



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 12 MARCH 2024
VIA A DIGITAL MEETING FACILITY

Cabinet Members Present:

Councillor S Akhtar
Councillor N Hampshire (Convener)
Councillor C McGinn

Councillor A Forrest
Councillor J McMillan

Other Councillors Present:

Councillor C Cassini
Councillor C McFarlane
Councillor S McIntosh

Councillor L Jardine
Councillor G McGuire
Councillor C Yorkston

Council Officials Present:

Ms M Patterson, Chief Executive
Ms L Brown, Executive Director for Education and Children's Services
Ms E Dunnet, Head of Finance
Mrs M Ferguson, Head of Corporate Support
Ms W McGuire, Head of Housing
Mr T Reid, Head of Infrastructure
Ms L Byrne, Head of Children's Services
Mr R Montgomery, Head of Development
Mr K Dingwall, Service Manager - Planning
Mr S Cooper, Service Manager - Communications
Mr C Grilli, Service Manager – Governance
Ms G Neil, General Manager ELHSCP
Mr J Coutts, Service Manager – Community Housing & Homelessness
Mr I Lennox, Team manager – Assets & Regulatory
Mr D Irving, Senior Planner

Clerk:

Ms F Currie

Apologies:

Councillor F Dugdale

Declarations of Interest:

None

The Convener advised Members that, under the terms of Standing Order 5.4, the report for Item 5: Proposed East Lothian Local Economic Strategy, had been called in. In accordance with this process, this item of business had been withdrawn from this Cabinet agenda and would be referred to the next ordinary meeting of Council for consideration.

The Convener also proposed that Item 6: Civic Government Licensing Fee Review be withdrawn from this agenda to allow time for further condition of the proposals. This proposal was seconded by Councillor Akhtar and agreed by the Cabinet members.

The Clerk advised that Item 7 would be taken directly after Item 1 to accommodate the Head of Children's Services, Lindsey Byrne, who had to leave the meeting early.

1. MINUTES FOR APPROVAL: CABINET, 30 JANUARY 2024

The minutes of the meeting of the Cabinet on 30 January 2024 were approved.

7. FOSTERING FEE INCREASE

A report was submitted by the Executive Director for Education & Children's Services providing Cabinet with an update on fostering payments in East Lothian and seeking approval to increase the foster carer fee.

Ms Byrne presented the report. She informed members that her Service was firmly committed to keeping The Promise and ensuring that support is available to allow as many children as possible to live within their families in east Lothian. However, it was not always possible for children to remain in the family home and increasing the number of foster carers within the county would allow greater numbers of these children to have their needs met and remain within county. She advised that nationally and locally, fewer people were applying to be foster carers and there were insufficient numbers to meet demand. It was recognised that the current fee levels were lower than neighbouring local authorities and were a barrier to some people applying to be foster carers. Increasing the fees would allow the Council to be more competitive and to support more children within East Lothian. Provision had been made for the fee increase within the recently approved budget; and it was hoped that, in the medium term, additional costs would be partially offset by a reduction in spend on external foster care. Ms Byrne concluded that foster carers were an important part of children's services and she was confident that the new fees would help to attract new foster carers.

In response to a question from Councillor Akhtar, Ms Byrne advised that the budget could accommodate up to 10 additional placements per year over the next 4-5 years. A new marketing campaign would be launched including social media and word of mouth to reach as many potential new carers as possible. In addition, a new post had been created to focus on marketing and raising the profile of the service. She welcomed any assistance from Elected Members to raise awareness of the fee increase, which she hoped would be the incentive which some needed to make an application.

Replying to questions from Councillor Jardine, Ms Byrne explained that the new fee would be a flat rate, which moved away from the previous age-related fee structure. She also confirmed training was a key part of the support provided to foster carers, not only during the initial stages but also through continuing professional development. She recognised that the better equipped foster carers were, through training, development and support, the better able they were to provide care.

Councillor Forrest thanked Ms Byrne and her staff for their work in bringing forward these proposals. He emphasised the importance of keeping children within East Lothian and within their own peer groups.

Councillor Akhtar also welcomed the proposals, acknowledging the important role that foster carers had in supporting young people across the county. She commended their efforts and encouraged anyone considering this role to get in touch with the Council. She also highlighted the significant amount of support available for foster carers.

Councillor McMillan echoed his colleagues' remarks, thanking staff and all foster carers within the county. He also encouraged anyone who might be considering becoming a foster carer to get in touch.

Councillor McGinn also echoed these remarks. He said that care experienced young people deserved love and support. He hoped that families within East Lothian would see this as an opportunity to provide that love and support, and to help keep as many young people as possible within East Lothian. He added that care experienced young people often suffered more than most and he welcomed these proposals as a step in the right direction.

