



## **MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL**

**TUESDAY 28 AUGUST 2018  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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### **Committee Members Present:**

Provost J McMillan (Convener)	Councillor W Innes
Councillor S Akhtar	Councillor S Kempson
Councillor L Bruce	Councillor G Mackett
Councillor S Currie	Councillor K Mackie
Councillor F Dugdale	Councillor C McGinn
Councillor J Findlay	Councillor P McLennan
Councillor A Forrest	Councillor K McLeod
Councillor N Gilbert	Councillor F O'Donnell
Councillor J Goodfellow	Councillor B Small
Councillor N Hampshire	Councillor T Trotter
Councillor J Henderson	Councillor J Williamson

### **Council Officials Present:**

Mrs A Leitch, Chief Executive  
Ms A MacDonald, Acting Director of Health and Social Care  
Mr A McCrorie, Depute Chief Executive (Resources and People Services)  
Ms M Patterson, Depute Chief Executive (Partnerships and Community Services)  
Mr J Lamond, Head of Council Resources  
Mr D Proudfoot, Head of Development  
Mr T Reid, Head of Infrastructure  
Ms J Tait, Head of Adult & Children's Services  
Ms L Brown, Quality Improvement Manager (Education)  
Mr S Cooper, Team Manager – Communications  
Ms E Denovan, Service Manager – Corporate Finance  
Mr K Dingwall, Team Manager – Planning Delivery  
Ms C Dora, Executive Officer  
Ms F Duncan, Chief Social Work Officer  
Ms S Fortune, Service Manager – Business Finance  
Mr C Grilli, Service Manager – Legal and Procurement  
Mr P Vestri, Service Manager – Corporate Policy and Improvement

### **Visitors Present:**

Mr S Gourlay, Scottish Fire and Rescue Service

### **Clerk:**

Mrs L Gillingwater

### **Apologies:**

None

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL**

The minutes of the Council meeting specified below were approved:

**East Lothian Council – 26 June 2018**

**2. MINUTES FOR NOTING**

The minutes of the Local Review Body (Planning) meeting of 21 June 2018 were noted.

**3. SUMMARY OF REPORTS APPROVED IN ACCORDANCE WITH SUMMER RECESS ARRANGEMENTS 2018**

A report was submitted by the Depute Chief Executive (Resources and People Services) informing the Council of the urgent business undertaken over the summer recess period in terms of the procedures set out in Standing Order 15.5 and in line with the decision taken at the meeting of the Council on 26 June 2018.

The clerk advised that one item of urgent private business had been approved during the summer recess, relating to the appointment of the Director of the East Lothian Health and Social Care Partnership. She noted that the report had been lodged in the Members' Library following its approval.

**Decision**

The Council agreed to note the business undertaken over the summer recess period.

**4. EAST LOTHIAN COMMUNITY FIRE AND RESCUE PLAN 2018**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) and the Scottish Fire and Rescue Service (SFRS) presenting the Council with the East Lothian Community Fire and Rescue Plan 2018.

The Provost welcomed Stephen Gourlay, Local Senior Officer, Scottish Fire and Rescue Service, and invited him to present his report.

Mr Gourlay advised that the Local Community Fire and Rescue Plan had been subject to a public consultation and had subsequently been approved by the Police, Fire and Community Safety Scrutiny Committee. He explained that the Plan was aligned to the SFRS transformation work, and that it would have a positive impact on East Lothian. He informed Members that an application had been made for a new rural full-time post to support retained firefighters in East Lothian, and that he was awaiting the outcome of that application.

In response to questions from Members, Mr Gourlay anticipated that the SFRS would have the capacity and resources to respond to the projected population growth in East Lothian. On deliberate fires, he advised that there had been a 200% decrease compared to the same period last year, largely due to preventative action and partnership working with Police

Scotland and community wardens. He also spoke of preventative action taken as regards road safety and domestic abuse situations. In relation to recruitment and retention, Mr Gourlay highlighted the challenges in recruiting retained firefighters, but that the situation was improving across East Lothian; the proposed new rural full-time post would support and further improve this situation. He added that, through the current transformation work, the balance between full-time and retained firefighters would be reviewed. On unwanted fire alarm signals (UFAS), he noted that the SFRS had enforcement powers, but couldn't charge businesses for false alarms; again the SFRS was working with businesses to reduce instances of UFAS. Mr Gourlay advised Members that the SFRS was represented on the safety advisory group for events in East Lothian; where emergency vehicle access was not maintained, this would be a matter for Police Scotland. Mr Gourlay also drew attention to changes in home safety visits, in that all risks would now be assessed.

