



MINUTES OF THE MEETING OF THE CABINET

**TUESDAY 13 MARCH 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor S Akhtar
Councillor J Goodfellow
Councillor N Hampshire (Convener)
Councillor J McMillan
Councillor F O'Donnell

Other Councillors Present:

Councillor S Currie
Councillor F Dugdale
Councillor J Findlay
Councillor A Forrest
Councillor J Henderson
Councillor C McGinn
Councillor B Small
Councillor J Williamson

Council Officials Present:

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 T Shearer, Head of Communities and Partnerships
Ms F Robertson, Head of Education
Mr D Proudfoot, Head of Development
Mr D Oliver, Service Manager – Protective Services
Mr C Grilli, Service Manager – Legal and Procurement
Mr P Vestri, Service Manager – Corporate Policy and Improvement
Mr B Davies, Group Service Manager – Planning and Performance
Mr A Stubbs, Service Manager – Roads
Mr P Ritchie, HR Business Partner
Mr S Cooper, Team Manager – Communications

Clerk:

Ms A Smith

Apologies:

Councillor W Innes

Declarations of Interest:

None

Order of Business

Prior to the commencement of business, the Convener announced an urgent item in connection with the recent severe weather. This would be considered as the final public item of business; there would be a 10 minute adjournment before presentation of this report.

1. MINUTES FOR APPROVAL – CABINET 16 JANUARY 2018

The minutes of the meeting of the Cabinet of 16 January 2018 were approved.

2. NON-RESIDENTIAL SOCIAL CARE CHARGING

A report was submitted by the Director of the Health and Social Care Partnership seeking agreement to the proposed introduction of new non-residential social care charges.

Bryan Davies, Group Service Manager – Planning and Performance, gave a detailed presentation of the report. He referred to the well established charging group which had multi-stakeholder membership. He advised that the benchmarking exercise had confirmed that with the introduction of new charges the Council would be in the middle or lower half of the range of councils as a charging authority. He outlined the new charges proposed. He detailed the anticipated income from the introduction of these new charges. Mr Davies also gave details of consultation carried out and public meetings held at resource centres.

Mr Davies responded to a series of questions from Members. Regarding issues raised at the public meetings he clarified that there had been support for 'bundling' of charges, the multi-stakeholder group felt this would be beneficial for frequent attenders at day centres.

He confirmed there would be an annual review. He advised that charging would be part of the emerging benchmarking, adding that there were other charging models that could be looked at. He confirmed that the review would include monitoring of attendance. He clarified that this proposal did not target any one client group or age group.

Mr Davies confirmed that means testing was done; he said that CoSLA guidance was used as the basis for the charging policy, a right of appeal was also built in to the process. This appeal process was separate from the complaints process. Regarding client contributions and disregard of some benefits, he advised that there were a range of safeguards in place, a threshold was in place and a range of other disregards would be taken into account.

He gave details of what had been involved in the benchmarking exercise. He stated that the CoSLA website published the charging policies for all 32 local authorities.

Regarding supporting service users to receive benefit maximisation, Mr Davies advised that people were directed to the Council's Benefits Team, there was also an independent Advocacy Service and signposting was provided to other advice agencies.

Councillor Small stated that introducing these charges was obviously something the Council would rather not do but was unavoidable in the current climate. The impact assessment was key and he looked forward to receiving feedback in due course. He supported looking at other charging models.

Councillor O'Donnell thanked Mr Davies for his considerable and rigorous work. She stressed that for this Administration to ensure a sustainable social care service in East Lothian this was a necessary step. The benchmarking exercise had shown that the Council was one of the only local authorities not charging for these services. She also thanked the Charging Group; their input had shaped this policy. She was determined that introduction of these charges would not propel anyone into poverty; monitoring would take place.

Councillor Currie said that the figures proposed would have an impact, assessment was crucial. East Lothian's charges had been below the national average due to decisions taken by successive Administrations. Monitoring these services was crucial. He regretted introduction of these charges; people may disengage and some services may not be viable.

Councillor Akhtar paid tribute to the work carried out by Councillor O'Donnell. She praised the level of engagement with service users and community groups, which would continue.

The Convener stressed the difficult choices the Council faced, to increase charges and protect services or cut services; this action would protect services.

Decision

The Cabinet agreed to approve the proposed new social care charges as outlined in the report relating to Resource and Day Centre attendance and use of transport.

