

**MINUTE**  
**of**  
**CABINET**

**Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 11 May 2023.**

**Present:**

Councillor Owen O'Donnell (Leader)	Councillor Danny Devlin
Councillor Andrew Anderson	Councillor Katie Pragnell

Councillor O'Donnell, Leader, in the Chair

**Attending:**

Caitriona McAuley, Director of Environment; Louise Pringle, Director of Business Operations and Partnerships; Mark Ratter, Director of Education; Lesley Bairden, Head of Finance and Resources, Health and Social Care Partnership; Phil Daws, Head of Environment (Strategic Services); Sharon Dick, Head of HR and Corporate Services; Gillian McCarney, Head of Environment (Chief Planning Officer); Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Jamie Reid, Head of Communities and Transformation; Julie Breslin, Strategy and Partnership Manager; Morag Brown, Strategic Services Senior Lead; John Buchanan, Operations Manager; Mary Docherty, Education Resources Senior Manager; John Burke, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

**DECLARATIONS OF INTEREST**

**441.** There were no declarations of interest intimated.

**COVID RESERVE – REVIEW OF 2022/23 ALLOCATION AND PROPOSALS FOR 2023/24**

**442.** The Cabinet considered a report by the Director of Business Operations and Partnerships on the progress of projects that were allocated COVID reserve funding in October 2022 and seeking approval for the allocation of a further £1.7m of non-recurring COVID recovery reserves, available in 2023/24, to help mitigate the four main harms of the pandemic.

The Scottish Government had released various streams of COVID-19 funding to local authorities to react to the emerging needs and challenges faced by residents, businesses and service provision.

A series of funding proposals had been agreed by Cabinet on 13 October 2022 (Page 229, Paragraph 172 refers) totalling nearly £1.7m over the financial years 2022/23 and 2023/24 to mitigate the impact of the pandemic. The fund was allocated with £1m for 2022/23 and the remaining £0.7m for 2023/24, with progress of the 2022/23 proposals monitored via a monthly, multi-agency working group on the Cost of Living and member/officer briefings were held in November 2022 and February 2023. The details of the full allocation of £1.7m, and a summary of the impact of the 2022/23 allocation, was provided in annex 1 to the report.

Proposals for the allocation of the 2023/24 funding were detailed in the report and members were asked to give their approval of those proposals.

Following discussion, the Cabinet:

- (a) noted the good progress made towards delivering proposals in 2022/23 from the allocation of £1,679,726m of COVID reserves in October 2022 to support recovery;
- (b) noted the details of the final tranche of COVID recovery reserves available in 2023/24, resulting from previous years' Scottish Government funding, to support pandemic recovery and renewal;
- (c) approved the strategic approach to support recovery under the following key areas, which were related to the 4 harms of the pandemic:
  - i. COVID-19 contingency for response
  - ii. Organisational recovery (Council and HSCP)
  - iii. Wellbeing support for vulnerable individuals
  - iv. Community recovery and capacity building
  - v. Financial advice and support to individuals
  - vi. Direct financial winter support to residents
- (d) approved the outline funding proposals, with allocations against the above key areas, totalling £1.7m;
- (e) delegated to the Director of Business Operations and Partnerships and Head of Accountancy (Chief Financial Officer), in consultation with the Leader of the Council to exercise flexibility in the terms of the proposals, to ensure most effective use of funding within the spirit of COVID recovery, capacity building and provision of support to the most vulnerable local people;
- (f) agreed that a report with more detailed winter-support proposals (within the funding envelope of £1.7m, unless underspends became available), be brought back to Cabinet for consideration in October 2023; and
- (g) noted that a final report outlining the actual spend and updating on delivery and impact of the proposals would be submitted to Cabinet in 2024.

## **LOCAL GOVERNMENT BENCHMARKING FRAMEWORK – 2021/22 PERFORMANCE**

**443.** The Cabinet considered a report by the Chief Executive providing an update on the national Local Government Benchmarking Framework (LGBF) and presenting an overview of the Council's performance against the LGBF indicators for 2021/22.

The LGBF had been established and publicly reported by all Scottish councils as a statutory requirement since 2010/11. Four new measures had been included in the data set for 2021/22 and these were outlined in the report. It was also highlighted that data from some indicators had not been included at the time of reporting due to the lack of availability of that data.

A total of 105 measures were included in the full data set and the breakdown of those was provided. The data was collated by the Improvement Service and added to the National Benchmarking Report 2021/22.

