



**MINUTES OF THE MEETING OF
THE CABINET**

**TUESDAY 14 MAY 2013
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor S Akhtar
Councillor T Day
Councillor D Grant
Councillor N Hampshire
Councillor W Innes (Convener)
Councillor J McMillan

Other Councillors Present:

Provost L Broun-Lindsay
Councillor S Brown
Councillor S Currie
Councillor J Gillies
Councillor J Goodfellow
Councillor M Libberton
Councillor P MacKenzie
Councillor F McAllister
Councillor P McLennan
Councillor K McLeod
Councillor J McNeil
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Mr A McCrorie, Executive Director (Support Services)
Ms M Patterson, Executive Director (Services for Communities)
Dr R Jennings, Head of Housing & Environment
Mr J Lamond, Head of Council Resources
Mr M Leys, Head of Adult Wellbeing
Ms S Saunders, Head of Children's Wellbeing
Ms M Ferguson, Corporate Legal Adviser
Mr P Forsyth, Senior Area Officer East (Transportation)
Ms C Johnson, Strategic Policy Officer (Housing)
Mrs K MacNeill, Corporate Legal Adviser
Mr D Russell, Corporate Communications Manager
Ms R Spillane, Equalities Officer
Mr P Vestri, Corporate Policy & Improvement Manager
Ms E Wilson, Housing Strategy and Development Service Manager

Clerk:

Mrs L Gillingwater

Apologies:

Councillor Veitch

Visitors:

None

Order of Business

Prior to the commencement of business, the Chief Executive provided Members with an update on the proposed closure of Haddington Sheriff Court.

The Chief Executive reported that she had recently met with representatives from the Scottish Courts Service (SCS) and had proposed a partnership working arrangement in relation to Haddington Sheriff Court, whereby the Council would provide funding to offset the costs to the SCS of keeping the Court open. However, this proposal had not been accepted by the SCS. The SCS had raised issues in relation to the backlog of maintenance costs associated with the Court building, which were mainly concerned with health and safety.

The Chief Executive also advised that the wider economic impact of the court closure on East Lothian, particularly Haddington, was estimated to result in an annual loss of approximately £350,000. In addition, she argued that there had been an under-estimation of the caseload at Haddington Sheriff Court, and noted the Sheriff was to provide more accurate information on the volume and types of business dealt with by the Court.

In response to claims by the SCS that the justice reforms would render Haddington Sheriff Court unnecessary, particularly with reference to the increased use of technology, the Chief Executive pointed out that the Court was already equipped with video conferencing facilities which could be used to greater effect.

The Chief Executive expressed concern that the potential impact of the Court closure on Children's Services in particular had not been fully considered, and that such cases already took significantly longer to be concluded at Edinburgh Sheriff Court than at Haddington Sheriff Court.

Members were informed that the rationale for closing Haddington Sheriff Court had changed a number of times, but that the impact of the closure on East Lothian had not been taken into account. She stipulated that the Council's opposition to the closure was not based on resistance to change, and that the Council was supportive of working with the Scottish Courts Service and cross-subsidising their expenditure.

The Chief Executive advised that the Council's presentation would be considered by the Scottish Courts Service on 21 May and that a recommendation would then be submitted to the Scottish Parliament's Justice Committee, to be heard on 4 June.

A number of Members thanked the Chief Executive for her efforts to keep the Court open and questioned the rationale for closure. Concerns were expressed as regards the full impact of the closure, particularly on vulnerable people and on the local economy.

Councillor Innes argued that the decision to close the Court had been made without a full assessment of the impact being undertaken. He also reported that a forensic accounting expert had indicated that rather than saving money, the closure of the Court would result in significant expense to the SCS. He urged Council colleagues to attend the meeting of the Justice Committee in order to demonstrate against the proposals.

Councillor Currie asked for further details of the public demonstration and associated expenses prior to confirming involvement.

The Cabinet agreed to support the public demonstration in relation to the proposed closure of Haddington Sheriff Court.

1. SUMMARY OF CONTRACTS AWARDED BY EAST LoTHIAN COUNCIL, 27 MARCH – 1 MAY 2013

A report was submitted by the Executive Director (Support Services) advising Members of all contracts awarded by the Council from 27 March – 1 May 2013, with a value of over £150,000.

Decision

The Cabinet agreed to note the award of contracts with a value of over £150,000 from 27 March – 1 May 2013, as listed in Appendix 1 to the report.

