



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 8 NOVEMBER 2022
VIA A DIGITAL MEETING FACILITY

Cabinet Members Present:

Councillor S Akhtar	Councillor F Dugdale
Councillor A Forrest	Councillor N Hampshire (Convener)
Councillor C McGinn	Councillor J McMillan

Other Councillors Present:

Councillor L Allan	Councillor R Bennett
Councillor C Cassini	Councillor L Jardine
Councillor C McFarlane	Councillor G McGuire
Councillor L Menzies	Councillor B Ritchie

Council Officials Present:

Mrs M Patterson, Chief Executive
Ms L Brown, Executive Director for Education and Children's Services
Ms S Fortune, Executive Director for Council Resources
Ms E Dunnet, Head of Finance
Ms M Ferguson, Head of Corporate Support
Ms N McDowell, Head of Education
Ms W McGuire, Head of Housing
Mr T Reid, Head of Infrastructure
Ms M Sullivan, Head of Development
Mr C Grilli, Service Manager – Governance
Mr P Vestri, Service Manager – Improvement, Policy & Communications
Mr I Lennox, Team Manager – Assets and Regulatory
Mr S Cooper, Team Manager Communications
Ms A Cameron, Quality Improvement Officer (Early Years)
Ms H Mimi, Commercial Development Officer
Ms M Scott, Committees Officer

Clerk:

Ms F Currie

Apologies:

None

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – CABINET 13 SEPTEMBER AND 27 SEPTEMBER 2022

The minutes of the meetings of the Cabinet of 13 September and 27 September 2022 were approved.

2. COMMUNICATION STRATEGY

A report was submitted by the Executive Director for Council Resources seeking approval of the Communication Strategy 2022.

The Team Manager Communications, Stewart Cooper, presented the report. He provided background and context to the new five year strategy and highlighted the wider role of the Communications Team in supporting delivery of the Council Plan, promoting important public information and Council services, and engaging with local communities. He gave some examples of the advice and services provided by the Communications Team and highlighted the importance of collaborative working. He advised Members that effective communications practice had never been more crucial and that the new strategy aimed to build on the good work of recent years.

Councillor McMillan welcomed the strategy and its role in supporting other areas such as the Council's economic development plan and the local development plan. He agreed that communications had never been more important and that there needed to be strong links between the team and staff in service areas. He praised the work of Mr Cooper and his team, particularly during the pandemic when the strategy 'Stay safe; Support local; Love East Lothian' had done so much to promote the local economy. While acknowledging the work that had already been done, he encouraged the team to continue their efforts to promote the East Lothian brand.

Councillor McGinn echoed the sentiments of his colleague. He commended the work of the team during the pandemic, the 'Beast from the East' and the most recent severe storms when clear communications, providing up-to-date public information and supporting the work of Council services had been crucial. He said that, lately, there had been difficulties in filling staff vacancies within the Council and being able to promote these jobs on social media was a really useful tool. He welcomed the report and looked forward to working with the team in the future.

Councillor Forrest concurred with his colleagues. He said that having a communications adviser assigned to all services would ensure that the public were made aware of important information and key messages. He noted the variety of work undertaken by the team covering all aspects of communications and he welcomed the report.

The Convener also concurred. Referring to the recent storms as an example, he stated that when there was a major incident in East Lothian the public looked to the Council to find out what was happening. He was confident that the team would continue to ensure that local communities were well-informed on key issues and he thanked the team for their work.

Decision

The Cabinet agreed, by roll call vote, to approve the Communication Strategy.

3. CHARGING FOR ROAD CONSTRUCTION CONSENTS (RCCs)

A report was submitted by the Executive Director for Place seeking approval for the proposed approach to charging for Road Construction Consents (RCCs) within Road Services in East Lothian Council.

