

MINUTE
of
CABINET

Minute of meeting held at 10.00 am in the Council Chamber, Council Headquarters, Giffnock on 15 September 2022.

Present:

Councillor Owen O'Donnell (Leader)
Councillor Andrew Anderson

Councillor Danny Devlin
Councillor Katie Pragnell

Councillor O'Donnell, Leader, in the Chair

Attending:

Andy Cahill, Director of Environment; Gerry Mahon, Chief Officer Legal and Procurement; Phil Daws, Head of Environment (Strategic Services); Sharon McIntyre, Committee Services Officer and Liona Allison, Assistant Committee Services Officer.

HM QUEEN ELIZABETH II

129. Prior to the start of the meeting the Cabinet observed a minute's silence in memory of Her Majesty Queen Elizabeth II.

DECLARATIONS OF INTEREST

130. There were no declarations of interest intimated.

NEC HOUSING - PROPOSED VARIATION OF CONTRACT

131. The Cabinet considered a report by the Director of Environment seeking approval to apply a variation to the replacement Housing Services IT contract in order to include hand held devices and improved online services.

The Head of Environment (Strategic Services), advised that the existing IT system was outdated, manual in nature and did not provide performance management information or allow for customers to self-serve. He referred to Phase 1 and Phase 2 of the project to replace the system as outlined in the report and explained that as the amount of the proposed variation (£61,200) was greater than 10% of the original contract value, Cabinet approval was required in accordance with Contract Standing Orders.

Councillor Anderson enquired as to whether a seven year contract length was typical for this type of contract and whether a longer contract period resulted in greater cost efficiencies. In reply, the Head of Environment (Strategic Services) advised that there was a financial saving with a longer contract and noted the issues associated with transferring providers on a regular basis. He advised that the contract with the original contractor was in place for over twenty years.

Councillor O'Donnell having welcomed the efficiencies that the system would provide and having heard from the Head of Environment (Strategic Services), the Cabinet:-

- (a) approved an immediate variation to be applied to the existing Housing Services IT contract with NEC Software Solutions UK Limited; and
- (b) delegated to the Chief Officer (Legal and Procurement) and the Chief Procurement Officer authority to submit the necessary notice for publication in the UK e- notification service under Regulation 72 (3) of the Public Contracts (Scotland) Act 2015.

REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000 - COVERT SURVEILLANCE ACTIVITY 2021-22

132. The Cabinet considered a report by the Chief Officer - Legal and Procurement, providing information on surveillance activity undertaken and authorised by the Council during 2021/22; and seeking approval to the amendment of the Council's Procedure on Covert Surveillance to reflect the addition of a further authorising officer. A copy of the revised procedure accompanied the report.

The report outlined that during the period 1 April 2021 to 31 March 2022 the Council had authorised directed surveillance of 7 separate targets under 2 overarching authorisations. All addressed the sale of counterfeit goods and copyright/trademark infringement. In these cases, surveillance was undertaken by officers of Trading Standards Scotland acting as part of national initiatives.

The report also explained that following the retirement of the Deputy Chief Executive it was necessary for that post to be removed from the list of authorising officers and for a further officer to be added. Based on the seniority requirement as set out in the relevant legislation, the Head of Education Services (School Performance and Provision) had been identified. Appropriate training would be provided and he would not authorise any surveillance activity until this was completed.

The Chief Officer – Legal and Procurement outlined the background of the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) as detailed in the report and advised of the associated auditing framework.

Councillor Anderson enquired whether the Council had the resources and capability to perform these investigations or whether it was reliant on external bodies such as Trading Standards. In reply, the Chief Officer - Legal and Procurement provided a background to the working relationship with East Renfrewshire Trading Standards and Trading Standards Scotland and confirmed that whilst Trading Standards Scotland had carried out these investigations the Council had the equipment and means to do so if required.

Councillor Anderson also enquired as to whether the Council had used its own equipment previously for investigations. In response, the Chief Officer - Legal and Procurement advised that since the RIPSA legislation had come into force in 2000 the Council had used this equipment on a couple of occasions, however Trading Standards Scotland carried out national investigations therefore investigations required in East Renfrewshire were usually incorporate within national investigations.

Having heard further from the Chief Officer - Legal and Procurement, the Cabinet:-

- (a) noted the use of directed surveillance and Covert Human Intelligence Sources during the period 2021/22 and
- (b) approved the revised Procedure on Covert Surveillance.

CHAIR

