



**MINUTES OF THE MEETING OF  
THE CABINET**

**TUESDAY 14 JUNE 2016  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

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

**Other Councillors Present:**

Councillor D Berry  
Councillor S Brown  
Councillor S Currie  
Councillor J Gillies  
Councillor J Goodfellow  
Councillor P MacKenzie  
Councillor F McAllister  
Councillor K McLeod  
Councillor J Williamson

**Council Officials Present:**

Mrs A Leitch, Chief Executive  
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services  
Mr D Small, Director of Health and Social Care  
Mr R Montgomery, Head of Infrastructure  
Mr D Proudfoot, Head of Development  
Mr C Clark, Principal Environmental Protection Officer  
Mr J Cunningham, Service Manager – Benefits  
Mrs M Ferguson, Service Manager – Legal and Procurement  
Mr S Kennedy, Risk Officer  
Ms S McCorry, Service Manager – Community Housing  
Mr D Oliver – Service Manager – Environmental Health  
Mr I Patterson, Homelessness Manager

**Clerk:**

Mrs L Gillingwater

**Apologies:**

Councillor M Veitch

## **1. MINUTES FOR APPROVAL – CABINET 10 MAY 2016**

The minutes of the meeting of the Cabinet of 10 May 2016 were approved.

*Matter arising* – Item 4: Local Flood Risk Management Plan – Councillor Berry expressed concern at the lack of progress in relation to beach defences in North Berwick, but agreed to discuss this matter with the Head of Infrastructure outwith the meeting.

## **2. CORPORATE RISK REGISTER**

A report was submitted by the Chief Executive presenting the Corporate Risk Register 2016 to Cabinet for discussion, comment and approval.

The Risk Officer, Scott Kennedy, presented the report, advising that the Council Management Team had carried out a full review of the Corporate Risk Register. He provided an explanation of the method used to evaluate risk, and also highlighted a number of typographical errors in the Register in relation to Risk Ref: CR1.

Councillor Currie asked questions in relation to the effectiveness of control measures and how risks which are outside the control of the Council, with particular reference to welfare reform, are mitigated. He was advised that information on the review of risks was provided within the Register (final column), and that where the context of a risk was changeable, the risk and control measures would be kept under review and action taken accordingly. It was noted that any risk removed from the Register would be reported to the Audit & Governance Committee. As regards welfare reform, the Service Manager – Benefits, John Cunningham, advised that the risk score was 16 (amber) due to the rollout of Universal Credit, and that planned control measures would be put in place as appropriate.

Referring to Audit Scotland's report on how councils could increase their income, Councillor MacKenzie asked if there were any areas where the Council was considering introducing charges. The Chief Executive advised that this was a matter under review and that any proposals for new charges would be considered in accordance with the Council's Charging Policy and presented to Members for approval.

In response to questions from Councillor Berry, Alex McCrorie, Depute Chief Executive (Resources & People Services) provided an explanation about the Workforce Development Plan, noting that this would be in place for at least the next three years. He also advised that a Transformation Board had been established to take forward the programme of strategic change projects.

Mr Cunningham informed Members that representatives from the Department for Work and Pensions and the Scottish Government were due to visit staff in the Revenues and Benefits sections to discuss the welfare reform changes and Council Tax system. He advised that early findings and the views of Council officers on these matters would be discussed with those representatives. Mr McCrorie added that the Council was supportive of housing benefit being paid directly to landlords. On public sector reform, he undertook to feed back the views of the Council to the Scottish Government on any proposed changes. The Chief Executive referred to a summit on education taking place on 15 June that she would be attending in her SOLACE role, and would take back views on the integrated nature of education within the public sector framework.

Councillor Currie commented on the importance of identifying risks, effective control measures and the need for constant risk monitoring. He expressed concern about the impact of welfare reform, particularly the introduction of Universal Credit.

Councillor Hampshire welcomed the report, commenting on the challenges facing the Council with reduced staffing levels and increasing demands on services. He paid tribute to Council staff in facing these challenges and was confident that the Council would find ways of dealing with risks.

Councillor Berry warned that the Council was not doing enough to meet the financial challenges ahead, and that a more radical restructuring of services with different ways of working was required. He referred to shared services and ways of increasing income as examples of dealing with the financial challenges.

