included.

## Strategy Updates

This Strategy will be allowed to embed, to ensure that there is alignment to the strategic aims outlined above. The Strategy content will be considered annually. This will provide the opportunity to allow minor adjustments and refinements throughout the life of the Strategy.



# Resources

## Additional Information

The **Procurement Journey** provides guidance for public sector buyers who procure goods, services and care and support services. This includes relevant tools and processes. For Suppliers, the **Supplier Journey** provides guidance on how to bid for public sector contracts.

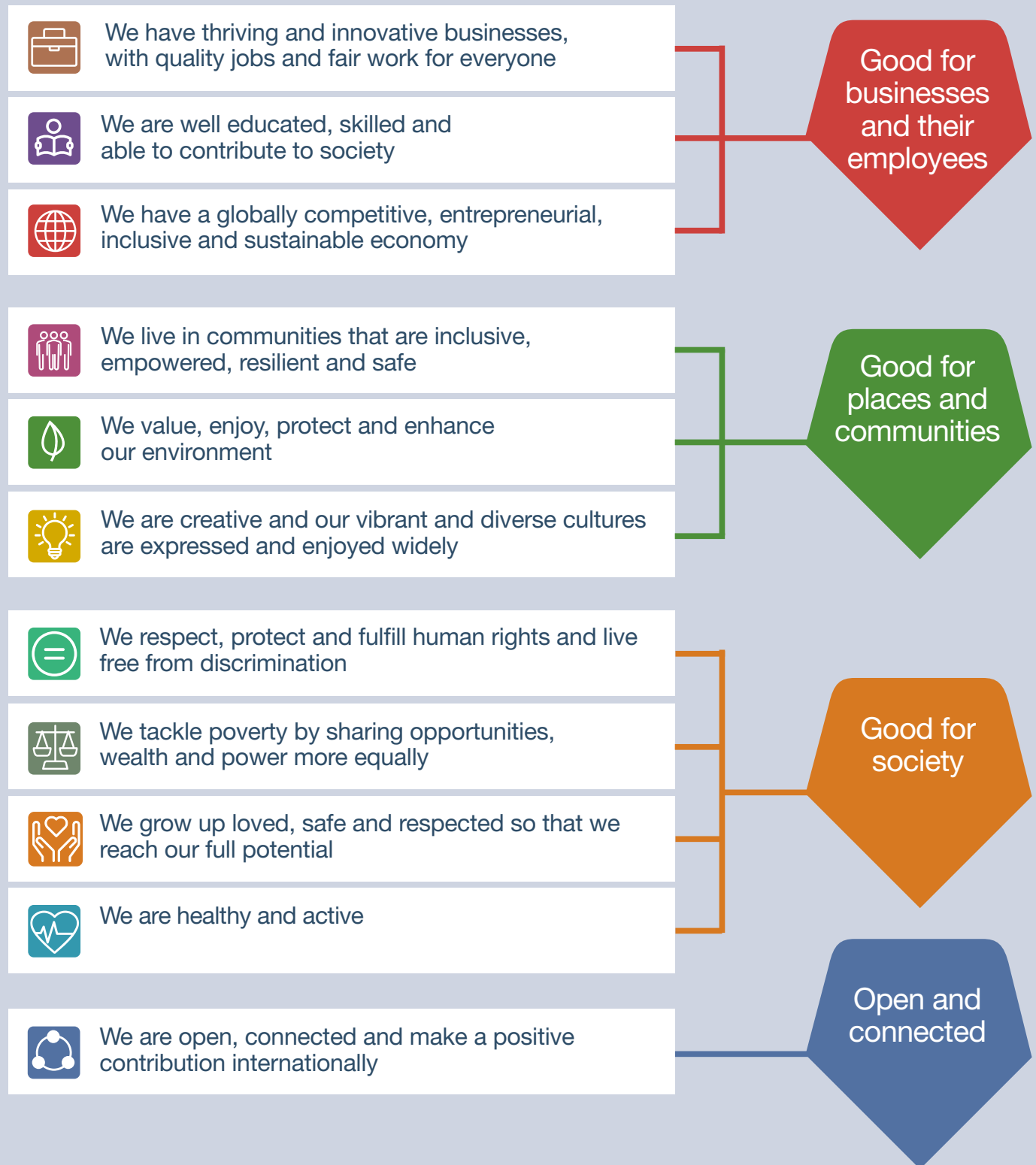
## Glossary

[Glossary | Procurement Journey](#)



# Annex A

## Alignment to the National Performance Framework



# Annex B

## PPG Members



**Nick Ford**

Director of Procurement and Property, Scottish Government



**Julie Welsh**

Chief Executive, Scotland Excel



**Gordon Beattie**

Director of National Procurement, NHS National Services Scotland



**Angus Warren**

CEO of Advanced Procurement for Universities & Colleges (APUC)



**Barry Graham**

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# PROCUREMENT STRATEGY

2023–28

Promoting economic, environmental and social outcomes which support recovery and growth.



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## Foreword

East Lothian is widely recognised as a fantastic place to live, work and study. However, pressure on public finances means that the council must also make significant savings and ensuring that the council uses its considerable spending power to maximise value for its communities is key.

The launch of the council's new Procurement Strategy will help promote the economic, environmental, and social outcomes that support growth, and address those challenges the council is facing.

Closer working relationships with key stakeholders is central to the successful delivery of the strategy, building on existing networks to improve engagement with communities, businesses, third sector organisations and strategic partners.

The strategy also builds on a strong foundation of achievements delivered in previous years. These achievements will still be important in the coming years, and the principles remain a core element of the strategy, but as the council looks to address key challenges of poverty, citizen well-being and climate change the central priorities for the council's procurements must align and support wider outcomes.

A new Procurement Strategy for Scotland was published in April 2023, which public sector bodies can align to and deliver against. This Strategy aligns to the Enablers and Objectives set out in the Procurement Strategy for Scotland.

### Enablers

Procurement Capability  
Supplier Development  
Engagement  
Collaboration

### Outcomes

Good for Businesses and their Employees  
Good for Places and Communities  
Good for Society  
Open and Connected

By delivering on these enablers and outcomes and continuing to seek financial savings and Best Value outcomes, the council can be confident that its procurement activity will benefit our stakeholders.

### Monica Patterson

East Lothian Council Chief Executive



## Introduction and procurement vision

East Lothian is one of the fastest growing council areas in Scotland with a population increase between 1998 and 2020 of 22%. The county is widely recognised as a desirable place to live with a beautiful coast and countryside, attractive and distinctive towns, good quality housing, schools and services, and proximity to Edinburgh's jobs, businesses and attractions. East Lothian is part of the Edinburgh city region and its key economic sectors include tourism, agriculture, food and drink, power generation, manufacturing, and education. Over the next 10 years it is anticipated that East Lothian will undergo further significant change.

Population and housing growth means that the demand for council services is increasing at a time when the pressure on public finances requires us to make significant savings. The procurement service must continue to ensure the council secures Best Value by purchasing only what we need and managing our suppliers effectively through robust contract management.

Following the Covid-19 pandemic and post-Brexit, the procurement service is evolving to change its focus from operational to strategic procurement. We will support the transition to a low carbon economy and manage the impacts and opportunities arising from technological change and a fast-growing local authority area.

This strategy takes account of that wider context, and recent developments in the local and national policy framework, that now more clearly recognise the important role that public sector procurement has in delivering key outcomes.

The procurement service has a strong focus on compliance with the regulatory framework and the council's internal controls, and this strategy will help ensure the council's purchasing activity supports sustainable growth and protects our environment, while also confronting the challenges that East Lothian is facing.

### Council Vision

*An even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy, that enables our people and communities to flourish. Council Plan 2022-2027*

#### Vision

To provide excellent services that deliver best value procurements with Community Benefits that support recovery and renewal, reduce poverty and inequality and respond to the climate emergency.

#### Mission

The procurement team will strive to deliver effective, efficient and excellent services to support the council's strategic vision and aims, by contributing to the council's net zero climate change targets, delivering best value and continuous improvement, ensuring compliance and good governance, increasing sustainability, Community Benefits and supporting economic recovery.

### Sarah Fortune

Executive Director of Resources, East Lothian Council

## Strategy rationale and context

Recent changes to procurement regulations and statutory duties are now embedded and public sector procurement has a greater role than ever before in supporting delivery of key social, economic and environmental outcomes. The potential impact of Brexit will not bring immediate change to these regulations and duties but may have a bearing on markets we engage with.

This strategy has been developed to enable us to respond and adapt to changes in our environment. However, during its life changes are expected, for example, development of a National Procurement Strategy for Scotland. In line with the Reform Act and to ensure our Annual Procurement report details our performance against strategy, this strategy will be subject to annual reviews. This will take account of any changes to organisational objectives and Scottish Government policies and strategies.

The council currently spends an average of £140million per annum on goods, services and works. In supporting this programme it is critical that the spending power of the council is utilised to influence and actively promote positive change.

Enabling Good Growth is a key area of our Economy Strategy. Where procurement has potential influence, we will include the council's commitments to Fair Work practices, low carbon economy, supporting benefits through City Region Deal and other capacity building projects.

The previous Corporate Procurement Strategy 2017-2022 was aligned to the Council Plan 2017-2022 and the Procurement Improvement Programme (PIP). Many improvements and benefits were delivered and are detailed in Appendix 2.

Key successful outcomes include:

- Increased engagement with local Small to Medium Enterprises (SMEs) and awareness of our tendering opportunities
- Applying prompt payment in the supply chain, as appropriate
- Successful and targeted people and Community Benefits delivered in line with the needs of our communities
- Added value obligations included in contracts to support ELC Climate Change Strategy (2020-2025)
- Increased capacity (resource levels) aligning with strategic procurement priorities, contracted expenditure and business needs
- Contract and Supplier Management (CSM ) training delivered to Service Users across the council
- Annual surveys to capture the views and understand levels of satisfaction of internal customers and suppliers
- New software for contract register and recording and reporting on contract obligations, benefits and performance
- £1.3m cash savings delivered by the Procurement Improvement Programme (PIP)
- Procurement team developed skills in relevant areas e.g. negotiation, project management, Chartered Institute of Procurement & Supply (CIPS) qualifications, Contract and Supplier Management (CSM), Competition and Markets Authority (CMA) e-learning on bid rigging and Climate Literacy Training
- Procurement training included in Elected Member Induction
- Review and update of the council's standing orders and procurement procedures.

Areas for on-going improvement include:

- Optimising systems / identification of gaps in tracking spend
- Utilising the new Contract Register to detail contract obligations
- Implementing contract management into lifecycle of key contracts
- Supporting the P2P (purchase-to-pay) project to deliver consistency and accuracy related to downstream processes
- Collaborating with Service Managers to plan value added procurements
- Digitising procurement processes
- Embedding the sustainable procurement duty - continual improvement of the economic, social and environmental wellbeing of East Lothian people

## Community Wealth Building

The Centre for Economic Strategies (CLES) states that Community Wealth Building (CWB) is based on five key principles:

- Plural ownership of the economy
- Making financial power work for local places
- Fair employment and just labour markets
- Socially productive use of land and property
- Progressive procurement of goods and services

Anchor Institutions are central to the concept of CWB Building as a result of the scale of the jobs they provide, the scale of spend through procurement, their land and assets.

The Lothian Strategic Development Framework sets out aspirations for the Lothian Health and Care System (LHCS) to work as an anchor institution. The LHCS includes East Lothian Integration Joint Board; Edinburgh Integration Joint Board; Midlothian Integration Joint Board; NHS Lothian; and West Lothian Integration Joint Board.

The Scottish Model of Procurement (procurement that is business friendly and socially responsible) aligns well with these principles and is already at the core of procurement practices across the Scottish public sector.

In line with the Council Plan 2022-2027, we will support CWB Building through an approach to procurement that prioritises local jobs and promotes diversity.

We will work across the council and with our partners to develop and implement the council's CWB Building approach and action plan and ensure continued alignment with the LHCS anchor institution aspirations set out above.

## East Lothian Health and Social Care Partnership (ELHSCP)

East Lothian Health and Social Care Partnership (ELHSCP) has developed its Commissioning Strategy 2023 – 2025. Their Commissioning Strategy will be future proofed in line with the Independent Review of Adult Social Care which recommends that Integration Joint Boards should continue to develop strategic commissioning plans, and should be given direct responsibility for procurement, holding contracts and contract monitoring.

The council's procurement service, through the work of the Commissioning Board, will be involved in this work to support colleagues to commission and procure services in a way that gives the best chance of achieving the desired outcomes and in line with the principles of the ELHSCP Commissioning Strategy.

ELHSCP procurements will comply with guidance on the Procurement of Care and Support Services 2016 (Best Practice), making use of the provisions of the Light Touch Regime (LTR), where appropriate, under the Public Contract (Scotland) Regulations 2015. The LTR allows consideration of wider factors when sourcing Health, Social Care and Education and legitimises their influence in decision making. ELHSCP procurements will be in line with and be sensitive to the expected national direction from the Scottish Government and the National Care Service.

## Children and Young People

We will ensure that council commitments to the Children and Young People (Scotland) Act 2014 (Corporate Parenting responsibilities) and Article 12 of the UN convention on the Rights of the Child are reflected in our commodity strategies.

This will include, where relevant, that the voice of children and young people is reflected in our commodity strategies (requirements gathering) and / or Community Benefits that support Corporate Parenting are included in our wish list.

