



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 25 OCTOBER 2016
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

Committee Members Present:

Provost L Broun-Lindsay (Convener)	Councillor W Innes
Councillor S Brown	Councillor M Libberton
Councillor S Akhtar	Councillor P MacKenzie
Councillor J Caldwell	Councillor McAllister
Councillor S Currie	Councillor P McLennan
Councillor T Day	Councillor K McLeod
Councillor A Forrest	Councillor J McMillan
Councillor J Gillies	Councillor J McNeil
Councillor J Goodfellow	Councillor T Trotter
Councillor D Grant	Councillor M Veitch
Councillor N Hampshire	Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Mr A McCrorie, Depute Chief Executive (Resources and People Services)
Mrs M Paterson, Depute Chief Executive (Partnerships and Community Services)
Mr D Small, Director of East Lothian Health & Social Care Partnership
Mr J Lamond, Head of Council Resources
Mr R Montgomery, Head of Infrastructure
Mr D Proudfoot, Head of Development
Mrs F Robertson, Head of Education
Ms S Saunders, Head of Adult and Children's Services
Mr T Shearer, Head of Communities and Partnerships
Ms M Ferguson, Service Manager – Legal and Procurement
Mr P Forsyth, Team Manager – Assets and Regulatory (Transportation)
Ms S Fortune, Service Manager – Business Finance
Ms J Mackay, Media Manager
Mrs K MacNeill, Service Manager – LADS
Mr D Scott, Quality Improvement Officer, Education
Mr A Stubbs, Service Manager – Road Services

Visitors Present:

Mr A Shaw, KPMG LLP

Clerk:

Mrs L Gillingwater

Apologies:

Councillor D Berry

Declarations of Interest:

None

1. MINUTES FOR APPROVAL

The minutes of the Council meetings specified below were approved:

East Lothian Council – 23 August 2016

Matter arising: Item 1 (Minutes for Approval) – Councillor McLennan requested an update on the position as regards the Edinburgh and South East Scotland City Region Deal. The Chief Executive advised that work was ongoing, but that she was unable to share further details at this time. She undertook to provide further information in due course.

Matter arising: Item 1 (Minutes for Approval) – As regards the Musselburgh schools consultation, Councillor Williamson asked how many responses had been received. The Chief Executive informed him that a report on this matter would be presented to the Council in December.

Matter arising: Item 4 (2015/16 Financial Review) – Councillor Currie asked if there would be a report to Cabinet on the situation in relation to the Abbeylands site in Dunbar. Jim Lamond, Head of Council Resources, advised that this matter would be included in his Quarter 2 Financial Review report, which would be presented to Cabinet in December. He confirmed that the Abbeylands site was an asset on the Housing Revenue Account (HRA), and that there was a five-year lease (from 2014) for the site to be used as a temporary car park, with a rental value of £3,500 per annum. Councillor Currie questioned whether this lease provided value for money and asked when a determination would be made as to the future of the site. Mr Lamond noted that there would be a review in 2019, and that a decision would be made at that time.

East Lothian Council – 6 September 2016

2. MINUTES FOR NOTING

The minutes of the meetings specified below were noted:

Local Review Body (Planning), 16 June 2016

3. ANNUAL AUDIT REPORT TO MEMBERS AND CONTROLLER OF AUDIT

The Provost welcomed Andy Shaw of KPMG LLP to the meeting, noting that this would be Mr Shaw's final presentation to Council, as Audit Scotland would be taking over from KPMG as the Council's external auditor. On behalf of the Council, he thanked Mr Shaw and his colleagues for their service.

Mr Shaw presented the Audit Report to Members, stating that the Council had been given an unqualified opinion on the 2015/16 annual accounts. He reported that, over the past five years, the Council had continued to develop its controls and financial processes, and that there were no issues of concern. He thanked the Head of Council Resources, the Service Manager – Business Finance, and their staff for their efforts and cooperation. Mr Shaw then went on to highlight a number of key aspects of the report, including the use of reserves, capital expenditure, risk, and other areas of focus. He reported positively on the Council's

strong financial controls, improvements in the budgeting process and the reporting of financial results, and the development of the National Fraud Initiative, as well the Council's response to previous recommendations.

