



MINUTES OF THE MEETING OF THE CABINET

**TUESDAY 10 SEPTEMBER 2019
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

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

Other Councillors Present:

Councillor L Bruce
Councillor F Dugdale
Councillor A Forrest
Councillor J Henderson
Councillor C Hoy
Councillor K Mackie
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Mr A McCrorie, Depute Chief Executive – Resources and People Services
Ms F Robertson, Head of Education and Children's Services
Mr T Reid, Head of Infrastructure
Mr D Proudfoot, Head of Development
Ms S Fortune, Chief Operating Officer (Finance)
Mr C Grilli, Service Manager – Legal and Procurement
Mr P Vestri, Service Manager – Corporate Policy and Improvement
Mr D Oliver, Service Manager – Protective Services
Mr J Coutts, Service Manager – Community Housing and Homelessness
Ms K MacNeill, Service Manager – People and Governance
Mr A Stubbs, Service Manager – Roads
Ms N Sandford, Team Manager – Housing Options
Mr P Forsyth, Team Manager – Roads Asset and Regulatory
Mr S Cooper, Team Manager – Communications
Ms W McGuire, Team Leader (Strategy and Development)
Ms L Small, Senior Prevention Officer (Homelessness)
Ms J Lothian, Sustainable Energy & Climate Change Officer
Ms R Spillane, Policy Officer
Ms M Haddow, Transportation Planning Officer
Mr R Robertson, Roads Officer
Mr S Kennedy, Emergency Planning, Risk and Resilience Officer
Ms B Crichton, Committees Officer

Clerk:

Ms A Smith

Apologies:

Councillor W Innes

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – CABINET 14 MAY 2019

The minutes of the meeting of the Cabinet of 14 May 2019 were approved.

2. CORPORATE RISK REGISTER 2019

A report was submitted by the Chief Executive presenting the Corporate Risk Register 2019 for discussion, comment and approval.

Scott Kennedy, Emergency Planning, Risk and Resilience Officer presented the report. He gave an explanation of the method used to evaluate risk and outlined the Council's response in relation to adverse risk or its risk appetite. He stated that those risks identified as 'very high' or 'high' would be subject to closer scrutiny by CMT, the Cabinet and the Audit and Governance Committee.

Councillor Henderson, referring to risk CR10 (*failure to maintain a highly skilled workforce*) asked if local authorities were having difficulties retaining profession staff. The Chief Executive, Angela Leitch, referred to the Council's Workforce Plan stating there were some service areas with pressures but the Council Management Team was aware of these and a number of strands of work were in place. She added that the drop in the number of applicants to local authority posts did not only relate to East Lothian Council.

Responding to Councillor O'Donnell's query about planning for food shortages in relation to CR1 (*Brexit*), Derek Oliver, Service Manager – Protective Services advised that this was one of the areas the Brexit Working Group was looking at. The Council's main supplier had indicated high levels of confidence to supply/store food; there were no concerns at present.

Mr Kennedy, replying to Councillor McMillan's query about ensuring that all risks were incorporated into the Risk Register, outlined the process followed to meet this objective.

Councillor McMillan remarked that he had been impressed with the measures taken across the Council to control risk.

Councillor Akhtar stated that part of the role of an Elected Member was to be vigilant about potential risks. She highlighted several key areas including education reform, welfare reform, 1140 hours and Brexit. She stressed that the Council had to continue to lobby the Scottish Government regarding the Revenue Support Grant.

Decision

The Cabinet agreed to approve the Corporate Risk Register and in doing so:

- i. agreed that the relevant risks had been identified;

- ii. agreed that the significance of each risk was appropriate to the current nature of the risk;
- iii. agreed that the total profile of Corporate Risk could be borne by the Council at this time in relation to the Council's appetite for risk;
- iv. recognised that, although while Corporate Risks required close monitoring and scrutiny throughout 2019-20, many were in fact long term risks for the Council that were likely to be a feature of the risk register over a number of years; and,
- v. noted that the Council Management Team would review all risks in the Corporate Risk Register on a regular basis.