## Procurement equality duties

All public bodies are legally required in the exercise of their functions, to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct
- advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not

These duties are set out in The Equality Act 2010 and The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

## Specific duties on procurement

Specific duties apply when a public authority awards a contract or framework agreement which is covered by the Public Contracts (Scotland) Regulations 2015. These are:

- when a public authority awards a contract or framework agreement on the basis of the most economically advantageous offer, it must have due regard to whether the award criteria should include considerations to enable it to better perform the equality duty
- when a public authority proposes to stipulate performance conditions in a contract or framework agreement, it must have due regard to whether the conditions should include considerations to enable it to better perform the equality duty

The Fairer Scotland Duty, Part 1 of the Equality Act 2010, came into force in Scotland in April 2018. This requires public authorities, in the exercise of their functions, to have due regard to how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions.



## Scottish Government National Performance Framework

The National Performance Framework provides a common purpose and values for all of Scotland. It aims to:

- create a more successful country
- give opportunities to all people living in Scotland
- increase the wellbeing of people living in Scotland
- create sustainable and inclusive growth
- reduce inequalities and give equal importance to economic, environmental, and social progress



Within Procurement there are outcomes outlined by the Sustainable Procurement Duty, which requires us to buy in a way which is:

- good for businesses and employees
- good for society
- good for places and communities
- open and connected

These outcomes, which are supported by Scottish Government policies and guidance as well as sectorial and organisational policies and guidance, underpin and enable our work. To further support this, the Public Procurement Strategy for Scotland and this strategy are structured around these areas, as well as acknowledging enablers to help achieve our aims.

This new strategy builds on what was achieved under the previous version, reflecting the evolving nature of public sector procurement and the council's current priorities.

## Supporting Council Objectives

The 2022-27 Council Plan outlines how East Lothian council will strive to meet our Vision of: ***An even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy, that enables our people and communities to flourish.***

This high level statement of objectives, priorities and strategic goals aims to meet the challenges the Council, East Lothian, its residents and communities face. It sets out the values, principles and behaviours that guide how the council and its staff operate.

The 2022-2027 Council Plan is based around three overarching objectives that have been set in response to three fundamental challenges we face.

- ***Recovery and Renewal*** – recovering from the COVID pandemic by investing in regeneration and a sustainable future
- ***Reduce poverty and Inequality*** – supporting our communities to deal with the growing levels of poverty and inequality
- ***Respond to the Climate Emergency*** – meeting our net zero climate change targets

Beyond these three fundamental challenges we continue to face systemic, long-term challenges. In response to these challenges the previous Council Plan set out four thematic objectives which remain relevant.

- ***Grow our Economy*** – increase sustainable and inclusive growth as the basis for a more prosperous East Lothian
- ***Grow our People*** – give our children the best start in life and protect vulnerable and older people
- ***Grow our Communities*** – give people a real say in the decisions that matter most and provide communities with the services, infrastructure and environment that will allow them to flourish

- ***Grow our Capacity*** – deliver excellent services as effectively and efficiently as possible within our limited resources

The council has a well-established set of behaviours that help to drive continuous improvement towards the achievement of the Council Plan. These are known as The East Lothian Way:

- ***Focus on service*** – putting the customer first; providing excellent customer service; and, contributing to improvements in service
- ***Explore the bigger picture*** – working together for a better East Lothian; understanding how our daily activities are linked to the council's vision and priorities
- ***Initiate solutions*** – striving for excellence; taking personal responsibility and ownership to be effective in our jobs
- ***Share knowledge*** – demonstrating regular and effective team working; being open and honest
- ***Deliver outstanding results*** – taking responsibility and seeing tasks through to successful completion

### Procurement's Role in Delivering These

Procurement will support services across the council by ensuring the requirements for goods, services and works are procured in a way that supports the council objectives and delivers the solutions that work best for East Lothian and deliver Best Value.

## Enablers

The enablers to this Strategy are fundamental to the success of the strategic aims and objectives. The enablers have been identified as underpinning the successful delivery across all elements of the Strategy.

### **Procurement Capability:**

People are key. We must ensure the Procurement profession is developing individuals and teams. As well as attracting, developing and retaining new and existing procurement talent, leadership is essential.

### **We will do this by:**

- Providing opportunities to develop the skills of our service users
- Providing graduate opportunities where possible
- Supporting continuing professional development of professionals to ensure expertise is relevant and current
- Continuing to develop and implement training and guidance to support compliance and excellence in procurement
- Continuing to participate in the PCIP to support continuous improvement and identification of areas for improvement
- Continuing to use the national procurement competency framework and associated online tool to assess team skills, identify training needs and support career planning. This will be carried out annually as part of the Performance Review and Development (PRD) process
- Using workforce and succession planning to develop our people
- Ensuring capacity (resource levels) align with strategic procurement priorities, contracted expenditure and business needs
- Ensuring workloads (contract requirements) are managed using a consolidated work plan and prioritisation tool ensures work addresses business needs and meets demand across the council

### **What success looks like:**

- Attracting, developing and retaining new and existing procurement people
- Areas for improvement are understood and actions plans are in place to address them
- Successful delivery of Annual Service and Action Plans to address business needs and meets demand across the council

### **Supplier Development:**

The supply chains we work with are fundamental to our success. Providing support and opportunities for suppliers to develop and to navigate the evolving landscape will contribute to positive outcomes for communities, society, and organisations.

#### **We will do this by:**

- Increasing engagement, working with suppliers and the Supplier Development Programme to support 'meet the buyer' and 'meet the supplier' events and in raising awareness of contract and sub-opportunities, including access to national frameworks
- Provide information to those interested in doing business

#### **What success looks like:**

- Increase the number of and spend with local Small to Medium Enterprises (SMEs) and third sector businesses being awarded council contracts

### **Engagement:**

Having appropriate shared processes and tools to provide consistency to both Procurement Professionals and suppliers. This will allow for efficient and effective delivery of Procurement services.

#### **We will do this by:**

- Improving representation of Procurement at senior leadership level with increased influence over procurement activity
- Annually reviewing and updating Procurement Service Plan (Action and Improvement Plan), reporting progress to CMT
- Working with communications team to raise the profile and ensure key procurement messages and updates are communicated
- Ensuring that all leaders understand their role in driving and enabling impactful procurement
- Undertaking annual surveys to capture feedback and satisfaction levels from internal customers and suppliers
- Using a business partnering approach, understand the influence we have and identify mutually beneficial opportunities, target our efforts, and drive best value
- Transitioning towards digital procurement forms, process and procedures
- Develop procurement performance reports for Heads of Service and Service Managers
- Supporting P2P (purchase-to-pay) project and the wider council in delivering consistency and accuracy related to downstream processes
- Sharing and using post-project and lessons learned to implement required improvements to our forms, processes and procedures
- Optimising current systems
  - Evaluating needs to track on / off contract spend
  - Implementing related recommendations
- Develop, improve and automate procedure for creation of Annual Procurement Report; Publish Annual procurement Report
- Horizon scanning: on-going analysis of the public procurement environment to identify important developments, e.g. emerging Scottish Government policy and ensure the council is prepared for potential opportunities and threats, and where relevant developments are embedded in Procurement policies, objectives and actions

- Annually reviewing and updating council standing orders and procurement procedures to ensure appropriate internal controls and awareness of the procurement and financial rules
- Annually reviewing and updating (as required) our forms, processes and procedures, including checking for accessibility
- Developing and implementing e-learning module to provide council staff with an introduction to procurement, policies and procedures
- Implementing and reporting on improvements plans that flow from The Procurement & Commercial Improvement Programme (PCIP)

**What success looks like:**

- Leaders and stakeholders are more engaged with procurement
- Increased use of category management, where relevant

**Collaboration:**

Collaboration will assist us in achieving our shared goals and anchoring our success in our communities, people and organisations. Strengthening collaboration and engagement across the Public Procurement landscape will allow consistent approaches where practical, and facilitate development and sharing of best practice

**We will do this by:**

- Using collaborative frameworks by default: Continuing to use pre-existing contracts / frameworks, where there is one unless an alternative route represents best value
- Applying Community Wealth Building principles to collaborate with other anchor Institutions to identify and share information on collaborative procurement opportunities and best practice
- Participate in ELC CWB Working Group
- Establishing a procurement specific working group across anchor institutions
- Development and approval of the CWB Action plan
- Maximize opportunities for innovation and collaboration to enable delivery of the council's key corporate projects, e.g. Transformation, Digital and Asset Review

**What success looks like:**

- Increasing spend, savings and Community Benefits through use of collaborative frameworks
- New opportunities available for the East Lothian suppliers and third sector within East Lothian and the wider City-Region.
- Improved awareness of what is being procured and what types of goods and services are available locally

## Objectives

### **Good for businesses and their employees:**

Maximise the impact of procurement to boost a green, inclusive and wellbeing economy, promoting and enabling innovation in procurement.

By Business we include any organisation or enterprising entity engaged in commercial, industrial, or professional activities including, voluntary, charity, for – profit and non-profit entities.

#### **Suppliers**

Promoting early supplier engagement to foster innovative and entrepreneurial responses to Public Sector needs and requirements. Collaborating with organisations to deliver positive, green and inclusive social impacts within public contracts. Having a holistic approach with key suppliers.

#### **Supply Chain and Resilience**

Encouraging a sustainable supply base that can support the work of the Public Sector to provide resilient and robust supply chains. Developing appropriate relationships and putting forward looking plans in place to support the development of the Supply Markets, improving security of supply and reducing risk.

#### **SMEs, Third Sector and Supported Businesses**

Consider how procurements are conducted and contracts are developed, to reduce barriers and enable participation for SMEs, Third Sector organisations, and Supported Business, in Public Sector Procurement.

#### **Contract Management**

Carrying out ongoing proportional contract management to ensure the right outcomes are delivered and the performance of contracts is maximised.

### **We will do this by:**

#### **Suppliers**

- Using supplier feedback from annual surveys to continually improve access to our tendering opportunities
- Actively participating in collaborative working opportunities that supports the delivery of a sustainable economic recovery

#### **Supply Chain and Resilience**

- Providing guidance and support to stakeholders to identify, assess and manage risks within procurement activity
- Considering procurement risks early during commodity strategy development, as part of market condition analysis
- Learning from the Competition and Markets Authority (CMA) e-learning on bid rigging in public procurement is used to flag any specific risks arising from the supply chain
- Capturing procurement risks in the procurement service risk register and feeding into the corporate risk register, where relevant
- Monitoring, managing and reporting on corporate risks using the council's new risk management software

#### **SMEs, Third Sector and Supported Businesses**

- Increasing % of spend with local suppliers
- Develop recommendation on signing up to Buy Social Pledge
- Develop recommendation on Social Enterprise Scotland membership

#### **Contract Management**

- Implementing new Procurement Software to support and document contract and supplier management

- Implementing contract management into the lifecycle of key contracts across the council
- Embedding Contract and Supplier Management: Ongoing analysis and feedback to / from suppliers to enhance the working relationships

**What success looks like:**

**Suppliers**

- Improved access to our tendering opportunities

**Supply Chain and Resilience**

- Risks are monitored, managed and reported on procurement activity
- Risks and impacts to the council are mitigated

**SMEs, Third Sector and Supported Businesses**

- Increase the number of, and spend, with local Small to Medium Enterprises (SMEs) and third sector and supported businesses being awarded council contracts

**Contract Management**

- Embedded contract and supplier management approach
- Report on performance and value delivered by our contract and supplier management approach



## Good for places and communities:

Maximising the impact of procurement with strong community engagement and development to deliver social and economic outcomes as a means to drive wellbeing by creating quality employment and skills.

### **Community Wealth Building – Fair Work First and Community Benefits**

Maximising economic and social benefits through procurement and commissioning, applying fair work practices, developing good enterprises, and secure supply chains.

#### **Supporting a sustainable built environment**

Maximising opportunities in procurement to develop, enhance and maintain a sustainable built environment. Creating a portfolio of frameworks delivering a range of construction activity across the public sector which considers the economic impact and the sustainability of the construction industry, and the requirement for inclusive growth and climate change targets. Ensure construction projects reflect and help deliver all pertinent Scottish Government obligations including Fair Work First and Net Zero. Actively consider issues including but not limited to Fair Work First and Net Zero early in procurements and commissioning activity.

#### **Whole life costing**

Promoting sustainable procurement through routine consideration of whole life costing to ensure value for money in procurement, minimise environmental damage and maximise socio-economic benefits.

#### **Community Participation**

Engaging with communities to understand local needs and requirements to help shape procurement policies, initiatives and contracts.

#### **Climate Crisis and Environment**

Making informed decisions as we engage early with suppliers to create innovative solutions to positively respond to the climate crisis. Eliminating waste throughout the supply chain where possible. Act in a way that will secure net zero emissions through a Just Transition and promote a circular economy.

