Cabinet – 9/3/04

MINUTES of MEETING of the
CABINET of EAST LOTHIAN
COUNCIL held in the COUNCIL
CHAMBER, HADDINGTON on
TUESDAY 9 MARCH 2004

Councillors Present:

Mr N Murray
Mr D Costello
Mr N Hampshire
Mrs A McCarthy
Mr J Ross

Councillors Attending:

Mr A Forrest
Mr F McNeill
Mr L Broun-Lindsay
Mr G Meikle
Mr N Rankin
Mrs S Richardson

Attending:

Mr J Lindsay, Chief Executive
Mr A J Blackie, Director of Education and Children’s Services
Mr A McCrorie, Director of Corporate Finance and IT
Mr B Walker, Director of Community Services
Mr P Collins, Director of Environment
Mr A Forsyth, Head of Community Housing & Property Maintenance
Mr J Lamond, Head of Policy and Business Management
Mr A Ross, Head of Children’s Services
Ms S Saunders, Head of Personnel Services
Mr T Shearer, Head of Community Wellbeing
Mr B Simpson, Head of Economic Development
Mr B Cooper, Senior Transportation Manager
Mrs L Gillingwater, Administrative Officer (Clerk)
Mr K MacConnachie, Council Solicitor
Mr D Russell, Corporate Communications Manager

Apologies:

Provost P O’Brien
1. **PPP PROJECT UPDATE**

The Chief Executive provided Members with an update of the situation with the PPP Schools Project. He reported that, of the eleven documents presented to the Council at the meeting on 5 March, four had now been signed, four had been agreed, two had been agreed but awaited presentation of the final drafts, and the remaining one would be finalised on 9 March. He anticipated that by the close of business on 9 or 10 March 2004 the agreement would be signed.

2. **REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES: SERVICE REVIEW – MARRIAGE CELEBRANTS**

A report was submitted by the Chief Executive and the Director of Community Services seeking homologation of the decision by the Provost and Leader of the Council to agree to the employment of marriage celebrants to perform weddings on a Saturday and at other times during the week, of the fees to be paid to marriage celebrants and of the charges to be made to couples for weddings during 2004/05.

The Head of Policy & Business Management spoke to the report, which had been prepared as a result of the Marriage (Scotland) Act 2002 and the Service Review of the Registration Service, which was completed in October 2003. He explained that the Council would be required to offer weddings on Saturdays and in venues outwith civil registration offices. In order to meet these requirements it had been agreed that a number of marriage celebrants be employed, who would provide an on-call service on a rotational basis. The recruitment process for the marriage celebrants had now commenced.

**Decision**

The Cabinet agreed to homologate the decision made by the Provost and Leader of the Council to:

i. employ marriage celebrants to assist in performing marriages on a Saturday and at other times during the week on behalf of the East Lothian Council Registration Service;

ii. approve the fees to be paid to marriage celebrants (see Appendix 1 of the report); and

iii. approve the charges as outlined in Appendix 2 of the report to be made to couples for weddings during 2004/05.

3. **CITIZENS ADVICE BUREAUX**

A report was submitted by the Chief Executive presenting Cabinet with an update on latest developments in respect of the Council’s partnering arrangements with the East Lothian Citizens Advice Bureaux.
The Head of Policy & Business Management spoke to the report, explaining that the Service Level Agreements for Haddington and Musselburgh Citizens Advice Bureaux (CAB) would expire at the end of March 2004. He added that arrangements were being made to extend the Service Level Agreements for a further three years.

The Head of Policy & Business Management pointed out that funds from the Scottish Executive reallocated by the Council had allowed both Haddington and Musselburgh CABs to employ extra full-time staff and had enabled them to become New Deal providers.

Concerning Haddington CAB, the Head of Policy & Business Management reported that the arrangement with Tesco to sublet the premises on Market Street to the CAB had now come to an end, and that the CAB was now seeking new premises. It had made an application to Citizens Advice Scotland (CAS) for funding to March 2006. He suggested that the Council make a one-off payment of around £12,000 to Haddington CAB, and that authority should be delegated to him to grant the payment of these funds.