3. UPDATE ON EAST LOTHIAN RAPID REHOUSING TRANSITION PLAN 2019/20–2023/24 AND CHANGES TO HOMELESSNESS LEGISLATION

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising Cabinet of the updated position on the East Lothian Rapid Rehousing Transition Plan (RRTP) 2019/20–2023/24, including the Scottish Government assessment process; resource allocation for 2019/20; corresponding implications for rapid rehousing ambitions and forthcoming changes to homelessness legislation.

Nicky Sandford, Team Manager – Housing Options, presented the report, taking Members through this in detail. She referred to the background to the RRTP and outlined the updated position. She highlighted the financial implications. She advised that actions set out in the draft and second iteration of the RRTP were predicated on the funding request being met in full. A third iteration of the RRTP was being prepared, which would be brought to the next Cabinet. A further complication were the changes to Local Connection and Intentionality provisions, to be introduced in November. Achieving rapid rehousing outcomes was always going to be difficult and this was now heightened for the reasons outlined in the report. She drew attention to paragraph 3.16, informing Members that while it was not mentioned in the report, a recent announcement by the Minister had confirmed the intention to extend the Unsuitable Accommodation Order to all homeless households by May 2021. Ms Sandford stressed that given this recent announcement there was greater urgency for a meeting with the Scottish Government.

Ms Sandford responded to a series of questions. In relation to Councillor Goodfellow's query about resources, she advised that the Scottish Government had provided £40,000 for development of the first draft of the RRTP, no funding had been provided for the second iteration and officers were now required to prepare a third iteration. The difficulty lay in continual revisions, corresponding funding reductions and legislative changes.

Responding to Councillor Henderson, Ms Sandford stated that South East Scotland was a highly pressurised housing market; she referred to the East Hub Area, a collaboration of neighbouring local authorities, which would continue to lobby the Scottish Government.

In relation to queries from Councillor O'Donnell, she clarified that it would be possible for a family to stay in bed and breakfast accommodation in their local area rather than take up temporary accommodation elsewhere. Responding to further questions about funding percentages received by local authorities, and whether all received the same amount, Ms Sandford outlined the Scottish Government's methodology.

In response to Councillor Akhtar's questions Ms Sandford reported that no cognisance had been taken by the Scottish Government of the needs set out in the Councils RRTP. She gave further details of the RRTP process, funding provision and bids by local authorities.

Councillor Bruce asked if it would be possible for the Council to deliver the Scottish Government's intentions with the lack of funding provision. Ms Sandford indicated it would not be possible to deliver the full ambitions of the RRTP. There were however, some aspects potentially within the Council's control such as changes to policy, practices and the delivery of more collaborative approaches. Douglas Proudfoot, Head of Development, reiterated that the process was very difficult and protracted. He informed Members that the bidding process had been oversubscribed in respect of funds available. Further discussion was urgently required with Ministers as there was a huge mismatch from the ambitions set out in the RRTP and the funding received from the Scottish Government.

Responding to further questions from Councillor Bruce about Local Connection, Ms Sandford gave details of the number of applications received, the likely impact on the Council once this was abolished and household projection figures.

Councillor Goodfellow urged Cabinet to note the concerns of officers; he drew specific attention to the resource implications detailed in the report. He remarked that no one doubted the ambition of the Scottish Government or the Council to deliver on RRTPs but inadequate funding from the Government would make this unmanageable in East Lothian. The Government was not taking cognisance of needs as set out in the Council's RRTP. He highlighted the financial situation. Referring again to the resource implications he stated it was imperative that the Council write to the Scottish Government asking for a meeting to convey concerns; he proposed that this be added to the report recommendations.