## **We will do this by:**

### **Community Wealth Building – Fair Work First and Community Benefits / Supporting a sustainable built environment**

- Applying CWB Building principles to develop and maximise spend with local businesses
- Delivery of the CWB Action plan
- Considering children, young people, procurement equality duties, equality impact and sustainability at an early stage as part of commodity strategy development
- Implementing and embed sustainable procurement tools that support a sustainable economic recovery
- Using the tools detailed below to support the delivery of prioritised sustainable outcomes
  - Flexible Framework assessment tool
  - Prioritisation Tool
  - Sustainability Test
  - Capturing, monitoring and reporting on key sustainable priorities
- Improving awareness for council staff and suppliers of Fair Work First
- Continuing to include Fair Work First Criteria within tenders where proportionate and relevant
- Using the new Procurement software to capture, monitor and report on fair work first obligations and their delivery
- Engaging with suppliers to meet requirements of becoming an accredited Living Wage Employer
- Enhancing the council's approach to Community Benefits to build on what has been delivered to date: continuing to contribute to outcomes relating to employability, skills and tackling inequalities by focusing on under-represented groups

- Including commitments to Article 12 of the UN convention on the Rights of the Child and the Children and Young People (Scotland) Act 2014 Corporate Parenting responsibilities in wish list
- Continuing to improve information on our Community Benefits approach to share with communities and suppliers on our website showing where the benefits go / who receives them
- Using new procurement software to increase and improve monitoring and reporting of Community Benefits obligations and their delivery as part of CSM
- Increasing awareness of Community Benefits through tender opportunities

#### **Supporting a sustainable built environment**

- Updating our policies, objectives and actions to reflect Construction Policy Notes from Scottish Government, e.g. Sustainability in construction projects: CPN 1/2023
- Considering Fair Work First and Net Zero for council construction contracts at an early stage as part of commodity strategy development (using the Sustainable Prioritisation tool for construction)

#### **Whole life costing**

- Considering whole life costing approach for key council contracts, e.g. for environmental and goods contracts at an early stage as part of commodity strategy development
- In line with the councils Standing Orders, we will use Centres of Expertise (CoE) frameworks where there is a suitable pre-existing contract to fulfil our requirements. Whole life costing is considered, where relevant, within tender evaluations for these frameworks

#### **Community Participation**

- Considering stakeholder engagement activities, involving communities and service users at an early stage as part of commodity strategy development, for example as part of our Social Care and ethical commissioning activities
- Identifying what the community wants when it comes to Community Benefits
- Improving the measurement of the impact of Community Benefits on our communities

#### **Climate Crisis and Environment**

- Using learning from climate and carbon literacy training to transfer knowledge to and support service users when progressing procurement projects
- Working with the council's Sustainability and Climate Change Officer to deliver ELC climate emergency e-learning to service users
- Collaborating with the council's Sustainability and Climate Change Officer and service users to implement and embed Sustainable Prioritisation tool for social care, construction, ICT, waste and transport
- Considering climate change mitigation and adaptation, and circular economy at an early stage as part of commodity strategy development
- Supporting the council to deliver opportunities that help tackle the climate emergency, progress towards Net Zero and the circular economy agenda, e.g. by including obligations in relation to the environment and sustainability, i.e. reducing waste, etc. to meet the obligations of our council's Climate Change Strategy (2020-2025)
- Considering sustainability and circular economy at an early stage as part of commodity strategy development

#### **What success looks like:**

#### **Community Wealth Building – Fair Work First and Community Benefits / Supporting a sustainable built environment**

- Sustainability test embedded and used in all relevant and proportionate contracts and frameworks

- Supporting delivery of the Fair Work and the Real Living Wage obligations of our East Lothian Poverty Plan 2021-2023: Fair Work First Criteria included within tenders where proportionate and relevant
- Completion of procurement actions associated with our aim to become an accredited Living Wage Employer
- Refreshed approach to Community Benefits adopted, implemented and embedded
- Increasing the number of Community Benefits secured and delivered through contracts
- Community Benefits are more aligned to what the community wants
- Impact of Community Benefits on our communities is measured and reported

**Whole life costing**

- Whole life costing is used in all relevant and proportionate contracts and frameworks

**Community Participation**

- Communities and service users are engaged in all relevant and proportionate contracts and frameworks

**Climate Crisis and Environment**

- Annual reporting of procurements influence and contribution that supports Net Zero, mitigation and adaptation of climate change and the circular economy agenda

## Good for society:

Ensure that we are efficient, effective and forward thinking through continuous improvement to help achieve a fairer and more equal society.

### **Economic Wellbeing**

Make conscious and considered decisions that achieve best value and aims to establish practices and contracts that support the people and organisations of Scotland.

### **Emergency situations**

Procurement has been critical in responding to previous emergencies and humanitarian situations, and will strive to provide innovative, effective and efficient responses to future emergency situations.

### **Food security**

Ensuring high standards of animal welfare and sustainable production and waste reductions through the procurement process to improve community health, wellbeing and education.

## **We will do this by:**

### **Economic Wellbeing**

- Strategic Sourcing: market analysis and scoping to identify critical supply routes that support the council and procurement strategy
- Ensuring market engagement & understanding
  - Monitoring supply markets and trends
  - Market testing of / for commodity strategy
  - Share market intelligence with finance colleagues to help with budget development & monitoring
- Continuing to deliver collaborative procurements and achieve best value
- Driving efficiencies and best value to support the financial sustainability of the council
- Understanding and challenging the need to buy
- Continuing to identify / reduce spend which doesn't follow the defined purchasing policies and manage demand
- Using a category management approach to monitor, manage and report to senior leaders on spend for dedicated areas / commodities

### **Emergency Situations**

- Including obligations (Terms & Conditions and / or specifying requirements) related to emergency situations for key council contracts, e.g. allowing for appropriate response in emergencies, business continuity, etc

### **Food Security**

- Considering food security (e.g. local sourcing) at an early stage as part of commodity strategy development
- In line with the council's Standing Orders, we will use CoE frameworks where there is a suitable pre-existing contract to fulfil our requirements. Food Security and local sourcing is considered, where relevant in these frameworks
- Increasing engagement, working with suppliers and the Supplier Development Programme to raise awareness of contract and sub-opportunities, including access to national frameworks

## **What success looks like:**

### **Economic Wellbeing**

- Ensuring spend is within council budgets
- Increasing participation in collaborative opportunities (National Frameworks, sector-based Collaboration Frameworks and working with other councils with a similar requirements)
- Report on procurements contribution to identifying, securing and delivering savings / efficiencies

- Forms, processes and procedures take account of any changes to our objectives and Scottish Government policies and strategies
- Improvement against The Procurement & Commercial Improvement Programme (PCIP)

**Emergency Situations**

- Emergency situation obligations / requirements are included in all relevant and proportionate contracts and frameworks

**Food Security**

- Food security, in particular local sourcing is used in all relevant and proportionate contracts and frameworks
- Increased number of and spend with local Small to Medium Enterprises (SMEs) and third sector businesses being awarded council contracts for food

## **Open and connected:**

Ensure procurement in Scotland is open, transparent and connected at local, national and international levels.

### **Global Reach**

Remain connected to support development of best practice.

### **Connectivity**

We will strive for an ease of doing business with the Public Sector and for the Public Sector to be able to easily do business with our suppliers. Take advantage of opportunities to develop and improve the data, management information and systems, while leveraging automation and future technologies.

### **Consistency**

Promoting consistent use of tools, platforms and systems, processes, guidance and templates.

## **We will do this by:**

### **Global Reach**

- Updating our policies, objectives and actions to reflect emerging policy from Scottish Government. For example, Public procurement – Australia and New Zealand Free Trade Agreements: SPPN 1/2023, Public procurement - supporting innovation through procurement: SPPN 3/2023, etc

### **Connectivity**

- Publishing our opportunities via social and other media
- Publishing our Annual Procurement Reports, including details of future regulated procurements
- Publishing our Contract Register
- On-going improvement to our data, management information and use of systems

### **Consistency**

- Publishing all our opportunities via the national advertising portal for all public sector contracts - Public Contracts Scotland (PCS and / or PSC-Tender)

## **What success looks like:**

### **Global Reach**

- Our policies, objectives and actions take account of Scottish Government policies and strategies

### **Connectivity**

- Increased participation in contracting opportunities
- Positive feedback from suppliers in relation to ease of doing business with us

### **Consistency**

- Supplier experience in doing business with us is consistent and improves over time

## Regulations, Policies, Guidance and Tools

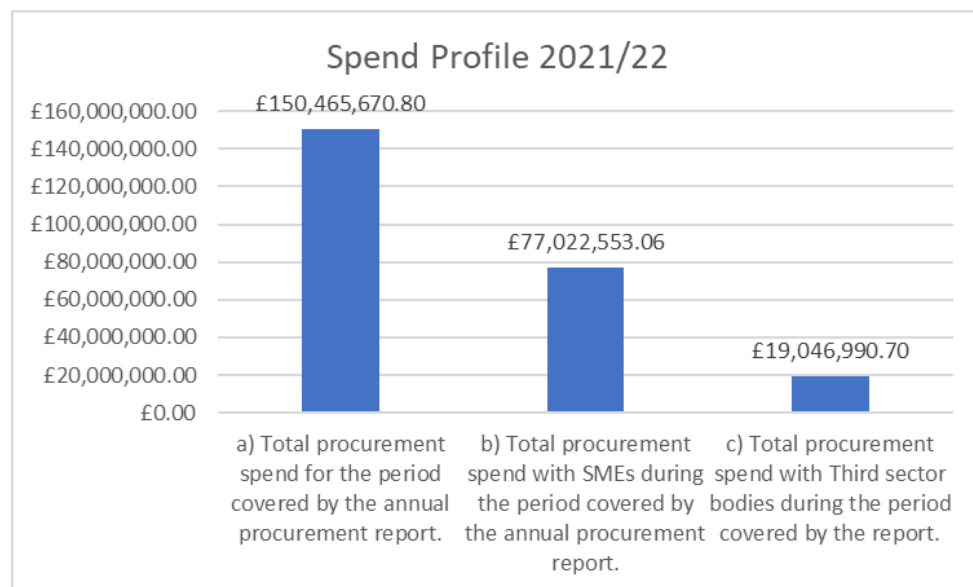
The council requires to use UK and Scottish regulations, policies, guidance and tools concerning public procurement activity, in conjunction with the council's own regulations, policies, guidance and tools concerning procurement activity including but not limited to:

UK and Scottish regulations, policies, guidance and tools	Scottish Government's tools	Council's regulations, policies, guidance and tools
<ul style="list-style-type: none"> <li>• Procurement Reform (Scotland) Act 2014</li> <li>• Public Contracts (Scotland) Regulations 2015</li> <li>• Procurement (Scotland) Regulations 2016</li> <li>• Utilities Contracts (Scotland) Regulations 2016</li> <li>• Concessions Contracts (Scotland) Regulations 2016</li> <li>• Case law</li> <li>• Scottish Procurement Policy Notes (SPPN's) and Construction Policy Notes</li> <li>• Sustainable procurement duty</li> <li>• Fair Work First</li> <li>• Procurement equality duties set out in The Equality Act 2010 and The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012</li> </ul>	<ul style="list-style-type: none"> <li>• Public Contracts Scotland</li> <li>• Public Contract Scotland - Tender Portal</li> <li>• Procurement Journey</li> <li>• Supplier Journey</li> <li>• Sustainable Procurement Tools</li> <li>• Climate Literacy For Procurers</li> </ul>	<ul style="list-style-type: none"> <li>• Scheme of Delegation</li> <li>• Standing Orders</li> <li>• Financial Regulations</li> <li>• Risk Management, Monitoring and Reporting Process</li> <li>• East Lothian Council Plan 2022-2027</li> <li>• ELC_Recovery__Renewal_Plan_2021</li> <li>• East Lothian Council Poverty Plan 2021-2023</li> <li>• East Lothian Council Equality Plan 2021-2025</li> <li>• Climate Change Strategy 2020-2025</li> <li>• Sustainable Procurement Charter and Policy</li> <li>• Financial and Capital Strategy 2022/23-2026/27</li> <li>• East Lothian Economic Development Strategy 2012-2022</li> <li>• East Lothian Health and Social Care Partnership Commissioning Strategy 2023 – 2025</li> <li>• East Lothian Council Digital Strategy 2022-2027</li> <li>• East Lothian Way</li> <li>• Lothian Strategic Development Framework</li> </ul>

Procurement is governed by many legal sources, principally derived from the EU Treaty principles. The “Fundamental Principles” (Proportionality, Mutual Recognition, Non-discrimination, Equal treatment and Transparency) apply to all procurement activity regardless of the value. All contracts let by or on behalf of the council must be done so in a proportionate manner that demonstrates compliance with the above principles to all parties having an interest in that procedure. All contracts let by or on behalf of the council must also follow the council's Procurement Procedures (Standing Orders) and internal Working Instructions.

## Council spend profile

The information below details the council's overall spend profile for 2021-2022. The highest areas of spend are social care and construction.



\*\* Figures taken from Spend Analysis Hub

East Lothian Council Procurement Spend Profile 2021-2022	
<b>Total Procurement Spend</b>	<b>£150,465,670.80**</b>
SME Spend	£77,022,553.06 (217 suppliers)**
Third Sector Spend	£19,046,990.70 (32 suppliers)**
Total Local Spend	£30,111,584.08 (99 suppliers)**

\*\* Figures taken from Spend Analysis Hub

## Savings, Benefits and Added Value

Delivering value through procurement is a key element and driver of continual Service Improvement. Savings and benefits definitions are defined as follows:

### Savings

- Cashable Savings
- Cost Avoidance
- Commercial and Operational Efficiencies

### Benefits and Added Value

- Community Benefits
- Sustainability
- Innovation

A more formal approach to tracking cost savings has been introduced. Our new procurement software will be used to enhance our ability to capture, monitor and report on contract obligations, performance, savings and benefits (added value) delivered by procurement from April 2023.

