



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

**WEDNESDAY 27 FEBRUARY 2019  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

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

**Other Councillors Present:**

Councillor S Currie  
Councillor J Goodfellow  
Councillor J McMillan

**Council Officials Present:**

Ms M Patterson Depute Chief Executive (Partnerships and Community Services)  
Mr T Reid, Head of Infrastructure  
Mr D Proudfoot, Head of Development  
Ms J Tait, Head of Children and Adult Services  
Ms F Robertson, Head of Education  
Mr P Vestri, Service Manager – Corporate Policy and Improvement  
Mr I McFarlane, Service Manager – Planning  
Mr A Stubbs, Service Manager – Roads  
Mr D Oliver, Service Manager – Protective Services  
Ms S Fortune, Service Manager – Finance  
Ms F Duncan, Chief Social Work Officer  
Mr S Byrne, Public Protection Manager  
Ms S Smith, Acting Service Manager – Economic Development  
Mr P Forsyth, Team Manager – Assets and Regulatory (Roads)  
Mr G Stewart, Policy Officer  
Ms P Bristow, Communications Adviser

**Clerk:**

Ms A Smith

**Apologies:**

Councillor G Mackett

**Declarations of Interest:**

None

## **1. MINUTES FOR APPROVAL – PPRC, 10 OCTOBER 2019**

The minutes of the meeting of the Policy and Performance Review Committee of 10 October 2018 were approved.

### **Non-Residential Social Care Charging**

Councillor McLellan asked for an update on the consultation with users. Judith Tait, Head of Children and Adult Services, indicated she take this back to Bryan Davies for a response.

## **2. PERFORMANCE REPORT, Q3 2018/2019**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) regarding the performance of Council services during Quarter 3 (September to December 2018) 2018/19.

Gary Stewart, Policy Officer, presented the report. He informed Members that the Council had moved to a new performance recording and monitoring software system called Inphase. The performance indicators presented in Appendix 1 therefore were in a slightly different format to previous reports. He went through the performance report in detail, drawing attention to a number of specific indicators.

Officers responded to questions. Councillor Gilbert referred to a query he had raised previously about calls to the Contact Centre, specifically how many people hung up before the 30-second point. Monica Patterson, Depute Chief Executive, referred to the call back facility but confirmed she would ask for this information to be provided. Councillor Gilbert asked if the reduction in the attendance numbers at pools was linked to the withdrawal of free swims. Paolo Vestri, Service Manager – Corporate Policy and Improvement, said enjoy leisure would be asked for information on attendance data to be included in future reports.

Councillor McLennan queried the street lighting repairs indicator. Alan Stubbs, Service Manager – Roads, confirmed that the indicator was below average. He advised that a number of repairs had been carried out and that the figures related to less than 3% of the assets. He stated there had been some issues with recruitment but this situation was improving. Tom Reid, Head of Infrastructure, added that some lighting units had been vandalised, some had gone beyond their life span; the team were dealing with these issues.

Responding to a question from the Convener about recycling centres, Mr Reid said there was a greater awareness now by the public of the need to separate materials; there was adequate provision to maintain these facilities.

### **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. LOCAL GOVERNMENT BENCHMARKING FRAMEWORK 2017/18**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) providing the Committee with a summary of East Lothian Council's performance of the Local Government Benchmarking Framework (LGBF) results for 2017/18.

Mr Vestri presented the report. He informed Members that a briefing on the new performance software system would be arranged prior to the next meeting. The LGBF had been developed by the Improvement Service and covered seven service areas, which he

detailed. The report highlighted the impact of reduced revenue funding in relation to council services. He drew attention to the two appendices, the first appendix provided information on the service categories, the second appendix information by cost, performance and satisfaction indicators. He referred to the summary of 2017/18 performance, the positive indicators and areas for further investigation. He reported that another residents' survey would be carried out in May 2019 and this would provide more accurate data on satisfaction with council services.

Councillor Findlay queried the impact of the introduction of 1140 hours. Fiona Robertson, Head of Education, stressed the complexity of the 1140 hours programme, providing further details. She outlined the process followed by the Care Inspectorate during an inspection. There was a new national guidance standard, which would be used to share expectation and provide support. The number of supply teachers had been increased; a Quality Improvement Officer would be providing increasing support, along with outreach workers.

