



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

**WEDNESDAY 7 OCTOBER 2020
VIA A DIGITAL MEETING FACILITY**

Committee Members Present:

Councillor L Bruce
Councillor J Findlay (Convener)
Councillor N Gilbert
Councillor C Hoy
Councillor G Mackett
Councillor C McGinn
Councillor P McLennan
Councillor T Trotter

Other Councillors Present:

Councillor S Akhtar
Councillor F O'Donnell

Council Officials Present:

Mr A McCrorie, Depute Chief Executive (Resources and People Services)
Mr D Proudfoot, Head of Development
Ms J Tait, Chief Operating Officer, Children's Services and CSWO
Mr P Vestri, Service Manager – Improvement, Policy and Communications
Ms K MacNeill, Service Manager – People and Governance
Mr K Dingwall, Service Manager – Planning
Ms L Kerr, Interim Business General Manager (Adult Wellbeing)
Mr G Stewart, Policy Officer
Ms R Crichton, Committees Officer

Clerk:

Ms A Smith

Apologies:

None

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PPRC, 26 FEBRUARY 2020

The minutes of the meeting of the Policy and Performance Review Committee of 26 February 2020 were approved.

2. UPDATE ON SOCIAL CARE CHARGING

Laura Kerr, Interim Business General Manager, Adult Wellbeing, gave a detailed verbal update on Social Care Charging for Non Residential Services. She informed the PPRC that the policy had been updated in line with COSLA's charging guidance. She drew attention to 3 areas; an uplift of 1.7% on all charges, a financial assessment for people accessing community supports rather than a flat rate and disability related expenditure (DRE) being considered at the financial assessment stage. She reported that there had been a significant delay in updating the policy and in applying the uplift due to Covid-19.

Ms Kerr responded to questions. Councillor McLennan, referring to the previous minute in relation to the under- and over-65s equalisation, asked for an update. Ms Kerr indicated this was to do with the financial assessment process not the charging policy and the assessment depended on someone's income, it was not therefore relevant for the Working Group or the Financial Assessment Officers; officers were following the correct process.

Councillor McLennan asked a number of other questions in relation to the financial assessment form and appeal process, Charging Group meetings, uptake in services and the Scottish Government's review of Adult Social Care. Ms Kerr advised that the financial assessment form would be altered as required, and would include disability related expenditure. The Charging Group had met in June, September and would be meeting today. The group would be looking at the terms of reference. She was not able to comment on whether there had been an uptake in services. Judith Tait, Chief Operating Officer, Children's Services, and CSWO, also responded regarding the Scottish Government's review, which had been announced and was expected to be reported in January 2021. This was hugely complex, with many issues and Social Work Scotland felt the timescale was too tight. It was not a review of all of Adult Social Care apparently but she did not have any more detail at present. It was essential that COSLA, the Integration Joint Board (IJB), the Council and Social Work Scotland were all part of the conversation. Councillor O'Donnell, Chair of the IJB, shared Ms Tait's concerns regarding the review timeframe. She also had concerns that there was not a service or carer user representative on the panel; COSLA had to take a lead role on this review.

Councillor Gilbert asked how the 1.7% uplift figure had been arrived at. Councillor O'Donnell advised this was linked to income in Universal Credit; it seemed a fairer approach, it also may be linked to the Consumer Price Index, which would make the Council in line with other local authorities. Councillor Gilbert asked what the 1.7% meant at the lower and upper end of the scale on a personal level for people. Ms Kerr gave details of the figures, advising that there was a maximum charge for services. Councillor O'Donnell added that it depended on an individual's care package; some people did not pay as they had protected income status.

The Convener asked, in relation to DRE and appeals, if this process had been affected by Covid-19. Ms Kerr confirmed it had in that 1 appeal meeting had been cancelled but 2 appeal meetings had taken place. She indicated that there should however be fewer appeals coming forward in future as DRE was being considered at the financial assessment stage.

Councillor McLennan stated that he would still like to continue this issue and have updates on future implications coming forward to the PPRC. He noted that the remit allowed for the appointment of ad hoc (short life) sub-committees and he would like agreement for a cross party group to take this issue forward. Councillor Bruce stated that the Conservative Group

would be happy to have any discussions, informally or formally through a cross party group. The Convener suggested this be taken offline initially. Councillor McLennan proposed having discussions, offline, with Councillors Bruce and O'Donnell; this was agreed. The Convener added that this should be actioned this week, if possible.

