



**MINUTES OF THE MEETING OF THE  
POLCY AND PERFORMANCE REVIEW COMMITTEE**

**WEDNESDAY 21 FEBRUARY 2018  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor L Bruce (Convener)  
Councillor N Gilbert  
Councillor J Henderson  
Councillor G Mackett  
Councillor C McGinn  
Councillor P McLennan

**Other Councillors Present:**

Councillor J McMillan

**Council Officials Present:**

Mrs A Leitch, Chief Executive  
Mr D Small, Director East Lothian Health and Social Care Partnership  
Ms M Patterson Depute Chief Executive (Partnerships and Community Services)  
Mr J Lamond, Head of Council Resources  
Mr T Shearer, Head of Communities and Partnerships  
Mr D Proudfoot, Head of Development  
Ms F Robertson, Head of Education  
Ms S Saunders, Head of Adult and Children's Services  
Ms F Duncan, Chief Social Work Officer  
Mr P Vestri, Service Manager – Corporate Policy and Improvement  
Mr K Christie, Service Manager – Revenues and Welfare Support  
Mr J Coutts, Service Manager – Community Housing and Homelessness  
Mr J Cunningham, Service Manager – Benefits  
Mr E John, Service Manager – Sport, Countryside and Leisure  
Mr A Stubbs, Service Manager – Roads  
Mr D Oliver, Service Manager – Protective Services  
Ms S Smith, Team Manager – Economic Development  
Mr P Forsyth, Team Manager – Assets and Regulatory (Road Services)  
Mr I Patterson, Homelessness Manager  
Mr G Stewart, Policy Officer  
Ms A Stewart, Rent Income Team Leader  
Ms A McIntyre, Performance and Business Development Officer  
Ms T Moncrieff, Welfare Development Officer  
Ms E Gigourtaki, Acting Senior Roads Officer  
Ms J Mackay, Media Manager

**Clerk:**

Ms A Smith

**Apologies:**

Councillor B Small  
Councillor T Trotter

**Declarations of Interest:**

Item 8

**1. MINUTES FOR APPROVAL – PPRC, 11 OCTOBER 2018**

The minutes of the meeting of the Policy and Performance Review Committee of 11 October 2018 were approved.

**2. PERFORMANCE REPORT, Q2 & Q3 2017/2018**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) regarding the performance of Council services during Quarters 2 and 3 (July to December) 2017/18.

Gary Stewart, Policy Officer, presented the report, providing information in respect of those indicators with improving performance and those with declining performance. He referred to Appendix 1, which detailed the Key Performance Indicators (KPIs) for the period concerned, drawing attention to a number of the KPIs.

Officers responded to questions from Members. The Convener, referring to Community Payback Orders (CPO), asked for a definition of suitable work. Fiona Duncan, Chief Social Work Officer, indicated that there was a variety of different types of suitable work; she gave details of several examples, adding that in East Lothian the majority of work tended to be landscaping and gardening. She stated that CPO work was not meant to take away paid employment from anyone; the tasks also had to be achievable

Councillor Henderson, referring to the Contact Centre's poorer performance in Quarter 3, asked if matters had been resolved. Tom Shearer, Head of Communities and Partnerships, acknowledged that staff absence had affected the performance of this service. Colleagues from other service areas had been assisting in order to provide necessary cover, the situation was now improving and the Contact Centre was almost at its full complement of staff. Quarter 4 figures should show an improvement.

Councillor Henderson also requested an update regarding the percentage of Construction Compliance and Notification Plans KPI. Mr Shearer indicated this was a Trading Standards area of activity, shared with Midlothian Council. Discussions were ongoing with Midlothian Council regarding arrangements to try to improve capacity available to satisfy this statutory duty. There was a dearth of Trading Standards officers nationwide, the Council had encountered this whilst trying to recruit but hoped to be able to fill one of three vacant posts in the near future.

Responding to Councillor Mackett's query about Universal Credit, John Cunningham, Service Manager – Benefits, reported that the Council was now two years in to Universal Credit Full Service (UCFS); there had been an effect on housing benefit and rent income. He stated there was an issue with recording and reporting housing benefit figures. UCFS added in another tier as regards performance data requirements. He referred to the changing relationship involved in working with the Department for Work and Pensions (DWP).

Councillor McLennan requested an update on a previous request to ask the DWP to attend a Committee meeting. Kenny Christie, Service Manager – Revenues and Welfare Support, recalled that earlier request and advised that the Leader of the Council had written to the DWP but there had been no response; he would ensure this was followed up.

Councillor McGinn queried the KPI in respect of the 51 children and young people currently on the Child Protection Register (CPR). Sharon Saunders, Head of Adult and Children's Services, advised that East Lothian traditionally had 30/40 children on the CPR, the numbers could rise and fall quite quickly, since preparing the report the figure had increased to 60. She outlined the reasons for this increase. She added that until families were settled and risks addressed the children were held on the CPR.