Councillor Gilbert asked for details on the falling performance in Adult Care Services in respect of the perception of care and support provided. Mr Vestri outlined the methodology used advising that this indicator was taken from a national survey of GP patients; the sample from East Lothian was very small, around 140/147 people. It was also unclear from the survey what care packages these responders were receiving.

Responding to Councillor Henderson's query about the Council's ranking in relation to support services costs, Mr Vestri gave further details about the data gathering sources. He stated that now, with Unified Business Support, all administrative support spending came under a central heading. A benchmarking event about support services was scheduled next month, which should provide further ideas about this area. Councillor Henderson asked if it was about how benchmarks were created or about the support services provided. Mr Vestri indicated it was both; he would look at this indicator and at best practice.

Ms Robertson responded to a query from Councillor McLennan about the percentage of pupils from deprived areas gaining 5+ awards at level 5. She stated that a wide range of strategies were in place to target this group, providing several examples. She added that positive destinations had increased by 1% to 95%. With regard to further queries about whether this was reflective of a wider cohort and of performance generally, Ms Robertson advised that work was carried out very closely with secondary school staff. Attainment meetings were being planned with Ward Members. The context of schools was very different across the county. She stated that reviews were being carried out to ensure quality of provision and action plans were being put in place.

Councillor Currie, referring to costs per school pupils/places indicators, queried why East Lothian, in relation to comparator authorities, came last. Ms Robertson said it related to the way the calculations were done; she would forward this query to the Finance Service.

Mr Vestri, responding to the Convener's query about sickness absence and the cost to the Council, referred to Workforce Plans, stating that a substantial amount of work had been done recently; he also referred to the Managing Attendance Policy. The results of that should flow through this year/next year. There had been a reduction in the figures for teachers' absences; non-teaching staff numbers were similar to last years. As regards costs, he would forward this to HR/Finance teams for a response.

The Convener, in relation to the street cleaning indicator, expressed thanks to the many volunteers who had been involved in litter picking across the county.

## **Decision**

The Committee agreed:

- i. to note that services were reviewing all indicators that were shown to have declined or remained stable and using the Improvement Service benchmarking groups to assist in developing improvement plans to improve performance; and
- ii. to note the report and use the information provided to consider whether any aspect of the Council's performance was in need of further investigation.

#### **4. EAST LOTHIAN AND MIDLOTHIAN PUBLIC PROTECTION COMMITTEE ANNUAL REPORT 2017/18**

A report was submitted by the Chief Social Work Officer presenting the East Lothian and Midlothian Public Protection Committee (EMPPC) Annual Report 2017-18.

Fiona Duncan, the Chief Social Work Officer, presented the report, which outlined some of the core work carried out in 2017/18 and identified areas of priority for the current year. The report 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 Learning and Development. She provided further key details for each area. She informed Members that five sub-groups supported the EMPPC, providing further information on these groups.

Councillor Findlay, referring to Child Protection and to East Lothian having the fastest growing population, asked if resources were sufficient. Ms Duncan indicated it was more about looking at the current situation, at the number of children presenting now, it was about early intervention and working closely with the Education Service. The pressures were currently being dealt with. Judith Tait, Head of Children and Adult Services, agreed but added that an increase in demand for services was expected because of the rising population. She stressed the importance of supporting families effectively.

Councillor Henderson noted that the figures for the two authorities, for both Adult Protection and Child Protection, were quite different, asking for details. Sean Byrne, Public Protection Manager, stated there were different social problems across the two local authority areas. He indicated there was no evidence of any real significant change in the trend. Ms Duncan stated that although the two areas were mentioned in the report they could not necessarily be compared; each authority learned from the other and shared good practice. Ms Tait informed Members that East Lothian was a pilot area looking at a better data set.

In response to Councillor McGinn's questions, Mr Byrne clarified that East Lothian had very low numbers of trafficked young people. He highlighted the need to differentiate between this group and unaccompanied asylum-seeking children, most of whom went to Edinburgh. He also referred to links to child sexual exploitation and strategies in place to deal with this.