Sederunt: Councillor Goodfellow joined the meeting.

The Head of Council Resources, Jim Lamond, assured Members that the external auditors had conducted their audits in a rigorous and challenging way. He spoke of the positive relationship between officers and the auditors.

Councillor Hampshire commented that it was difficult for the Council to plan for the long term when it did not control much of its income. Mr Shaw appreciated that this was a challenge, but believed that long-term planning could be done through various analyses.

Councillor Akhtar asked for Mr Shaw's views on progress made by the Council over the five-year period, in spite of financial constraints. Mr Shaw highlighted the improvements in financial controls and financial management, preparation of accounts, and reporting of financial information to Members.

Responding to a question from Councillor MacKenzie as regards slippage in capital projects, Mr Shaw advised that he was satisfied that the delivery of the Capital Programme and under-spends in a number of services were being managed appropriately.

Councillor Currie commented that long-term planning would become increasingly difficult, especially in light of the decision of the UK to leave the EU. He expressed concern at the level of under-spend, suggesting that there may have been unnecessary cuts made to some services. On the matter of local government funding, he remarked that it was for opposition parties to put forward proposals to the Scottish Parliament, but they had not done so.

Councillor Akhtar made reference to the reduction in funding to the Council from the Scottish Government, claiming that proposals had been put to the Scottish Government to raise income tax in order to fund public services. She welcomed the audit report, as well as the efforts made by Council staff to work within their budgets.

Councillor Innes concluded the debate by highlighting that there were no areas of significant concern reported by the external auditors, and that there had been year-on-year improvements, which demonstrated that the financial management of the Council was sound.

Decision

The Council agreed to note the report.

4. EAST LOTHIAN COUNCIL ANNUAL PUBLIC PERFORMANCE REPORT 2015/16

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) providing the Council with the Council's Annual Performance Report 2015/16.

The Service Manager – Corporate Policy and Improvement, Paolo Vestri, presented the report, advising that it had been considered by the Policy & Performance Review Committee (PPRC) earlier in October. He highlighted the progress made in achieving the objectives of the Council Plan.

Councillor MacKenzie asked if the Council was making the required progress in raising literacy levels at both primary and secondary level. Fiona Robertson, Head of Education,

advised of actions taken to improve literacy levels, including the provision of new guidance for teachers, the introduction of curriculum development groups (working across clusters), a number of staff undertaking new qualifications in literacy and numeracy, improved assessment, tracking and reporting processes, and the involvement of Area Partnerships in developing strategies for particular schools or clusters. She highlighted the importance of initiatives being deliverable and sustainable, as well the sharing of good practice across the Council.

In response to a question from Councillor Currie as regards the support for children with additional support needs, Mrs Robertson advised that she was working closely with head teachers on this issue, with scoping work across clusters being undertaken. She pointed out that the figures fluctuated depending on the level of need, and that resourcing was discussed in the school clusters and using the local authority moderation activity. She added that issues under consideration included professional learning, the assessment process and the application process. She stressed that the reduction in hours was concerned with the level of need, rather than the level of funding.

Councillor Currie also questioned the performance related to delayed discharge, in particular if measures implemented in 2015/16 had been effective. Mr Vestri reported that there had been a reduction in delayed discharge figures for 2015/16. However, there had been an increase in levels in the current year, and the IJB was looking into this. David Small, Director of Health and Social Care, added that the figures had improved since the summer, with a reduction from 70 to 44.

Councillor Akhtar asked if there was an indication that the public were satisfied with Council services. Mr Vestri advised that the latest survey figures were not yet available (they would be reported to the PPRC early in 2017), but he noted that customer satisfaction remained very high, and remained higher than the Scottish average.

Councillor McMillan expressed his disappointment at the delay in broadband provision in East Lothian. He also commended Council staff on their work with communities, highlighting a number of positive initiatives and events. He also referred to the success of East Lothian Works and to the creation of a new business centre in Haddington.

Councillor Goodfellow congratulated Council staff for their efforts to maintain services at a time when the Scottish Government grant funding to the Council had been reduced. He noted that the Council had actually increased funding to a number of services in spite of these financial challenges.