Councillor O'Donnell welcomed this proposal, which she seconded. She fully supported the ambitions of the Scottish Government and the Council but the Scottish Government had set the rules and then prevented the Council from delivering. She stressed that homeless families deserved better. The choices the Council would have to make would create further divisions in our society.

Several other Members also gave their support for comments expressed and Councillor Goodfellow's suggestion, including Councillor Henderson, Leader of the Opposition.

The Convener stated that rapid rehousing, without the necessary funding, placed huge pressures on the Council. Legislative changes to Intentionality and Local Connection would make it unworkable. Without available housing stock, it would not be possible to accommodate the numbers of people coming forward. He also supported the additional recommendation.

Decision

The Cabinet agreed:

- i. to note and consider the updated position and concern of officers in respect of the East Lothian RRTP 2019/20-2023/24, including the Scottish Government assessment and evaluation process; resource allocation for 2019/20 and beyond and implications for realising rapid rehousing ambitions, within a wider context of forthcoming legislative change;
- ii. to write to the Scottish Government asking for a meeting to convey the Council's concerns; and
- iii. to approve Option C, at paragraph 3.15 in respect of the intentionality provisions as detailed in Appendix 2 i.e. to continue operating the intentionality test to all applicants as per the existing policy.

4. EAST Lothian Council's British Sign Language Plan 2018-2024

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) informing Cabinet of the development of East Lothian Council's British Sign Language (BSL) Plan 2018- 2024.

Paolo Vestri, Service Manager – Corporate Policy and Improvement, presented the report. He outlined the background and goals in relation to the BSL Plan. The Plan for East Lothian reflected the ten long-term national goals and set out the actions the Council would take from 2018–2024. He outlined the key areas of work that the core aspects would be applied to. Referring to the policy implications, he detailed the six key core areas of work. He informed Members that the Council had been allocated £11,000 per annum from the Scottish Government to support implementation of the Plan.

Rebecca Spillane, Policy Officer, responded to questions. Councillor Henderson asked if there were sign language courses in East Lothian. Ms Spillane advised this could be done through the Adult Education programme, also through schools; Step Action was the main provider of these courses.

Responding to Councillor Akhtar's query about monitoring and evaluating the large range of activities Ms Spillane advised that this would be done through the Action Plan.

Councillor Williamson referred to a half-day taster course he had taken through Deaf Aid and asked if this could be considered for staff. Ms Spillane advised that existing levels of skill of staff would be checked and it was the intention to upskill staff as required.

In relation to Councillor O'Donnell's query about informing parents, Ms Spillane advised that most school pupils already had their support in place.

Councillor Akhtar welcomed the report and the actions the Council would be taking to promote the use and understanding of BSL across the county.

Decision

The Cabinet agreed to approve the East Lothian Council British Sign Language (BSL) Plan 2018-2024 (Appendix 1 to the report) and support the Council's continued commitment to tackling inequality and promoting inclusion of BSL users.

Sederunt: Councillor Mackie entered the Chamber

5. EAST Lothian Child Poverty Action Report 2019

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) informing the Cabinet of the development of the East Lothian Child Poverty Action Report (CPAR) which outlined key activity to address child poverty across the county.

Mr Vestri presented the report, outlining the background to the CPAR and drawing attention to the policy implications. He stated that a child was considered to be in poverty when they were living in a family with an income below 60% of the UK average after adjusting for family size. Mr Vestri stated the percentage of children in poverty in East Lothian in July-September 2017 was 18.93% (CPAR Appendix 3), but more recent data showed that this

had dropped to 17%. He highlighted the Action Plan (Appendix 1) and informed Members of actions already being delivered: free sanitary products were already available in schools through the Red Box Scheme; and there had been a 50% increase in children entitled to Free School Meals taking part in Active Schools activities.

Responding to questions from Councillor Goodfellow, Mr Vestri reported that a large number of people on Universal Credit were also classed as being in poverty. In relation to whether Housing Benefit was included he thought it was as it was classed as income but he would check and confirm this.