Councillor Akhtar disputed the comments made by Councillor Berry, arguing that staff were working hard to provide vital services under difficult financial conditions. She commented that the Council was taking the correct course of action as regards welfare reform, and voiced her concern at the centralisation of services, particularly the proposed changes to education.

Councillor McAllister remarked that the Scottish Government had not been given all the powers promised to it following the Scottish Independence Referendum. He believed that the proposed changes to the education system would help bridge the attainment gap and was the best way forward for that sector.

Councillor Innes stated that the report demonstrated that the Council was taking risk management seriously, and this approach had been endorsed by the Council's external auditor. He concurred with comments made by Councillor Akhtar regarding risks resulting from Scottish Government decisions, and declared that the Council would manage risk in the interest of the people of East Lothian.

### **Decision**

The Cabinet agreed to approve the Corporate Risk Register for 2016, and in doing so agreed:

- i. that the relevant risks had been identified;
- ii. that the significance of each risk was appropriate to the current nature of the risk;
- iii. that the total profile of corporate risk could be borne by the Council at this time in relation to the Council's appetite for risk;
- iv. to recognise that, although the risks presented were those requiring close monitoring and scrutiny throughout 2016, many were in fact longer term corporate risks for the Council that were likely to be a feature of the risk register over a number of years; and
- v. to note that the Council Management Team would review all risks in the Corporate Risk Register on a regular basis.

### **3. COUNCIL HOUSE ALLOCATION TARGETS FOR 2016/17**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking Cabinet approval for Council House Allocation Targets for the period 1 July 2016 to 31 March 2017.

The Service Manager – Community Housing, Caitlin McCorry, presented the report, advising of the high level of demand in the General Needs housing group. She informed Members that there were currently 3900 applications for re-housing, 83% of which were on the General Needs list (which included homelessness applications), and 17% of which were Transfer applications. She advised that the proposed targets, as set out in Section 3.25 of the report, reflected demand pressures, would increase the allocations for the General Needs group and would also improve the situation as regards the use of, and costs associated with, the provision of temporary accommodation. She added that staff would be trained on providing wider housing options advice.

As regards 'zero point transfer allocations', Councillor McLeod asked why people with no housing need had been re-housed ahead of those with greater housing need, and Councillor Williamson asked why this resulted in a strain on the system. Ms McCorry explained that this applied to people in a Council tenancy who were adequately housed and didn't accrue any points under the Allocations Policy; where there was no demand for a particular property, it may be allocated to someone with zero points. She pointed out that by allocating properties in this way, there could be a delay for people in greater need living in bed and breakfast accommodation moving into the property that had been vacated, depending on the condition of that property. She confirmed that any work requiring to be carried out on a property would be completed prior to the house being re-let.

Councillor MacKenzie asked if there was scope to establish more Local Lettings Plans (LLP). Ms McCorry advised that, in accordance with legislation, a LLP could only be introduced where there was an evident need. She noted there is currently one LLP in Prestonpans and one is being introduced for Fisherrow, Musselburgh. She further advised that, through housing options advice, the Housing Service was making people aware of all their housing options, and that the majority of people were allocated a property in the area of their choice.

Councillor Berry questioned why more LLPs were not put in place. He also suggested that existing tenants should be given the opportunity to transfer to new build properties, and asked why the targets were weighted towards General Needs. Ms McCorry advised that the proposed targets were based on demand information from the waiting list. She explained that a higher proportion of Transfers would result in delayed allocations of vacated properties and a blockage in the temporary accommodation system.

Councillor Innes pointed out that the targets had been set to meet the Council's legal obligations as regards temporary accommodation. He reminded Members that the Council would be in breach of the legislation should it house a family in bed and breakfast accommodation for more than fourteen days. He did share the concerns expressed by some Members, and noted that the targets would be reviewed after six months.

In response to a concern raised by Councillor Goodfellow in relation to the Local Housing Partnership in the east of the county, which covered three distinct areas, Ms McCorry advised that she would reconsider how this LHP operated.

A number of Members accepted that setting housing targets was a complex process, and questioned the use of 'zero points transfer allocations'. Councillor Currie spoke in support of Councillor Berry's comments as regards rewarding existing tenants by offering them the opportunity of transferring to new build properties. He also spoke of the need to increase the supply of affordable housing.

Councillor Berry spoke of the importance of housing people appropriately, citing Law View in North Berwick as a positive example of a cohesive community.