Total delivered cash savings for the period covered by the Annual Procurement Report (2021/2022)	£2,105,888.00
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## Reporting

We are committed to being transparent about how we spend public money and improving accountability, by publishing information about our procurement activity.

This is in line this commitment, we:

- have developed this strategy in consultation with key internal stakeholders (staff, service users, senior management and elected members) and external partners Scotland Excel (the Centre of Procurement Expertise for the local government sector) to gain a national perspective
- will monitor the strategic aims, objectives, priorities and targeted outcomes using the Action Plan in Appendix 1
- performance against the Action Plan will be monitored by the procurement service manager and reported to CMT. Reporting will include Performance Indicators' linked to the Action Plan and the Performance Indicators will monitor, track and measure continuous improvement
- will publish this procurement strategy
- will review and update the strategy on an annual basis, to ensure continued alignment with supporting the delivery of the council's priorities and outcomes
- will refresh the Procurement Strategy and the associated Action Plan and these will be reported to and approved by Cabinet
- will produce an annual procurement report that records the performance against the Procurement Strategy. This will be reported to Cabinet and will include:
  - a summary of the regulated procurements completed during the year
  - a summary of Community Benefits and Fair Work First performance; and
  - a summary of future regulated procurements
- will publish annual procurement reports
- use the Public Contracts Scotland website to advertise regulated contracts and publish award notices
- promote transparency and greater openness through, for example, the use of procurement strategies

The council's procurement performance is also subject to PCIP assessments.

Please note that due to the impact of covid-19 PCIP assessments were put on hold, with a view to recommencement in 2023.

The procurement actions detailed within this strategy and Appendix 1 are aligned to both the national procurement objectives and the PCIP programme which supports continuity and continuous improvement.

## Resources

Information is provided on the council's website <https://www.eastlothian.gov.uk/info/210594/procurement> and in related downloads to support those interested in doing business with the council.

The website contains key information including:

- Information on how to do business with the council
- Links to Public Contracts Scotland, the main portal used to advertise contract opportunities
- Details of contract authorities for collaborative framework agreements and dynamic purchasing systems
- The council contract register
- Community Benefits in Procurement
- Sustainable Procurement
- The Supplier Development Programme (SDP)
- Details about the standard terms and conditions of contract

Procurement

Contract opportunities	Community benefits	Useful information for suppliers
Our contract register	Who does the buying?	Best value

### Business opportunities

- Finding contract opportunities
- Supplier Development Programme

More on business opportunities

### Quotations and tenders

- The tendering process
- Responding to a contract opportunity
- Submitting your quotation or tender

More on quotations and tenders

### Procurement procedures

- Procurement procedures
- Terms and conditions
- Current and future developments

More on procurement procedures

External organisations support for those looking to do business with the council can be sought from [Business Gateway](#) and the [Supplier Development Programme](#) (SDP).

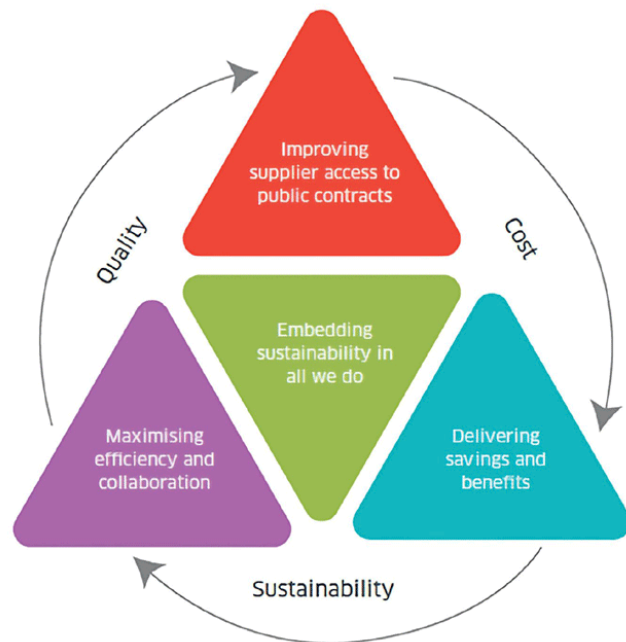
The council's Procurement team will continue to attend Scotland Excel and SDP Meet the Buyer events; as well as identifying more local events which target support aligned to the delivery of the council's priorities.

The [Supplier Journey](#) provides guidance for suppliers on how to bid for public sector contracts.



## Ownership and contact details

This Corporate Procurement Strategy has been approved by the Corporate Management Team (CMT) and full council. It reflects the Council Plan, Scottish Model of Procurement, Local Economic Agenda and National Outcomes. An initial Action Plan is included in Appendix 1 and will be managed and updated annually. Progress reports will be provided to CMT quarterly with priorities agreed with Heads of Service / CMT, as required.



All staff within the council have a role in ensuring compliance with the Procurement Strategy's objectives. Key internal stakeholders in East Lothian Council are:

- **Corporate Management Team (CMT):** This group will oversee implementation and delivery of the Procurement Strategy
- **Service Managers:** The central Procurement Team cannot fulfil the critical roles of savings identification /contract management / CBIP opportunities without the support and co-operation of staff in service areas. Service Managers are essential to the successful implementation of the Procurement Strategy and for providing relevant and timely information regarding their future procurement requirements. After contract award, both Contract and Supplier Management are critical activities that rely heavily upon effective Service Manager Engagement
- **Service Users:** A well-informed and adequately skilled user base is another vital component for successful delivery of the Procurement Strategy

**Michelle Coyle**

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[www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

## Appendix 1 – Procurement Strategy Action Plan 1 April 2023 until 31 March 2024

### Enablers

Enabler	Action	Target Date	Status (On Target, Delayed, Off-Target, Closed)
Procurement Capability	Providing opportunities to develop the skills of our service users	On-going	On Target
Procurement Capability	Providing graduate opportunities where possible	On-going	On Target
Procurement Capability	Supporting continuing professional development of professionals to ensure expertise is relevant and current	On-going	On Target
Procurement Capability	Continuing to develop and implement training and guidance to support compliance and excellence in procurement	On-going	On Target
Procurement Capability	Continuing to participate in the PCIP to support continuous improvement and identification of areas for improvement;	March 2024	On Target
Procurement Capability	Continuing to use the national procurement competency framework and associated online tool to assess team skills, identify training needs and support career planning. This will be carried out annually as part of the Performance Review and Development (PRD) process	March 2024	On Target
Procurement Capability	Using workforce and succession planning to develop our people	September 2023	Closed
Procurement Capability	Ensuring capacity (resource levels) align with strategic procurement priorities, contracted expenditure and business needs.	On-going	On Target
Procurement Capability	Ensuring workload (contract requirements) are managed using a consolidated work plan and prioritisation tool ensure work addresses business needs and meets demand across the council	On-going	On Target
Supplier Development	Increasing engagement, working suppliers and the Supplier Development Programme to support 'meet the buyer' and 'meet the supplier' events and in raising awareness of contract and sub-opportunities, including access to national frameworks	On-going	On Target
Supplier Development	Provide information to those interested in doing business	On-going	On Target

Engagement	Improving representation of Procurement at senior leadership level with increased influence over procurement activity	March 2023	Closed
Engagement	Annually reviewing and updating Procurement Service Plan (Action and Improvement Plan), reporting progress to CMT	March 2024	On Target
Engagement	Working with communications team to raise the profile and ensure key procurement messages and updates are communicated	On-going	On Target
Engagement	Ensuring that all leaders understand their role in driving and enabling impactful procurement	On-going	On Target
Engagement	Undertaking annual surveys to capture feedback and satisfaction levels from internal customers and suppliers, identifying areas for improvement	November 2023	On Target
Engagement	Using a business partnering approach, understand the influence we have and identify mutually beneficial opportunities, target our efforts, and drive best value	On-going	On Target
Engagement	Transitioning towards digital procurement forms, process and procedures	September 2023	Delayed
Engagement	Develop procurement performance reports for Heads of Service and Service Managers	July 2023	Closed
Engagement	Supporting P2P (purchase-to-pay) project and the wider council in delivering consistency and accuracy related to downstream processes	On-going	On Target
Engagement	Sharing and using post-project and lessons learned to implement required improvements to our forms, processes and procedures	On-going	On Target
Engagement	Optimising current systems <ul style="list-style-type: none"> <li>• Evaluating needs to track on / off contract spend</li> <li>• Implementing related recommendations</li> </ul>	March 2024 March 2024	On Target Not Started
Engagement	Develop, improve and automate procedure for creation of Annual Procurement Report; Publish Annual procurement Report	Sept 2023	Closed
Engagement	Horizon scanning: on-going analysis of the public procurement environment to identify important developments, e.g. emerging Scottish Government policy and ensure the council is prepared for potential opportunities and threats and where relevant developments are embedded in Procurement policies, objectives and actions	March 2024	On Target
Engagement	Annually reviewing and updating council standing orders and procurement procedures to ensure appropriate internal controls and awareness of the procurement and financial rules	March 2024	On Target

Engagement	Annually reviewing and updating (as required) our forms, processes and procedures, including checking for accessibility	March 2024	On Target
Engagement	Developing and implementing e-learning module to provide council staff with an introduction to procurement, policies and procedures	Jan 2023	Closed
Engagement	Implementing and reporting on improvements plans that flow from The Procurement & Commercial Improvement Programme (PCIP)	March 2024 onwards	On Target
Collaboration	Using collaborative frameworks by default: Continuing to use pre-existing contracts / frameworks, where there is one unless an alternative route represents best value	On-going	On Target
Collaboration	Applying CWB principles to collaborate with other anchor Institutions to identify and share information on collaborative procurement opportunities and best practice	March 2023 onwards	On Target
Collaboration	Participate in ELC CWB Working Group	March 2023 onwards	On Target
Collaboration	Establishing a procurement specific working group across anchor institutions	March 2024	On Target
Collaboration	Development and approval of the CWB Action plan	March 2024	On Target
Collaboration	Maximize opportunities for innovation and collaboration to enable delivery of the council's key corporate projects, e.g. Transformation, Digital and Asset Review	March 2024	On Target

## Objective

Objective	Action	Target Date	Status (On Target, Delayed, Off-Target, Closed)
Good for businesses and their employees: <b>Suppliers</b>	Using supplier feedback from annual surveys to continually improve access to our tendering opportunities	March 2024	Closed
Good for businesses and their employees: <b>Suppliers</b>	Actively participating in collaborative working opportunities that supports the delivery of a sustainable economic recovery	On-going	On Target
Good for businesses and their employees: <b>Supply Chain and Resilience</b>	Providing guidance and support to stakeholders to identify, assess and manage risks within procurement activity	On-going	On Target
Good for businesses and their employees: <b>Supply Chain and Resilience</b>	Considering procurement risks early during commodity strategy development, as part of market condition analysis	On-going	On Target
Good for businesses and their employees: <b>Supply Chain and Resilience</b>	Learning from the Competition and Markets Authority (CMA) e-learning on bid rigging in public procurement is used to flag any specific risks arising from the supply chain	On-going	On Target
Good for businesses and their employees: <b>Supply Chain and Resilience</b>	Capturing, procurement risks in the Procurement Service risk register and feeding into the corporate risk register, where relevant	On-going	On Target
Good for businesses and their employees: <b>Supply Chain and Resilience</b>	Monitoring, managing and reporting on corporate risks using the councils new risk management software	On-going	On Target
Good for businesses and their employees: <b>SMEs, Third Sector and Supported Businesses</b>	Increasing % of spend with local suppliers	March 2024	On Target
Good for businesses and their employees: <b>SMEs, Third Sector and Supported Businesses</b>	Develop recommendation on signing up to Buy Social Pledge	March 2024	On Target

Good for businesses and their employees: <b>SMEs, Third Sector and Supported Businesses</b>	Develop recommendation on Social Enterprise Scotland membership	March 2024	On Target
Good for businesses and their employees: <b>Contract Management</b>	Implementing new Procurement Software to support and document contract and supplier management	March 2023	Closed
Good for businesses and their employees: <b>Contract Management</b>	Implementing contract management into the lifecycle of key contracts across the council	March 2024	On Target
Good for businesses and their employees: <b>Contract Management</b>	Embedding Contract and Supplier Management: Ongoing analysis and feedback to / from suppliers to enhance the working relationships	March 2024	On Target
Good for places and communities: <b>Community Wealth Building – Fair Work First and Community Benefits</b>	Applying community wealth building principles to develop and maximise spend with local businesses	March 2024	On Target
Good for places and communities: <b>Community Wealth Building – Fair Work First and Community Benefits</b>	Delivery of the CWB Action plan	March 2025	Not Started
Good for places and communities: <b>Community Wealth Building – Fair Work First and Community Benefits</b>	Considering children, young people, procurement equality duties, equality impact and sustainability at an early stage as part of commodity strategy development	On-going	On Target
Good for places and communities: <b>Community Wealth Building – Fair Work First and Community Benefits</b>	Implementing and embed sustainable procurement tools that support a sustainable economic recovery	On-going	On Target
Good for places and communities: <b>Community Wealth Building – Fair Work First and Community Benefits</b>	Using the tools detailed below to support the delivery of prioritised sustainable outcomes <ul style="list-style-type: none"> <li>• Flexible Framework assessment tool</li> <li>• Prioritisation Tool</li> <li>• Sustainability Test</li> <li>• Capturing, monitoring and reporting on key sustainable priorities</li> </ul>	On-going	On Target
Good for places and communities: <b>Community Wealth Building – Fair Work First and Community Benefits</b>	Improving awareness for council staff and suppliers of Fair Work First	On-going	On Target
Good for places and communities: <b>Community Wealth Building – Fair Work First and Community Benefits</b>	Continuing to include Fair Work First Criteria within tenders where proportionate and relevant	On-going	On Target