Councillor Hoy, referring to the *Challenges in East Lothian* Section of the CPAR asked whether the 8% increase in demand on Children's Services in 2018/2019 represented a trend set to continue. Mr Vestri advised that this increase related mostly to provision for children with additional support needs, and confirmed this trend was set to continue.

Councillor Akhtar asked what was being done to ensure East Lothian Council's partners were playing a role in addressing child poverty. Mr Vestri advised that East Lothian Council was looking at a partnership approach; a working group had been established to drive forward key areas of the Action Plan.

Councillor O'Donnell advised that the funding of a Family Support Worker had made a significant difference to children's lives in her own Ward. She highlighted the positive impact of Holiday Lunch Clubs and the work done by the Pennypit Community Development Trust, including provision of uniform banks and a café serving free food at weekends. Councillor O'Donnell welcomed the CPAR and commended the commitment of partner organisations.

Councillor Henderson highlighted that area partnerships would be reviewed after five years, and remarked that it would be prudent to explore how support could be targeted at areas most in need.

Councillor Akhtar stressed the need for partner organisations to take a more active role to help reduce child poverty in East Lothian.

The Convener remarked that partnership with community networks would be needed to help reduce child poverty in East Lothian. He commended the work done to support families by the voluntary sector.

Decision

The Cabinet agreed to note the Child Poverty Action Report and endorsed the actions outlined within the Action Plan to address child poverty.

6. UPDATE ON ELECTRIC VEHICLE CHARGING POINT INFRASTRUCTURE AND THE INTRODUCTION OF A TARIFF STRUCTURE

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising Members of progress made to date on the installation of electric vehicle chargepoints within East Lothian. The report also described the longer-term vision and funding opportunities available, highlighted the initiatives and projects in development and how the infrastructure was being managed, and introduced a pricing structure for the use of electric vehicle chargepoints.

Peter Forsyth, Team Manager – Roads Asset and Regulatory, presented the report. He drew attention to the appendices, highlighting: the growing number of electric vehicle (EV) chargepoints at locations across East Lothian; and the business case being formed to draw

down £1.5m - £2m from the Scottish Government *Switched on Towns and Cities Challenge Fund*, as well as other sources of funding. Mr Forsyth advised that all EV chargepoints were currently used free of charge; this cost £9850 in 2017, but was predicted to rise to around £61,000 due to the increase in public chargepoint availability. It was therefore proposed that the following charges be implemented: 30p per kWh would apply for Journey (rapid) chargepoints (over 43 kW); 16p per kWh for all slower chargepoints; a minimum charge per session; and an overstay charge capped at £30 to discourage abuse of charging spaces.

Mr Forsyth responded to questions from Members regarding the number of EVs in East Lothian and private sector chargepoint tariffs. He advised that it was difficult to determine how many EVs there were in East Lothian from chargepoint use, as users passed through the area. Tariffs had been established through consultation with a user group and with other local authorities, and benchmarking with private sector chargepoints had been undertaken so that tariffs in East Lothian would be in line with other regions.

Noting that the demand on chargepoints would continue to grow, the Convener asked at what point an overstay would incur a charge. Mr Forsyth advised that a charge would be incurred at a rate of £1 per minute at Journey charge points, after a grace period of 10 minutes.

Councillor Goodfellow congratulated officers on the work already carried out, which had been financed on central funds. He remarked that no area in Scotland was better served with EV chargepoints.

Councillor Bruce noted that East Lothian Council held almost £1m of EV and chargepoint assets.

Councillor Hoy welcomed the opportunity for further commercialisation of East Lothian's EV chargepoint network. He questioned how closely pricing would be monitored. Mr Forsyth advised that it would be essential to monitor use to ensure the EV chargepoint network did not run at a deficit. He advised that the availability of chargepoints would be a catalyst to encourage the use of EVs.

Councillor McMillan remarked that attitudes to different forms of car use were being adopted. He welcomed the move towards provision for EVs due to the environmental benefits.