Councillor MacKenzie spoke of the need for the Council to take action to encourage teenagers to read more.

Councillor Currie disputed comments made by Councillor Goodfellow, remarking that the Council's under-spend for the current financial year was greater than the reduction in Scottish Government grant funding. He also expressed concern at the delayed discharge figures and at the resourcing of support for children with additional support needs.

Councillor Akhtar drew attention to several services which would benefit young people, including the new additional support needs provision in Haddington, the construction academy, the book bugs initiative and improvements at Preston Lodge High School library.

On the matter of delayed discharge, Councillor Grant pointed out that this was an issue for many areas in Scotland. He suggested that this was a matter for the IJB to consider.

Councillor Hampshire welcomed the report, highlighting the improvements made to Council homes through the modernisation scheme, and the increase in recycling levels. He praised staff for their work in successfully implementing recent changes to waste collection.

Councillor Innes commented on the positive results set out in the report, which showed that the Council was improving at the same time as introducing a range of new initiatives. He thanked Council staff for continuing to deliver quality services.

Councillor Veitch concluded the debate by commenting on the improvements to local bus services and of the positive relationship between the Council and bus service providers. He also spoke of the new community transport model, hoping that this would be extended to other areas. He did, however, feel that the Council had been let down by rail service provision, particularly as regards overcrowding on the North Berwick line and the delay in introducing new rolling stock.

Decision

The Council agreed to note the progress being made to achieve the Council Plan and approve the Annual Performance Report 2015/16.

5. FINANCIAL PROSPECTS 2017–20

A report was submitted by the Depute Chief Executive (Resources and People Services) providing an overview on the Financial Prospects for 2017/18 and beyond to help inform the development of the 2017–20 budget, and setting out the process to be followed for public consultation.

The Head of Council Resources, Jim Lamond, presented the report, advising that, as well as covering the financial outlook for the Council, the report also detailed proposed changes to the Council Tax system, budget development and capital planning. He noted that the Council's financial strategy was working, and this had been reinforced by the external auditor's Annual Report to Members, presented earlier in the meeting. Mr Lamond pointed out that the Chancellor's Autumn Statement and announcement of the Scottish Government budget would have an impact on the timing of the Council's budget-setting process. He anticipated that would be no increase on the Council's grant funding for 2017/18. On the proposed reform of Council Tax, he warned that although c. £3 million would be raised in East Lothian through the Council Tax Multiplier, it was likely that less than half of that amount would be returned to East Lothian, to support education. He drew Members' attention to the budget development process, proposing that the Council should continue to produce a 3-year budget.

In response to questions from Councillor Currie in relation to the funding of free school meals and additional nursery provision, Mr Lamond advised that additional allocation for these had been made through the block grant from the Scottish Government and that the Council was spending in accordance with its plans. He noted that the uptake of free school meals for P1–3 had not been as high as anticipated, but that this funding was not ring-fenced. On the funding of social care, he advised that the Council was considering its approach as regards additionality.

Councillor Goodfellow questioned the impact of the proposed Council Tax reforms. Mr Lamond explained that it was likely that the allocation of funding to councils resulting from the changes would be based on free school meal entitlement. He estimated that, on that basis, the funding to the Council would be between one-third and a half of the money raised in East Lothian.

Councillor McLennan requested that Members should have a greater involvement in the budget preparation process. Mr Lamond assured him that there was a significant level of engagement with Members in this process, and that members of the Council Management Team were happy to discuss budget proposals with Members.

Councillor Akhtar expressed concern that the Council Tax reform proposals would break the link between local taxation and local spending. She also asked if anyone who was entitled to free school meals or early years' provision had been denied these services. Fiona Robertson, Head of Education, confirmed that no one entitled to these services had been refused.

In response to other questions, Mr Lamond advised that it was not clear at this point whether the UK's decision to leave the EU would impact on future Council budgets, and he reiterated that the allocations for free school meals and nursery provision were not ring-fenced.