Sederunt – Councillor Hoy joined the meeting

3. 2020/21 Q1 AND TOP 50 PERFORMANCE INDICATORS 2019/20

A report was submitted by the Head of Communities and Partnerships providing information regarding the performance of Council services during Q1 2020/21 (April – June 2020) and Top 50 Council Plan indicators for 2019/20. The report also provided information on Covid-19 related performance.

Paolo Vestri, Service Manager – Improvement, Policy and Communications, presented the report. He took Members through the report and drew attention to the various appendices. The shutdown of non-essential services and the wider financial impact of the Covid-19 lockdown had had a major impact on Council services. He highlighted some of the quarter performance indicators within Appendix 1 that had been impacted most heavily by the lockdown. Referring to Appendix 2, Council Plan Top 50 Scorecard, he provided further details on several of the indicators. Appendices 3 and 4 gave details of the work done in relation to Covid-19. The Council, since late April, had been supplying the Scottish Government with weekly data for a Covid-19 Data Dashboard.

Councillor O'Donnell, referring to Appendix 1, CLD01 (*extent to which CLD learning opportunities have a positive effect on all round development*) asked what was in place now and whether there were any lessons learned from the schools experience of remote learning. Mr Vestri said that he was not aware of the detail of CLD although he did know that many of the classes had not restarted; he would pass the query on to Caitlin McCorry (*relevant Service Manager*) to respond offline. He was aware that virtual community centres were being looked at. Ms Tait added that in relation to CLD the Council had a bid in for the Scottish Government's Youth Work Education Recovery Fund. She also referred to ongoing partnership working targeting young people most affected.

Councillor Bruce, referring to Appendix 3, current tenant arrears, asked for further details and whether current financial challenges for people had made this more difficult. Mr Vestri replied that he did not have the details but would ask Kenny Christie (*relevant Service Manager*) to provide this offline. He was aware that officers had started the process of trying to reclaim rent arrears and that all tenants were provided with information about advice services available from a Citizen Advice Bureau (CAB) or the Welfare Rights Service.

Councillor McLennan asked, in relation to welfare advice services, how the CABx were coping. He also asked about management of business debt and how this was measured. Mr Vestri stated that the Council had good links with the CABx in Musselburgh and Haddington. Quarterly reports were received from the East Lothian Advice Consortium and a meeting was scheduled in November to go over the data. The impact of Covid-19 on their services was being monitored. On management of business debt Douglas Proudfoot, Head of Development, advised that a lot of work was being done under recovery and renewal. Officers were providing business debt advice and mentoring, they had been very successful in bringing all agencies together. The Connected Economy Group was also looking at various areas including business debt advice.

Responding to questions from Councillor Akhtar about improving life chances for young people (Appendix 2, CP17 T4) and whether the latest figure of 94% could be sustained, Mr Vestri stated that as a result of the pandemic the Scottish Government had given a Youth

Guarantee Initiative as regards positive destinations for young people. Ms Tait reported that care leavers had been significantly impacted on with Covid-19 and the reliance on her team for support had increased. There had been changes to care legislation; support was now required to be given up to the age of 26, which also had an impact on service provision.

Councillor McGinn asked how many young people had applied for a continuing care placement. Ms Tait indicated she would need to check and get back with that information. He also asked about the Scottish Welfare Fund crisis applications, noting that the figures were lower than last year. Mr Vestri stated that there had not been as many Scottish Welfare Fund crisis grant applications as expected although the average grant given out was higher than normal. Further spikes were anticipated given the large number of people furloughed. He mentioned the new Scottish Government scheme to give £500 to self-isolators who were on benefit and would lose income. The Benefits Service was working on putting the application process in place to go live on 12 October 2020.

The Convener, referring to Appendix 1, CH02 (*average number of days to re-house from temporary to permanent accommodation*) queried why there was no target under Q1. Mr Vestri clarified the target was 240 and he would ensure this was included in future reports. The Convener also queried SCL_AS03 (*fly tipping incidences*) asking if this measure was understated as rural land owners were not perhaps reporting all instances. Mr Vestri remarked that this may be the case. However, the figures related to the Council's performance in relation to reported incidences of fly tipping on public land. Kirstie MacNeill, Service Manager, People and Governance, thought that the Council had no right to enforce a policy on other landowners but the Legal Team would be able to clarify this offline.