Good for places and communities: <b>Community Wealth Building – Fair Work First and Community Benefits</b>	Using the new Procurement software to capture, monitor and report on fair work first obligations and their delivery	On-going	On Target
Good for places and communities: <b>Community Wealth Building – Fair Work First and Community Benefits</b>	Engaging with suppliers to meet requirements of becoming an accredited Living Wage Employer	On-going	On Target
Good for places and communities: <b>Community Wealth Building – Fair Work First and Community Benefits</b>	Enhancing the council’s approach to community benefits to build on what has been delivered to date: continuing to contribute to outcomes relating to employability, skills and tackling inequalities by focusing on under-represented groups.	October 2023	Closed
Good for places and communities: <b>Community Wealth Building – Fair Work First and Community Benefits</b>	Including commitments to Article 12 of the UN convention on the Rights of the Child and the Children and Young People (Scotland) Act 2014 Corporate Parenting responsibilities in wish list	On-going	On Target
Good for places and communities: <b>Community Wealth Building – Fair Work First and Community Benefits</b>	Continuing to improve information on our Community Benefits approach to share with communities and suppliers on our website showing where the benefits go/who receives them	March 2024	On Target
Good for places and communities: <b>Community Wealth Building – Fair Work First and Community Benefits</b>	Using new procurement software to increase and improve monitoring and reporting of community benefits obligations and their delivery	March 2024	On Target
Good for places and communities: <b>Community Wealth Building – Fair Work First and Community Benefits</b>	Increasing awareness of community benefits through tender opportunities	On-going	On Target
Good for places and communities: <b>Supporting a sustainable built environment</b>	Updating our policies, objectives and actions to reflect Construction Policy Notes from Scottish Government, e.g. Sustainability in construction projects: CPN 1/2023	March 2024	Not Started
Good for places and communities: <b>Supporting a sustainable built environment</b>	Considering Fair Work First and Net Zero for council construction contracts at an early stage as part of commodity strategy development (using the Sustainable Prioritisation tool for construction)	On-going	On Target
Good for places and communities: <b>Whole life costing</b>	Considering whole life costing approach for key council contracts, e.g. for environmental and goods contracts at an early stage as part of commodity strategy development	On-going	On Target
Good for places and communities: <b>Whole life costing</b>	In line with the councils Standing Orders, we will use CoE frameworks where there is a suitable pre-existing contract to fulfil our requirements. Whole life costing is considered, where relevant, within tender evaluations for these frameworks.	On-going	On Target

Good for places and communities: <b>Community Participation</b>	Considering stakeholder engagement activities, involving communities and service users at an early stage as part of commodity strategy development, for example as part of our Social Care and ethical commissioning activities.	On-going	On Target
Good for places and communities: <b>Community Participation</b>	Identifying what the community wants when it comes to Community Benefits	March 2024	On Target
Good for places and communities: <b>Community Participation</b>	Improving the measurement of the impact of Community Benefits on our communities	March 2024	On Target
Good for places and communities: <b>Climate Crisis and Environment</b>	Using learning from climate and carbon literacy training to transfer knowledge to and support service users when progressing procurement projects	On-going	On Target
Good for places and communities: <b>Climate Crisis and Environment</b>	Working with the council's Sustainability and Climate Change Officer to deliver ELC climate emergency e-learning to service users	March 2024	On Target
Good for places and communities: <b>Climate Crisis and Environment</b>	Collaborating with the council's Sustainability and Climate Change Officer and service users to implement and embed Sustainable Prioritisation tool for social care, construction, ICT, waste and transport.	March 2023	Closed
Good for places and communities: <b>Climate Crisis and Environment</b>	Considering climate change mitigation and adaptation, and circular economy at an early stage as part of commodity strategy development	On-going	On Target
Good for places and communities: <b>Climate Crisis and Environment</b>	Supporting the council to deliver opportunities that help tackle the climate emergency, progress towards Net Zero and the circular economy agenda, e.g. by including obligations in relation to the environment and sustainability, i.e. reducing waste, etc. to meet the obligations of our council's Climate Change Strategy (2020-2025).	On-going	On Target
Good for places and communities: <b>Climate Crisis and Environment</b>	Considering sustainability and circular economy at an early stage as part of commodity strategy development	On-going	On Target
Good for society: <b>Economic Wellbeing</b>	Strategic Sourcing: market analysis and scoping to identify critical supply routes that support the council and procurement strategy	March 2024	On Target
Good for society: <b>Economic Wellbeing</b>	Ensuring market engagement & understanding: <ul style="list-style-type: none"> <li>• monitoring supply markets and trends</li> <li>• market testing of/for commodity strategy</li> <li>• share market intelligence with finance colleagues to help with budget development and monitoring</li> </ul>	On-going	On Target
Good for society: <b>Economic Wellbeing</b>	Continuing to deliver collaborative procurements and achieve best value	On-going	On Target
Good for society: <b>Economic Wellbeing</b>	Driving efficiencies and best value to support the financial sustainability of the council	On-going	On Target
Good for society: <b>Economic Wellbeing</b>	Understanding and challenging the need to buy	On-going	On Target

Good for society: <b>Economic Wellbeing</b>	Continuing to identify / reduce spend which doesn't follow the defined purchasing policies and manage demand	On-going	On Target
Good for society: <b>Economic Wellbeing</b>	Using a category management approach to monitor, manage and report to senior leaders on spend for dedicated areas / commodities	March 2024	Not Started
Good for society: <b>Emergency Situations</b>	Including obligations (Terms & Conditions and/or specifying requirements) related to emergency situations for key council contracts, e.g. allowing for appropriate response in emergencies, business continuity, etc.	On-going	On Target
Good for society: <b>Food Security</b>	Considering food security (e.g. local sourcing) at an early stage as part of commodity strategy development.	On-going	On Target
Good for society: <b>Food Security</b>	In line with the councils Standing Orders, we will use CoE frameworks where there is a suitable pre-existing contract to fulfil our requirements. Food Security and local sourcing is considered, where relevant in these frameworks.	On-going	On Target
Good for society: <b>Food Security</b>	Increasing engagement, working suppliers and the Supplier Development Programme to raise awareness of contract and sub-opportunities, including access to national frameworks.	On-going	On Target
Open and connected: <b>Global Reach</b>	Updating our policies, objectives and actions to reflect emerging policy from Scottish Government. For example, Public procurement – Australia and New Zealand Free Trade Agreements: SPPN 1/2023, Public procurement - supporting innovation through procurement: SPPN 3/2023, etc.	March 2024	Not Started
Open and connected: <b>Connectivity</b>	Publishing our opportunities via social and other media	On-going	On Target
Open and connected: <b>Connectivity</b>	Publishing our Annual Procurement Reports, including details of future regulated procurements	On-going	On Target
Open and connected: <b>Connectivity</b>	Publishing our Contract Register	On-going	On Target
Open and connected: <b>Connectivity</b>	On-going improvement to our data, management information and use of systems	On-going	On Target
Open and connected: <b>Consistency</b>	Publishing all our opportunities via the national advertising portal for all public sector contracts - Public Contracts Scotland (PCS and/or PSC-Tender)	On-going	On Target

## Appendix 2 – East Lothian Council Corporate Procurement Strategy 2017-2022: Successful Outcomes Delivered

Growing Our Economy	
Improve ability of local businesses to access East Lothian Council contracts	<ul style="list-style-type: none"> <li>• Increased engagement with local SMEs, and awareness of our tendering opportunities</li> <li>• Participated in full-day national meet the buyer events</li> <li>• ELC 'Meet the Council' event (Nov 22)</li> <li>• Improvement of payment terms within supply chains</li> <li>• Use of lots to enable SME and local contractor engagement</li> <li>• 81 Local suppliers contracting with ELC (as of August 2023)</li> <li>• ELC contract register and contracting opportunities are published</li> <li>• Enhanced guidance to buyers to increase the number of local suppliers participating in our tendering opportunities</li> <li>• Supplier Development Programme promoted as resource for suppliers</li> </ul>
Assisting the supply chain	<ul style="list-style-type: none"> <li>• Mapping the supply chain using Government's 'Grow Local platform' to see which local companies are available to provide services / products in demand by the council</li> <li>• Applying prompt payment in the supply chain public procurement policy as appropriate (SPPN 2/2022)</li> </ul>
Growing our Communities	
Consult with the communities concerning our procurement activity	<ul style="list-style-type: none"> <li>• Community benefit wish list developed for proportionate use in contracts over £50k. Wish list populated by community councils to reflect needs of the local community and widens the scope of assistance contracted suppliers can offer. This forms part of tender requirements for potential bidders used on a proportionate basis</li> <li>• Successful and targeted Community Benefits are delivered in line with the need of communities in East Lothian</li> </ul>
Enhance recording of Community Benefits	<ul style="list-style-type: none"> <li>• Improved management information, e.g. where CBIP has taken place and where gaps in provision lie</li> </ul>
Growing our People	
Ensure Best Value in contracts let for our Adult and Children's wellbeing directorate	<ul style="list-style-type: none"> <li>• Commodity strategies signed off identifying spend and potential savings</li> </ul>
Growing the Capacity of our Council	
Ensure all contract requirements are known for the next 3 years	<ul style="list-style-type: none"> <li>• Majority of contract requirements known and are captured in a team work plan</li> <li>• Ability to highlight Risk of Overdue Procurements and to resource appropriately</li> <li>• Recognition of collaborative opportunities and allowing identification of savings</li> <li>• ELC Public Contracts Register on Public Contracts Scotland is available and updated</li> </ul>

	<ul style="list-style-type: none"> <li>• Added value obligations in contracts in relation to the environment and sustainability, e.g. reducing waste to support delivery against ELC Climate Change Strategy (2020-2025)</li> <li>• Increased capacity (resource levels) aligning with strategic procurement priorities, contracted expenditure and business needs</li> <li>• Clarity on roles and responsibilities, career pathways and succession planning</li> </ul>
Initiate improved Contract and Supplier Management	<ul style="list-style-type: none"> <li>• Contract and Supplier Management (CSM ) training delivered to Service Users across the council to enable: <ul style="list-style-type: none"> <li>○ Early identification of risks to contract provision, and ability to react to those</li> <li>○ Achieve better value from contracts by proper management</li> <li>○ Enhanced relationships with suppliers and stakeholders</li> </ul> </li> <li>• Annual surveys to capture the views and understand levels of satisfaction of internal customers and suppliers</li> <li>• New software for contract register and recording and reporting on contract obligations, benefits and performance</li> </ul>
Introduce benefits tracking into contracts	<ul style="list-style-type: none"> <li>• The contribution procurement has made to services and their budgets are quantified and recorded</li> </ul>
Review and improve on the current systems to allow better tracking of on/off contract spend throughout the council	<ul style="list-style-type: none"> <li>• Greater representation of procurement at senior leadership level with increased influence over procurement activity</li> <li>• Improved knowledge of on / off contract spend allowing the Contracts Register to be more up to date</li> <li>• More opportunities for local suppliers to compete for</li> <li>• Improved controls on spend allowing for more targeted savings objectives to be set</li> <li>• £1.3m cash savings were delivered by the Procurement Improvement Programme (PIP)</li> <li>• Contract coverage is above 80% and we continue to identify and reduce maverick spend as well as manage demand</li> <li>• Calling off from National Frameworks, utilising Sector based Collaboration Frameworks, working with other councils with similar requirements and procuring as a single organisation. In 2021/22 ELC participating in 61 of 69 Scotland Excel Frameworks</li> </ul>
Training delivered across all service departments, Elected Members and new employees	<ul style="list-style-type: none"> <li>• Procurement awareness and compliance for all departments</li> <li>• Education of risks of non-compliance, highlighting procurement requirements from service users</li> <li>• Using national procurement competency framework to assess team skills, identify training needs and support career planning as part of the annual Performance Review and Development (PRD) process</li> <li>• Procurement team continue to access training resources to maintain and develop skills in relevant areas e.g. negotiation, project management, CIPS qualifications, Contract and Supplier Management</li> </ul>

(CSM), Competition and Markets Authority (CMA) e-learning on bid rigging and Climate Literacy Training

- Procurement training delivered as part of Elected Member Induction
- CSM and general ad-hoc procurement training delivered to Service Users across the council
- Review and update of the council's standing orders and procurement procedures
- Knowledge transfer to service users:
  - Risks considered in commodity strategies, as part of market condition analysis and, where relevant, captured in the procurement service risk register / corporate risk register, as required
  - Development of a Sustainable Prioritisation tool for social care, construction, ICT, waste and transport
- Post-project review: lessons shared with team, documented in central log and shared wider (with service users) where appropriate. As well as implementing any required improvements / simplifications to forms, processes and procedures
- Commodity strategies align with good practice, legislative requirements and ensure consideration of market intelligence, previous lessons learned, exit strategies, evaluation criteria and the sustainable procurement duty
- Facilitating tender evaluation (moderation / consensus) panels, as required and for high-value, high-risk procurements evaluator guidance is supported by a facilitated training session