2. CHILDREN'S WELLBEING PAYMENTS TO VOLUNTARY/PARTNER ORGANISATIONS 2013/14

A report was submitted by the Executive Director (Services for People) seeking approval for the payment to voluntary/partner organisations of the amounts specified in Appendix 1 to the report, for the financial year 2013/14.

The Head of Children's Wellbeing, Sharon Saunders, presented the report, drawing Members' attention to the funding proposals, as set out in Appendix 1 to the report. She proposed that with the exception of two organisations, funding levels for 2013/14 should remain unchanged. As regards Children 1st, she provided details on the proposed variation to the service level agreement and funding. In respect of Children's Hospice Association Scotland (CHAS), she noted that, as a result of a national funding agreement developed through CoSLA, there would be an increase in funding to this organisation. It was noted that there was no proposed allocation of funding for Richmond's Hope.

Councillor Akhtar welcomed the report, commenting that it reflected the Administration's commitment to support community and vulnerable groups which deliver high quality and valuable services. She noted that the Council was working in a positive and constructive way with these organisations, and thanked the volunteers and staff involved.

Councillor MacKenzie also welcomed the proposed investment and highlighted in particular the importance of family group conferencing.

Councillor Currie commended the work undertaken by the organisations mentioned within the report. He also spoke in support of the national agreement for CHAS. However, he did not agree with the reduction in the budget for this service and warned that this would lead to difficulties in future years.

In response, Councillor Innes stated that the Council was working closely with organisations to continue to provide high quality services. He called on Members to focus on the positive aspects of the report, in particular that most of the organisations listed would see no reduction to their funding award.

Councillor McMillan praised the work of the East Lothian Special Needs Playscheme, and of the involvement of local children in their activities.

Decision

The Cabinet agreed to grant awards for 2013/14, as outlined in Appendix 1 to the report.

3. CLIENT CONTRIBUTIONS FOR ADULT WELLBEING CARE SERVICES

A report was submitted by the Executive Director (Services for People) setting out arrangements for financial assessments of Adult Wellbeing service users for 2013/14; setting revised rates for client contributions within Adult Wellbeing for 2013/14; and providing information on the way forward in respect of the Self-Directed Support (SDS) for Adult Wellbeing Charging Policy.

The Head of Adult Wellbeing, Murray Leys, drew attention to the salient aspects of the report and noted that a further report on Self-Directed Support would be presented to Cabinet in due course. He also reported that Charging for Residential Accommodation Guidance (CRAG) had now been received; he anticipated that there would be no material impact on the service, but would report back to Members should any further changes be required.

Councillor Grant pointed out that no changes to financial assessments had been made since 2007 and these now required to be updated to meet current demand. He advised that anomalies in the charging regime had been addressed. For self-funding service users, he noted that the threshold had been increased from £12,000 to £16,000, which would help protect lower paid service users. He also indicated that the introduction of Self-Directed Support would significantly change the way in which the Council charges clients.

Councillor Currie voiced his opposition at the increases in nightly and care at home rates. He also asked the Administration to reconsider their position on the provision of meals for people following hospital discharge, emphasising the importance of providing these meals during the recovery period. Councillor Currie called for an Equalities Impact Assessment to be carried out on the basis that the charges outlined in the report would impact on vulnerable people.

Decision

The Cabinet agreed:

- i. to approve the recommended changes for 2013/14 as summarised below and fully detailed within the report, with effect from 20 May 2013:

Service	Change
Residential Care	Increase weekly rate for ELC managed homes from £513 to £525
Emergency Respite Care	Waive charges for first 2 nights, (reduced from first three nights).
Adult Carers	Increase nightly rate from £8.80 to £11.50 per night
Care at Home/ Home Care	Increase hourly rate from £10.68 to £11.50
Meals/ Lunch Clubs	Charges kept in line with rates charged by commercial provider, (£2.57) Discontinue free meals for first four weeks following hospital discharge.
Community Alarms	Increase charge to £1.65/week (in line with charge to ELC tenants)
Night-time Services/	Cost of £32.00 per night based on actual costs of

Sleepovers	provision.
Capital Threshold	Increase upper limit to £16,000 for self funding service users.
Charging Thresholds	Up rated in line with revised DWP rates and national guidance.
Tapers	Taper reduced to 40% (from 45%) for first £50 Increased to 55% for available income more than £50.

- ii. to approve the treatment of compensation payments set out in Section 3.17 of the report being incorporated into the charging policy, with effect from 20 May 2013;
- iii. to note that a further report would be provided covering the impact of Self-Directed Support on the current charging policy.