Referring to the proposed Council Tax reforms, Councillor Currie informed the meeting that Derek Mackay, Scottish Government Finance Secretary, had stated on 22 September that all money raised through Council Tax would stay within that local authority area. He also noted that the proposed changes to the system had been approved earlier in October. He remarked that if funding was allocated for a specific purpose, then the Council was entitled to know how it was being spent. He also suggested that the Council could contribute to food banks during school holidays. On adult social care, he expressed concern at proposed future budget reductions, and he believed that 'Brexit' would have a negative impact on the Scottish Government and local authorities.

Councillor Akhtar voiced her concern as regards the proposed Council Tax changes, arguing that the Scottish Government should raise income tax to fund national initiatives. She believed that communities were unaware of the proposed changes.

Councillor McMillan highlighted the importance of local authorities having the opportunity to put forward their views to the Scottish Government on the potential impact of 'Brexit' on the funding of local initiatives.

Councillor Veitch spoke in opposition to the Council Tax proposals, describing them as 'an outrageous assault on local democracy', and expressed his disappointment that SNP Members were also not opposing the proposals.

Councillor Innes warned of challenging financial times ahead, and voiced his disappointment that much of the additional Council Tax raised would be diverted to the Scottish Government's Attainment Fund. He was also concerned that some households would see a rise of 22.5% in their Council Tax bills in the coming year. He called on opposition Members to oppose the Council Tax proposals.

Councillor McAllister argued that the Council Tax proposals were fair and progressive, especially as there had been a Council Tax freeze for nine years and properties had not been revaluated since the introduction of the tax. His views were supported by Councillor McLennan.

Councillor Grant commented that the Council Tax proposals undermined local democracy and that the Scottish Government did not view local government as a priority.

Decision

The Council agreed:

- i. to note the financial prospects for 2017/18 and beyond for the Council;

- ii. to note the potential implications arising from the Scottish Government's proposed Council Tax reforms and the need to promote greater public awareness;
- iii. to note the process for the 2017–20 budget development; and
- iv. to note that the public budget consultation would be launched soon.

6. REPORT ON THE OUTCOME OF THE SCHOOL CONSULTATION TO RELOCATE WALLYFORD PRIMARY SCHOOL AND THE PROPOSED CHANGE TO THE WALLYFORD PRIMARY SCHOOL CATCHMENT AREA

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the recommendations set out in the Consultation Report (attached at Appendix 1 to the report) to relocate Wallyford Primary School and vary the Wallyford Primary School catchment area.

Fiona Robertson, Head of Education, presented the report, advising of the consultation process and representations received. She set out the areas of concern that had been raised by the community, as well as the views of Education Scotland. She drew attention to the consultation report (Appendix 1 to the report), which provided detailed information on the consultation, noting that responses to the proposals were largely positive. She also noted that the Council would receive a contribution from the Scottish Futures Trust towards the capital costs of developing the school.

In response to a question from Councillor Akhtar on the consultation process, Mrs Robertson advised that, as well as a public meeting, a number of other meetings had been held with the school staff and pupils, and that drop-in sessions had been organised.

Councillor McAllister asked what measures would be taken to ensure safe travel to the school. Peter Forsyth, Assets and Regulatory (Transportation) Team Manager, advised that a number of measures would be considered, including the introduction of 20 mph limits around the school and the prohibition of vehicular movement on surrounding streets at certain times.

Councillor Akhtar welcomed the report, stating that the new school would be of benefit to the whole community. She thanked Mrs Robertson and her staff for their work on the consultation process.

Local Members spoke in support of the proposals, particularly in relation to the facilities that would be included within the new school and also to the engagement with the local community. The contribution from the Scottish Futures Trust was also welcomed.

Councillor Currie commented on the challenges in delivering the school, particularly as regards the dependency on developers' contributions.

On the proposed change to the catchment boundary, Councillor Grant thanked Mrs Robertson and David Scott for their engagement with Sanderson's Wynd Primary School, noting that the proposals had been accepted by their Parent and Carer Council.