The Convener stated that a fantastic amount of work had been done already by East Lothian Council. He commented that EV use would accelerate in the coming years, bringing with it a challenge to ensure adequate provision of chargepoints.

Decision

The Cabinet agreed:

- i. to note the introduction of 43 public charging points as part of the Transport Scotland initiative to establish a countrywide charging infrastructure network to enable electric vehicles to be driven throughout Scotland. Additional funding had been received from the UK Department for Transport's Office of Low Emission Vehicles (OLEV); and
- ii. to note that the charging units were currently free at the point of use, and endorsed the recommendation to apply a tariff for the use of the electric vehicle chargepoints.

7. VARIOUS ROADS – EAST LOTHIAN, INTRODUCTION AND AMENDMENTS TO TRAFFIC REGULATION ORDERS 2019

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval to start the statutory procedures necessary to introduce and amend various Traffic Regulation Orders to prohibit waiting, loading and unloading, introduce new speed limits and to ban and permit various types of vehicular traffic.

Mr Forsyth presented the report. He informed Members that a review of restrictions had highlighted several areas that required amendment or introduction; these were detailed in Appendix A. Revised speed limit restrictions were detailed in Appendix B. Police Scotland would be fully consulted on the introduction of all of these proposals/regulations.

Responding to Councillor Williamson's questions, Mr Forsyth confirmed that notification would be provided to residents prior to implementation of changes. Regarding a query about ensuring only appropriate parking at Musselburgh station, he remarked that it was very difficult to make a distinction between different types of station car park users.

Councillor Mackie queried parking enforcement at rail stations, as Musselburgh station already had double yellow lines but this did not stop people parking. Mr Forsyth replied that the Council would be enforcing parking; negotiations were ongoing with Scotrail regarding this, a service level agreement was being prepared. Responding to further queries, he said it would probably take around 12 months and confirmed that notifications would be displayed.

Councillor McMillan welcomed the consultation with local communities.

Decision

The Cabinet agreed to approve the initiation of the statutory procedure necessary to introduce and amend Traffic Regulation Orders in accordance with 'The Local Authorities (Procedures) (Scotland) Regulations 1999 and such introduction and amendments that were in force in respect of locations and proposals listed in Appendix A & B to the report.

8. CITY OF EDINBURGH LOW EMISSION ZONE CONSULTATION

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising Members of the proposed response to the City of Edinburgh Council (CEC) on their consultation on the introduction of Low Emission Zones (LEZ) in Edinburgh.

Mr Forsyth presented the report informing Members that Part 1 of the Transport (Scotland) Bill, introduced in June 2018, dealt with the concept of LEZ. He gave details of the LEZ scheme and the penalty applied to vehicles that did not meet the specified standard. He drew attention to Appendix A, which detailed the LEZ maps. He highlighted section 3.3.1 of the report, which set out required vehicle emission standards. He gave details of the grace periods for the two mapped areas. Analysis of the impact of the LEZ was provided in an accompanying report within the Members' Library Service. Mr Forsyth advised that LEZ implications would result in a higher demand on public transport, outlining issues in relation to rail sector capacity and parking concerns/infringements. Drawing attention to the recommendations, he highlighted the caveat of working collaboratively with the CEC.

Mr Forsyth responded to a range of questions. Councillor Bruce queried the legality of allowing a longer grace period for Edinburgh residents. Mr Forsyth said this had not been explored yet but would be challenged; he referred to the Fairer Scotland Duty and the view that this was a breach of that Duty. Regarding queries about public transport, he stressed the need for a more regional debate as this aspect could not be dealt with in isolation.

Responding to Councillor O'Donnell, Mr Forsyth confirmed that NHS Lothian had been included in the consultation. The Members' Library Service report had more detail including

social care exemption information. Councillor O'Donnell said that her ward, Preston/Seton/Gosford, had no direct bus service to the Western General Hospital; people had to change at Musselburgh. Mr Forsyth indicated he would feed this into the consultation.