As Convener of the Police, Fire and Community Safety Scrutiny Committee, Councillor Goodfellow welcomed the Community Fire and Rescue Plan, highlighting the excellent partnership working between the Council and the SFRS.

Councillor Currie also welcomed the report, particularly the enhanced home safety visits and preventative work, which were of benefit to the community.

Councillor Henderson spoke in support of the proposed full-time rural post, noting that rural communities had specific concerns.

The Provost thanked Mr Gourlay for attending the meeting and presenting his report.

## **Decision**

The Council agreed to approve the East Lothian Community Fire and Rescue Plan 2018.

## **5. 2018/19 QUARTER 1 FINANCE REVIEW**

A report was submitted by the Depute Chief Executive (Resources and People Services) informing the Council of the financial position as at the end of June 2018.

The Head of Council Resources, Jim Lamond, presented the report, drawing attention to a number of issues as regards Appendix 4 of the report: he clarified that the additional secondary education provision at Musselburgh was at preliminary design stage; in relation to 1140 Hours, most of the projects were still at feasibility stage with only minor spend expected in the current financial year.

Mr Lamond provided a summary of the Q1 position for General Services, drawing attention to Sections 3.5 – 3.9 of the report. He warned that the Council was at risk of overspending in 2018/19, and that budget holders had been reminded of the need to work within budget. On the Housing Revenue Account (HRA), Mr Lamond reported an underspend for Q1; however, he expected that the HRA would end the year broadly in line with the approved budget. As regards capital expenditure, he pointed out that due to variables outwith the Council's direct control, e.g. meeting the requirements of the Local Development Plan, the programme was subject to a high degree of change over the 5-year period, and that there was a need to be flexible and adaptable in relation to this changing environment.

Councillor Akhtar asked a number of questions in relation to Education expenditure. Lesley Brown, Quality Improvement Manager, advised that, in relation to improvement works at Musselburgh Grammar School, workshops had been held with all stakeholders and that a feasibility study would be undertaken. On the review of school family support workers, Ms Brown advised that the Scottish Government had established a working group to look at this

issue and that the Council was awaiting further information. On areas at risk of overspending, Mr Lamond indicated that early warnings had been issued to those service areas in order that remedial action could be taken; he anticipated that the Q2 report would provide a more accurate position, but he hoped that expenditure could be brought within budget.

In response to questions from Councillor Bruce, Mr Lamond confirmed that pressures on the Community Housing budget related mainly to homelessness, and that extra funding from the Scottish Government to deal with the severe weather earlier in 2018 had not covered the Council's costs.

Councillor Currie asked a series of questions as regards the risk of overspends in social care services. Mr Lamond considered the current risk rating system to be appropriate. He mentioned a number of factors that had led to the pressure on these budgets, noting that he expected this trend to continue. In response to Councillor Currie's claim that the budget for social care services was not adequate, Mr Lamond reminded him that additional investment had been allocated, and that he was satisfied with the Council's approach in this regard. On the question of cost recovery plans, Mr Lamond stated that he would approve these with the relevant Head of Service, and where there was a change of policy, this would come back to Council for approval.

Councillor O'Donnell asked for an update on staff pay awards. Mr Lamond advised that there had been no additional provision from the Scottish Government for pay inflation beyond what had been budgeted for by the Council. He indicated that for every additional 0.5%, it would cost the Council c. £650,000 - £700,000.

Responding to a question from Councillor Findlay on whether efficiency savings would be realised, Mr Lamond reported that work was ongoing between the Finance Service and Council services to ensure that savings would be delivered.

Councillor Small opened the debate by expressing concern at the overspend in health and social care and at the ability of services to achieve efficiency savings. He called on the Administration to provide information on contingency plans should such savings not be delivered. He also warned of the potential impact of pay inflation on the Council's finances. He reiterated his previously expressed views that the Council's property assets should be reviewed, that productivity levels should be improved, that more cost-effective ways of financing capital projects should be explored and that officers should ensure the delivery of cost-reduction measures.

