



**MINUTES OF THE MEETING OF
THE CABINET**

**TUESDAY 11 MARCH 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor S Akhtar
Councillor D Grant
Councillor N Hampshire
Councillor W Innes (Convener)
Councillor J McMillan
Councillor M Veitch

Other Councillors Present:

Councillor J Caldwell
Councillor S Currie
Councillor A Forrest
Councillor J Gillies
Councillor J Goodfellow
Councillor P MacKenzie
Councillor F McAllister
Councillor K McLeod
Councillor J McNeil
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services
Mr A McCrorie, Depute Chief Executive – Resources and People Services
Mr D Small, Director of East Lothian Health and Social Care Partnership
Mr J Lamond, Head of Council Resources
Mr D Nightingale, Head of Education
Mr R Montgomery, Head of Infrastructure
Mr M Leys, Head of Adult Wellbeing
Mrs M Ferguson, Service Manager – Legal Services
Ms E Morrison, Service Manager – Customer Services
Mr A Stubbs, Service Manager – Roads
Mr K Christie, Service Manager – Revenues
Ms J Mackay, Media Manager
Mr H Mark, Debt Management and Business Rates Team Leader
Mr K Black, Safer Communities Team Leader
Ms F Currie, Committees Assistant

Clerk:

Ms A Smith

Apologies:

Councillor T Day

Declarations of Interest:

Councillor McLeod declared an interest in the private report, in relation to personal acquaintance, and stated he would leave the Chamber before this item.

Prior to commencement of business the Convener made reference to the 30th anniversary of the Miners' Strike. This strike had a significant impact on local communities in East Lothian, particularly in the west of the county; many families had been severely affected by this year long strike. A number of events were being held across Scotland and East Lothian to mark this anniversary. This was an important part of local history.

Councillor Currie stated the SNP wished to be associated with those remarks.

1. MINUTES OF THE MEETING OF THE CABINET OF 14 JANUARY 2014

The minutes of the meeting of the Cabinet of 14 January 2014 were approved.

2. FINANCIAL REVIEW 2013-14, QUARTER 3

A report was submitted by the Depute Chief Executive (Resources and People Services) informing Cabinet of the financial position of the Council at the end of the third quarter of the financial year 2013-14.

The Head of Council Resources, Jim Lamond, presented the report, informing Members that as at the end of December, the General Services revenue recorded an underspend of around £0.333 million; details listed in Appendix A. The majority of budget pressures were those identified last quarter, with Children's Wellbeing and Adult Wellbeing being at greatest risk of overspend. He reported that the Council was on track to use around £1 million fewer reserves than planned but stressed that all services, particularly those deemed high risk, would need to be carefully managed. He summarised the position in respect of the General Services Capital programme and the Housing Revenue Account.

Mr Lamond responded to questions from Councillor Currie regarding control measures within Children's Wellbeing and also reallocating the primary school group overspend.

In response to further questions, Morag Ferguson, Service Manager-Legal Services, clarified the position in relation to affordable housing allocation.

The Chief Executive, Angela Leitch, made reference to the One Council approach. There was a need to manage risk but she was confident there were opportunities to improve existing processes in each service area; a greater drive for efficiencies was needed.

Councillor Currie voiced the SNP's concerns about the position in relation to both Children's Wellbeing and Adult Wellbeing. He also raised issues regarding affordable housing and the community partnerships overspend.

Councillor Grant, responding to Councillor Currie's comments, paid tribute to Murray Leys and David Small for their efforts to keep the Adult Wellbeing budget largely on track. He made reference to the volume of people now needing these services and the level of service provision required. There would be challenges but he was confident that budgets would be managed.

Councillor Innes thanked Mr Lamond and his team. The control measures put in place were proving satisfactory and the Council's finances were beginning to come back under control. There were challenges to be faced but it was important to ensure that control was regained.

Decision

The Cabinet agreed:

- i. to note the financial performance of services at the end of December 2013 and also the continued actions being taken by management to ensure that services were delivered within approved budgets; and
- ii. to approve the budget adjustments outlined at section 3.24.

