



**MINUTES OF THE MEETING OF
THE CABINET**

**TUESDAY 14 MARCH 2017
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 D Berry
Councillor J Gillies
Councillor J Goodfellow
Councillor P MacKenzie

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, Health and Social Care Partnership
Mr J Lamond, Head of Council Resources
Mr T Shearer, Head of Communities and Partnerships
Mr R Montgomery, Head of Infrastructure
Mr D Proudfoot, Head of Development
Mrs K MacNeill, Service Manager – Licensing, Administration and Democratic Services
Mr P Vestri, Service Manager – Corporate Policy and Improvement
Ms R Gertz, Information Governance Compliance Officer
Mr A Cruickshank, Service Manager – IT Infrastructure
Mr S Cooper, Team Manager, Communications

Clerk:

Ms F Stewart

Apologies:

Councillor T Day

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – CABINET 14 FEBRUARY 2017

The minutes of the meeting of the Cabinet of 14 February 2017 were approved.

2. COUNCIL PLAN 2012-17 – FINAL REVIEW AND MONITORING REPORT

A report was submitted by the Chief Executive to present the Council Plan 2012-17 Final Review and Monitoring Report.

Paolo Vestri, Service Manager for Corporate Policy and Improvement, presented the report. He advised that '*Working Together for a better East Lothian: The East Lothian Council Plan 2012-2017*' had been approved at Council in August 2012. The Plan had set out the Council's aim of creating a prosperous, safe and sustainable East Lothian that would allow people and communities to flourish. To achieve this aim, the Council Plan set out four themes/objectives: Growing our Economy, Growing our People, Growing our Communities and Growing our Capacity. Mr Vestri advised that the appendix to the report provided a final monitoring report on progress in achieving the 2012-2017 Council Plan. Despite difficult financial circumstances faced by the Council, he reported that all commitments made in the 2012-2017 Plan had been either delivered or were at an advanced stage of being delivered. Mr Vestri outlined the key achievements over all four themes/objectives, highlighting that the Council had invested over £1.4m in providing a new communications provision for children with additional support needs at Knox Academy. He also advised that tendering exercises undertaken by the Council for supported bus services had resulted in improved services and the new waste collection service had made a major contribution to increasing East Lothian's waste recycling rate. A Transformational Change Programme had now been established, supported by a dedicated Programme Manager and Project Managers.

Councillor Berry welcomed the statistics on recycling and commended those responsible for achieving the improved waste recycling rate. He also sought specific statistics on economic development in East Lothian and Mr Vestri advised that this information could be found in the appendix to the Annual Performance Report issued in September 2016. The appendix to today's report (Paragraph 1.1) showed the key achievements of the Economic Development Strategy including a reduction in unemployment claims and a significant increase in the number of jobs and businesses per 10,000 adults in 2015/16. Councillor Berry was also interested to know the Gross Domestic Product for the county and Mr Vestri stated that he had no recollection of seeing such a figure for East Lothian. Councillor McMillan, Cabinet Spokesman for Economic Development, advised that he would follow up Councillor Berry's request with Officers of the Council. Councillor McMillan also stated that there were very positive trends evident in the Monitoring Report (Appendix) and highlighted, in particular, that 22 social enterprises had been offered help and support.

Councillor Akhtar enquired how many of the commitments in the Action Plan had been met and Mr Vestri replied that, of the 80 commitments, 4 were in the process of being delivered, 3 had been delivered in part and the remainder had been delivered.

Councillor MacKenzie referred to the Administration's commitments to mitigating antisocial behaviour and sited one particular example of antisocial behaviour in his ward. Mr Vestri replied that the Police and the Council's own wardens were working through Problem Solving Partnerships to deal with anti-social behaviour hotspots. Tom Shearer, Head of Communities and Partnerships, informed Councillor MacKenzie of the actions taken, and progress made, to resolve the antisocial behaviour issue he had referred to. Councillor MacKenzie also asked if customer feedback reflected satisfaction with the Council's performance on delivering its commitments and Mr Vestri replied that feedback received through local benchmarking exercises showed relatively high levels of satisfaction.

Councillor MacKenzie stated that it was a very interesting report and he recalled the 2011 East Lothian Single Outcome Agreement. That document had stated that East Lothian had a sustainable and successful local economy with a sense of organic growth. However, it had also been prescient in its warnings of the impending impact of welfare reforms and loss of benefits, which had now come to pass. He also quoted from a 2011 Customer Satisfaction Survey and stated that he was concerned that he had not gained a sense of what the people of East Lothian felt about the performance of the Administration's 5 years term of office (2012-2017).

Councillor Veitch, Depute Leader of the Council and Cabinet Spokesperson for Transport and Roads, described the Review and Monitoring report as excellent. He stated that the Council Plan was based on specific commitments to the electorate, reflecting the priorities of the people of East Lothian, and it was essential that progress was scrutinised. This report provided robust and detailed evidence of delivery on a wide range of projects. He highlighted a number of the Council's achievements including the progress made on local road, rail and bus transport provision: the Council had supported a new rail stop in East Linton, established a bus forum to improve bus services and supported the cross Council group pressing for improvements to the A1. The Council had also piloted and made permanent several 20mph speed limit areas. Councillor Veitch added that the Council had played a leading role in trying to save Haddington Sheriff Court and pointed out that SNP Councillors had been all but invisible during that campaign.