The Team Manager – Assets & Regulatory, Ian Lennox, presented the report. He summarised the legislative background to the proposals and outlined the range of work involved in administering RCCs which included significant time spent in giving advice and guidance and attending site visits. He said that, at present, this was a free service offered to developers but it was now thought appropriate to charge for this additional work. In 2016 the Chief Planner for Scotland had recommended that councils work to align the RCC and planning processes to promote efficiency and earlier completion of the formal process once detailed planning was approved. Mr Lennox confirmed that the proposals in the report supported this intention and that the recommended charges had been calculated on a cost recovery basis, in line with legislation.

Councillor McFarlane asked if the charges would be applicable to utilities' companies as she regularly received complaints regarding the impact of works on roads and paths. Mr Lennox advised that this proposal related to a different policy; however, he was aware of the issues she mentioned and was in discussion with utilities companies and the Scottish Roads Commissioner.

In response to further questions from Members, Mr Lennox confirmed that while developers were only required to do the statutory minimum, it was in their interests to sign up to these proposals. He provided further clarification of the involvement of Road Services officers within the wider planning process and the conditions which could be placed on developers in respect of road completions within developments. He also confirmed that the proposals would ensure full cost recovery for the RCC service.

Councillor Forrest welcomed the report which he felt would encourage developers to work more closely with Roads Services officers to achieve required standards and move forward with major developments across the county.

Councillor McMillan said it was important that the Council used its powers for the good of communities and the environment and he welcomed the proposals within the report. He also acknowledged Councillor McFarlane's point regarding the need to address complaints about the impact of works undertaken by utilities' companies.

The Convener referred to frustrations experienced by residents moving into new developments over the time taken to complete new roads. He welcomed any proposal which could speed up this process and improve outcomes for residents.

Decision

The Cabinet agreed, by roll call vote, to approve the introduction of RCC charges set at a rate to allow cost recovery through implementing a charge per metre of road, from 1st April 2023. This proposal was in line with East Lothian's Charging Policy and would support the delivery of the Council's approved budget.

4. SUSTAINABLE HOURLY RATE FOR PARTNER PROVIDERS DELIVERING 1140 HOURS OF EARLY LEARNING AND CHILDCARE

A report was submitted by the Executive Director for Education and Children's Services seeking approval of a sustainable hourly rate to be paid by East Lothian Council to Early

Learning and Childcare (ELC) partner providers in the Private, Voluntary and Individual (PVI) sectors, to deliver funded early learning and childcare from August 2022. This was in line with guidance from the Scottish Government that required all local authorities to review and set a sustainable rate for private providers.

The Quality Improvement Officer (Early Years), Alison Cameron, presented the report. She summarised the background to the requirement to pay a sustainable hourly rate to partner providers in the PVI sector and the factors taken into account when reviewing and setting that rate. She outlined the proposed changes to the rate and advised Members that while the financial impact in the current year was not significant, if no additional funding was forthcoming in 2023/24, the increase in costs would have to be met from the existing budget and may require a change to current service delivery models.

Responding to questions from Members, Ms Cameron confirmed that as part of funding for 1140 hours, there was an expectation that providers would pay the real living wage and that this would be followed up as part of regular quality assurance visits. She also expanded on the wider benefits available to partner providers through access to psychological services and to advice and guidance from the wider Quality Improvement Officer team.

Addressing the issue of funding, Ms Cameron reiterated that changes to existing service delivery models would be required if no additional funding was made available from the Scottish Government in 2023/24. She was already working with the Improvement Service to ensure that services were fit for purpose and working as efficiently and sustainably as possible, and she was confident that any necessary savings could be achieved.

Councillor Dugdale thanked officers for the report and for their consideration of all of the factors involved when setting the sustainable rate. She welcomed the expectation that providers would pay the real living wage as part of this agreement and that work was underway to ensure that these proposals could be sustained in the coming year. She said she hoped that additional funding would come forward for next year as it was important for the Council and the Scottish Government to work together to deliver for local families and children.