## Appendix 3 – Glossary

Term	Definition
<b>Award</b>	A decision to accept a tenderer's offer to supply / provide specified goods / services / works according to agree terms & conditions thereby creating a legally binding contract.
<b>Best Value</b>	The duty under the Local Government Act in Scotland 2003 to secure continuous improvement in the economy, efficiency and effectiveness with which they exercise their functions.
<b>Bid</b>	Another word for a tender submission. Can also mean an in-house tender.
<b>Call-off contracts</b>	Agreements, sometimes called framework contracts, without full commitment. The undertaking is that all requirements of the specified nature which are required during the duration of the agreement, will order from these contracts / agreements. Also known as preferred supplier list.
<b>Category Management</b>	Category management involves applying the end-to-end procurement process to a specific range of goods or services. This involves pre-award processes such as category analysis and demand management, sourcing and contract negotiation, and the post-award processes such as performance management.
<b>Circular economy</b>	A circular economy is an alternative to a traditional linear economy (make, use, dispose) in which we keep resources in use for as long as possible, extract the maximum value from them whilst in use, then recover and regenerate products and materials at the end of each service life.
<b>Climate change mitigation</b>	Reducing the amount of greenhouse gases in the atmosphere that leads to global warming and climate change.
<b>Climate change adaptation</b>	Adjusting and building resilience to the current and expected impacts of climate change.
<b>Collaboration</b>	When two or more groups of people or organisations engage in procurement work together for mutual benefit.
<b>Commodity</b>	Taxonomy (classification) for the entire council, to give the council the ability to accurately describe the primary business activities of its suppliers.
<b>Commodity [or Service] Strategy</b>	A document that shows the preparatory thinking that is done about a procurement process, including sustainability considerations, stakeholders to be involved, risks etc.
<b>Community Benefits</b>	Requirements which deliver wider benefits in addition to the core purpose of a contract. These can relate to jobs, training and other social-economic and / or environmental benefits.
<b>Continuous Improvement</b>	Continuous improvement is encouraging all employees to look for ways to enhance the business's operations. This includes suggesting ideas to improve efficiencies, evaluating current processes, and finding opportunities to cut unproductive work.

Term	Definition
<b>Contract</b>	An agreement concluded between the council and the supplier that is legally binding, containing terms of the agreement, any schedules and appendices, the Tender Specification and any other specifications, drawings, official purchase order(s) and other documents which are relevant to the Contract.
<b>Contract Management</b>	The process of monitoring the performance of a supplier to contract.
<b>Fair Work First</b>	Working with employers and partners to deliver investment in skills and training, no inappropriate use of zero hours contracts, action on gender pay, genuine workforce engagement, including with trade unions, and payment of the Real Living Wage.
<b>Framework agreements</b>	Arrangements (sometimes referred to as standing offers) in which terms & conditions are agreed, and the client may or may not subsequently place orders (no commitment). Also a consortium can agree terms & conditions and the members may subsequently place orders.
<b>Framework contracts</b>	Agreements (sometimes called call-off contracts) in which clients accept some commitment without immediately placing orders, e.g. by undertaking to order, later, all jobs of a specified type from that contract.
<b>Horizon scanning</b>	The systematic analysis of potential threats and opportunities and likely future developments.
<b>Local SMEs</b>	Local means East Lothian first, expanding to the Lothians, which includes Edinburgh, Midlothian and West Lothian and finally expanding to the Edinburgh and South-East Scotland City Region, which includes Fife and Scottish Borders local authorities.
<b>National Outcomes</b>	Describe what the Government wants to achieve over the next ten years, articulating more fully this Government's purpose. They help to sharpen the focus of government, enable our priorities to be clearly understood and provide a clear structure for delivery. <a href="#">National Outcomes</a>   <a href="#">National Performance Framework</a>
<b>Net Zero</b>	The term net zero means achieving a balance between the carbon emitted into the atmosphere, and the carbon removed from it. This balance – or net zero – will happen when the amount of carbon we add to the atmosphere is no more than the amount removed.
<b>Public Contracts Scotland (PCS)</b>	The advertising portal provided by the Scottish Government for the advertising of public contract opportunities using a Contract Notice, and for the award of contracts via a Contract Award Notice.
<b>Procurement Legislation</b>	<a href="#">The Procurement (Scotland) Regulations 2016</a> , <a href="#">The Public Contracts (Scotland) Regulations 2015</a> and the <a href="#">Procurement Reform (Scotland) Act 2014</a> (“The Act”).
<b>Procurement Strategy</b>	A document required as part of Scottish Procurement Regulations that sets out how the council intends to carry out its regulated procurements i.e. procurements with an estimated value equal to or greater than £50,000 (excluding VAT) for supplies for goods & services (or £2,000,000 excluding VAT for a public works contract).
<b>Real Living Wage</b>	A wage rate per hour that is based on the cost of living and is currently voluntarily paid by UK organisations. The rates are reviewed and updated annually, each April. Organisations can gain accreditation of this with the Living Wage Foundation.



Term	Definition
<b>Regulated Procurements</b>	Contracts above the GPA contract threshold values where the relevant GPA regulations apply (greater than £50,000 (excluding VAT) for supplies for goods & services, or £2,000,000 excluding VAT for a public works contract).
<b>Regulated Spend</b>	Spend above the GPA contract threshold values where the relevant GPA regulations apply (above £50,000 for supplies for goods and services contracts and above £2,000,000 for works contracts).
<b>Small to Medium Enterprise (SME)</b>	Enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding 50 million euro and / or an annual balance sheet total not exceeding 43 million euro.
<b>Social Enterprise</b>	A revenue-generating business with primarily social objectives whose surpluses are reinvested for that purpose in the business or in the community, rather than being driven by the need to deliver profit to shareholders and owners.
<b>Stakeholder</b>	Any person or group who has a vested interest in the success of the procurement activity, i.e. either provides services to it, or receives services from it.
<b>Supplier / Contractor</b>	An entity who supplies goods or provides services or execution of works.
<b>Supported Business</b>	Either the organisation's main aim should be the social and professional integration of disabled or disadvantaged persons, or the contract should be performed within a sheltered employment programme.
<b>Sustainability</b>	Supporting economic, social and environmental health to meet the present needs without compromising the ability of future generations to meet their needs.
<b>Sustainable procurement</b>	A process whereby organisations meet their needs for supplies for goods, services, works and utilities in a way that achieves value for money on a whole life basis and generates benefits, not only for the organisation but also to society, the economy and the environment.
<b>Tender</b>	An offer, or bid, by a tenderer in response to an invitation to tender (ITT) or a mini-tender in a framework agreement.
<b>Third Sector</b>	Part of an economy or society comprising non-governmental and non-profit-making organisations or associations.
<b>Work plan</b>	List of upcoming procurement activity including re-tenders, extensions, and new activity
<b>Works</b>	The term used in the Procurement Legislation for a building or civil engineering project or piece of work and as defined by CPV codes in Schedule 1 of <a href="#">The Public Contracts (Scotland) Regulations</a> 2015

## Appendix 4 – Procurement Strategy Map

<b>Vision</b>				
To provide excellent services that deliver best value procurements with Community Benefits that support recovery and renewal, reduce poverty and Inequality and respond to the climate emergency.				
<b>Mission</b>				
The procurement team will strive to deliver effective, efficient and excellent services to support the council’s strategic vision and aims, by contributing to the council’s net zero climate change targets, delivering best value and continuous improvement, ensuring compliance and good governance, increasing sustainability, Community Benefits and supporting economic recovery.				
<b>East Lothian Way (Behaviours)</b>				
Focus on service	Explore the bigger picture	Initiate solutions	Share knowledge	Deliver outstanding results
<b>Enablers</b>				
Procurement Capability	Supplier Development	Engagement	Collaboration	
<b>Objectives</b>				
Good for businesses and their employees	Good for places and communities	Good for society	Open and connected	



Versions of this leaflet can be supplied in Braille, large print, audiotape or in your own language. Please phone Customer Services if you require assistance on 01620 827199

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Call Centre **01620 827 827**



**REPORT TO:** Cabinet

**MEETING DATE:** 14 November 2023

**BY:** Executive Director for Place

**SUBJECT:** Customer Strategy 2023 - 2028

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**3**

## **1 PURPOSE**

- 1.1 To present to Cabinet the Customer Strategy 2023 – 2028 (Appendix 1) for approval.

## **2 RECOMMENDATIONS**

It is recommended that Cabinet approves the Customer Strategy 2023 – 2028 noting that this is a live document which will be monitored by the Service Manager – Customer Services and will be reported annually to the Council Management Team.

## **3 BACKGROUND**

- 3.1 Since the approval of the Customer Contact Strategy in 2009, the increase in digital technology as a means of communication and service delivery, the global pandemic, cost of living crisis and pressure on Council budgets have changed the way many customers interact with Councils. This has created a need for a new strategy to define how the Council will keep customer service central to all aspects of service delivery, taking account of the challenges, opportunities and changing needs and expectations now and in the future.
- 3.2 In order to develop the Strategy, a Customer Survey was carried out in March and April 2023 to establish how customers wish to contact the Council now and in the future. The responses from this survey were used to shape the principles and commitments in the Strategy.
- 3.3 A consultation on the draft Strategy was carried out during September and October 2023. Feedback from the consultation showed support for the principles and commitments along with a desire to see the Strategy

implemented with clear measures and timescales for a range of ways to contact the Council and concern that digital exclusion was taken into account within the strategy. The feedback has been considered in this final version of the Strategy and in the operational Action Plan that supports its delivery. More detail on the findings has been submitted into the Members' Library (*ref: 110/23*) along with a copy of the Action Plan, which is outlined in more detail in Paragraph 3.5.

- 3.4 In keeping with the Strategy being committed to trauma informed practice the use of the word 'customer' has been expanded at certain points within the Strategy to include 'people we work with'. This recognises that not all of the people we work with choose to do so and therefore would not consider themselves customers.
- 3.5 The Strategy will be delivered through an operational Action Plan. The Action Plan includes action owners, due dates and outcome measures, and will be monitored by the Service Manager – Customer Services, with progress being reported annually to the Council Management Team. A number of the commitments in the Strategy will be delivered through other strategies, projects and action plans, for example the Digital Strategy and the Asset Review.

#### **4 POLICY IMPLICATIONS**

- 4.1 In approving this Strategy, Cabinet will be ensuring that the principles and commitments detailed in the Strategy are embedded across the Council.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified. The Integrated Impact Assessment will be published on the Council website in due course.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – There are no direct financial implications associated with the Strategy. There is one commitment that may incur an unbudgeted cost – the introduction of an appointment system for face-to-face meetings – however it is expected that this can be delivered through an existing IT system.
- 6.2 Personnel - None.
- 6.3 Other - Effective implementation of this strategy will require the support of Council Services to deliver the principles and commitments within the Strategy and implement the action plan.

## 7 BACKGROUND PAPERS

- 7.1 Customer Strategy 2023 – 2028: Consultation Findings and Action Plan  
(Members' Library Ref: 110/23)

### Appendix 1: Customer Strategy 2023 – 2028

<b>AUTHOR'S NAME</b>	Caroline Rodgers
<b>DESIGNATION</b>	Service Manager – Customer Services
<b>CONTACT INFO</b>	crodgers@eastlothian.gov.uk
<b>DATE</b>	24 October 2023





# DRAFT CUSTOMER STRATEGY 2023-28

Delivering services to residents, tenants, businesses,  
visitors, partners, community groups, council staff and services.



# Introduction

Welcome to East Lothian Council's Customer Strategy.

I am delighted to introduce our new Customer Strategy, which sets out a commitment to deliver the best services we can to all our customers. It highlights the importance of continuing to ensure customers and the people we work with are at the heart of everything we do as a council. This means ensuring services remain fit for purpose and accessible to all who need them, while being designed in such a way as to tackle inequalities, adversity and trauma in all of their forms.

In developing the strategy, we carried out a survey to help understand how customers want to contact us – now and in the future. The strategy responds to the requirements of our customers and the people we work with, recognising the importance of being able to access services easily in a way and at a time that suits.

In recent years there have been changes in the way we interact with each other and the services we access, partly as a result of the COVID-19 pandemic.

There has been a shift towards online communication and the Council has embraced this change. Our Digital Strategy 2022-27 highlights the role technology plays in improving how we engage with our customers and deliver services, at a time when demand for services is increasing and councils face severe financial pressures. That's why the new Customer Strategy reinforces our commitment to use digital innovation to best effect so that we can deploy resources as efficiently as possible and in support of the priorities set out in our Council Plan.

At the same time, there is a recognition that we must continue to deliver services sustainably while reducing our carbon footprint and working towards achieving net zero.

This is particularly important given that East Lothian's working age population is projected to increase by 8.6% by 2028, while our pensionable age population is expected to increase by 10.9% and the number of school aged children is expected to increase by 17.1%.

We also know that many customers are facing pressures. The cost of living is increasing and prices are rising at rates not seen since the 1970s including energy bills, food, fuel and more. Customer needs are changing and expectations are increasing. That's why we have developed this Customer Strategy. It is underpinned by our East Lothian Council values – Enabling, Leading and Caring. In doing so, the strategy sets out our commitment to enabling improvement, leading with innovation and caring for our customers. It also shows how we will involve you – our customers – in the design of our processes and services so that we continue to work together to deliver our priorities.