The Convener, referring to domestic abuse, asked about the impact of the new legislation. Mr Byrne outlined the process, staffing resource, partnership working and challenges. He stated that with the introduction of coercive control into legislation an increase in the number of referrals was anticipated. Responding to further questions, Mr Byrne reported that different ways of working were being implemented; an internationally recognised model had been adopted, it was crucial to identify the abuse at an early stage.

#### **Decision**

The Committee agreed to note the report.

## **5. THE EAST LOTHIAN COMMUNITY PLANNING ECONOMIC DEVELOPMENT STRATEGY 2012-22, REFRESH**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) outlining the key points and changes from the refresh of the East Lothian Community Planning Economic Development Strategy (EDS) 2012-22.

Susan Smith, Acting Service Manager – Economic Development, presented the report. She informed Members that work on the EDS refresh had commenced in December 2017. She detailed the various organisations involved in the process; there was comprehensive industry and stakeholder engagement. She drew attention to the various appendices. She highlighted a number of the key economic development opportunities. She outlined the Strategic Goals, which had been summarised to provide a clear focus on businesses and jobs. She drew attention to adjustments to the wording of the Strategic Objectives. She highlighted several of the priorities, including connectivity and employability.

Councillor McLennan asked a number of questions. As regards monitoring/reporting, Ms Smith said the EDS would be reported as widely as possible and regularly monitored. Regarding the impact of the budget reduction on festival funding and business growth, Ms Smith indicated that additional support had been provided, such as workshops, marketing and digital support. Douglas Proudfoot, Head of Development, stated that the Economic Development team were doing an enormous amount of work with event organisers, building capacity and resilience. He confirmed that engagement would continue. He responded to questions about the Business Support Grant, indicating that more details could be provided outwith the meeting. Councillor McLennan, returning to how the EDS was monitored, stated that it could not be separated from the budget; he would be raising this again under the work programme agenda item. Mr Proudfoot noted the point, adding that Mr Vestri and Sharon Saunders, Head of Communities and Partnerships, would be meeting to discuss aligning measures. In relation to measuring footfall at festivals, Ms Smith advised that this would continue at golf events, as would the economic impact study. Regarding other events, she would ask event organisers to share this information.

Responding to Councillor Currie, Ms Smith clarified that there would not be another refresh following budget decisions. Councillor Currie, referring to discussions at yesterday's Council meeting, highlighted the potential impact of common good funds as regards the EDS. Mr Proudfoot referred to the response provided yesterday by the Head of Council Resources.

In response to Councillor Findlay's queries about tourism and the lack of accommodation in the county, Ms Smith stated that a number of different types of accommodation were coming forward. The team were working with partners to look at gaps in the market and identify opportunities going forward. She added that off-season provision would also be looked at.

Iain McFarlane, Service Manager – Planning, responded to questions from the Convener regarding availability of land for employment use. He referred to the recently adopted East Lothian Local Development Plan 2018 (LDP) and to the Strategic Development Plan, which identified employment land. He stated the difficulty was getting land owners interested; there was a significant difference in land values for housing development and land values for economic development. Mr Proudfoot added that the Council had been bold in this area, highlighting several recent interventions.

Councillor McLennan opened the debate, welcoming the report. There were excellent opportunities ahead for the Council but investment was needed. It was very important that monitoring was carried out properly, on an annual basis.

Councillor Currie also welcomed the paper. He stressed the importance of standing firm as regards availability of employment land with land owners/developers. He stated that East

Lothian had some unique selling points that other areas did not. He praised the work carried out by the Economic Development Team.

Councillor McMillan, the Cabinet Spokesperson for Economic Development and Tourism, welcomed his colleagues' remarks. Work was being done through the EDS to help support festivals and businesses. Exploration of alternatives was essential and welcome, support and growth was there. He agreed with Councillor McLennan's comments about monitoring. He also agreed with Councillor Currie's comments about common good funds, particularly in relation to the town centre first initiative; there was a need to be innovative. The EDS needed promoted as widely as possible, as mentioned earlier.