Councillor Innes concluded the debate by stressing that the proposed target changes were in response to pressure on the temporary accommodation system and that the Council had to act in a responsible way to ensure compliance with the legislation.

### **Decision**

The Cabinet agreed:

- i. to approve the recommended targets set out below and detailed in Section 3.25 of the report:

<b>Group</b>	<b>Target</b>
General Needs	70%
Transfers	25%
Sustainable Communities	5%

- ii. to note that performance against these targets would be reviewed on a weekly basis and that such review would form part of the analysis in setting future targets in 2017/18 and beyond; and
- iii. to note that ongoing regular monitoring of performance had been embedded within the Community Housing Performance Management Framework.

#### **4. PROPOSED HOUSING CAPITAL INVESTMENT MODERNISATION PLAN 2016/17**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) providing an update on the proposed expenditure plan for the modernisation element of the Housing Capital Investment Plan for 2016/17.

The Service Manager – Community Housing, Caitlin McCorry, presented the report, drawing attention to the approved budget for Housing Capital Investment in 2016/17 (£10,933,000), and the breakdown of proposed expenditure, as set out in Appendix A. She advised Members that as of March 2016, the Council had achieved 91.36% compliance with the Scottish Housing Quality Standard (SHQS). She provided a summary of the proposed programme of work in 2016/17.

Councillor Berry asked why the Local Initiatives funding could not be allocated through the Area Partnerships. Councillor Innes pointed out that this funding came from the HRA and expenditure should be determined by tenants. Ms McCorry added that, in some cases, the Local Initiatives funding had been used to jointly fund Area Partnership projects.

As regards the stock condition work, Ms McCorry informed Members that she anticipated 20% of surveys to be undertaken in the next year, and that all stock condition surveys would be completed over a five-year period.

Councillor Berry suggested that consideration should be given to allocating a proportion of the modernisation funding to building new properties.

Councillor Currie claimed the 2015/16 modernisation budget was underspent at a time when tenants were waiting for new bathrooms or kitchens. He expressed his concern and disappointment that the Council was not taking the opportunity to build more new properties, and he questioned the standard of some of the affordable properties built by private developers.

Referring to the recent rent consultation exercise, Councillor Hampshire pointed out that tenants had supported a 5% rent increase in order to invest in delivering new Council houses and the modernisation of existing properties, and the proposed programme would deliver what those tenants had asked for. He suggested that Councillor Berry should put forward his views on this during the budget-setting process.

The modernisation programme was welcomed by a number of Members, as was the investment of over £10 million in new build properties. In response to a point of order from Councillor Currie, Councillor Innes requested a report to Cabinet on the number of Council house completions/projected completions since 2012.

### **Decision**

The Cabinet agreed:

- i. to approve the Housing Capital Investment Plan for housing stock modernisation for 2016/17 and to note that Cabinet would be kept apprised of Plan progress as covered in the Head of Council Resources' quarterly financial reports;
- ii. to receive a further report on Council house completions/projected completions since 2012.

## **5. TENANT PARTICIPATION STRATEGY 2016–19**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval of the Council's Tenant Participation Strategy (TPS) as the basis for effective tenant participation between 2016 and June 2019.

The Service Manager – Community Housing, Caitlin McCorry, presented the report, advising Members of the Council's legal obligations as regards tenant participation and of the consultation process for the TPS 2016–19. She noted that all forms of engagement were welcomed and that there was a positive working relationship between Council officers and tenants.

In response to questions from Councillor Berry as to who had been consulted, Ms McCorry explained that, under the Housing (Scotland) Act 2001, the Council was obliged to consult with its own tenants, and noted that the East Lothian Tenants and Residents Panel (ELTRP) was the umbrella organisation which covered both tenants and residents, albeit most of those involved were Council tenants. She confirmed that the Council had complied with the legislation when developing the new TPS.

Councillor Berry remarked that the Council should go beyond the legislative obligations and do more to support tenants and residents.

Councillor Hampshire pointed out that the Council had an excellent working relationship with tenants and that tenants were kept informed of their powers and of how their rent monies were spent.

Councillor Currie noted that Mark Ormiston, the Chair of ELTRP, had recently been appointed as a tenant inspector by the Scottish Housing Regulator.

Councillor Akhtar welcomed the new TPS and thanked those volunteers who were committed to improving their communities.