3. EAST Lothian Safety Advisory Group Policy

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval of the East Lothian Safety Advisory Group Policy (ELSAG).

The Service Manager – Protective Services, Derek Oliver, presented the report, outlining the background. He drew attention to the recommendations of the CoSLA Safety at Public Events Working Group. He highlighted the steps the Working Group encouraged local authorities to take in order to formalise the SAG structure. The Council had developed existing processes and introduced the SAG process in late 2016. He gave details of the process and guidance issued to Event Organisers, which had been evolving since then. He stressed that the responsibility for an event, including communication, was for the Event Organiser. He acknowledged that Members had engagement with local communities and officers would be happy to deal with any issues, but outwith the SAG process.

Responding to Councillor Findlay's questions, Mr Oliver confirmed there were sufficient checks and balances in place for Event Organisers to meet health and safety requirements. He outlined the process an Event Organiser had to follow. Regarding feedback after an event, Mr Oliver stated that a debrief was required. Officers would also receive feedback from the Police and Fire services in respect of any adverse reports, which would be shared with the Event Organiser.

Councillor Currie, referring to charging for non-community events, asked if the Council sought to recover its costs. Mr Oliver indicated this was something officers were looking to implement; he referred to Appendix 1 to the SAG Policy, which gave details of event category and size, advising that there would be a charging structure based on the type of event and number of participants. Regarding queries about limiting the number of events, Mr Oliver stressed that the SAG process was for safety matters only; for local authorities to assess numbers and potentially limit the number of events was for another forum.

Councillor Henderson queried the powers of the SAG Policy, asking if an application could be refused if conditions had been breached previously. Mr Oliver stated that the SAG was not a statutory body but some members, i.e. the Police, did have statutory powers. The SAG

could for example refuse to grant a Traffic Regulation Order. He added that some events might not require a licence, or Roads Service's involvement or engagement with the Police. In these cases, Event Organisers would be asked to meet with officers to discuss the details of their event.

Councillor McMillan said that communication with Members, local residents and community councils was very important, he queried what details would be provided. Mr Oliver said that an events calendar, detailing the date/time of an event, route map and a general description would be provided, this would also be publically available. As regards full disclosure on a case by case basis he indicated this could be looked at but stressed that where there were specific security measures the implications of providing certain information had to be carefully considered.

Councillor O'Donnell asked about support provided to organisers of small events, usually volunteers. Mr Oliver stated that the Emergency Planning and Risk Manager had been meeting with community councils recently, highlighting the SAG process. Event organisers were invited to meet with officers and the process was explained; guidance documents were provided and would also be published. Regarding Councillor O'Donnell's question about notifying bus companies, Mr Oliver said that communication regarding any form of road closure was provided to the bus companies, it was up to them to disseminate this. Alan Stubbs, Service Manager – Roads, added that this process had been in place for a number of years. He reiterated that the bus companies had to ensure that the information was passed on to their drivers. The Council was taking all the reasonable steps it could.

Responding to questions from Councillor McGinn, Mr Oliver clarified that if an event was the second or more of its type, i.e. a Christmas lights application from a community council, then because the SAG process had been completed for the original application then provided nothing had changed and there had been no adverse reports, the conditions as applied previously would stand.

Councillor Small commended the report. He stressed the need to ensure that Event Organisers fulfilled their responsibilities. It should be widely communicated that the Council was doing all it could as a local authority. He appreciated that safety was the key concern.

Councillor Currie remarked that engagement with the community was key. Referring to the SAG Policy (page 33, para 5.5, last bullet point) he said that Members should be involved in the decision process, there needed to be a vehicle where input from Local Members was fed into the process.

Councillor Findlay echoed his colleagues' comments. Referring to Councillor Currie's points he said he would like to see a process where Ward Members were invited to SAG meetings.

Councillor McMillan highlighted the need to engage with local communities, to get the benefit of local knowledge. He welcomed this SAG Policy.

The Convener cautioned against Members getting involved in operational matters. He indicated that Mr Oliver had suggested an additional recommendation – that local Ward Members be informed of any event application that reaches the stage of the Event Organiser being invited to attend a SAG meeting. Secondly, Ward Members can request a meeting with the Event Organiser and relevant Council Officers to discuss areas of concern.