## **Decision**

The Committee agreed to note the contents of this report and the approval mechanisms followed.

## **6. MAJOR EVENTS – UPDATE**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) updating Members on the arrangements for hosting and supporting major events following the report to Committee on 21 February 2018 and in accordance with the decision at that meeting to bring back an update report in 12 months.

Ms Smith presented the report, drawing attention to Appendix 1, which detailed the events supported in 2017/18. She advised that the list for 2018/19 was being prepared. She gave details of alternative support that was being provided to event organisers following removal of funding support.

Derek Oliver, Service Manager – Protective Services, gave an overview as regards event safety, drawing attention to the Safety Advisory Group (SAG) process. The Council had appointed an Event Safety and Resilience Officer who was the single point of contact for event organisers. He outlined some of the engagement that had taken place and gave details of the outcome of some of the major events.

Councillor Findlay asked about public liability insurance. Mr Oliver stated that in relation to community councils as event organisers the Council's Insurance Team would give advice and guidance. If the event organiser was an outside body, the SAG could provide advice and signpost as required; officers tried to ensure that organisers had minimum liability insurance.

Councillor Currie, referring to the potential for local Members to meet with event organisers, remarked that it could be in the aftermath of an event that issues came to light so pre-emptive discussions would be preferable. Mr Oliver advised that in the longer term a calendar of events would be published; in the shorter term, Temporary Traffic Regulation Orders (TTROs), which included Members in the distribution list, so any issues from these could be escalated to the SAG. Councillor Currie remarked that finding out at the TTRO stage was too late; local Members needed an awareness earlier in the process. Mr Stubbs clarified the TTRO purpose and process. Mr Forsyth, referring to the legislation, informed the Committee that in respect of a major event, if within a 12-month period another major event was scheduled, then the Scottish Government had to be notified. Mr Oliver indicated he could look at having information available on the website to give Members an early heads up of events, until the calendar was ready for publication; it was agreed this would be helpful.

Councillor Henderson asked how the economic impact was calculated. Ms Smith advised that event organisers did their own impact study, some carried out independent studies;

recognised methodology was used for these surveys. Regarding circulation of the data, Ms Smith said she would prepare and circulate a summary to Members.

In relation to Councillor McMillan's query, Mr Oliver clarified that the new Public Entertainment Licence did now capture events.

The Convener stated that having Members involved earlier in the process would be worthwhile. He noted that event organisers had taken on board improving communication with local communities; he felt that the SAG process was working well.

## **Decision**

The Committee agreed to note the contents of the report.

## **7. PLANNING SERVICE**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) providing the Committee with an update and overview of the performance of the Planning Service, benchmarking information with other Councils and to highlight funding and income streams and areas for improvement going forward.

Mr McFarlane presented the report. He took Members through the report and appendices in detail. Referring to the two main areas within the service, Development Planning and Development Management, he outlined the key issues for both areas. In relation to the performance table at section 5.1, he reported the Quarter 2 figures, which were all an improvement on Quarter 1. He stressed the distinction between processing planning applications without any engagement and negotiation with the applicant/agent, as done by some local authorities, as opposed to a considerable liaising with applicants/agents, as done by this Planning Authority as part of offering a good service and getting better results in finished developments.

Councillor McLennan asked a series of questions. In relation to the lower than expected fee income from major applications, Mr McFarlane advised that the increase in fees was happening, providing further details. He stated that in conjunction with the Finance Service likely fees due from expected applications had been built into the budget, it was an inexact science however as it depended on numerous factors affecting developer decisions and applications. Regarding staffing, he reported that recruitment had been partially successful, giving an overview of the position. In relation to the processing agreements marker, the Scottish Government had encouraged the use of these but there had been no uptake from developers. He stressed that many factors affected performance timescales, highlighting several aspects; it was a two-way process between the service and the applicant/agent. As regards queries about the LDP, if more applications were expected and whether there would be a resource issue, Mr McFarlane said that a lot of the LDP allocations were already on the ground. There would still be some significant applications to deal with but a number of these were in the system. In relation to resources, these were protected this year and it was hoped that pressures would decline next year.