**Monica Patterson**

**East Lothian Council Chief Executive**

## Our county, our customers

Our customers and the people we work with includes anyone who needs or chooses to interact with us. This includes our residents, tenants, businesses, visitors, partners, community groups and our own staff and services. This is a snapshot of our services, our customers and how we met some of their needs in 2022/23.



109,580 population



1,073 km of roads maintained



2,567 blue badges issued



202 pitches and play areas



15,092 children in 42 schools



32,289 visits to museums



24,493 online transactions



20,600 care at home hours per week



1,016 planning applications determined



723 employability programme participants



9,107 Council tenancies



1,558 businesses supported



2.7 million kerbside recycling collections



2,053 births and deaths registered



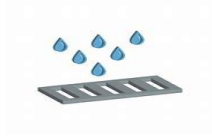
264,698 calls handled by the Contact Centre



2,279 referrals to children's social work



93 Council buildings cleaned and maintained



1,880 road gullies maintained



2,141 licences granted



51 community groups awarded grants



20,541 street lights maintained (95% LED)



1.3 million non-recycling collections



235,064 calls handled from 6,500 community alarms



30 countryside sites managed



345 school pupils engaged in employability programmes



426,674 visits to libraries



340 km of core paths maintained



2,406 potholes filled



52,152 properties registered for Council Tax



41,262 face to face visits for Customer Service enquiries



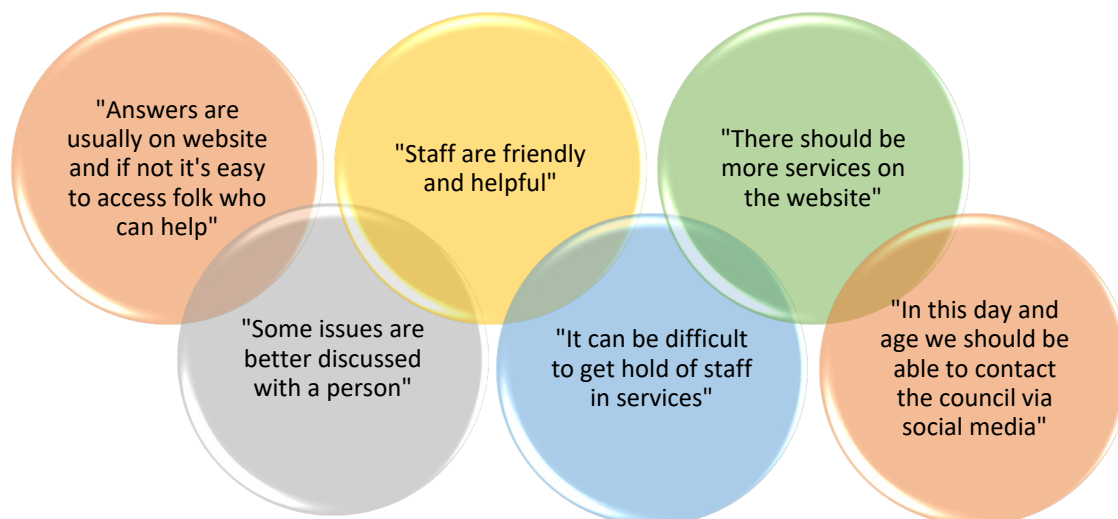
17,462 housing benefit and council tax reduction claims processed



2,869 cash payments and 270,572 online payments made

## Our engagement with you

In March and April 2023 we ran a survey to help us understand how you want to contact us now and in the future. The survey was available online and paper copies were available in our libraries, museums, area offices, community centres and Enjoy Leisure centres. We have used your feedback to shape our strategy.



You told us that you usually go online to contact us (52% use website and email) followed by phone contact at 33%. Less than 15% usually visit us in person. You prefer to have a range of ways to contact us.

Over 80% feel the service you receive is 'OK' or better, and the things that really matter to you are a friendly face or voice, making things easy and responding quickly. These are the things we need to focus on to make sure you have a good experience when you contact us.

71% feel you can access Council services when you need to. The website or email is the most popular choice for simple services like finding information, making payments and reporting things but for anything personal or more complicated phone is the first choice. For updates, complaints and compliments email is the preferred route with phone/web second choice.

Over 82% of you are confident using the website and have used it in the last 12 months, and 62% find it easy to use. The themes of making things easy and responding quickly are just as important for the website as all other ways of contacting us, as is making sure information is kept up to date. Some of you mentioned that you would like a 'live chat' option on the website.

Those who attend offices often do so because you feel you get a better service face to face, although a number of you noted that staff are not always available in offices when you drop in.

## Our Vision

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***We want to make sure the services we provide deliver what you need when you need it, while continuing to target our resources where they are needed most.***

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Our strategy is customer focussed, community led, digital first and sustainable. It will ensure more services are available online and will make sure it is quick and easy to access them. It will take a targeted approach to face to face service delivery in each area for those who need it, bringing services and partners together to meet customer needs as effectively and efficiently as possible.

Technology has changed the way people interact both socially and when requesting goods and services. We know that more and more of our customers want to interact with us online – in 2022 there were over 9.2 million views of our website, mostly using mobile devices. Over the next five years we will provide more services online, so that you can access them when it suits you to do so, and we will ensure the processes we use to deliver these services are efficient and effective. We will offer you advice and support to get online if you need it, and we will make sure our staff have the confidence and skills to use our systems effectively.

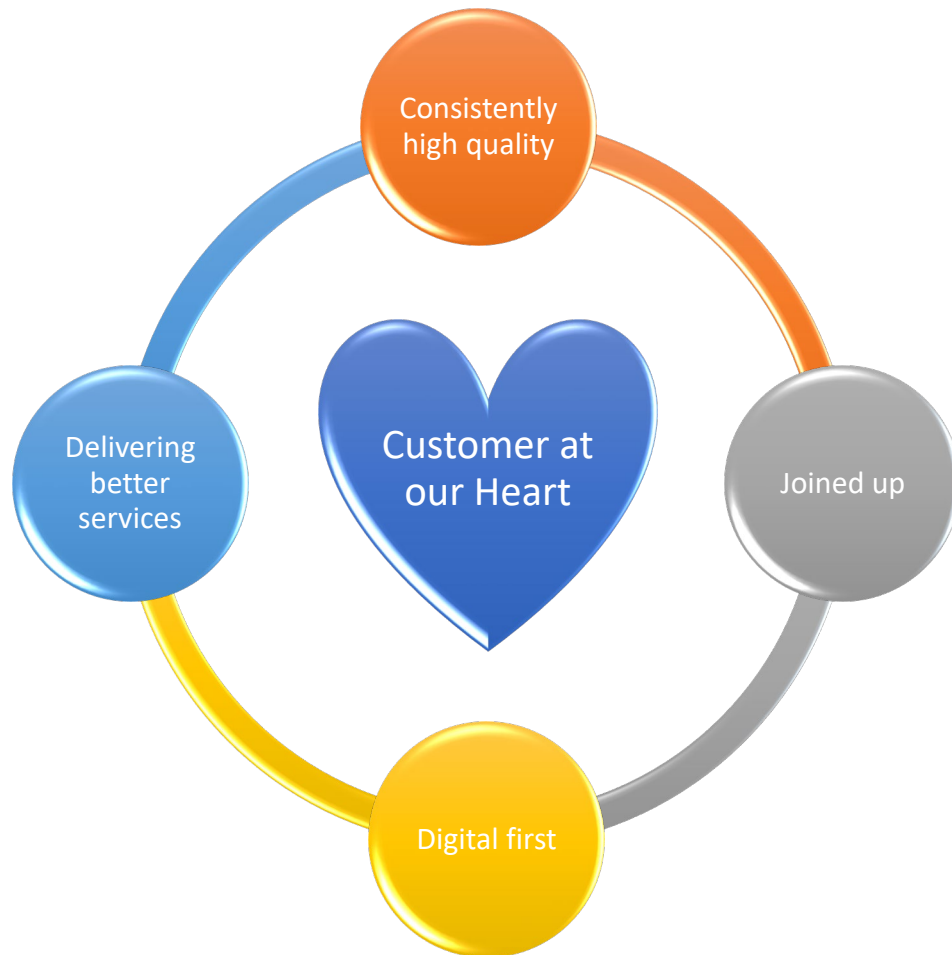
However we know technology is not suitable for everyone or for every situation. By providing high quality, easy to use online services for those who can use them, we will increase capacity and resources to support those customers and people we work with for whom a phone call or a face to face service is more suitable.

We will put customers at the heart of everything we do. We will ensure our services are fit for purpose and accessible to all who need them, regardless of how you choose to contact us, and are designed in such a way as to tackle inequalities, adversity and trauma in all of their forms. We will continue to invest in our staff to enable them to support all of our customers and deliver high quality services. Our approach meets the requirements of the [Equality Act 2010](#). It is person-centred, [trauma informed](#) and is designed to meet the needs of children as set out in the [United Nations Convention on the Rights of the Child](#) and [The Promise](#).

By working in this way we will improve the customer experience – increasing the services we can deliver in one step, reducing the need for you to chase us for information and therefore ensuring we can deliver services more efficiently and effectively.

# Our Customer Principles

Our Customer Principles explain how we will deliver our Vision.



[Image description for visually impaired customers: The image shows the five principles of our customer strategy. In the centre is a heart shape saying 'Customer at our Heart'. Surrounding the heart are four linked circles that say 'Consistently high quality', 'Joined up', 'Digital first' and 'Delivering better services'.]



- We will put you, our customers and the people we work with, at the heart of everything we do, using feedback to continuously improve services.
- We will ensure all customers are treated fairly and with respect.
- The ways in which you contact us will be fully accessible for you.
- It will become more convenient, easier and quicker for you to interact with us.
- We will design flexible services which adapt to the changing needs and lived experiences of our customers now and in the future.
- We will keep you updated if service requests can't be dealt with 'one-stop' – at the first point of contact - until the service is delivered.
- We will involve you as we design more services, whether online, face to face, or by other means, to ensure our services are designed around your needs.
- Some of our services are delivered jointly with our partners, and we will work together to ensure the best possible experience when you interact with us.





- We will provide a consistently high quality service by applying a defined set of values and behaviours called the '[East Lothian Way](#)' that are person-centred, proactive, caring and inclusive, regardless of how you choose to contact us.
- We will have a consistent approach to communication for example voicemails, email signatures, auto-responses on mailboxes.
- We will set clear expectations of when you will hear from us.
- We will invest in our staff to provide the best possible service and experience to our customers and the people we work with, supporting them to get it right first time.
- We will regularly ask for your views about the quality of our interactions with you.



- Our Contact Centre will be the main route for phone calls to the Council.
- We will make it simpler for you to know how to contact us for different services.
- We will offer appointments for face to face services for those who need them, to help you get to the right service quickly.
- Our staff will be available across a variety of locations, appropriate for each area and we will bring services together to make them easier to access.



- We will continue to promote and support a digital first/self-service approach wherever possible.
- We will increase the number of ways you can contact us online, for example live chat.
- We will introduce more online facilities and self-service opportunities so you can decide when, where and how to get in touch with us.
- All of our services will make use of the technology available, automating where we can.
- Our online services will be user friendly to meet your needs and those of our services and partners.
- Staff will be trained in our systems and we will offer support to you to access our services online.

These commitments are reflected in our [Digital Strategy 2022 - 2027](#).



## Delivering better services

- We will continue to deliver best value in the services we provide. Moving more services online will enable us to increase staff availability to support customers and people we work with who can't access digital services or who have more complex service requests.
- We will increase the number of services that are delivered at the first point of contact and keep you updated if it takes longer.
- We will improve our response times by improving and automating processes.
- When things go wrong we will listen to you and keep you informed of our actions and the improvements that can be made.
- We will review our Customer Feedback processes to make it as easy as possible for you to give feedback.
- We will use your feedback and analyse our data to improve how we do things, understand who is and isn't using our services and target service delivery to those who need it most.

## Delivering our Customer Strategy

We have created an action plan that will help us deliver this strategy within available resources. The actions are phased across the life of the strategy and cover all of the commitments we have made. This means that, as a customer, you will see continuous improvements in how we deliver the services we provide.

Each action has been allocated an 'owner' – that is the service who will take the lead on ensuring the action is delivered. Each action has also been allocated a date by which we expect it to be completed.

The delivery of the customer strategy will be monitored by the Service Manager – Customer Services and will be reported annually to the Council's Management Team.

This reporting will include outcome measures linked to the action plan which will monitor, track and measure continuous improvement.

## Appendix 1: Connections to other policies and strategies

ELC Customer Strategy

### Local policies and strategies

Council Plan

Digital Strategy

Communication Strategy

Equality Plan

Recovery & Renewal Plan

Climate Change Strategy

Financial Strategy

Poverty Plan

Local Development Plan 2

Children's Services Plan

Integration Joint Board Strategic Plan

### National and international policies and strategies

Scottish Digital Strategy

The Promise

UN Convention on the Rights of the Child

National Performance Framework

Equality Act

Place Standard



Versions of this leaflet can be supplied in Braille, large print, audiotape or in your own language. Please phone Customer Services if you require assistance on 01620 827199

East Lothian Council  
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Call Centre **01620 827 827**

**REPORT TO:** Cabinet

**MEETING DATE:** 14 November 2023

**BY:** Executive Director for Place

**SUBJECT:** North Berwick Harbour - Budget Transfer of Costs for North Berwick Harbour Master to North Berwick Harbour Trust Association Ltd

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## 1 PURPOSE

- 1.1 The purpose of this report is to advise Cabinet on partnership work between ELC and North Berwick Harbour Trust Association Ltd (NBHTA) and to seek Cabinet approval for the transfer of Harbour Master costs to NBHTA on an annual basis through form of grant payment.