Decision

The Cabinet agreed:

- i. to approve the East Lothian Safety Advisory Group Policy;

- ii. to note the content of this report, particularly the adoption of the recommendations made by the CoSLA Safety at Public Events Working Group as summarised in paragraph 3.4;
- iii. to note the significant work that had been undertaken to develop the process in conjunction with multi-agency partners; and
- iv. that local Ward Members be informed of any event application that reaches the stage of the Event Organiser being invited to attend a SAG meeting. Secondly, Ward Members can request a meeting with the Event Organiser and relevant Council Officers to discuss areas of concern.

4. YEAR OF YOUNG PEOPLE AND INVESTORS IN YOUNG PEOPLE GOLD AWARD

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) informing Cabinet of the plan to celebrate the Year of Young People in East Lothian and the success in the Council being awarded a “Gold” level award of Investors in Young People (IiYP).

Paolo Vestri, Service Manager – Corporate Policy and Improvement, presented the report. He informed Members that the aim of East Lothian’s Year of Young People was to benefit the lives of young people by ushering in lasting change. He outlined the objectives and key themes. He gave details of the extensive programme of activities and events planned for the year, highlighting the key milestones. He gave details of the assessment process involved in applying for an IiYP award, advising that young employees carried out the preparatory work.

Mr Vestri responded to a range of questions from Members. Regarding the benefits of achieving the Gold Award he stated it was more about the process than actually getting the award. It was about involving and engaging young people; there were relatively few young people working in the Council, measures to address this were ongoing. This process had helped; it took the Council forward to being a better employer for young people.

In relation to questions about steps taken to ensure that engagement with young people was inclusive and whether there was a connection to the UN Rights Respecting Initiative Mr Vestri stated that both points were addressed. East Lothian Works was heavily involved in supporting young people; the Education Service was also trying to engage more fully with young people. Considerable work was taking place across various Council service areas.

As regards the legacy from the Year of Young People, Mr Vestri referred to the many activities highlighted in the report stating these were not just single occurrences but would hopefully lead to further, long-term, engagement. Fiona Robertson, Head of Education, drew attention to the Youth Summit held last week, over 150 young people had attended; this had been an excellent event and a commitment had been given that their voice would be heard. In relation to encouraging further engagement in voting, Mr Vestri said that this was being done through the Youth Parliament. Regarding engaging young people more in local history, Mr Vestri advised that many initiatives were taking place; Museum and Library staff would, where possible, be putting an emphasis on the Year of Young People.

In connection with trying to recruit more young people, Mr Vestri reported that the Draft Workforce Plan would be coming forward soon; this would have an emphasis on young people. Referring to pathways for young people Ms Robertson informed Members of a session for staff on career progression for young people that had recently taken place, stating that staff would be taking this forward to all pupils.

In response to questions about engaging with the core group of hard to reach young people, Tom Shearer, Head of Communities and Partnerships, reported that the Champions Board was involved with this and was trying to reach out to all young people, as part of the overall programme of events taking place this year.

The Head of Development, Douglas Proudfoot, said that from an employability perspective succession planning was being looked at. Various bodies including Skills Development Scotland and Regional Skills Partnerships were being consulted, to ensure the greatest possible impact in term of opportunities for young people.

Councillor Henderson expressed enthusiasm for the numerous plans as part of the Year of Young People. The transition from child to adult, from education to work, could be challenging and the Council was trying to help people manage this transition. She highlighted the need to attract and recruit more young people to roles within the Council.

Councillor Currie said this was a welcome step although he felt that more could probably be done. Further mental health awareness was still required. He remarked that when young people engaged and contributed, decision making, at both local authority and national level, benefitted. He hoped the commitment to young people would continue.

Councillor McMillan referred to 'If I was Provost of East Lothian I would...' initiative, praising officers in the Communications Team for this suggestion. He also praised East Lothian Works. This was an excellent initiative and he congratulated all efforts across the Council. He agreed about the importance of involving young people in the history of the county, referring to the need for generational sharing of information.

Councillor Small expressed his support. The plans were exciting and he was looking forward to getting involved. He stressed the importance of having a Gold Award legacy.

Councillor McGinn referred to the numerous examples of good work being carried out by officers and community groups across the county. He specifically mentioned Recharge in Tranent, which carried out excellent work.

Decision

The Cabinet agreed:

- i. to note the plans for East Lothian Year of Young People; and
- ii. to congratulate the Council's staff in achieving the 'Gold' level award of Investors in Young People.