### **Decision**

The Cabinet agreed:

- i. to endorse the Tenant Participation Strategy publication in line with its legal requirements under the Housing (Scotland) Act 2001 (available in the Members' Library, ref: 72/16, June 2016 Bulletin);
- ii. to recognise that the Strategy was a living document and that as such the action plan, in particular, would evolve as consultation with tenants and tenant organisations helped inform the Council's future plans in this area; and
- iii. to note that the success of the Strategy was dependent on good relationships being developed between tenants' movements and Elected Members. To this end, Elected Members would be invited to and encouraged to attend specific tenant participation training events in 2016/17.

## **6. AIR QUALITY MANAGEMENT AREA: ACTION PLAN UPDATE**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) informing Cabinet of the updated position of the development of an action plan, as required by the Environment Act 1995, with regard to the designated Air Quality Management Area (AQMA) of Musselburgh High Street.

The Service Manager – Environmental Health, Derek Oliver, presented the report, advising of the Council's duties in relation to assessing air qualities. He drew attention to the key aspects of the report, in particular the development of the action plan, monitoring of air quality and ongoing work as regards vehicle emissions.

Councillor Williamson asked if the ECO Stars Fleet Recognition Scheme would apply to taxi companies and if the introduction of traffic wardens would have an impact on vehicle emissions. Mr Oliver advised that some local authorities had included taxis, and that East Lothian would consider this as part of the traffic modelling work. He also indicated that traffic wardens would have the authority to issue penalty notices to drivers of idling vehicles.

In response to questions from Councillor Berry as regards the effects of and measuring of pollutants, Mr Oliver explained that nitrogen dioxide combined with other pollutants could have an effect on public health, but pointed out that people were also exposed to nitrogen dioxide within their own homes. Colin Clark, Principal Environmental Protection Officer, added that levels of nitrogen dioxide were monitored, with the main contributors being buses and heavy goods vehicles. Mr Oliver advised that the Council could consider vehicle emissions when awarding contracts and could request that those vehicles comply with certain standards.

Councillor Currie welcomed the report but was disappointed at the slow rate of improvement. He called for vehicle emission checks to be carried out on vehicles and the issuing of fines, where appropriate. He highlighted a number of areas of Musselburgh High Street that were particularly affected by poor air quality.

Councillor MacKenzie suggested that the Council should prioritise reducing emissions from car and bus engines.

Councillor Akhtar drew attention to the improvements made to air quality since 2010 in both Musselburgh and Tranent, noting that the Council was being proactive in this area. She expected that decriminalised parking enforcement would make a positive difference. Her

comments were supported by Councillor Innes, who welcomed the progress made, but accepted that more could be done to improve air quality in Musselburgh High Street.

**Decision**

The Cabinet agreed to note the ongoing work being undertaken to develop the AQMA action plan in conjunction with road traffic modelling work that was being undertaken in relation to the Local Development Plan (LDP).

**7. CONSOLIDATION OF TRAFFIC REGULATION ORDERS, VARIOUS LOCATIONS, EAST LOTHIAN**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking Cabinet approval to start the statutory procedure necessary to consolidate all existing Traffic Regulation Orders (TROs), amendments and Variations into fourteen area- and purpose-based Orders to facilitate the enactment of decriminalised parking enforcement (DPE) throughout East Lothian. The exercise would exclude all moving violation-based Traffic Regulation Orders.

The Head of Infrastructure, Ray Montgomery, presented the report, advising of the proposal to consolidate all TROs onto a map-based system and make the necessary consolidated Orders in accordance with Section 19 of the Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999.

Mr Montgomery anticipated that the new Orders could be published during August 2016. As regards the decriminalised parking enforcement aspect, he expected the final proposals to be submitted to the Scottish Parliament in September 2016 and that it would come into force during December 2016/January 2017.

Peter Forsyth, Team Manager – Assets and Regulatory (Transportation) was thanked for his work on the consolidation of TROs and DPE.

**Decision**

The Cabinet agreed to approve the initiation of the statutory procedure necessary to consolidate all parking, waiting, loading and unloading Traffic Regulation Orders in accordance with 'The Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999.

**8. MINUTES FOR NOTING – MEETING OF THE SUSTAINABLE ECONOMY PARTNERSHIP, 14 JANUARY 2016**

The Cabinet agreed to note the minutes of the meeting of the Sustainable Economy Partnership held on 14 January 2016.

Signed .....

Councillor Willie Innes  
Council Leader and Convener of the Cabinet