A comprehensive breakdown of the performance information for each service area was listed in annex 1 to the report, and these were summarised within the report.

Members proceeded to have a full discussion over a range of topics, including the educational attainment gap, employability schemes, development of the road network, recycling and

climate change issues, as well as a wider discussion on the age of the data and when the impacts of current programmes could be expected to be shown in this data.

Following that discussion, the Cabinet:-

- (a) noted the Council's performance against the LGBF indicators and the intended action to be taken by departments to address performance issues; and
- (b) agreed that no specific aspects of the Council's performance were in need of improvement or further investigation.

### **DRAFT GAELIC LANGUAGE PLAN 2023-2028**

**444.** The Cabinet considered a report by the Director of Business Operations and Partnerships on the production of the Council's second Gaelic Language Plan and to propose a draft plan for the purposes of public consultation.

The Gaelic Language (Scotland) Act 2005 provided an official framework for efforts to grow, preserve and sustain the Gaelic language and culture in Scotland. It stipulated that Bord na Gaidhlig should prepare a National Gaelic Language Plan every 5 years and, in partnership with other organisations and stakeholders, they would be responsible for carrying out the provisions of the Act.

Under Section 3 of the Act, they have the authority to issue a statutory notice to any relevant public authority, requiring it to prepare a Gaelic Language Plan, with the aim of raising the status and profile of Gaelic and creating a practical, sustainable opportunity for its use. East Renfrewshire Council had received such a notice on 5 April 2022, to inform that the Council's next edition of the Gaelic Language Plan was due on 1 October 2023.

The draft Gaelic Language Plan 2023-2028, which was attached as annex 1 to the report, had been a cross-departmental exercise, alongside East Renfrewshire Culture and Leisure (ERCL). ERCL's Senior Management Team had approved all actions relevant to their organisation at their meeting of 27 March 2023.

Furthermore, Bord na Gaidhlig operated a Gaelic Plans Fund, to which applications could be made to support any initiatives with resource limitations, up to a maximum of £25,000, to cover up to 80% of the costs of any project relating the Gaelic Language Plan. East Renfrewshire Council had submitted an application to the Fund for the purpose of developing capacity in terms of the Council's internal Gaelic Language skills. 25 members of staff had responded positively to a survey, expressing an interest in Gaelic awareness training. If successful, these sessions would be offered to interested staff between August 2023 and August 2024.

The timeline for submission of the Plan, if approved, was outlined. With consultation on the draft Plan proposed to begin on 15 May, with a 26 June deadline, submission to Cabinet for approval on 7 September and final submission by 30 September.

Thereafter, the Cabinet:

- (a) noted that East Renfrewshire Council was required to produce a Gaelic Language Plan for 2023-2028 by 1 October 2023, under statutory powers delegated to Bord na Gaidhlig by the Scottish Government;
- (b) approved the draft Gaelic Language Plan, attached as annex 1 to the report, as the basis of mandatory consultation on the plan;

- (c) noted the decision to apply for external funding for the purposes of offering Gaelic Awareness training to interested staff; and
- (d) approved the timeline and process for the Plan outlined in the report.

#### **REQUEST FOR APPROVAL FOR DIRECT BID TO OSIRIS EDUCATIONAL WOODHALL SPA LIMITED**

**445.** The Cabinet considered a report by the Director of Education seeking approval to award a negotiated contract without call for competition to a direct bid with Osiris Educational Woodhall Spa Limited for the provision of professional learning and development services across the education department at an estimated annual cost of £50,000 for a 48 month period, with a total value of £200,000.

The Council's Devolved School Management Scheme empowered head teachers and heads of centre to make key decisions regarding the best use of resources to ensure the highest level of experiences and outcomes for learners. However, those decisions had to comply with legislation and the financial regulations of the Council, including being mindful of the potential impact of decisions made at individual school level on wider contractual and financial obligations of the Council.

Osiris were used to provide specific professional learning and development programmes aimed at teachers and school leaders who were seeking to embed the latest research in how to further understand, evaluate and maximise their impact on learning, based on Professor John Hattie's research into what works best in schools to improve learning and progress. A number of secondary head teachers had engaged with these programmes in the past and given positive evaluations and expressed a desire to procure further services from Osiris, subject to budget availability.

Given that Osiris were the only UK company able to deliver those programmes, it had been determined that the most appropriate procurement route going forward would be a direct award to Osiris, with planned spend over the next 4 years at approximately £50,000 per annum. It was indicated that the initial spend in 2023/24 would be £100,000 as some schools wished to follow up professional learning programmes which commenced during the 2022/23 academic session.