With regard to processing delays by Building Standards, Mr Reid stated there had been a resource impact in this service area. Benchmarking figures were starting to improve and it was expected that by the summer there would be significant improvement.

Responding to the Convener, Mr McFarlane clarified that the performance figures represented the average number of weeks from the point of registration of a planning application to the point of the decision being issued. Scottish Government targets were four months for major applications and two months for minor applications; he indicated that these

timescales were difficult to meet. He added that East Lothian had far more listed buildings and conservation areas than many other local authorities and that in benchmarking it was the cheapest service per application in Scotland.

Councillor McLennan thanked Mr McFarlane for this report, which he had requested; it was very helpful and linked in to the EDS.

## **Decision**

The Committee agreed to use the information provided in the report to consider the performance of the Service.

## **8. COASTAL CAR PARKS REVIEW – UPDATE**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) updating the Committee on the operation of the Coastal Car Parking Scheme and the outcomes achieved to date.

Peter Forsyth, Team Manager – Assets and Regulatory (Roads), presented the report, drawing attention to the areas the report had been asked to cover. He took Members through the report and Appendix 1, the Coastal Car Parking Scheme Review in detail.

Mr Forsyth responded to questions from Councillor Findlay, regarding Appendix 1, paragraph 2.6, the first full year of operation estimate of car park income. He gave details of the business case that had been developed, the estimate of vehicle numbers and of season ticket applications. He highlighted issues such as leakage in the system due to non-compliance, advising that different approaches and ticket machines were being looked at.

Councillor Henderson asked how leakage was being dealt with. Mr Forsyth stated there were multiple reasons for leakage, providing several examples. How to combat it was difficult, increasing the resource of parking attendants was an option, 4,000 visits had been made to the sites since the onset, but the attendants were heavily resourced in town centres.

In relation to a query from Councillor Gilbert regarding Appendix 1, paragraph 5.6, number of tourism visits, Mr Forsyth said this information came from Economic Development and Tourism surveys; it was a sample figure, scaled up. Responding to more questions, he clarified that if everyone visiting paid the £2 the income would be £1.5 million. He reiterated that there was a significant difference between total numbers going to car parks and numbers paying. Regarding the leakage percentage he stated that the number of season ticket holders, 1,400 currently, had to be taken into account, a lot more people going to these beaches were using season tickets. He would estimate the avoidance figure at 20/30%.

Councillor McLennan raised a number of queries. Referring to Appendix 1, paragraph 2.9, which stated the budgetary provision income of £300,000 in 2018/19, he asked the cost of setting up this CCP Scheme. Mr Forsyth clarified this was £900,000. In relation to paragraph 3.2 and the identification of £55,000 as coastal car parking income Mr Forsyth said this sum had been identified to get to a cash neutral situation. Scottish Government business cases should be cash neutral when bringing in decriminalised Parking Enforcement (DPE). As regards to the cost of parking attendants he advised that £430,000 was paid to NSL Ltd, the service provider, an amount was also paid to the City of Edinburgh Council for back office services and on occasions Sheriff Officers were required which also had a cost element. In response to further questions about income and investment in facilities, Mr Reid stated that an allocation was within the capital plan for 19/20 for Longniddry Bents Nos.1, 2 and 3. This investment could be supplemented to deliver new facilities if the Authority was successful with an application to the Rural Tourism Grant application, which would be determined at the



end of March. Overall £530,000 had been spent on toilet improvements along the coast, some monies were grant funded. Councillor McLennan said that more had actually been spent on enforcement than on improvements. Mr Reid stated that the initial investment had been seen as being required for these areas; it was about looking at a longer period, for example 7 years. It was a balance about how much capital was invested to get a return. Councillor McLennan said it came back to the actual cost of setting up the CCP Scheme, querying its value. Mr Forsyth referred to ongoing evidence gathering, stressing the importance of obtaining more detail, looking at the operation as a whole and how these coastal car parks had been affected by the introduction of payments.