### **Decision**

The Committee agreed to use the information provided in the report to consider whether any aspect of the Council's performance was in need of improvement or further investigation.

### **3. EAST LOTHIAN AND MIDLOTHIAN PUBLIC PROTECTION COMMITTEE ANNUAL REPORT 2016/17**

A report was submitted by the Chief Social Work Officer introducing the East Lothian and Midlothian Public Protection Committee (EMPPC) Annual Report 2016/17.

Ms Duncan presented the report, the third annual report of the EMPPC. It provided a broad summation of the work carried out in 2016/17 and commented on the main themes arising in each of the areas of Public Protection over this period; Adult Support and Protection, Child Protection, Violence Against Women and Girls, Offender Management and also Training. The report also set out the priorities for 2017/18. She informed Members that four sub-groups supported the EMPPC, providing further information on the role and remit of these groups. Processes were well established and she had confidence as regards scrutiny.

Ms Duncan and Ms Saunders responded to questions. Replying to Councillor Mackett's query, Ms Duncan advised that the aim was to ensure that people were comfortable with the referral process, there had been an increase in referrals across the board but she could not say this was due to people being more comfortable with the support in place for making a referral. Regarding his question about how this was publicised, Ms Duncan said that communication plans were in place and it was through these that information about the referral process was distributed. Ms Saunders drew attention to the effort and energy involved in multi-agency training adding that because of this staff working across the various agencies knew how to make a referral if there were any signs of concern.

Responding to Councillor Henderson, Ms Duncan advised that regardless of whether there was a spike or fall in the numbers if attention was drawn to a particular concern work was then carried out. Officers had to be responsive to whatever was presented at any given time.

In response to Councillor McGinn's query, Ms Saunders reported that East Lothian did not have the same numbers of unaccompanied asylum seeking children as a large city local authority; there was currently only one such child in the county. She outlined the process and responsibilities of a local authority in this regard.

Councillor Gilbert, referring to Offender Management, queried the supervisory system for high-risk individuals. Ms Duncan said that sex offenders were subjected to the Multi-agency Public Protection Arrangements (MAPPA) process; all the agencies (Housing, Social Work, Police and Health) were involved. She stated that much depended on the court decision. MAPPA met monthly and regular meetings outwith this process with officers also took place.

Ms Duncan clarified, in response to the Convener's questions about learning and development, that a range of courses were held and targeted as required.

### **Decision**

The Committee agreed to note the contents of the ELMPPC annual report.

## **4. ROAD ASSET MANAGEMENT – ANNUAL STATUS AND OPTIONS**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) presenting a summary of the Council's road assets as of 1 April 2017.

Peter Forsyth, Team Manager – Assets and Regulatory, presented the report. He advised that the report dealt with four different asset groups: carriageways; footways; street lighting; and traffic management systems – full status and option reports were attached in Appendix A. He took Members through each asset group in detail, drawing attention to the key points and outlining the options proposed for adoption.

Councillor McLennan, referring to the budget process, asked if recommendations were put forward to political groups at that time. Mr Forsyth confirmed this was done, stating that as part of the cyclic approach various steps were carried out within the year in relation to annual status and options. The report was developed in October and was available for Members to consider; the timing of this particular report was slightly out of step. Alan Stubbs, Service Manager – Roads, added that the process and reporting route would be looked at.

Councillor Henderson asked what percentage the 23.6km of rural public roads in a poor condition related to; Mr Forsyth advised it was around 2-3% of public roads in the county. In relation to further questions about the effect of climate change on long-term trend figures, Mr Forsyth advised that severe weather did have a significant impact on the conditions of roads. He informed Members that in 2010/11 there had been an additional investment of £2 million as a consequence of the deterioration of the road network due to adverse weather.

In response to Councillor Gilbert's query about coastal erosion. Mr Forsyth said that this did not fall within the remit of this report but he would raise this with relevant officers.

### **Decision**

The Committee agreed to note the contents of the report and operational requirements.

## **5. COUNCIL HOUSE RENT ARREARS**

A report was submitted by the Depute Chief Executive (Resources and People Services) informing the Committee of a) current levels of mainstream Council House rent arrears (excluding temporary accommodation) and b) the impact of Universal Credit Full Service (UCFS) on mainstream Council house rent arrears since its introduction in East Lothian by the Department for Work and Pensions (DWP) in March 2016.