Councillor Currie recognised that much had been done as regards change management in areas of high risk. However, he believed it was unlikely that the required savings would be delivered. He proposed that Members should be involved in cost recovery planning. He made reference to a recent report to the IJB, which indicated that satisfaction in health and social care services had worsened since 2016/17, remarking that this position was unlikely to improve given the current financial challenges.

Councillor Akhtar paid tribute to staff for their efforts to work within approved budgets. She highlighted the challenges facing the Council as regards reducing funding from the Scottish Government and the growth in population. She drew attention to proposed school estate improvements, as well as the increase in foster carers, which would allow children to remain within their communities.

As Cabinet Spokesperson for Health and Social Care, Councillor O'Donnell informed Members that 25 health and social care partnerships across Scotland had overspent in the previous financial year, and that it was predicted that many would not break even this year. She noted that the Chief Executive was in discussion with NHS colleagues concerning the

transfer of resources. She welcomed the Scottish Government's review of health and social care. She also emphasised the Council's commitment to protecting these services, despite the financial and demographic challenges, commending staff for their hard work.

Councillor Innes concluded the debate by voicing his concern at the decrease in grant funding to local government, which was having an impact on the Council's ability to deliver services. He noted that the Council had met such challenges in the past, and that staff were working hard to continue providing quality services. With reference to the growing population and demographic challenges, he highlighted the need for the Council to change how it worked as the current position would not be sustainable going forward.

### **Decision**

The Council agreed:

- i. to note the financial performance at the end of the first quarter of 2018/19 against the budgets; and
- ii. to note the actions, as proposed in Section 3.12 of the report.

## **6. RATIFICATION OF AMENDMENTS TO SESPLAN GOVERNANCE DOCUMENTS**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking Council ratification of the decision taken by the Joint Committee of the South East Scotland Strategic Development Planning Authority (SESplan) on 25 June 2018 to approve amendments to the governance documents of SESplan, specifically the Constitution, Financial Rules, Scheme of Delegation and Standing Orders, as set out in Appendix 1 to the report.

The Head of Development, Douglas Proudfoot, presented the report, advising that a governance review of SESplan had been undertaken in March 2018, which had resulted in a number of recommendations for improvements to SESplan governance documents. He drew attention to the proposed changes to those documents, set out in Appendix 1 to the report.

In response to a question from Councillor Small, Mr Proudfoot confirmed that the proposed changes would have no implications for the East Lothian Local Development Plan.

### **Decision**

The Council agreed to ratify the amendments to the SESplan governance documents in terms of the decision taken by SESplan on 25 June 2018.

## **7. CHIEF SOCIAL WORK OFFICER'S ANNUAL REPORT 2017/18**

A report was submitted by the Chief Social Work Officer, providing Council with her Annual Report 2017/18 on the statutory work undertaken on the Council's behalf and providing 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. She drew Members' attention to the key aspects of her report, and to the challenges facing social care services in terms of financial constraints, increasing demand on all services and complexity of the demands. She also spoke of the focus for 2018/19, including the inspection of self-directed

support, the implementation of the Carers' Act, changes to criminal justice services and a review of adult services and transport. She recognised that changes were required as regards the management of demand on services and different models of care. She highlighted the importance of partnership working in order to meet the challenges ahead.

Referring to the effects of alcohol use, Councillor Bruce asked about the impact on children of the minimum pricing regime. Ms Duncan advised that it was still too early to tell, but that she anticipated that this would impact most on poorer families.

Councillor Currie asked if an increase in the cost of community alarms and other services had impacted on the take-up of these services. He also asked how the Council engaged with people entitled to services/discounts, e.g. school meal entitlement. Ms Duncan noted that a number of service users had returned various pieces of equipment. On entitlement to services/discounts, she indicated that she could look into this, but that a holistic view should be taken. She added that the appeals process as regards service charges took account of risk as well as financial capability.