The Convener asked how often the various measures were reviewed for relevance and if there was an opportunity to insert new measures, referring particularly to the Council's declaration of a Climate Emergency. Mr Vestri replied that the PPRC could choose which indicators they wished reported, adding that some indicators may only be able to be reported annually not quarterly. Mr Proudfoot added that following the declaration of a Climate Emergency, Cabinet had approved the Council's Climate Change Strategy; this would be refreshed annually and an Action Plan had been prepared which took cognisance of review and progress against carbon emission indicators. Covid-19 had impacted on the Scottish Government's Action Plan, but the Council's own annual update would be going to Cabinet in January 2021. Mr Vestri, responding to further queries from the Convener referred to Appendix 2, CP39; advising that carbon emissions were now being reported on annually. Mr Proudfoot referred to relevant information within a Members' Library report, stating he would circulate the link.

The Convener stated that the last 6 months had been very difficult for everyone and he recognised how hard officers had been working; he hoped when the Council moved in to the recovery phase that improvements in many of the measures in place would continue.

Councillor McLennan agreed; this had been a very extensive and helpful report. He felt it would be particularly helpful to look at key indicators in relation to the response to Covid-19, perhaps a suite of around 10 indicators; this would give an overarching view of where the policy focus should be. He would bring this up at the work programme agenda item.

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.

4. CUSTOMER FEEDBACK REPORTING 2019/20

A report was submitted by the Depute Chief Executive (Resources and People Services) regarding a) the use of the Council's Complaints Handling Procedure for 2019/2020 (1 April 2019 to 31 March 2020) and b) to raise awareness of implemented and planned improved processes as result of trends seen in the reporting.

Kirstie MacNeill, Service Manager – People and Governance presented the report. She outlined the complaints handling procedure for local authorities introduced by the Scottish Public Services Ombudsman (SPSO). She drew attention to the key areas of the report. The overview as regards the number of complaints and response times remained stable. She gave details of complaint outcomes highlighting those service areas with the highest volume of complaints at stages 1 and 2. Appendices 1 and 2 provided a more detailed breakdown. Ms MacNeill drew attention also to compliments and comments received during the period. She highlighted improvement actions taken as a result of feedback. She informed Members that only 18 cases had been escalated to the SPSO and gave details of their status.

Responding to a question from Councillor Bruce, Ms MacNeill said that compliments were fed back to staff either through the appropriate Service Manager or sometimes to the individual directly if someone had been particularly mentioned.

Councillor Hoy asked, in relation to Road Services, if complaint numbers relating to new developments where the infrastructure was not yet adopted by the Council were available. Ms MacNeill advised that if a complaint did not relate to the Council then the complainant would be so informed. She would however ask the Feedback Team to check. Mr Proudfoot stated there was regular engagement with the Council's developer base; as regards the question he would consult with colleagues in the Infrastructure Service but was not sure that the details requested would be available. He added that as the Council moved forward with the Developers' Forum it was important to eradicate these issues at source rather than dealing with them in response mode; more collaboration with developers was needed. Keith Dingwall, Service Manager – Planning informed the PPRC that the Council's Enforcement Officer attended the Developers' Forum. He added that as Mr Proudfoot indicated an issue for all services was how the Council could intervene early. One step being taken was the imminent employment of a new staff member whose sole role would be to investigate conditions of compliance as regards planning applications.

In relation to response times Councillor McLennan asked about benchmarking, he also noted the variation across service areas. He asked if the figures in Appendix 2 could be broken down further by ward. Ms MacNeill agreed there was variation, this was being looked at; awareness raising and staff training were being undertaken. Benchmarking information was not currently available, neither was a breakdown by ward but she would, for the next report, ask for further exploration to bring other information forward.

The Convener, querying the education figures within Appendix 1, asked if the numbers were due to 1140 hours or perhaps Covid-19. Ms MacNeill replied it would not be due to Covid-19 as the report period pre-dated this; as regards 1140 hours she did not have the information on how many related to this but would ask the Feedback Team to check. Councillor Akhtar stated it would be helpful to get a more detailed breakdown, covering primary, secondary, early learning and childcare settings. Ms MacNeill said she would also ask the Feedback Team to further investigate to see if this was possible.

The Convener thanked Ms MacNeill for this very useful report.

Decision

The Committee agreed to note the report.

Sederunt – Councillor McGinn left the meeting

5. REVIEW OF PERFORMANCE OF THE PLANNING SERVICE – PLANNING APPLICATION DETERMINATION

A report was submitted by the Head of Development updating the PPRC on the performance of the Planning Service in terms of the speed of determination of planning applications.