3. INVESTING IN OUR COMMUNITIES – SUPPORT TO COMMUNITY COUNCILS

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval for the proposed levels of funding made available to Community Councils in East Lothian for the financial year 2014/15.

Mr Lamond presented the report, drawing attention to the proposed funding for Community Councils, in terms of Administration Grants and Local Priorities Scheme, as set out in Appendices 1 and 2 to the report.

In response to a query about details of projects undertaken by Community Councils, Mr Lamond confirmed this information would be provided to all Members.

A number of Members welcomed the report. The very important work carried out by Community Councils across the county was acknowledged. It was noted that Community Councils in East Lothian received one of the highest grants from a Scottish local authority. The introduction of Area Partnerships and the key role of Community Councils was raised. Tributes were paid to all volunteers and also to Lilian Pryde, Democratic Services Officer, for her work in supporting the Community Councils.

Decision

The Cabinet agreed to approve the allocation of Community Council Administration Grants and Local Priorities Scheme Budgets for 2014/15, as detailed in Appendices 1 and 2.

4. PARTNERSHIP ARRANGEMENTS WITH PRE-SCHOOL PROVIDERS

A report was submitted by the Depute Chief Executive (Resources and People Services) to provide guidance on how East Lothian Council chooses to enter into partnership with any new private pre-school education providers and to provide clarity on funding for existing pre-school providers, all in order to manage and meet the obligation on East Lothian Council to provide pre-school places for children.

The Head of Education, Darrin Nightingale, presented the report, drawing Members' attention to the salient points and the report recommendations.

In response to questions regarding the background paper, the minute of last September's Petitions Committee, Mr Nightingale clarified that this report supported the inclusion of Fenton Barns Nursery as a partnership provider.

Councillor MacKenzie welcomed the paper and acknowledged the role of partnership nurseries. However, this was a stop-gap measure, in the long term a better solution was needed, perhaps introducing catchment areas for nursery schools.

Councillor Goodfellow welcomed the report and welcomed that Fenton Barns Nursery would be allowed to come into partnership with the Council.

Councillor Veitch stated this was an excellent paper. He recognised the excellent job carried out by partnership nurseries. The proposals set out in the report provided a good balance.

Councillor Akhtar reiterated comments made by Cabinet colleagues. She stressed the importance of pre-school nursery education. She added that it would be beneficial to have a strategic management approach.

Decision

The Cabinet agreed:

- i. to approve guidance on how East Lothian Council chooses to enter into partnerships with private or voluntary pre-school education providers, as set out in paragraphs 3.5 and 3.6; and
- ii. that the Partnership Pre-School Provider Contracts entered into between East Lothian Council and the private or voluntary pre-school education providers should provide as determined by East Lothian Council, for the setting of an annually allocated number of pre-school education places at each nursery in each school year.

5. UPDATE ON PARKING – REMOVAL OF TRAFFIC WARDEN SERVICE

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) to update Cabinet on the current situation with regard to parking and future options available within East Lothian.

The Head of Infrastructure, Ray Montgomery, presented the report. He detailed the background and the position across Scotland. He drew attention to the criteria for introducing decriminalised parking. He advised that a joint group had been set up to deal with this issue. He reported that in East Lothian, following discussion with senior officers, Police Scotland would engage locally through the joint tasking and co-ordinating process and would initiate responses to any problems about abuse of timed parking, dangerous parking, causing an obstruction and abuse of double lines and disabled parking arrangements.

Councillor Currie, referring to sections 3.5 (i) and 3.6 of the report, asked if an offer had been made to the Council to retain traffic wardens at a cost of £2,000 per month. Mr Montgomery advised that a formal offer had not been made.