Councillor Hampshire, Cabinet Spokesperson for Housing and Environment, stated that the report was an excellent tribute to staff across the Council for delivering positive results over a very challenging period. He highlighted the delivery of affordable homes, 655 in the Housing Association sector and 370 Council homes. He also paid tribute to the small dedicated team in Waste Services for the significant increase in the recycling rate. He stated that the community was behind the Council on this project and there were proposals to increase the recycling rate further. Councillor Hampshire also stated that Planning Officers had had a huge job to do as new developments were delivered all across the county. In addition, the Local Development Plan, an extensive consultation exercise, would deliver another 10,000 houses including 2,500 affordable homes.

Independent Nationalist Councillor, David Berry, responded to an earlier statement by Councillor Veitch, saying that he had played an active part in the campaign to stop the closure of Haddington Court. He also stated that it was not enough for the Administration to spend money and have good intentions; it was what was achieved that was the most important. In his view, many more Council homes could have been delivered and he described the £1m invested in Musselburgh town centre as 'an abject failure'. He also considered that it was not possible to know how well the Administration had performed as people had not been asked for their views.

Councillor McMillan stated that the Final Review and Monitoring report was a significant tribute to Council Officers. He also sensed a change in East Lothian as more people were becoming engaged with the Local Partnerships and Community Groups to influence decisions which affect their communities. As Cabinet Spokesperson for Economic Development, he wanted East Lothian to be the best place in Scotland to set up and grow a business and highlighted recent successes in East Lothian's innovative Food and Drink industry. Work was also being done to build on East Lothian's proximity to Edinburgh through the City Deal and other initiatives. Councillor McMillan thanked Council Officers and commented that there was so much going on to promote a sense of community and pride in East Lothian.

Councillor Akhtar, Cabinet Spokesperson for Education, stated that it was possible to know how well the Administration was performing as Benchmarking 2015/16 statistics provided measures of satisfaction. She also stated that the Final Review and Monitoring Report was important, as it outlined the achievements of the Administration over the past 5 years. She described the achievements as outstanding, and attainments in schools as higher than ever before, equipping young people for the future. Councillor Akhtar also advised on the investment made in literacy projects, mental health courses and anti-bullying intervention. As a result of this investment, Support from the Start and the bursary scheme, all young people were getting opportunities and the collective efforts of parents, carers and schools had delivered excellent results.

Councillor Grant, Spokesperson for Health and Social Care, stated that the Health and Social Care Partnership had been established in April 2016 at a time of falling budgets, but it had proved to be a first class example of partnership working. He also stated that he was proud to have been a Member of this Administration.

The Chair and Leader of the Council thanked the Council's Chief Executive and all Council staff for the roles they played in delivering the Council Plan. He also pointed out that the Scottish Government had introduced a Community Empowerment (Scotland) Act after East Lothian Council had formed Local Area Partnerships to improve outcomes for communities. The Scottish Government had also tackled the attainment gap in schools long after this Administration had addressed the issue. He repeated that the Administration had opposed the closure of Haddington Court, regrettably without success, but they would never stop standing up for the best interests of East Lothian. With regard to the Musselburgh Town Centre regeneration project, he stated that some people might think that the Administration had invested in the wrong place, but the people of Musselburgh did not, and it was they who had decided where the money was to be spent. In his view, the area around the Town Hall had improved considerably and, if the upgrading was good for East Lothian, the SNP should have welcomed it.

Decision

The Cabinet agreed to note the Council Plan 2012-2017: Final Review and Monitoring Report.

3. NORTH BERWICK HARBOUR MANAGEMENT RULES

A report was submitted by the Depute Chief Executive (Resources and People Services) to seek approval of Cabinet for the creation of new Management Rules for North Berwick Harbour and to advise Cabinet of the advertising process required to bring said Rules into force.

Kirstie MacNeill, Service Manager for Licensing, Administration and Democratic Services, presented the report and explained that rules promulgated for the last 10 years had recently expired. The North Berwick Harbour Trust had been consulted on new Management Rules to replace those which had expired and discussions had been ongoing for some time with harbour users. Mrs MacNeill outlined the main changes to the Rules and advised that, in terms of the Civic Government (Scotland) Act 1982, the Council now had to advertise the Rules and give the public a period of 28 days in which to lodge any objections before it could confirm the proposed Rules. If no objections were received, Cabinet could delegate to Officers to arrange for the proposed rules to be executed by the Council and brought into force with immediate effect. In the event of objections being received, a further report would be submitted to Cabinet detailing the objections received and seeking formal implementation of the rules.

Councillor Berry described the changes to the Rules as 'organisational and not substantive' and advised that the Seabird Centre was no longer a member of the North Berwick Harbour Trust. Mrs MacNeil agreed to provide further information for Councillor Berry post meeting.