**Decision**

The Cabinet agreed:

i. to the re-drafting of Service Level Agreements (SLAs) for Haddington and Musselburgh CABs to cover the period 2004-07, subject to ratification by the Leader of the Council;

ii. to approve the funding levels that would be incorporated within the new SLAs based on the financial contribution from East Lothian Council during 2003/04, £55,943 for Haddington CAB and £40,950 for Musselburgh CAB; and

iii. to note the particular issues facing Haddington CAB regarding premises and to authorise the Head of Policy & Business Management to continue negotiations with both the CAB and Citizens Advice Scotland, and to grant the transfer of funds from East Lothian Council to Haddington CAB.

4. **MISCELLANEOUS GRANTS**

A report was submitted by the Chief Executive which presented the Cabinet with items for homologation from the Miscellaneous Grants budget from 2003/04, as contained in Appendix 1 of the report. It also presented the first round of funding from the Miscellaneous Grants Budget 2004/05 (see Appendix 2 of the report) and outlined proposed developments with the allocation of funds during 2004/05.

Councillor Meikle noted his objection to the grant awarded to Nuclear Free Local Authorities.
Decision

The Cabinet agreed:

i. to homologate the grant payment to the Royal British Legion, Tranent Branch, and the subscription payment to the Nuclear Free Local Authorities; and

ii. to the first set of payments for the Miscellaneous Grants Budget for 2004/05 and to the new approach to the Miscellaneous Grants Budget, re. early applications by repeat recipients of funds.

5. FINANCIAL REVIEW 2003/04, 3RD QUARTER

A report was submitted by the Director of Corporate Finance & IT informing the Cabinet of the 2003/04 financial position as at the end of December 2003.

The Director of Corporate Finance & IT spoke to the report, pointing out that in the Revenue Budget the main area of concern was with the performance of some of the former Direct Service Organisations (DSOs), which were now operating as trading operations. The Groundcare and Sportplus trading operations were reporting significant deficits at the end of Quarter 3. He reported that he anticipated year-end surpluses in the Community Care, Primary Schools and Property business groups.

Regarding the Capital Budget, the Director of Corporate Finance & IT reported a satisfactory performance, with most projects within budget. He explained that as part of the Prudential Code, the use of operating leases were being reduced, with assets being acquired through borrowing. Further reports on this would be submitted to future meetings of the Cabinet.

Councillor Meikle asked if the Groundcare and Sportplus groups were expected to report an overspend at the end of the financial year. The Head of Community Wellbeing responded, saying that report reflected the position as of December 2003, and that action had already been taken to improve the situation. He added that recent reports indicated a more favourable position and that he hoped to report a surplus for both groups at the end of the financial year.

Decision

The Cabinet agreed to note the financial performance of services at the end of Quarter 3, 2003/04.

6. EAST LOTHIAN COUNCIL’S ENTERPRISE IN EDUCATION PLAN FOR THE IMPLEMENTATION OF “DETERMINED TO SUCCEED”

A report was submitted by the Director of Education & Children’s Services advising the Cabinet about the Council’s Enterprise in Education Plan which had secured funding from the Scottish Executive Enterprise, Transport and Lifelong Learning Department to support the implementation of “Determined to Succeed” within East Lothian Schools.
The report also sought approval for the creation of a temporary (23 months) seconded post of Enterprise in Education Officer.

The Director of Education & Children’s Services spoke to the report, explaining that the Enterprise in Education Plan addressed the Scottish Executive’s recommendations about working with young people in schools. He pointed out that the Plan would receive funding for the first two years, and that a sustainability plan would need to be developed to fund it beyond 2006. He added that a new seconded post would be required to support the implementation of the Enterprise in Education Plan, and that the secondee would be expected to have experience of senior management responsibility, probably in a school setting.

The Director of Education & Children’s Services reported that the implementation of the Enterprise in Education Plan would allow for greater flexibility and choice in the curriculum and would provide an opportunity to assist young people with the transition from school to further education.

Councillor Ross highlighted the importance of the Enterprise in Education Plan and welcomed the partnership theme, which would mean working with local businesses and involving young people in business. He had concerns about the funding in the third year, but hoped that further funding could be obtained from the Scottish Executive for this initiative.

Decision

The Cabinet agreed:

i. to approve the Enterprise in Education Plan (attached as Appendix 1 to the report); and

ii. to approve the creation of a new seconded post to enable the Department of Education & Children’s Services to implement the Plan.

7. EAST LOTHIAN OUTDOOR EDUCATION SERVICE STRATEGY 2004-2007

A report was submitted by the Director of Community Services seeking approval of the East Lothian Outdoor Education Services Strategy for delivering outdoor education during the period 2004/07.