5. BAD DEBT AND CREDIT BALANCE WRITE OFF POLICY

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking Cabinet approval for a new Bad Debt and Credit Balance Write Off Policy.

The Head of Council Resources, Jim Lamond, presented the report. He informed Members that the existing Bad Debt Policy had been in place for many years and in accordance with commitments made in response to both internal and external audit reports, the policy had been reviewed and updated. He outlined the key revisions reflected within the proposed policy. He added that in accordance with good accounting practice, the Council maintained a formal provision for bad debt, which was reviewed and audited on an annual basis. He drew attention to an alteration to section 8 of the policy, to delete *which was reflected within the 2016/17 accounts*.

Decision

The Cabinet agreed to approve the adoption of the new Bad Debt & Credit Balance Write Off Policy, as attached at Appendix 1, with the alteration as outlined.

6. URGENT ITEM – SEVERE WEATHER/RED WARNING

A report was submitted by the Depute Chief Executive (Resources and People Services) updating Cabinet on the Council's Adverse Weather Policy following the recent severe weather and Red Warning covering East Lothian.

Paul Ritchie, HR Business Partner, presented the report. This urgent item was brought to Cabinet at the request of the Administration to consider the impact of the recent severe weather and in particular the Red Warning, issued for the first time since its introduction. The Met Office had issued a Red Warning covering the period 3pm on Wednesday 28 February through until 10am on Thursday 1 March. The advice during this period from Police Scotland and the Minister for Transport was not to travel unless it was absolutely necessary to do so. The Council's Emergency Control Centre had been established and Business Continuity Plans instigated. The Council had reminded employees of the Adverse Weather Policy on Tuesday 27 February in advance of the severe weather and in subsequent updates over the following days. He detailed measures in the Adverse Weather Policy for employee absence.

Mr Ritchie informed Members that the Joint Trades Unions had made representation at the JCC on 7 March that staff should be paid if they were unable to attend their work due to the weather. Given that the Red Warning status was the first since introduction of the new warning system, Cabinet may wish to consider an exception to the Adverse Weather Policy for the period the Red Warning was in place, for those employees unable to attend work due to the severe weather.

Responding to questions from Councillor Findlay, Mr Ritchie clarified when notification of the Red Warning had been received, when information reminding employees of the Adverse Weather Policy had been issued and business continuity plans instigated.

Councillor Hampshire stated that the current Adverse Weather Policy did not cover all situations and proposed an amendment:

- The Red Weather Warning issued as part of the new classification system is not currently included in our Council Adverse Weather Policy. As this is the first time we have had a Red Warning and Scottish Government issued conflicting advice to our policy the Council Cabinet is proposing on this occasion an exception to the Council's Adverse Weather Policy. The Council will pay staff for any lost hours on the days the Red Warning was in place (Wednesday, Thursday). The Adverse Weather Policy as stands will apply for the Friday however, in very exceptional circumstances the Council will consider individual cases on the Friday.

Councillor Akhtar seconded this amendment. There was a need to deviate from the current Adverse Weather Policy. She also referred to the Council's duty of care to its staff.

Councillor Small stated that this had been an exceptional situation so exceptional arrangements had to be applied. There was a need to review the Adverse Weather Policy. The Conservative Group was pleased the Administration had brought this report forward and supported the amendment.

Councillor Currie referred to the exceptional event and to trades unions comments at the JCC. The proposed course of action was the right way forward.

The Cabinet voted on the amendment:

For: 5
Against: 0
Abstained: 0

Decision

The Cabinet agreed:

- i. to note the intention to review the Adverse Weather Policy in light of the recent severe weather experience, changes to the national weather warning classification system and Police Scotland advice;
- ii. that discussions take place with the Scottish Government to seek clarity on the practical implications stemming from their national travel advice;
- iii. to consider whether an exception to the Adverse Weather Policy should be made during the period of the Red Warning on this occasion, given this was the first Red Warning in Scotland using the new system; and
- iv. that the Council will pay staff for any lost hours on the days the Red Warning was in place. The Adverse Weather Policy as [it] stands will apply for the Friday however, in very exceptional circumstances the Council will consider individual cases [relating to] the Friday.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Cabinet agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (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.

Bad Debt Write Off

A private report regarding Bad Debt Write Off was approved by the Cabinet.