While such a contract usually required competition, Regulation 33 of the Public Contracts (Scotland) Regulations 2015 provided various circumstances where competition was not required and contracts could be entered by direct negotiation. In the present case, the proprietary nature of the services provided by Osiris was considered to meet that standard, as there was no reasonable alternative to provide this training.

The Cabinet approved a direct purchase under Regulation 33(1)(b)(ii) of the Public Contracts (Scotland) Regulations 2015 from Osiris Educational Woodhall Spa Limited for the provision of professional learning and development at a total cost of £200,000 across the duration of the contract.

#### **EXTERNAL WALL INSULATION CONTRACT VARIATION**

**446.** The Cabinet considered a report by the Director of Environment on a breach of Contract Standing Orders, and a request that the required variation be approved by Cabinet retrospectively

Local authorities were required to ensure that their housing stock met Scottish Housing Quality Standard (SHQS) and Energy Efficiency Standard for Social Housing (EESH) targets. As part of this, the Council operated a Roof and Render Renewal programme.

The Council had procured a one-year contract via tender exercise for external wall and roof insulation. Previously, tenders had been issued with a request that contractors provide a cost per property, however, in 2021/22, the project was tendered using a Bill of Quantities. This was a new methodology to the service. The tender included a new PAS 2035 standard for retrofitting dwellings for improved energy efficiency since 27 January 2022. The requirements of this standard were detailed in the report.

The contract had subsequently been awarded to Procast Building Contractors on 6 December 2021, with a contract value of £1,790,350. It was expected to run for 36 weeks, with completion in August 2022.

Out of the three tenders returned, this was considered to provide the most economically advantageous tender after technical and commercial evaluation.

As of 23 March 2023, the work certified had totalled £2,063,700, with the final account still to be settled and estimated to be around £2.2m, an overspend of £409,650 (23% of contract value). This had been reported to Cabinet on 1 December 2022 (Page 312, Paragraph 243 refers) as part of the Housing Capital Programme update.

Contact Standing Order 14 stated that the contact value may, if necessary, be routinely extended by a sum of no more than 15% (in the case of contracts for works), provided the appropriate authorisation route was complied with. It further stated that all variations greater than £100,000 must be reported to Cabinet for approval prior to variation being instructed. In this instance, the Contact Standing Orders were not complied with as the required approval to vary the contract was not sought and obtained in advance from Cabinet.

The report went on to outline the errors that had occurred, leading to the breach of Contract Standing Orders. A review of procedures and working practices had been undertaken. In particular, more regular monitoring of contract spending against budget would be carried out to ensure that prompt, appropriate action could be taken to identify any potential issues, and a range of control checks had been implemented. Additional staffing resources had also been sought to increase capacity for additional contract scrutiny and monitoring, with training on the Contract Standing Orders to be delivered to staff.

The Chief Executive had referred the matter to the Chief Auditor for review and a report had been prepared with several recommendations.

There followed an intensive discussion where members of Cabinet asked questions of the Head of Environment (Strategic Services) on the issues arising and the actions put in place to reduce the likelihood of a reoccurrence.

Thereafter, the Cabinet noted the breach in Contract Standing Orders and approved that the required variation be approved by Cabinet retrospectively.

## **GET TO ZERO ACTION PLAN**

**447.** The Cabinet considered a report by the Director of Environment on the draft East Renfrewshire Council Get to Zero Action Plan and a proposed public consultation.

The Council had declared a climate emergency in October 2021 and Cabinet had agreed a Get to Zero Ambition Statement in November 2021 (Page 1706, Paragraph 1817 refers). This committed the Council to completing a Get to Zero Action Plan (GTZAP) setting out how the

Council would meet its legislative requirements under the Climate Change (Emissions Reduction Targets)(Scotland) Act 2019. The Council was now in a position to put the GTZAP and related Environmental Report to public consultation.

A draft GTZAP, Environmental Report and proposed consultation questions had been prepared and were provided in the appendices to the report. An overview of the content of the GTZAP, associated Environmental Report and the consultation was provided within the report.

The Cabinet:

- (a) approved the draft Get to Zero Action Plan and related Environmental Report for public consultation for a period of 6 weeks; and
- (b) noted that a final Get to Zero Action Plan would be presented to Cabinet in November 2023 for formal approval

CHAIR