The Service Review of the Landscape and Countryside Division undertaken in 1999 had recommended that an Outdoor Education Strategy be developed. The development of the Strategy had been delayed due to changes in personnel in the Outdoor Education Service.

The Head of Community Wellbeing spoke to the report, explaining that the Strategy provided a framework for continuing outdoor education services and contained an action plan highlighting the actions required to fulfil the objectives for the Outdoor Education Service.
Decision

The Cabinet agreed to approve the East Lothian Outdoor Education Services Strategy 2004/07.

8. MOVING ON FROM HOSPITAL

A report was submitted by the Director of Community Services seeking approval to revise the policy on choice of care home accommodation agreed by the Social Work & Housing Committee on 13 March 2001 in the light of further advice from the Scottish Executive and further discussion with the NHS and other local authorities in Lothian.

The Director of Community Services spoke to the report, advising that a revised policy on discharge from hospital had now been developed, and that the main difference from the 2001 policy was the shortening of the discharge timescale from eight weeks to six weeks. He reported that patients would have up to three choices of care home placement. Placement would be determined by availability, but if there were no vacancies available in any of the patient’s choices, they would be moved to an interim placement. He pointed out that the waiting lists for the three choices would be managed by the Department of Community Services and would be prioritised by date of application.

Decision

The Cabinet agreed to adopt the “Moving on from Hospital” policy set out in the report.

9. CHARGING IN EAST LOTHIAN COUNCIL’S HOMES FOR OLDER PEOPLE

A report was submitted by the Director of Community Services outlining the requirement for a further increase in fees charged to self-funding residents in the Council’s homes for older people in accordance with s.44(3) of the NHS and Community Care Act 1990 and CoSLA guidance on charging for residential care.

The Council had a statutory responsibility to cover the full cost of adult residential accommodation including asset rentals and overheads from residents in its own homes. At present there were five self-funding residents. It was proposed to increase the charge for self-funding funding residents by 4.26% from 1 April 2004.

Decision

The Cabinet agreed to note the increase in fees to £498.06 from 1 April 2004.

10. CATERING SERVICE TO COUNCIL STAFF

A report was submitted by the Director of Community Services seeking approval for changes to the menu content and pricing structure of the Council’s staff catering service
from Peffers Place Catering Unit. The report also sought approval to market healthy eating for staff catering facilities for both existing and new customers within the Council.

The Head of Community Wellbeing spoke to the report, advising that there was a need to improve the financial performance of the Catering Service, as well as promoting “Healthy Choices” to work towards the SHAW Silver Award.

Councillor Meikle suggested that this report could have been discussed at the PPRP instead of Cabinet. The Head of Community Wellbeing argued that it should be submitted to Cabinet because of the Council subsidy involved.

Decision

The Cabinet agreed:

i. to approve the new pricing structure as per Appendix 1 of the report for implementation from April 2004; and

ii. to approve the promotion of “Healthy Choices” to both existing and new staff customers within the Council and the marketing of services.

11. MUSSELBURGH LAGOONS MASTER PLAN

A report was submitted by the Director of Environment seeking Cabinet approval to issue for public comment the revised Musselburgh Lagoons Master Plan.

The Director of Environment spoke to the report, pointing out that the Master Plan was not designed to be a detailed set of proposals, rather it identified the areas within which the different uses should take place and the key factors taken into account when detailed proposals were prepared.

Regarding Musselburgh Racecourse, the Director of Environment advised that the proposals had been endorsed at the Consultation Draft stage, but that since then the Joint Racing Committee had indicated that they wished to develop a floodlit all-weather course. He said that this would have potential implications for the tree belt, wildlife and the golf course.

The Director of Environment reported that although there had been widespread support for sport facilities, there was some concern about the location, access and car parking. He said that further investigation would be required to identify locations which would not prejudice wildlife and the amenity of residents. He added that the football academy had now been deleted from the plans.

Concerning the proposed new golf course, the Director of Environment explained that the 9-hole course proposed in the Consultative Draft Master Plan had attracted some criticism, but that the revised Master Plan had identified an area within which it would be possible to create a 9-hole course without unacceptable conflict with other interests.
If, however, this could not be provided, consideration would be given to the creation of a 6-hole course.