Keith Dingwall, Service Manager – Planning presented the report. He referred to the previous report to PPRC in February 2019. He reported that there was now an uplift in application numbers. Two major applications had been determined in May, under the Covid-19 emergency recess procedures, for Old Craighall and Windygoul South, which would lead to a number of further applications coming forward. He took Members through the report, highlighting the average time for determination of major planning applications and the average processing time for local planning applications. He drew attention to the charts showing the Council's position as regards local and major developments against other planning authorities. He reported that the Council's Planning Service compared favourably against comparator authorities. The Planning Performance Framework 9 for 2019-20 was attached as Appendix 1.

Councillor McLennan queried in Appendix 1, Key Markers, the only red indicator which was against stalled sites/legacy cases. Mr Dingwall stated that legacy cases had been a problem for a number of years; there were legacy cases over a year old and various reasons why it had not been possible to determine these. He added that some of the best performing local authorities simply refused applications if any part of it could not be determined within the appropriate timescale. This Council did not do this; officers would engage with developers to try to resolve matters rather than simply refusing an application.

Councillor Gilbert asked if staff working mostly from home had impacted on the statistics. Mr Dingwall stated it had not; performance for the first quarter of this year was slightly better than the same period last year. However he added that there were inevitable downsides, training new staff members for example was more difficult when working remotely.

The Convener, referring to the Appendix, Workforce Information, asked if one Enforcement Officer was sufficient. Mr Dingwall indicated it was, at present; he anticipated that the new Compliance Conditions Officer would be able to take on some of the workload of that post.

Councillor Trotter asked how staff numbers in the Planning Service compared to other local authorities. Mr Dingwall said the numbers were not dissimilar to Midlothian Council and also quite similar to Perth and Kinross Council. Mr Proudfoot added that this Council's Planning Service was the second lowest local authority as regards its cost base. There had been significant growth and development in East Lothian over a number of years and it had been possible to enhance the team. He stressed that this was one of the most efficient local authorities in keeping costs down.

Responding to Councillor Akhtar's points, Mr Dingwall stated that staff were well supported; it was of course different working remotely but managers were trying to support their staff as best they could. Councillor Akhtar, referring to appeals to Scottish Ministers, asked if this was a continuing trend, remarking that this did not seem a positive way forward as the Planning Committee had already made their decision. Mr Dingwall confirmed there had been an increase, but said that a fundamental part of the planning process was allowing for these appeals, so the Planning Committee could determine and refuse an application but the applicant was then entitled to appeal that decision. It was difficult to say if this trend would continue. Mr Proudfoot referred to regular updates to Council regarding its response to Covid-19, these updates highlighted any concerns around capacity and resilience of staff.

Going forward there would be other significant impacts to consider, rising infection rates may also have an impact and a constant review had to be kept on all of this.

Councillor McLennan, also referring to these appeals, asked about benchmarking and what this looked like against other local authorities; Mr Dingwall confirmed this would be checked and the information provided following this meeting.

The Convener, referring particularly to the large number of planning applications within his ward, North Berwick Coastal, complimented Mr Dingwall and his team on their work.

Decision

The Committee agreed to note the improvements made in the speed of determination of planning applications over the last year.

6. WORK PROGRAMME

An updated work programme detailed the reports scheduled for the PPRC for the remaining 2 meetings in session 2020/21.

Mr Vestri advised that the Local Government Benchmarking Framework 2019/20 may be delayed and not able to be reported to the February meeting.

Councillor McLennan requested a report on key indicators in relation to the Covid-19 response as he had mentioned earlier. Mr Vestri advised that this information was included in the Top 50 Indicators; there may also be some relevant information in the Improvement Service dashboard. He asked Members to have a look at this and get back to him with any suggestions for indicators that could be added to the Council's quarterly or annual Performance Indicator reports.

The Convener remarked that as performance reports were quarterly he felt it would be more logical for the PPRC to meet 4 times a year; he suggested this change going forward. Councillors McLennan and Bruce expressed support for this. The clerk advised that the schedule of meetings went to Council for approval, usually in February, for the next committee session commencing in August. A report therefore would go to Council in February 2021 for the committee session (2021/22) commencing in August 2021. She would take this request forward.

Signed

Councillor Jeremy Findlay
Convener of the Policy and Performance Review Committee