In response to questions from Councillor O'Donnell, it was noted that the Council would receive additional funding from the Scottish Government to tackle drug use and drug-related death. As regards funding to care for unaccompanied asylum-seeking young people, Judith Tait, Head of Adult and Children's Services advised that the funding received per child was inadequate; the Council was currently dealing with two such cases. Ms Duncan noted that there was no update on the introduction of free personal care for under 65s, but she did state that the Council would look to place such service users in specialist care facilities for younger people.

Councillor Hampshire asked if the reduction in the number of Community Payback Orders was due to the closure of Haddington Sheriff Court. Ms Duncan could not confirm that the court closure was a factor. She indicated that a proportion of officer time was allocated to support people on Community Payback Orders with a view to reducing re-offending.

Councillor Akhtar asked a question in relation to children's wellbeing inspections. Ms Duncan drew particular attention to the work at Lothian Villa, which had scored well in recent inspections.

Councillor Kempson paid tribute to the work of social work officers, commenting on the supportive working environment and the high morale among staff. Her comments were echoed by Councillor Small, who made reference to the challenges facing officers working in mental health services.

Councillor O'Donnell highlighted the financial pressures on social care services, and of the need to work in innovative ways with partner agencies. She also spoke of the importance of respite services for carers and support for young people with complex needs. She signalled that there would be further challenges, with the implementation of the Carers Act and expanded free personal care, as well as the recruitment and retention of staff.

Referring to a recent briefing on the Chief Social Worker's Annual Report, Councillor McGinn warned of the impact of a rising youth population and the potential increase of looked after children. He called on the Council, as corporate parent, to address issues such as poverty and access to housing for young people, noting the positive work done by the Champions' Board.

Councillor Currie spoke in support of the comments already made, adding that early intervention was key to improving outcomes for young people. He mentioned the impact of changes to the benefits system, and the importance of partnership working. He praised staff working in social care services.

Councillor Akhtar concluded the debate by pointing out that although pressures on children's wellbeing services were increasing, the staff were meeting those demands and continuing to deliver quality services, for example, at Lothian Villa. She reiterated comments made in relation to the hard work of staff and partner agencies.

### **Decision**

The Council agreed to note the Annual Report of the Chief Social Work Officer 2017/18.

## **8. APPOINTMENT OF THE HEAD OF INFRASTRUCTURE**

A report was submitted by the Chief Executive advising Council of the decision of the Chief Officer and Head Teacher Appointments Sub-Committee to appoint Tom Reid to the post of Head of Infrastructure.

The Head of Council Resources, Jim Lamond, presented the report, noting that twenty-five applications had been received for the post, with six candidates progressing to the short-listing stage. Following the interviews, Tom Reid had been identified as the preferred candidate; he had since accepted the post and started in his new role on 1 August 2018.

Mr Reid was congratulated and welcomed to his new post by those present at the meeting.

### **Decision**

The Council agreed to note the decision of the Chief Officer and Head Teacher Appointments Sub-Committee to appoint Tom Reid as Head of Infrastructure.

## **9. APPOINTMENTS TO COMMITTEES OF THE COUNCIL**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking Council approval of the appointment of Councillor Innes to the Planning Committee, replacing Councillor Forrest.

The clerk presented the report, advising that at its meeting on 12 September 2017, the Council approved the appointment of Councillor Forrest to the Planning Committee, replacing Councillor Innes, who was on leave of absence. With Councillor Innes's return to his duties, the Administration was now requesting that he be re-appointed to the Planning Committee; Councillor Forrest would step down from that Committee.

The Provost welcomed Councillor Innes back to the Planning Committee and thanked Councillor Forrest for his contribution to that Committee.

### **Decision**

The Council agreed to approve the appointment of Councillor Innes to the Planning Committee, replacing Councillor Forrest.

## **10. SUBMISSIONS TO THE MEMBERS' LIBRARY, 19 JUNE – 16 AUGUST 2018**

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.

With reference to Item 117/18 – East Lothian Countryside Service Report, Councillor Bruce paid tribute to the staff working in that service.

**Decision**

The Council agreed to note the reports submitted to the Members' Library Services between 19 June and 16 August 2018, as listed in Appendix 1 to the report.

**SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

The Council unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 1 (information relating to particular employees of the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

**Establishment of New Chief Officer Post**

A private report concerning the establishment of a new Chief Officer post – Chief Operating Officer (Education) – was approved by the Council.