Mrs Leitch informed Members that she and Monica Patterson, Depute Chief Executive, had met with the local Chief Superintendent. When the withdrawal of the traffic warden service was announced they had been advised that both East Lothian traffic wardens had accepted voluntary severance. The Council paid a significant amount for local policing and she had asked Police Scotland to consider how to use that resource more flexibly; it was on that basis that the proposal, detailed in section 3.8 of the report, had come forward.

Mr Montgomery responded to questions from Councillor Hampshire regarding the business case requirements and confirmed that introducing parking charges would be an option.

Councillor Veitch stated the removal of traffic wardens would cause considerable problems across East Lothian, particularly for traders. This was an ill thought out decision by Police Scotland and hard pressed local authorities were left to take responsibility which, given the current financial climate, would be very difficult. He was grateful to the Chief Executive and Depute Chief Executive for the work done to get the agreement from Police Scotland, detailed at section 3.8 of the report. Obviously a permanent solution was required. Introducing decriminalised parking was a lengthy and bureaucratic process. All options would need to be considered before a decision was taken on the next course of action.

Councillor Currie stated that decriminalised parking needed to happen and as swiftly as possible. Regarding the business case, he understood that the amount of money collected would cover the operating cost. Returning to the issue of the offer made to the Council, it was the SNP's position that the Council should have taken up this offer from Police Scotland to continue with the traffic warden service at a cost of £2,000 per month. Information from Police Scotland was that all local authorities had been offered this option.

Councillor Hampshire asserted that Police Scotland's decision was a disgrace and would cause havoc in town centres across Scotland. In relation to decriminalised parking he cautioned that if the Council decided to introduce this, the cost would need to be completely recovered, as referred to in the report.

Mrs Leitch stressed that it was important that discussions continued around the sizeable contribution the Council made to Police Scotland. Within that contribution was a requirement for proper enforcement of traffic infringement in towns in East Lothian. She reiterated that the proposal from Police Scotland, following discussions, was as detailed in the report.

Councillor Innes reiterated that the Council did not have the option to retain its current traffic wardens. He stressed that officers had done everything possible; the proposed way forward was the best solution at present.

Decision

The Cabinet agreed to note the content of this report and that officers would bring a detailed report forward on the options available and implications of the introduction of decriminalised parking in due course.

6. ANTISOCIAL BEHAVIOUR STRATEGY 2014-2016

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) presenting the Antisocial Behaviour Strategy 2014 – 2016, which set out the way in which East Lothian Council, Police Scotland and their partners would deal with antisocial behaviour within the local authority area.

The Safer Communities Team Leader, Kenny Black, presented the report. He provided Members with background information and drew attention to the consultation process and development. He outlined the aim of the strategy, which was attached at Appendix 1.

Councillor Currie praised Mr Black; he was an outstanding team leader and his team did an excellent job, the work they carried out gave confidence to communities across East Lothian.

Decision

The Cabinet agreed to approve the Draft Antisocial Behaviour Strategy 2014 – 2016.

7. PUBLIC MINUTES OF THE MEETINGS OF THE LICENSING SUB-COMMITTEE HELD ON 12 DECEMBER 2013 AND 13 FEBRUARY 2014

The public minutes of the meetings of the Licensing Sub-Committee held on 12 December 2013 and 13 February 2014 were approved.

8. MINUTES FOR NOTING

The minutes of the 3 Supporting Partnerships, the Sustainable Economy Partnership, the Safe and Vibrant Communities Partnership and the Resilient People Partnership were noted.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Cabinet unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraphs 3 and 6 (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) of Schedule 7A to the Local Government (Scotland) Act 1973.

Sub-Committee Minutes

The private minutes of the meetings of the Licensing Sub-Committee held on 12 December 2013 and 13 February 2014 were approved.

The private minutes of the meetings of the Homelessness Appeals Sub-Committee held on 16 January and 20 February 2014 were approved.

The private minute of the meeting of the Employee Appeals Sub-Committee held on 6 February 2014 was approved.

Financial Matters

A private report submitted by the Depute Chief Executive (Resources and People Services) concerning the write off of bad debt was approved.

Sederunt – Councillor McLeod left the Chamber