Decision

The Council agreed to approve, on the basis of the outcome of the school consultation and taking account of the educational and social benefits of the proposal, that:

- i. the existing Wallyford Primary School be relocated to the new site, as set out in the school consultation proposal;
- ii. the catchment boundary of Wallyford Primary School would be extended to include the houses in the vicinity of Dolphingstone Farm, currently in the catchment area for Sanderson's Wynd Primary School;
- iii. children attending the nursery provision, primary school and social, emotional and behavioural needs provision transfer to the new Wallyford Primary School from August 2018, or as soon as possible thereafter.

7. ANNUAL REPORT OF THE CHIEF SOCIAL WORK OFFICER 2015/16

A report was submitted by the Chief Social Work Officer providing the Council with her annual report on the statutory work undertaken on the Council's behalf. The report also provided the Council with an overview of regulation and inspection, and significant social policy themes current over the past year.

The Chief Social Work Officer, Fiona Duncan, presented the report in detail, highlighting the key developments for the Social Work service during 2015/16, including the integration of health and social care, improvements to housing for adults with complex needs, preparations for forthcoming changes to the criminal justice system, improvements to public protection processes and enhanced engagement with young people. She set out the challenges and pressures facing the service in relation to finance, increased workload, the recruitment of foster carers and the provision of care for older people. Ms Duncan also advised of actions taken following the inspection of Older People's Services, positive work as regards tackling substance misuse, the empowerment of service users and carers, and the effectiveness and commitment of Social Work staff.

In response to a question from Councillor MacKenzie as regards mental health services, Ms Duncan advised that the Council was committed to expanding staffing in this area. She referred to the practical and financial challenges of using external providers for mental health services.

Councillor Hampshire welcomed the report, but warned of the implications of increasing demands on social work services. He asked about collaborative working with the Education service as regards careers in caring. Ms Duncan accepted that more work was required to encourage more people to enter the caring profession. The Chief Executive added that a care academy had been established, with a particular focus on care for the elderly and looked after children.

Councillor McMillan asked how the closure of Haddington Sheriff Court had impacted the Social Work service, about the progress of the Named Person Scheme, and about technology-enabled care. Ms Duncan advised that it had had a significant impact on Legal, Anti-social Behaviour and Children's Services, in particular. On the Named Person Scheme, Sharon Saunders, Head of Adult and Children's Services, reported that the implementation of the scheme had been delayed; it was now expected to be introduced in August 2017, pending further review of the legislation through due Parliamentary process, and local development work in preparation for implementation of the scheme and review of legislative amendments was ongoing. On the technology question, David Small, Director of Health and Social Care, noted that broadband coverage was an issue in some areas of East Lothian.

Regarding self-directed support, Ms Duncan advised that the Council had to offer this service and that the number of users was increasing.

Councillor Grant welcomed the report and commended Ms Duncan and Social Work staff for their work. He drew Members' attention to a number of examples in the report of innovative working.

Councillor Currie commented on the cost of delayed discharge, and suggested that more preventative work was required. He spoke of the challenges facing health and social care providers, particular in relation to reducing budgets and the capacity to deliver services. He called on the Council to invest more in frontline services.

Councillor MacKenzie spoke of the importance of people's well-being, particularly as regards to mental health. He welcomed the decrease in suicide rates in East Lothian.

Councillor Hampshire commended the positive work undertaken by social workers and carers, which benefited many families. He accepted that there were significant challenges in this area, but that staff were working hard to deliver quality services.

Decision

The Council agreed to note the Annual Report of the Chief Social Work Officer 2015/16.

Sederunt: Councillor Day left the meeting.

8. LOCAL GOVERNMENT BOUNDARY COMMISSION REVIEW

A report was submitted by the Depute Chief Executive (Resources and People Services) informing the Council of the outcome of the Local Government Boundary Commission's review of councillor numbers and boundary arrangements as these apply to East Lothian. The report also sought authority from the Council either to accept the said outcome or to continue to challenge both the process and the outcome by means of a judicial review of the decision of Scottish Ministers to accept the LGBC's recommendation.

The Chief Executive presented the report, reminding Members of the background to the situation and of the LGBC's recommendations to Scottish Ministers. She advised that Ministers had approved the LGBC's recommendations and that it was for the Council to decide whether or not to seek a judicial review of this decision. She advised that four councils, including East Lothian, had been keen to pursue a judicial review, but that two of those had now decided not to proceed. She pointed out the risks associated with going ahead with this action.