4. EAST LoTHIAN COUNCIL SCHEME OF ASSISTANCE, BELOW TOLERABLE STANDARD STRATEGY AND HOUSING RENEWAL POLICY

A report was submitted by the Executive Director (Services for Communities) seeking approval of changes to the Council's Scheme of Assistance, seeking approval of a Below Tolerable Standard (BTS) Strategy, and seeking approval of a Housing Renewal Area Policy.

The Housing Strategy & Service Development Manager, Esther Wilson, presented the report, advising Members of the findings of a stock condition survey which had recently been carried out. She summarised the types of advice and assistance available to home owners and tenants and drew attention to the key aspects of the BTS Strategy and Housing Renewal Area Policy.

Councillor McNeil sought clarification as to how cases already in the system would be handled, in light of these changes. Ms Wilson advised that the Council would work with those residents to conclude any outstanding issues.

Councillor Hampshire welcomed the report and the proposal to issue works notices only as a last resort.

Referring to the action plan attached to the report, Councillor McMillan questioned the accuracy of the figures and also how dwellings in rural areas which were below tolerable standard would be identified. Ms Wilson confirmed that the figures contained within the action plan were reasonably accurate. In relation to rural dwellings, she noted that there was a high number of private rented properties and those could be targeted using the register of landlords, officer knowledge and agencies working on energy efficiency. She added that the establishment of a database to record specific concerns by the Council and other agencies was under consideration, and that this would enable the Council to engage with residents more effectively.

Councillor Currie highlighted the importance of providing information and advice to residents. He also mentioned the value of the Trusted Trader scheme.

Councillor Goodfellow asked if second homes had been taken into consideration. Ms Wilson advised that second homes had been excluded from the sample taken, mainly due to difficulties in accessing these properties.

Decision

The Cabinet agreed:

- i. to approve the changes to the Council's Scheme of Assistance, as outlined in Sections 3.8 – 3.20 of the report;
- ii. to approve the Council's Below Tolerable Standard (BTS) Strategy; and
- iii. to approve the Council's Housing Renewal Area Policy.

5. EAST LOTHIAN EQUALITY PLAN 2013-16

A report was submitted by the Executive Director (Support Services) seeking approval for the Council's draft Equality Plan 2013-16, which seeks to meet the requirements of the public sector equality duty arising from the Equality Act 2010.

The Equalities Officer, Rebecca Spillane, presented the report, setting out the duties of the Council in relation to equalities and the requirement to produce an Equality Plan. She noted that the outcomes outlined in the report were aligned with the priorities identified in the Council Plan and the existing Single Outcome Agreement.

Councillor Akhtar welcomed the report and the specific outcomes contained within the Equality Plan.

Councillor Currie commented that regardless of the legislation the Council would want to promote equality.

Decision

The Cabinet agreed to approve the outcomes identified in the Equality Plan 2013-16 and to support the work towards achieving these outcomes.

6. VICTORIA PARK HADDINGTON – INTRODUCTION OF A PROHIBITION AND RESTRICTION ON WAITING, LOADING AND UNLOADING – TRAFFIC REGULATION ORDER 2013

A report was submitted by the Executive Director (Services for Communities) seeking approval to commence the statutory procedure necessary to introduce a Traffic Regulation Order to prohibit waiting, loading and unloading in Victoria Park, Haddington.

The Senior Transportation Officer, Peter Forsyth, advised Members of the reasons for initiating this Traffic Regulation Order.

Decision

The Cabinet agreed to approve the initiation of the statutory procedure necessary to introduce a Traffic Regulation Order in accordance with The Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999 and such amendments that are in force.

7. PUBLIC MINUTE OF THE MEETING OF THE LICENSING SUB-COMMITTEE HELD ON 11 APRIL 2013

The public minute of the meeting of the Licensing Sub-Committee held on 11 April 2013 was approved.

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 and 6 (information relating to particular employees of the Authority; 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.

Sub-Committee Minutes

The private minutes of the meetings of the Employee Appeals Sub-Committee held on 4 April, 11 April and 1 May 2013 were approved.

The private minute of the meeting of the Licensing Sub-Committee held on 11 April 2013 was approved.

The private minute of the meeting of the Tenancy Sub-Committee held on 18 April 2013 was approved.

Property Matters

A private report submitted by the Executive Director (Services for Communities) concerning Affordable Housing at Kellie Road, Dunbar, was approved.