## 2 RECOMMENDATIONS

- 2.1 Cabinet is recommended to note the partnership working that has taken place in the running of North Berwick Harbour.
- 2.2 Cabinet is recommended to approve the transfer of Harbour Master costs to NBHTA on an annual basis through form of grant payment.
- 2.3 Cabinet is recommended to note the key achievements and improvements that NBHTA has undertaken over the years for the benefit of commercial and pleasure boat users and to locals and tourists alike; and the contribution that the harbour has to the local economy as a tourist destination.

## 3 BACKGROUND

- 3.1 East Lothian Council and North Berwick Harbour Trust Association [NBHTA] developed and agreed a Management Agreement (attached at Appendix 1) for the running and day to day operations at North Berwick Harbour in June 2007. The Harbour Trust have been undertaking these duties from that date to present day.
- 3.2 NBHTA is a small local charity that aims to provide and support the harbour community, heritage and culture, public participation in marine activities, harbour facilities as well as supporting recreation and leisure and local

businesses and charities. The NBHTA was originally established under its constitution date 18 December 2006 and revised on 20 October 2014. The NBHTA was awarded charitable status by the Office of the Scottish Charity Regulator 29 December 2014, charity number SC044318 and is registered with Companies House and incorporated as a 'Private company limited by guarantee without share capital' on 9 July 2021, company number SC703757.

3.3 The Objectives of the NBHTA, as set out in their constitution are:

- The advancement of citizenship and community development in North Berwick harbour and its environs through trade and industry or otherwise;
- Providing and organising, or assisting with the provision and organisation of facilities in the interests of social welfare for recreation and leisure time occupation with the aim of improving the conditions of life for the inhabitants of North Berwick and its environs;
- For the benefit of the public to repair, maintain, conserve and improve North Berwick Harbour and the harbour facilities in an efficient and economical manner and to facilitate the efficient and economic transport of goods or passengers by sea;
- The advancement of heritage and culture through increased awareness of and greater access to a wide range of activities and events which will be planned to showcase the harbour and its history; and
- The advancement of public participation in sport and related activities e.g., kayaking, rowing and sailing.

3.4 Council officials have liaised closely with representatives of the Harbour Trust Association, who have successfully managed the Harbour area on behalf of the Council since June 2007. During this time there have been a range of projects undertaken to maintain and enhance the Harbour. These have included but not been limited to the following: Galloway's Pier refurbishment, sea walls projects, harbour safety railings, and major storm responses.

3.5 NBHTA has made positive improvements to the harbour management, including closer supervision of the Harbour Master's duties; increased quality control of the harbour area; and improved collection of mooring and dinghy parking fees, all as a result of a locally managed arrangement which is more responsive to day-to-day requirements. In addition, NBHTA has been allowed to retain the annual revenue income generated from the Harbour area to reinvest back in to harbour improvements and activity.

3.6 With the Harbour Master role currently vacant at the harbour, Council officers and NBHTA have been in discussions as to the most appropriate way to replace now and thinking medium to longer term in supporting the Trust in achieving a full Harbour Empowerment Status which requires a



parliamentary order process to achieve. NBHTA remain committed to achieving this and, with that in mind, have advised that their preferred route of replacing the Harbour Master vacancy is to employ directly themselves as a Trust; and for the Council to support by continuing to fund, but by way of annual payment to the Trust to cover employment costs without the Council having to be the employer.

3.7 The purpose of the Harbour Master job is to exercise powers of general supervision over North Berwick Harbour to ensure the safe use of the harbour and its environs.

3.8 Finance colleagues have provided up-to-date costs for the Harbour Master post which is currently grade 6. Costs are set out in Appendix 2. It is proposed that these costs would be transferred to NBHTA through an annual grant payment from the Sport Countryside & Leisure Service budgets.

#### **4 POLICY IMPLICATIONS**

4.1 This Report supports the intent of the Council Plan objectives in Grow Our Communities, Grow our Capacity and Grow our Economy.

#### **5 INTEGRATED IMPACT ASSESSMENT**

5.1 The subject of this report does not affect the wellbeing of the community or have significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

6.1 Financial – Budget costs are in place as advised by Finance colleagues and are presented in Appendix 2.

6.2 Personnel – No, as the post is currently vacant and future employment and recruitment would be the responsibility of NBHTA.

6.3 Other – None

#### **7 BACKGROUND PAPERS**

7.1 None.

#### **Appendix 1 – Management Agreement**

#### **Appendix 2 – Harbour Master Costs**

<b>AUTHOR'S NAME</b>	Eamon John
<b>DESIGNATION</b>	Service Manager – Sport Countryside & Leisure
<b>CONTACT INFO</b>	<a href="mailto:ejohn@eastlothian.gov.uk">ejohn@eastlothian.gov.uk</a>
<b>DATE</b>	27/10 / 2023

## Appendix 1

### **MANAGEMENT AGREEMENT**

**between**

#### **EAST LOTHIAN COUNCIL**

**constituted under the Local Government  
Etc (Scotland) Act 1994 having its offices  
at Council Buildings Haddington, East  
Lothian EH41 3HA (“the Council”)**

**and**

**NORTH BERWICK HARBOUR TRUST  
ASSOCIATION established by constitution on 18  
December 2006 and having a place of business at The  
Harbour Master’s Office, North Berwick (“the  
Association”)**

It is agreed by the parties hereto as follows:-

The Association undertakes to take over the management of North Berwick Harbour (shown outlined in red on the plan annexed as relative hereto and incorporating the lands listed in Schedule 1 annexed hereto) in accordance with the terms and conditions set out hereunder to a standard acceptable to the Council acting reasonably.

- 1 The Agreement shall commence on 1 June 2007 or such other date as the parties shall agree in writing and shall have a duration of 12 months. The Agreement may be renewed by mutual agreement between the parties on being given three months written notice of intention by either party prior to 31 May 2008 .The Agreement will terminate when the North Berwick Harbour Revision Order comes into force.
- 2 The Council, with the assistance of or in consultation with the Association, will be responsible for
  - (a) collection of harbour dues (including mooring charges and all other income raised from the harbour) and shall remit the said gross annual income quarterly in arrears to the Association commencing on 1 July 2007. The Association undertakes to apply all such income to the running of the harbour as herein described and shall remit quarterly accounts commencing on 1 October 2007 to the council for approval;
  - (b) Setting of all charges, mooring and dinghy parking policy and costs and assisting in the collection of arrears of mooring and dinghy parking charges.

3 Data Protection Act 1998

Where a party processes ‘personal data’ (as defined in section 1 of the Data Protection Act 1998 (“DPA”)), Principle 7 of the eight data protection principles set out in Schedule 1 of that Act requires that the processor shall take appropriate technical and organisational measures against the unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Where the processing of personal data is carried out by one party (a data processor) on behalf of another party (a data controller) paragraph 12(b) of Schedule 1 of the Data Protection Act 1998 imposes additional requirements in respect of the contractual arrangements between the data processor and the data controller.

In compliance with paragraph 12(b) of Schedule 1 of the Data Protection Act 1998, as data processor processing personal data on behalf of the Council the Association warrants that with regard to all information received from the Council it shall only carry out those actions in respect of such data as are expressly authorised by the Council. The Association confirms that it shall take appropriate security measures required for the purposes of Data Protection Principle 7 (referred to above) and that such measures shall be at least equivalent to the security measures taken by the Council in respect of such data to ensure compliance with the Seventh Data Protection Principle.

4. The Association will be responsible for managing the following harbour duties:

- (a) Allocating moorings and dinghy parking.
- (b) Implementing the existing rules and regulations of the harbour and proposing revisions thereto.
- (c) General directions for the Harbourmaster. For the avoidance of doubt the Council will remain the employers and ultimate managers of the Harbour master. The Association will appoint a Harbour Management Team who will elect a Harbour Manager. The Harbour Manager will provide support and give reasonable direction to the Harbourmaster on a day-to-day basis within the current remit of the post.
- (d) Responsibility with the harbourmaster for the waste management plans.
- (e) Identifying with the Harbourmaster future maintenance and repair issues, excluding all the items already identified and notified to the Council. All necessary work will need to be approved of by the Association in advance. The Association may assist the Council in carrying out those repairs and the Council will consult with the Association with regard to the implementation of any work.

5 The Council will remain responsible for health and safety matters.

6 The Council will remain responsible for coastal protection.

7 The Council will remain responsible for all insurances including the harbour and employer’s liability insurance.

- 8 The council accept that they have received a copy of the “ Summary of Work, which should be carried out before the setting up of the Harbour Trust “ prepared by the Association.
- 9 Either party may terminate the Agreement on giving three months notice in writing. If either party is in material breach of any of the terms of the Agreement or for other good and sufficient reason of which an arbiter to be appointed by the parties shall be the sole judge, the Agreement shall be determined forthwith.
- 10 The Harbour Authority will rest with the Council but the parties hereto agree to use their best endeavours to pursue a revision order necessary to pass authority to the North Berwick Harbour Trust, to be formed hereafter.
- 11 The Parties hereto agree to submit any dispute relating to this Agreement to an arbiter to be agreed between the parties which failing to be nominated, would be nominated by the Sheriff Principal of the Lothian and Borders.

IN WITNESS WHEREOF these presents type written on this and the two preceding pages, and the plan and schedule annexed hereto, are executed as follows

## **SCHEDULE 1**

1. The Harbour including moorings and tackle as owned by the Council.
2. The Harbour walls.
3. All roads from point of access to the Harbour area.
4. The Lower Quay and access thereto.
5. All slipways, including at Fisherman's Store, RLNI slip and Lower Quay slip.
6. All areas surrounding the harbour walls, including boat and car parking areas, but excepting any car parking which is privately owned by residents within the Harbour area.
7. The Harbour Masters Office.
8. The building formerly known as the Sun Lounge, and Water Treatment Plant rooms including the public toilets and steps leading thereto.
9. The pier known as Galloway's Pier and access thereto.
10. Access walkways to the end of Plattcock Rocks, including steps, but excluding the Watch Hut owned by East Lothian Yacht Club.
11. Dinghy Park area (formerly the swimming pool) including all buildings and walkways surrounding same.
12. The area known as The Esplanade and road access thereto, but excluding steps from Anchor Green.
13. All sea defences surrounding the Harbour and Esplanade areas.
14. The area of North Berwick Bay as shown on the attached plan, encompassing low water mark, The Maidens and Maidens Foot Rocks, as far out as Craiganateuch and the line to end of the Plattcock Rocks.
15. Sandy boat access area (beach) running 60 metres from lower quay wall and from low water mark to top of beach.
16. All equipment and buildings, surrounding harbour area in general including ex pump house (on North Harbour Wall), water hose room at ground floor, east end of Granary Building, Fisherman's Store at ground floor, west end of Granary Building, booms and boom crane, seating, railings, gates, Leading Lights (including on The Hope Rooms, Perches on The Maidens and other rocks etc.
17. The area East of the Scottish Seabird Centre to a width of 30 metres and from the end of Plattcock Rocks to the public Road.

## Appendix 2

Position	Hours	Weeks	Grade	Start	End	No. of days	2023/24 Budget Planning				2024/25 Budget Planning				2025/26 Budget Planning				2026/27 Budget Planning				2027/28 Budget Planning			
							Total Pay	NI	Pension	Total Cost	Pay	NI	Pension	Total Cost	Pay	NI	Pension	Total Cost	Pay	NI	Pension	Total Cost	Pay	NI	Pension	Total Cost
Harbourmaster-Summer Hours	36.75	52.14	061	01/03/2023	31/10/2023	245.00	£ 18,595.96	£ 1,724.23	£ 4,200.43	£ 24,510.62	£ 18,957.68	£ 1,775.53	£ 4,284.44	£ 25,017.65	£ 19,336.83	£ 1,827.85	£ 4,466.81	£ 25,631.49	£ 19,723.57	£ 1,881.22	£ 4,654.76	£ 26,259.55	£ 20,118.04	£ 1,935.66	£ 4,848.45	£ 26,902.15
Harbourmaster-Winter Hours	10	52.14	061	01/11/2023	28/02/2024	120.00	£ 2,477.10	£ -	£ 559.82	£ 3,036.92	£ 2,526.64	£ -	£ 571.02	£ 3,097.66	£ 2,577.17	£ -	£ 595.33	£ 3,172.50	£ 2,628.71	£ -	£ 620.38	£ 3,249.09	£ 2,681.28	£ -	£ 646.19	£ 3,327.47
							£ 21,063.06	£ 1,724.23	£ 4,760.25	£ 27,547.54	£ 21,484.32	£ 1,775.53	£ 4,855.46	£ 28,115.31	£ 21,914.00	£ 1,827.85	£ 5,062.14	£ 28,803.99	£ 22,352.28	£ 1,881.22	£ 5,275.14	£ 29,508.64	£ 22,799.32	£ 1,935.66	£ 5,494.64	£ 30,229.62