Jim Lamond, Head of Council Resources, explained that it was difficult to ascertain the costs of a judicial review, but estimated that it would be in the region of £30,000 – £155,000. He suggested that the costs could be shared with the other council seeking similar action, but this was not guaranteed. He also warned that, should the Council pursue the judicial review and lose, it may be liable for other legal costs.

Responding to questions from Councillor McLennan, Morag Ferguson, Service Manager – Legal and Procurement, advised that officers from the other council had delegated authority to proceed to a certain stage in the process, and should they decide at that stage not to go ahead, they would report back to their council. The Chief Executive stated that East Lothian Council's decision should not be dependent on the action of the other council, and that the reason the Council was considering the action was concerned with how the review had been conducted by the LGBC. Mrs Ferguson added that, in the opinion of Junior Counsel, the Council's case would not be weakened should it be the only council to proceed to judicial review.

The Chief Executive reiterated the reasons for the Council's opposition to the recommendations put forward by the LGBC.

Speaking in favour of a judicial review, Councillor McNeil outlined the impact of the proposed boundary changes on the communities of Musselburgh, Wallyford and Whitecraig. He spoke of the importance of the ties with community councils, local organisations and schools and of the need for councillors to be accessible and based within the locale. He also voiced concern over the increasing workload for councillors, especially at a time when the population was growing. He believed that the recommendation of the LGBC was flawed and that the Council should challenge it.

Despite his opposition to the proposal to reduce councillor numbers, Councillor Veitch expressed concern at the potential costs involved in pursuing a judicial review, and declared that he would abstain from the vote on the matter.

His views on the outcome were shared by Councillor Currie, who questioned whether a judicial review would be appropriate, given the potential costs and risks involved. He stated that he could not support the expenditure of up to £155,000 for this purpose. He added that he was disappointed with the LGBC's decision.

Councillors Goodfellow, Hampshire, Akhtar and Grant believed that the Council had a duty to challenge the outcome of the review, in the interests of the electorate. They highlighted the need for expanding communities to be appropriately represented and for vulnerable people to be protected. It was also pointed out that the highest number of representations to the LGBC proposals had come from people in East Lothian. They called on the Council to support a judicial review.

Councillors McAllister and Williamson were in agreement with other Members as regards the LGBC recommendations, but believed that the Council should accept the outcome.

Councillor Innes expressed his disappointment that the SNP Group had decided not to support the proposal to proceed to judicial review. He was concerned that the proposed boundary changes would break traditional community links, and argued that the Council should not accept this. He moved that the Council should seek a judicial review on this matter. The motion was seconded by Councillor McMillan.

The Provost then moved to the vote on the motion proposed by Councillor Innes and seconded by Councillor McMillan to challenge, by means of judicial review, the decision of Scottish Ministers to accept the recommendations of the Local Government Boundary Commission's review.

For:	11
Against:	8
Abstentions:	2

The motion was therefore carried.

Decision

The Council agreed:

- i. to note the Local Government Boundary Commission's recommendation to reduce councillor numbers in East Lothian from 23 to 22 with a consequential change to ward boundaries and to note the acceptance of that recommendation by Scottish Ministers; and

- ii. to delegate authority to the Chief Executive to take forward the proposal for a judicial review of the decision of Scottish Ministers to accept the recommendations of the Local Government Boundary Commission's review, taking account of legal advice, possible cost and risk.

9. INTERIM REVIEW OF POLLING DISTRICTS AND POLLING PLACES

A report was submitted by the Depute Chief Executive (Resources and People Services) informing Members of an impending interim review of polling districts and places, now required as a result of The East Lothian (Electoral Arrangements) Order 2016, which requires Council ward boundary changes to be made.

The Head of Council Resources, Jim Lamond, presented the report, advising that due to the timescales involved, the review had already commenced and that he was seeking the approval of the Council to delegate authority to the Chief Executive, in conjunction with the Council Leader, Depute Leader and Leader of the Opposition, to address any recommendations resulting from the review. He pointed out that he did not anticipate any changes to the polling districts themselves, but that there may be changes to the ward names.