Mr Christie presented the report taking the Committee through all aspects of the report. He gave details of rent collection prior to and since UCFS. He outlined mitigating actions carried out by the Rent Income Team. He highlighted the impact of UCFS. He informed Members of work carried out by the East Lothian Foodbank. He also reported on the new Scottish UC payment choices, the DWP Landlord Portal and Trusted Partner Status and the UK Government UC changes for implementation in 2018. He stated that the work created by

UCFS had been unprecedented and very challenging for staff. He added that operational issues with DWP still gave cause for concern.

Councillor McLennan asked about the bad debt trend. Ashley McIntyre, Performance and Business Development Officer, reported that in 2015 forecasting work had been carried out for a 4-year period; at the beginning of 2016 there had been an increase in bad debt provision, an increase in current tenant debt was also being reported. Officers worked with tenants on a regular basis to manage the situation. She added that often, on an ongoing process, officers would be able to implement an affordable payment system but there was a hierarchy of reductions and rent arrears was not at the highest level. Regarding a further query about the percentage written off, Mr Christie advised that as regards Council Tax and other charges the figure was around 2%, adding that this was monitored on an annual basis.

In response to the Convener's query about the number of claimants who had opted for payment flexibility, Mr Christie advised that if a tenant took up the Scottish choice the local authority did not necessarily find out about this. He confirmed that the DWP had advised that local figures regarding numbers opting for this would be available at some point.

Responding to Councillor Gilbert, Alison Stewart, Rent Income Team Leader, outlined the process regarding Alternative Payment Arrangement (APA), a direct payment of rent to a landlord. Responding to his further query, Ms McIntyre advised that there was a 70/80% success rate. She indicated that when an APA was applied for officers did not know when this would be approved and until then contact was maintained with the tenant.

Councillors Mackett and McGinn praised the work carried out by officers.

## **Decision**

The Committee agreed:

- i. to note the current levels of mainstream Council House rent arrears; and
- ii. to note the operational and financial impact of UC on the Council as a landlord.

## **6. HOMELESSNESS ACTION PLAN UPDATE**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) updating the Committee on the performance of the Council in delivering the objectives within the Homeless Action Plan which was agreed by Cabinet in November 2017.

Ian Patterson, Homelessness Manager presented the report, informing Members that actions were being taken in accordance with the Allocations Policy. Appendix 1 provided an overview of the Council's legal responsibilities in relation to homelessness and housing allocations, Appendix 2 provided an update on the objectives within the Action Plan.

Councillor McLennan referred to the Housing First Initiative and asked whether the Council had given this consideration. Mr Patterson stated this had been discussed with MELDAP; the Housing First Initiative was a good model that dealt with complex cases particularly well, it was being looked at but was not in itself a solution.

Councillor McMillan asked for update on the new relationship with Crisis. Mr Patterson reported that the Council was in discussion with Crisis, an organisation relatively new to Scotland. Several meetings had taken place and a number of options discussed, he added that engagement was very positive.

## **Decision**

The Committee agreed to note the contents of the report.

## **7. MAJOR EVENTS**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) outlining the Council arrangements for major events.

Susan Smith, Team Manager – Economic Development, presented the report. She outlined the role of the Economic Development and Strategic Investment Service (EDSI) in relation to cultural and sporting events. She gave details of the process and guidance provided to event organisers and requirements involved in planning an event. She informed Members that the Council was not an event organiser. Appendix 1 detailed events that had received Council funding support during 2016/17, also showing visitor numbers and the economic impact.

Ms Smith and Derek Oliver, Service Manager – Protective Services and Chair of the Safety Advisory Group (SAG) responded to questions. Councillor McLennan raised several points of concern on behalf of community councils who were present: cumulative impact, communication, safety, competitors' behaviour and the need for everyone involved to be more proactive. Mr Oliver welcomed the comments from local communities. Communication was a key focus of the SAG process. However, as mentioned earlier, the Council was not an event organiser. During the SAG process, the Council did engage with event organisers and did promote that they should use various media forums to make local communities aware that an event was taking place. The Council had to be cognisant not to get too closely involved which would risk straying from the SAG remit and into event planning.

Councillor McLennan, referring to giving funding, queried conditions and feedback. Ms Smith replied that a condition of the grant was to engage with the SAG process, it was quite clear that if an event organiser did not comply then the event would not be supported. As regards feedback this could be incorporated into the SAG process or addressed through review. Responding to further points, Mr Oliver said that notifying community councils had been for event organisers to do but this could be taken on board.

Mr Stubbs responded to queries from the Convener. Regarding the notice period, he referred to the SAG, stating that event organisers were signposted as required and had to follow the process set out. Event organisers, irrespective of the size of the event, were asked to engage as early as possible. Regarding queries about bus companies, Mr Stubbs stated that it was the responsibility of event organisers to engage with the bus companies. If there were any road closures and Temporary Traffic Regulation Orders (TTRO) required this would be communicated to bus companies, Police and community groups. The Council, in respect of events that required road closure of a main road also had to enter the details on the Scottish Road Works Register (SRWR).