Councillor McMillan, referring to the Corporate Risk Register, asked if the LEZ would be a factor in relation to the Carbon Management risk. Mr Forsyth confirmed it would be and that he would arrange for this to be taken into account for the Council's risk management. Councillor McMillan also raised concerns in relation to the cost of public transport for students and the associated problem that students may need a car, which may not meet LEZ requirements. Mr Forsyth confirmed he would feed in this comment.

Musselburgh Ward councillors raised several issues. In respect of car plate number recognition, Mr Forsyth confirmed this would be done through the DVLA and a penalty charge notice generated; no manual checks would be carried out. Regarding concerns expressed about trade vans and whether time would be allowed for upgrade/replacement, he stated there would be grace periods. He confirmed that public consultation would be carried out in Musselburgh. With regard to people potentially making longer trips outwith the city wide LEZ to avoid charges, resulting in more emissions, Mr Forsyth said the hope was that people would change their method of travel to public transport. In relation to testing/scraping schemes for petrol cars, he said that Transport Scotland ran schemes for public vehicles but he was not aware of this being offered to private vehicles.

Regarding questions about the grace period, Carlo Grilli, Service Manager – Legal and Procurement, clarified that there was not full legal analysis yet due to the Transport (Scotland) Bill, Stage 2, which was reviewing legislation; this proposed a grace period for residents of 2 years and for non-residents of 4 years. He advised in relation to the CEC policy that the position set out currently in the Bill was not being followed.

Responding to Councillor Goodfellow, Mr Forsyth advised that the Bill was expected to be made law in early 2020; this would allow the CEC to make an order for LEZ by the end of 2020 for introduction in 2021.

The Convener referred to the Bus Green Network and the need to get this extended into East Lothian. In relation to Park and Ride facilities, for example at Newcraighall, he felt that running express buses from these facilities into the city centre would be beneficial. He also referenced the Climate Change Levy. Mr Forsyth indicated these aspects would be included in the response to the CEC.

The Chief Executive informed Members of a parallel piece of work, the Workforce Parking Levy, which proposed a tax on employers in relation to the number of employees and parking spaces appropriated. She also referred to the Regional Growth Strategy and the Joint Council Regional City Deal, which took in a wide spectrum of duties; South East Scotland was growing at a far greater rate than other areas of Scotland.

Councillor Bruce opened the debate stating that he agreed generally with LEZ but had concerns about the lack of Scottish Government funding for East Lothian in relation to the works required. He agreed with Councillor Goodfellow's points during an earlier agenda item that the Scottish Government was placing duties on local authorities but not supplying the necessary funding. He remarked that LEZ would adversely affect low-income groups.

Councillor Hoy echoed his colleague's comments. He welcomed the policy but queried whether rather than a grace period if a set number of journeys per year could be considered.

Councillor Williamson remarked, in relation to Musselburgh, that a full and effective consultation with all businesses, community groups and local organisations had to be done

before implementation of this LEZ. He added that Lothian Buses needed to look at their services to the town, highlighting some issues.

Councillor Goodfellow disputed the comments made in relation to Lothian Buses, stating they were probably the best public transport network in Scotland.

Councillor Akhtar welcomed that an Integrated Impact Assessment would be done in due course and that a full public consultation would be carried out.