Councillor Findlay asked for details of actual improvements in each of the coastal areas; Mr Forsyth confirmed this would be provided. Regarding queries about the other local authority charges he stated that legal guidance had been taken on the use of resident parking permits; the law did not allow this for a different graded area. He added that 87% of season ticket holders were local residents, 13% were from people outwith the area.

Officers responded to questions from Councillor Currie. Mr Reid clarified that the purpose of the CCP Scheme was to protect and manage the coast, to invest in the coastal areas and to enhance the built environment. He further clarified that these were being done before to an extent but the road structure had now been vastly enhanced. Responding to more queries, Mr Forsyth reiterated the cash neutral requirement for the business case put forward, adding that costs borne from penalty charge notices (PCN) and any other parking stream had been detailed in the report to Council in 2015. He clarified additional points queried in relation to the Transport Scotland guidance and the business case put forward by the Council.

Sarah Fortune, Service Manager – Finance, responded to questions. She outlined the budget process and the net profit expectation from the CCP Scheme. She indicated that the shortfall had been recognised through the quarterly financial reviews. It was challenging, there had been many changes since the introduction of this scheme but income levels were increasing year on year. She clarified that budgets were set on a net basis so the cost of borrowing came off debt charges; regarding the costs for enforcement these came off DPE; there was still a net positive benefit, which would come back to the Council.

Councillor Currie noted the significant drop off in the winter months and queried whether other local authorities maybe did not apply charges over this period. Mr Forsyth stated that further information gathering was required; a whole raft of measures were being looked at. Councillor Currie asked, if a decision was taken to stop charging for these car parks, would town centre monitoring still continue. Mr Reid clarified that the difference would be that the deficit for DPE would be far higher than the budget gap.

The Convener, referring to the 4,000 visits to coastal car parks by parking attendants, queried the comparison to the number of visits to schools and town centres. Mr Forsyth indicated he would check and provide this information.

Opening the debate Councillor McLennan referred to major concerns expressed earlier about the business case for this CCP Scheme. The key issues were income generation of the anticipated £300,000, which would never be achieved; the impact on the budget and the required investment in facilities, that had not been done. There were too many assumptions; more monitoring was needed. This scheme had resulted in a drop in the number of people going to coastal parks. The Committee needed to look at this issue on an ongoing basis.

Councillor Currie stated there had not been a year since the introduction of this CCP Scheme where the figures had come close to making a profit. People wanted more enforcement of town centre and school traffic/parking, not at coastal car parks. People in coastal villages had been told that improvements in facilities would flow from this CCP Scheme income. It was not working and its future had to be questioned.

Councillor Gilbert referring to the number of visits by parking wardens to coastal car parks stated this was not a good use of resources; monitoring traffic at schools would be better.

Councillor McMillan referred to the number of tourism visits to beaches in East Lothian; there had been an increase of 14% since 2003. He supported and promoted the CCP Scheme.

Councillor Goodfellow challenged the statement that income from the CCP Scheme would never reach £300,000. He drew attention to Appendix 1, paragraph 2.7, which showed the gradual increase/trend in income; by 2021 this would exceed £300,000. He said there were many other factors that had to be taken into account.

Councillor Findlay stated that he had been against the CCP Scheme when it had first been muted and his view had not changed. Public perception was that promises made about improved facilities had not been kept. There was considerable antagonism in his ward about this scheme; it was not a success, changes had to be made.

Councillor McGinn noted that DPE was a contentious issue; he agreed with comments made about parking at schools, finding a balance was key.

**Decision**

The Committee agreed to note the details of the coastal car parking review report as contained within Appendix 1.

**9. WORK PROGRAMME**

An updated Work Programme detailed the reports already scheduled for the Committee for the remaining meetings in session 2018/19.

Reports added to the work programme requested by Members:

- Update on Economic Development Strategy (*October 2019 meeting*)
- Update on Coastal Car Parking (*February 2020 meeting*)
- Library Usage (*October 2019 meeting*)

The Convener, in relation to the Update on Social Care Charging on the work programme for the next meeting, suggested inviting the Charging Sub Group to attend; this was agreed.

Signed .....

Councillor Lachlan Bruce  
Convener of the Policy and Performance Review Committee