Councillor Henderson expressed serious concerns raising several issues including acquiescence to event organisers, inconvenience to local communities and health and safety matters. In relation to traffic management she questioned how event organisers could police these events. Mr Stubbs outlined the process regarding road closures. He advised that in relation to events that required closure of an adopted public road event organisers had to obtain the required permissions and would be advised accordingly by the Roads Authority through the SAG. The Council was not legally obliged as Roads Authority to provide traffic management for events; this was incumbent on the event organiser. There was a legal mechanism to allow the Police to be involved if required.

In response to further points raised by Councillor Henderson questioning allowing events to take place with the presumption of trust, Douglas Proudfoot, Head of Development, gave reassurance. He advised that what this report was attempting to do was bring together a number of different aspects, SAG requirements, economic impact of major events and TTRO requirements. In respect of SAG requirements, he referred to guidance from the Scottish Government, adopted by CoSLA that local authorities had to observe. There were different scales of events; some that required a multi-agency approach and some events that were much more local in nature. He stated that some of the issues raised today around communication could be taken on board.

Mr Oliver, in response to the Convener's question, advised that there was no local community representation on the SAG; membership comprised officers from various Council services and the emergency services.

Responding to points raised, Councillor McMillan, speaking as Cabinet spokesperson for Economic Development and Tourism, agreed there were areas for improvement; the Council had directive control; communication, both from the Council and event organisers could be improved. He referred to cycling events through Gifford, stating that the individual behaviour of some of the participants had been unacceptable. There were issues arising from that needing looked at and prevented for the future. However, some events were good for the county from an economic perspective. There needed to be improved preventative controls and better co-ordination across the Council, event organisers and local communities.

Members stressed that events needed to be well managed and safe and that the cumulative impact on a small village had to be considered, a balance had to be achieved.

The Convener stated this had been a useful discussion; requesting that an update be brought back to Committee in 12 months.

## **Decision**

The Committee agreed to note the contents of the report.

## **8. COUNCIL ARRANGEMENTS WITH ENJOY LEISURE ARM'S LENGTH EXTERNAL ORGANISATION (ALEO)**

**Declaration of Interest:** Councillors Mackett and McGinn declared an interest as Council appointed representatives (Directors) on the Enjoy East Lothian Ltd Board.

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) updating the Committee on the Council's governance arrangements with its Arm's Length External Organisation (ALEO) enjoyleisure and highlighting areas of work that enjoyleisure contributed to wider Council objectives.

The Service Manager – Sport, Countryside and Leisure, Eamon John, presented the report in detail. He outlined how the Council ensured that its prepared governance arrangements were applied accordingly, highlighting the four key strands. He gave details of the wider benefits of this ALEO's work and how the objectives in both the Council Plan and the East Lothian Plan were supported. He referred to Appendix 1, which contained the performance data, drawing attention to several aspects including disability coached activity, Access to Leisure Scheme, senior activities and the different Membership Schemes.

The Convener asked how the Access to Leisure Scheme was publicised. Mr John outlined the various publication routes used; he advised that this had been reviewed a few years ago, with communication and promotion forming a major focus of that review.

Councillor Henderson expressed concerns about capacity utilisation, referring to the structure of this ALEO and the Council and questioned sustainability, adding that a report covering this aspect would be beneficial. Mr John indicated awareness of this point raised by Councillor Henderson, Convener of the Audit and Governance Committee, at the most recent meeting of that committee. He believed the concern around sustainability raised was linked directly to asset management and future life cycle forecasts of the Sports Centres. Councillor Henderson agreed. Mr John advised that the Audit and Governance Committee would be the appropriate committee for this type of report, which would be brought forward by Asset Management colleagues of the Council and ALEO partner Enjoy.

Councillor McLennan praised the work carried out by enjoyleisure and Council officers; the successful take up of activities/memberships was having an excellent impact on community wellbeing and health, which was immeasurable.

**Decision**

The Committee agreed to note the contents of the report.

**9. ANNUAL WORK PROGRAMME UPDATE**

An updated Annual Work Programme detailed the reports already scheduled for the final (June) meeting of session 2017/18 and for the 2018/19 session.

Reports added to the Work Programme –

Performance monitoring/inspection reports:

- Road Asset Management (October meeting)

Additional reports/reports requested by Members:

- Adult Social Care Charging (June meeting)
- Health Re-provision of Facilities (June meeting)
- Coastal Car Parking Review (meeting tbc)
- Economic Development and Tourism Strategy (October meeting)
- Major Events Update (February 2019 meeting)

Signed .....

Councillor Lachlan Bruce  
Convener of the Policy and Performance Review Committee