Councillor Grant suggested that Ward 3 should be named 'Fa'side', as this was a true reflection of the area covered by that ward.

Discussion

The Council agreed to note that formal public consultation for interim review of polling districts and places would commence on 18 October 2016, and that, given the time pressures that apply in respect of the forthcoming publication of the Electoral Register, agreed that on completion of the review to delegate final approval of the proposed new polling scheme to the Chief Executive (Returning Officer) in consultation with the Leader/Depute Leader of the Council and the Leader of the Opposition.

10. REPORT OF THE EAST LOTHIAN POVERTY COMMISSION

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) sharing the work and the report of the East Lothian Poverty Commission with the Council.

Paolo Vestri, Service Manager – Corporate Policy and Improvement, presented the report. He thanked the Commissioners and Rebecca Spillane (Policy Officer) for their work and their report. He drew attention to the key aspects of the report, including current Council initiatives aimed at tackling poverty, the activities undertaken by the Commission, the themes presented in the report and the Commission's recommendations. He pointed out that a number of these recommendations were in the process of being actioned, such as the establishment of a credit union in Prestonpans and improvement planning in schools.

Councillor Currie welcomed the report, stressing the importance of actioning the recommendations in order to break the cycle of poverty.

A number of Members made reference to the recent stakeholder event organised by the Commission, which had highlighted a range of issues associated with poverty. They paid tribute to Iain Gray MSP, who had instigated the Poverty Commission, to the Commissioners for their work, and also to those who had participated in the stakeholder event.

Councillor Veitch endorsed the recommendations of the Commission, with the exception of the recommendation to protect the Human Rights Act.

Decision

The Council agreed:

- i. to welcome the report from the Poverty Commission and thank the Commissioners for their work;
- ii. to support and agree the recommendations of the report in principle;
- iii. to re-commit the Council to reducing inequalities and breaking the cycle of poverty, and that the Commission's finding and recommendations would form a central part of the draft Council Plan 2017–2022 and new East Lothian Plan; and
- iv. to ask officers to prepare an action plan to implement the recommendations made by the Commission.

11. CONSULTATION ON SOCIAL SECURITY IN SCOTLAND: EAST LOTHIAN COUNCIL RESPONSE

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval for the Council's response to the Scottish Government's consultation on Social Security in Scotland.

The Service Manager – Corporate Policy and Improvement, Paolo Vestri, presented the report, advising that the proposed response to the consultation was based on a response that would be submitted by CoSLA. He drew attention to the main themes of the consultation, as set out in Section 3.7 of the report, and to the proposed responses, as outlined in Appendix 1 to the report.

In response to a question from Councillor Goodfellow on the Motability Scheme, Mr Vestri advised that this scheme was not referred to specifically in the response. He noted, however, that the Council was not entirely supportive of cash payments being made and that there was some concern about duplication of services provided through the social security system and those delivered by the Council. John Cunningham, Service Manager – Benefits, added that anything that was introduced would have to dove-tail with existing benefits, and that a holistic view of the system was required.

Councillor McAllister asked about the proportion of social security being devolved to the Scottish Government. Mr Vestri advised that it would be approximately 15%, concerned mainly with the payment of the Disability Living Allowance, Personal Independence Payments and some elements of Universal Credit, but that it would not include pension payments.

Councillor Currie welcomed the devolution of social security matters, but believed that the Scottish Government should have complete control of the system in Scotland. He also welcomed the proposed involvement of local government in the delivery of certain elements of social security. He spoke in support of the proposed consultation response and commented on the need for people in receipt of benefits to be treated with respect. His comments were supported by Councillor McAllister, who commented that in order to make changes, the Scottish Government would need to have control of the entire system.

Councillor McNeil highlighted the need to provide assistance to Universal Credit claimants, due to the complexity of the system. He praised those Council staff who had been providing assistance since its introduction.

Councillor McMillan also commented on the need to examine the cost of funerals, which was a source of concern for many families. He thanked officers for the report and endorsed the response.