The Director of Environment thanked the RSPB for its contribution to the discussions. He reported that there would be a further opportunity for the public to comment on the revised Master Plan, which would be publicised in the Brunton Hall and on the Council’s website. In addition, copies of the Master Plan would be distributed to all those who had commented on the Consultative Draft. He suggested a deadline of Monday 3 May 2004 for comments, and reported that the Master Plan would be brought to the Cabinet meeting of 15 June 2004 for approval.

Councillor Rankin, speaking on behalf of the Conservative Group, thanked all those involved in the development of the Master Plan, commenting that he was very impressed with the consultation process.

Councillor Hampshire and Councillor Ross welcomed the report, advising that the consultation process was necessary in order to try and accommodate the views of all parties concerned. They thanked the officials for their work.

**Decision**

The Cabinet agreed:

i. to approve the report and the plan attached to it as the final draft of the Musselburgh Lagoons Master Plan;

ii. that members of the public and interested organisations be given the opportunity to comment on the revised draft; and

iii. that a final version of the Master Plan, taking into account any comments received, be submitted to the Cabinet on 15 June 2004 for approval as: a statement of interim planning policy pending the review of the East Lothian Local Plan; and as guidelines for the overall development of the Musselburgh Lagoons.

**12. CYCLING, WALKING AND SAFER STREETS (CWSS) – PROPOSED PROJECTS FOR 2004/05**

A report was submitted by the Director of Environment presenting the background for proposed works for the fourth year of funding for the Cycling, Walking and Safer Streets (CWSS) initiative.

The Senior Transportation Manager reported that funding for CWSS initiative had now been secured for a fifth year. Councillors McCarthy and Murray highlighted the importance of this initiative and thanked the Senior Transportation Manager and his staff for their work in this area.
Decision

The Cabinet agreed to the proposals as set out in the report, at a total estimated cost of £146,000.

13. MGF2 PROGRAMME – CONTRACT AWARD

A report was submitted by the Director of Corporate Finance & IT seeking homologation of the decision by the Provost and Council Leader to award a contract to Infoshare Ltd for the provision of data cleansing software and associated services as part of the Definitive National Address (DNAS) Project.

A major part of the DNAS project would be the creation of the local database and “cleansing” of the information held by comparing address information across the various Council databases with externally held sources of information. Once in place, the master database would become the main reference for all addressing information for the Council.

In order to carry out the cleansing exercise, specialist software and services would be required. Prices had been obtained from two suppliers for the type of software required, which would include the implementation services and total costs for 5 years. A detailed comparison of the software and services offered indicated that the solution proposed by Infoshare Ltd would best fit the requirements of the Council.

Decision

The Cabinet agreed to homologate the decision of the Provost and Council Leader to accept the tender from Infoshare Ltd amounting to £31,000 for the provision of data cleansing software and associated services after a Best Value based assessment.

14. REMOVAL OF TWO AUTOMATED PUBLIC TOILETS

A report was submitted by the Director of Community Services seeking approval to remove and terminate the lease of two automated public toilets currently supplied by the company JC Decaux.

In 1991, in the absence of a suitable public toilet facility in Dunbar, the Council entered into a 15-year lease agreement costing £30,000 per annum for the lease hire of two automated public toilets. As there was now an award-winning facility in Dunbar, it had been identified that the automated public toilets at Dunbar were an unnecessary financial burden and the facilities were no longer required.

A one-off payment of £12,000 plus one year’s rental of £30,000, totalling £42,000 would be required to terminate the lease. Thereafter there would be an annual saving of £30,000.
Decision

The Cabinet agreed to approve the termination of the lease contract of two automated public toilets currently sited adjacent to the swimming pool in Dunbar.

15. AWARD OF CONTRACT TO PURCHASE DISHWASHERS AND COMBINATION OVENS FOR PRIMARY SCHOOLS

A report was submitted by the Director of Community Services seeking homologation of the decision by the Provost and Councillor Innes to award the contracts for the purchase of dishwashers and combination ovens for primary schools to the Hobart Manufacturing Co Ltd.

To ensure that nutritional standards in primary schools could be achieved, current menus had been altered to reflect an emphasis on fresh food and preparation as well as a reduction in the use of convenience foods being used/prepared. In order to achieve this, additional kitchen equipment would be required.

Tender submissions were received from several established suppliers. Each bid was examined for compliance against specification and a financial analysis of each bid was carried out. It was agreed that the Hobart Manufacturing Co Ltd would provide the most appropriate catering equipment and service.