Decision

The Cabinet agreed:

- i. to endorse the proposed response to the City of Edinburgh’s consultation exercise;
- ii. to consider the wider implications of the proposal in respect of the Scottish Government’s and East Lothian Council’s declaration of a ‘Climate Emergency’;
- iii. to consider the objectives of East Lothian Climate Change Strategy (in preparation) to reduce carbon emissions in all services areas and that the introduction of a LEZ would benefit overall carbon reduction; and
- iv. to support the general principles of the City of Edinburgh’s proposed LEZ subject to the following conditions;
 - East Lothian Council seeks to work collaboratively with City of Edinburgh Council to develop appropriate lining and signing arrangements associated with the LEZ designs that would bound East Lothian in the interests of road safety and to ensure that the interests of both parties were met;
 - East Lothian Council seeks to work with CEC on the making of exemptions and potential interventions to mitigate the impacts of the LEZ in East Lothian in particular through Musselburgh, Wallyford, Prestonpans and Tranent;
 - East Lothian Council opposes the proposal to allow a longer grace period for Edinburgh residents as this does not consider all users equally and therefore was unfair;
 - East Lothian Council would investigate a collaborative arrangement with the City of Edinburgh to include Musselburgh within the Low Emission Zone.

Sederunt: *Councillors Mackie and McMillan left the Chamber*

9. FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 AND DATA PROTECTION ACT 2018 – COMPLIANCE STATISTICS IN 2018

A report was submitted by the Depute Chief Executive (Resources and People Services) on the Council’s compliance with the 20 working day timescale laid down by the Freedom of Information (Scotland) Act 2002 for the calendar year 2018 (i.e. from 1 January 2018 to 31 December 2018). The report also detailed the Council’s compliance with the 40 calendar day timescale laid down by the Data Protection Act 1998 and, with effect from 25 May 2018, the Council’s compliance with the one month timescale laid down by the Data Protection Act 2018 for the calendar year 2018 (i.e. from 1 January 2018 to 31 December 2018).

Kirstie MacNeill, Service Manager – People and Governance, presented the report. She detailed the total number of Freedom of Information requests in 2018, an increase from the previous year. She drew attention to the table at paragraph 3.5, which provided a breakdown of response timescales in 2018. She informed Members that last October the Scottish Information Commissioner (SIC) had intervened in respect of the deterioration in the Council's compliance with statutory timescales. Special measures had been put in place and performance had significantly improved. In July 2019, the SIC had notified the Council that his intervention would cease. Currently all requests were being dealt with to timescales.

Decision

The Cabinet agreed to note the report.

10. DEFERRING ENTRY TO PRIMARY ONE

A report was submitted by the Depute Chief Executive (Resources and People Services) informing Members of the national guidance on deferring entry to primary one as outlined in The Standards in Scotland's Schools etc. Act 2000, Children and Young People (Scotland) Act 2014 and the Association of Directors of Education Services Pre-fives Sub Committee – Guidance on Deferrals to Primary School Education. The report also provided an overview of deferring entry to primary one procedures within East Lothian.

Fiona Robertson, Head of Education and Children's Services, presented the report. She referred to the statutory duty on Education Authorities in relation to the provision of pre-school education. The Council had reviewed its Deferred Entry Guidelines for staff and parents for August 2019 to ensure transparency and rigor throughout the process and a training session had been provided for all Early Learning and Childcare settings. Where a deferred year was being considered the guidance to schools advised that the focus would be on the key aspects of the child's development and learning. She outlined the request process and parental requests to reconsider a refusal of a deferral. She drew attention to the policy implications. She informed Members that the review would not take place until at least post 2022/23 due to 1140 hours work.

Responding to questions Ms Robertson advised that the Panel would take into account all information provided including medical details. She gave details of the process if a parent chose not to access early years provision until the child was 4 years old. She clarified that the review would not take place until 2022/23 due to the resources required in delivering 1140 hours and in delivering the requirements of the East Lothian Local Development Plan.

Decision

The Cabinet agreed:

- i. to note the contents of the report; and
- ii. that the Education and Children's Service intended to review the East Lothian guidance on deferring entry to primary school as part of the ongoing review of all education related policies and guidance after full implementation of the 1140 hours Early Learning and Childcare for all 3 and 4 year olds. An Integrated Impact Assessment would be carried out when reviewing the guidelines

Signed

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Councillor Norman Hampshire
Depute Council Leader and Convener of the Cabinet