Decision

The Cabinet agreed to approve the draft Management Rules annexed to the report and authorised the advertising thereof in terms of paragraph 3.6 of the report to enable the Rules to be confirmed.

4. DIGITAL STRATEGY

A report was submitted by the Depute Chief Executive (Resources and People Services) to present the Digital Strategy to Cabinet and outline the implications of its adoption.

Alan Cruickshank, Service Manager for IT Infrastructure, presented the report. He began by advising of an amendment to the Strategy. At paragraph 2 on page 9 of the Strategy, Growing our Communities, it stated that the Council had secured funding of £1.25m from Community Broadband Scotland in 2016 to run a community based project. However, this funding had now been withdrawn and in its place the Scottish Government would provide 30Mbps broadband to 100% of premises across Scotland by the end of the current Parliament.

Mr Cruickshank advised that the Digital Strategy sets out a framework for how services will work to deliver the objectives set out in the Council Plan. Digital technology had the potential to transform large parts of the Council's service delivery by making services available online and enabling the workforce to be more mobile. The Strategy also recognised that access to the internet, along with the skills to use it effectively, was becoming a fundamental requirement of modern life and the Council had a key role to play in ensuring that everyone had equitable access to technology and the skills to take advantage of the opportunities it presents. Mr Cruickshank advised that the Strategy would be delivered through a number of programmes and projects managed by the Digital Strategy Executive Group.

Councillor Berry stated that it was his understanding that the Council's website was not compatible with small screen devices, i.e. phones and tablets, which were used by a growing number of people. He asked if there were plans to make the website compatible with these devices and asked if, in the future, an improved search engine would become available. Mr Cruickshank replied that the current website would be replaced by a more responsive website and that an improved search engine was one of the projects which would be delivered.

Councillor McMillan recalled that, at the time the Council was notified of the £1.25m funding from Community Broadband Scotland, there was potential for a further £1.75m of funding on offer from Broadband Scotland. Mr Cruickshank confirmed that this funding had also been withdrawn.

Councillor MacKenzie stated that the film Daniel Blake depicted digital exclusion, particularly the poor and elderly. Mr Cruickshank replied that the Digital Strategy would aim to address this. He also advised that there was an Educational Digital Strategy to mitigate exclusion in the future.

Councillor McMillan welcomed the Strategy stating that, since 2012, broadband connectivity had been a priority of this Administration. However, despite the considerable efforts of Council Officers, there were still schools and businesses in East Lothian without connectivity. Last summer, he had been optimistic that East Lothian would have connectivity but a year later, due to a change in Scottish Government policy, the project was still in its early stages. He had also been disappointed that BT Scotland had described East Lothian as 'remote and rural' when, at extremes, East Lothian was only 40 miles from Edinburgh. The new policy, R100, for all of Scotland, was unlikely to be fully implemented until 2022.

Councillor MacKenzie described the Digital Strategy as an important document. He supported the advances in digital technology for accessing Council services but added that traditional, personal forms of communication were also important.

Councillor Akhtar stated that East Lothian schools had an excellent track record for Computing Technology. She also stated that it was important for people to know that face to face customer service was available at all East Lothian libraries.

Councillor Veitch endorsed the views of Councillor McMillan stating that there were broadband issues in the rural areas of his ward (Dunbar and East Linton).

Councillor Berry agreed that East Lothian should not be described as remote as it lay within easy distance of a major urban area.

The Chair stated that the Digital Strategy was an extremely important paper. Young people were far more reliant on digital technology and the Council needed to maintain a good relationship with them. The Council also needed to meet the needs of everyone in the community in order for people to have the quality of life desired for them. He added that as technology changes so quickly, it was important to make the correct choices and have safeguards built in.

Decision

The Cabinet agreed to approve the adoption of the Digital Strategy with the amendment outlined above at Paragraph 2 on page 9 of the Strategy.

5. RE-USE OF PUBLIC SECTOR REGULATIONS 2015 (ROPSI) POLICY

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the Re-Use of Public Sector Information Regulations 2015 (ROPSI) Policy attached to the report as Appendix 1.

Kirstie MacNeil, Service Manager for Licensing, Administration and Democratic Services, presented the report. She advised that public authorities had a duty to adopt an Information Asset Register that details the information it holds for public use. ROPSI had come into force in 2015 and the re-use of information was directly linked to Freedom of Information (FOI) requests. The timescales for both types of requests were identical as were the processes. The main difference was that the Council would aim to make information available electronically.

In response to a Member's question, Mrs MacNeill advised that the main difference between an FOI and a ROPSI request was that information provided in response to a ROPSI request could be used for commercial purposes. Rena Gertz, Information Governance Compliance Officer, also advised that there was a difference in the format; ROPSI information was provided in a machine readable format. Councillor McMillan thanked Ms Gertz, who was soon leaving the Council, for all the help and expertise she had provided to Members and Council Officers in recent years and wished her well in her future career.

Decision

The Cabinet agreed:

- i. to approve the ROPSI Policy and adopted it as Council policy; and
- ii. to approve and adopt the charges contained in the Appendix to the ROPSI policy.

Signed

Councillor Willie Innes
Council Leader and Convener of the Cabinet