Decision

The Cabinet agreed to approve the award of the contract to the Hobart Manufacturing Co Ltd for the supply and installation of dishwashers and combination ovens as specified in the tender document.

16. SUPPLY AND DELIVERY OF MATERIALS

A report was submitted by the Director of Community Services seeking approval to award the tenders for the supply and delivery of materials as detailed in Appendices I and II of the report.

The intention of the tenders for the supply and delivery of materials as detailed in the appendices attached to the report was to obtain a fixed price tender for a period of two years from acceptance with the option of a one-year extension subject to market testing and negotiation. The tenders had been obtained through the EU Procurement Process Restricted Procedure Notice in conjunction with the assistance of the Council’s Purchasing Manager, with all the proposed tenderers expressing notes of interest being subjected to a pre-qualification process.

Decision

The Cabinet agreed to accept the tenders for the supply and delivery of materials from the following contractors, subject to the actual amounts and types of materials purchased by the Community Housing and Property Management Section over the two
year contract period, noting that this offer would remain open for consideration until issue of Letters of Acceptance:

a. Part C2 – kitchen fitments
   Messrs Howdens Joinery Co, Musselburgh, amounting to £126,978.67

b. Part F – plumbing
   Messrs Plumb Centre (Wolseley), Edinburgh, amounting to £157,571.40

17. STREET LIGHTING INSTALLATION, MUSSELBURGH

A report was submitted by the Director of Community Services seeking approval for the installation of street lighting in association with traffic calming works at “The Wimpeys” in Musselburgh.

The current contractor for the installation of street lighting, Lightways Contractors Ltd, had agreed to carry out the street lighting works at the same rates as contained in the 2003/04 Capital Leasing Contract.

Decision

The Cabinet agreed to award Lightways Contractors Ltd the contract for the above work at a cost of £60,914.09, subject to completion of the appropriate statutory procedures.

18. ROAD NETWORK MANAGEMENT CAPITAL CONTRACTS 2003/04

A report was submitted by the Director of Environment seeking homologation of the decision of the Depute Provost and Councillor Hampshire to award the following road network capital contracts 2003/04:

Contract 1 – W/FH/31/03/343 – Pinkie Road Traffic Calming, Musselburgh
Contract 2 – W/FH/31/03/495 – Residential Traffic Calming, Musselburgh and Prestonpans
Contract 3 – N/FH/31/03/481 – Part Time 20 mph Limits Outside Schools at 5 Locations

Decision

The Cabinet agreed to homologate the decision of the Depute Provost and Councillor Hampshire to award the following contracts:

Contracts 1 & 2 – Ritchie Brothers (PWC) Ltd, Seafield, West Lothian
Contract 3 – Coeval Products Ltd, Prestonpans
19. **PUBLIC MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE, 10 FEBRUARY 2004**

The Cabinet agreed to approve the submitted public copy of the Minutes of the meeting of the Licensing Sub-Committee held on 10 February 2004.

20. **SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

The Cabinet unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraphs 1, 3, 6 and 9 (information relating to particular employees of the Authority, information relating to any particular applicant for, recipient or former recipient of a service provided by the Authority, information concerning the financial or business affairs of any particular person other than the Authority, terms proposed or to be proposed in the course of negotiations for a contract for the acquisition or disposal of property) of Schedule 7A to the Local Government (Scotland) Act 1973.

21. **SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

(a) **Licensing Sub-Committee Minutes**
The Cabinet approved the submitted private copy of the Minutes of the meeting of the Licensing Sub-Committee held on 10 February 2004.

(b) **Tenancy Sub-Committee Minutes**
The Cabinet approved the submitted private copies of the Minutes of the meeting of the Tenancy Sub-Committee held on 29 January 2004.

(c) **Finance Matters**
A report submitted by the Director of Corporate Finance & IT concerning bad debt write-off was approved.

(d) **Re-appointment to the Panel of Safeguards**
A report submitted by the Chief Executive concerning the re-appointment to the Panel of Safeguards was approved.

(e) **Personnel Matters**
Six reports, two submitted by the Director of Corporate Finance & IT, two submitted by the Director of Education & Children’s Services and two submitted by the Community Services, concerning personnel matters were approved.

(d) **Property/Land Matters**
Three reports submitted by the Director of Community Services concerning property transactions were approved.