Decision

The Council agreed to approve the response to the Scottish Government's consultation on Social Security in Scotland.

12. UPDATE ON THE INTRODUCTION OF DECRIMINALISED PARKING ENFORCEMENT AND ON THE INTRODUCTION OF PARKING CHARGES AT COASTAL CAR PARKS

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) updating the Council on the progress made to introduce Decriminalised Parking Enforcement (DPE) in East Lothian and providing an update on the introduction of parking charges at coastal car parks.

Ray Montgomery, Head of Infrastructure, presented the report, advising that DPE would be introduced in East Lothian in November 2016. He provided information on the Council's contract with NSL Ltd, who would provide the service, and of how the service would operate. Mr Montgomery also provided an update on the parking charges at coastal car parks.

Councillor Williamson asked if the public could be alerted to the introduction of DPE through additional signage in select areas. Peter Forsyth, Team Manager – Assets and Regulatory (Transportation) advised that the existing signage and lines were sufficient and that providing additional signage would be costly, time-consuming and difficult to manage.

Responding to a question raised by Councillor Goodfellow, Mr Montgomery confirmed that parking attendants would not be working on a commission-based system.

Councillor Veitch welcomed the report and thanked Mr Forsyth and other staff involved for their work in introducing DPE, which would alleviate parking problems in East Lothian's towns. As regards coastal car parking charges, he raised the possibility of removing charges from car parks at Barns Ness and White Sands, due to the size of these car parks.

Councillor Hampshire referred to parking problems in a number of town centres and around schools, and hoped that the introduction of parking attendants would resolve such problems. He reminded Members that the DPE business case was dependent on a £55,000 annual contribution from coastal car parking charges. He expressed his disappointment at the level of income raised through coastal car parking charges to date, but was confident that this would improve in future years and would allow further investment in the car park facilities.

Councillor Currie spoke in support of the introduction of DPE, but was concerned that the number of parking attendants would not be sufficient. He reiterated his opposition to coastal car parking charges, arguing that the money spent on the charging infrastructure could have been spent on improving the facilities. He stated that the charges would be abolished should the SNP be in administration in future.

Mr Montgomery concluded the debate by pointing out that all parking duties, including those currently within the remit of the Police, would become the responsibility of the Council's parking attendants on the introduction of DPE.

Decision

The Council agreed:

- i. to note progress made on the introduction of Decriminalised Parking Enforcement and the measures necessary to implement the service subject to Transport Scotland making the necessary Orders;
- ii. to note the engagement of NSL Ltd as the service provider for parking enforcement to undertake duties in respect of: on-street enforcement; car pound services; pay and display services; suspension and dispensation; lines and sign maintenance; cashless parking; permit management; back-office support; notice processing and online services;
- iii. to enter into a collaborative working agreement with the City of Edinburgh Council to provide back-office support to process Penalty Charge Notices (PCNs), Notice to Owners (NtOs) and pursue debts through sheriff officers; and
- iv. to note the update on the introduction of parking charges at coastal car parks.

13. SUBMISSIONS TO THE MEMBERS' LIBRARY, 10 AUGUST – 12 OCTOBER 2016

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of the reports submitted to the Members' Library since the last meeting of the Council.

Referring to Item 185/16: PPP Project – Procurement of Phase 2 of Dunbar Grammar School's Expansion Project, Councillor Currie asked for details of the lifetime costs of this contract. He voiced his concern that local firms had not been in a position to bid for the work, and that the delivery of the facilities management could be added to the existing PPP contract. He asked officer to provide further detail on this report to the next Council meeting. The Chief Executive noted that the decision on the contract had been taken under delegated powers.

Decision

The Council agreed to note the reports submitted to the Members' Library Services between 10 August and 12 October 2016, as listed in Appendix 1 to the report.

SUMMARY OF PROCEEDINGS

Matter arising from the Private Council Minute of 23 August 2016

Councillor McLennan raised a matter arising from the private minute of the meeting of the Council held on 23 August 2016, in relation to the proposed purchase of the former Cockenzie Power Station site. The Council noted the update on this matter, as provided by the Head of Infrastructure.