Councillor Akhtar supported her colleague's remarks. She reminded Members that East Lothian was one of the fastest growing local authority areas and the number of young people was projected to increase significantly. She said it was important that this demographic was taken into account and that adequate funding was provided to ensure the sustainability of services.

The Convener echoed his colleague's comments. He stated that £811,000 was a significant increase for the Council to fund in the current circumstances; where savings were already being made across all services. He expressed concern over the potential settlement from the Scottish Government for the next financial year and reiterated the level of challenge facing the Council.

Recommendations i and iii were approved by general agreement and recommendations ii, iv and v were approved, unanimously, by roll call vote.

Decision

The Cabinet agreed, by roll call vote, to:

- i. Note the review of the hourly rate to be paid to PVIs delivering Early Learning and Childcare as outlined in the report.

- ii. Agree an increase from £5.31 per hour, currently paid for both eligible 2 year olds and eligible 3 – 5 year olds to be a separate amount payable with effect from August 2022, as follows :

Eligible 2 year olds	£7.90 per hour
Eligible 3 – 5 year olds	£6.39 per hour

- iii. Note that the cost of providing a lunch will no longer be a separate payment and the calculation of the new hourly rate included lunch costs.
- iv. Agree that the hourly rate was uplifted to support children who had been identified and agreed as meeting the criteria for exceptional additional support needs. Exceptional additional support needs had 3 levels and therefore the uplift would be allocated over 3 levels, with an increase to the new hourly rate of 40%, 60% or 80% to enable PVI settings to provide additional support to meet the needs of those children.
- v. Agree to review the hourly rate annually from the date of this report.

5. RENT CONSULTATION 2023/24

A report was submitted by the Executive Director for Place seeking approval to consult with Council tenants on a range of options in respect of a potential rent increase for 2023/24.

The Head of Housing, Wendy McGuire, presented the report. She outlined the options to be included in the rent consultation and acknowledged the challenges in finding a balance between that and the impact of any future rent increase on tenants already facing difficulties from the increased the cost of living, but also the significant challenges the Council are facing and the impact that no increase would have on both their modernisation and new build programmes. She referred to the recent legislation introduced to give additional protections to tenants and that a further decision was expected from the Scottish Government in January 2023 regarding restrictions related to the social rented sector. In the meantime, it was appropriate that the Council sought the views of tenants and she invited the Cabinet to approve the consultation which would be open from today until 16 December. A report would be brought to Council in February 2023 taking account of responses, and the forthcoming decision of the Scottish Government, and setting out proposals for Council rents in 2023/24.

Responding to questions from Councillor Akhtar, Ms McGuire said officers had worked closely with the East Lothian Tenants and Residents Panel (ELTRP) to ensure that the wording of the consultation was clear and that tenants understood how the new legislation and any future changes to it might impact on proposals. She confirmed that, at present, she was not aware of any support available to local authorities should the Scottish Government decide to maintain the cap on rent increases.

Councillor Forrest was aware that both ELTRP and tenants were keen to be involved in the consultation and to understand and comment on the options. Some work had already been done at the meetings to raise awareness and he looked forward to working with officers to promote the consultation.

The Convener pointed to the Council’s record of consultation with tenants and of its continuing efforts to deliver new homes. He said that in the past tenants had supported rent increases as these had resulted in improvements such as new bathrooms and kitchens, and

further affordable homes. He concluded that, regardless of the decision on rent increases, East Lothian would still be more affordable than surrounding areas such as Edinburgh, Midlothian and West Lothian.

Recommendations ii, iii and iv were approved by general agreement and recommendation i was approved, unanimously, by roll call vote.

Decision

The Cabinet agreed to:

- i. Approve a consultation exercise with Council tenants on a range of potential rent increase options.
- ii. Note the context, legal position and rationale for this approach.
- iii. Note the modelling impacts as set out in paragraph 3.11 of the report.
- iv. Note that meaningful consideration of the consultation results are a key element in setting rents for 2023/24 and beyond.

Signed

Councillor Norman Hampshire
Council Leader and Convener of Cabinet