The Convener referred to the challenging financial position faced by the Council but said that funding had been made available to provide support to families who were willing to welcome children into their homes. He added that he and his colleagues would do all they could to support this initiative.

Decision

The Cabinet agreed, by roll call vote, to note the content of the report and to approve the proposed increase in foster carer fees.

2. COUNCIL HOUSE ALLOCATIONS TARGETS FOR 2024-25

A report was submitted by the Executive Director for Place seeking approval for Council House Allocation Targets for the period 1 April 2024 to 31 March 2025. The report also explained the context, legal position and rationale for the proposed targets.

The Service Manager – Community Housing & Homelessness, James Coutts, presented the report. He drew Members' attention to the targets set out in the report and said that demand for housing remained high with approximately 4000 people currently on the waiting list. He advised that legislation required councils to give reasonable preference to those who were living in unsatisfactory housing conditions, those under-occupying in social housing or those who were homeless or threatened with homelessness. He said that the Council was continuing to make progress in some areas with the highest number of allocations made during 2023/24. However, it was also important to set a target for the 'sustainable communities' group. This could be challenging as properties were not always available in the area identified. However, progress had been made via the local lettings plan for McLeod Avenue and a new local lettings plan for Prestonpans was proposed for 2024/25. He concluded by confirming that the Council's performance against all targets would be monitored throughout the year and, if any changes were required, a further paper would be brought forward to Cabinet in autumn.

Mr Coutts replied to questions from Councillor Forrest indicating that he hoped to see high levels of allocations during 2024/25, especially if there continued to be progress on void properties, attaining transfer targets and high levels of new build completions. However, cuts to Government subsidies in some area would increase these challenges. He also provided details of the outcomes achieved through the local lettings plan for McLeod Avenue.

In response to a question from Councillor Akhtar, Mr Coutts confirmed that, at present, there was no timescale for publication of the Scottish Government guidance on the Homeless Persons (Suspension of Referrals between Local Authorities) (Scotland) Order 2022 which came into effect in November 2022.

Replying to the Convener, Mr Coutts advised that East Lothian Council was one of 5 local authorities that continued to breach the Order on a fairly regular basis with around 30 new breaches each quarter in relation to the 7-day temporary accommodation target. He added that 75% of homelessness cases were single person households and this compounded the problem. The Council had made the situation clear to the Scottish Government and the Scottish Housing Regulator, and while both were sympathetic, it had not eased this challenging situation.

Councillor Forrest thanked Mr Coutts and all staff within the housing service. He said he was aware of the pressure they were under to manage this situation. He acknowledged the range of roles within the service which combined to deliver a good service for tenants, while meeting targets in relation to climate change, etc.

Councillor McGinn welcomed paper and echoed his colleague's remarks. He said that all Councillors were inundated with housing queries from constituents, often in desperate situations. He was aware that staff across the Council were working tirelessly to resolve this situation. But he felt that the challenges were exacerbated by the unwillingness of Government to recognise that the country was in the midst of housing crisis. This needed to be rectified and recognised as a matter of urgency.

The Convener said that the Council would continue to deliver affordable homes across the county with the funding available to it, however, he was aware that demand continued to outstrip supply. Referring to the new local development plan which would soon come to Council, he said it would be essential to include the maximum amount of affordable housing within the plan. A home was a basic human right, but it was difficult to deliver new homes with continued restrictions on funding and land, and this remained the biggest challenge facing the Council.

Decision

The Cabinet agreed, by roll call vote, to:

- i. Approve the recommended targets detailed in the report.
- ii. Note that performance against these targets will be reviewed on a regular basis and that such reviews form part of the analysis in setting future targets in 2024/25 and beyond; and
- iii. Note that ongoing regular monitoring of performance has been embedded within the Community Housing Performance Management framework.

3. REDUCTION OF SPEED LIMITS FOR ACTIVE FREEWAY

A report was submitted by the Executive Director for Place seeking Cabinet approval of the statutory procedures necessary to make and amend Traffic Regulation Orders to introduce new speed limits to reduce the speed limit on the A199 between Dunbar and Musselburgh to 40mph between settlements. This was to enable the construction of the Segregated Active Travel Corridor (now known as the Active Freeway) to current design standards.

The Team Manager – Assets & Regulatory, Ian Lennox, presented the report. He detailed the background to the proposals and the plans for the Active Freeway on the A199 between Dunbar and Musselburgh, which was a key part of the Council's active travel plan. He stated

that, for consistency, it was recommended that a 40mph speed limit was adopted for the whole length of the route, except within settlements where the speed limit was 20 or 30mph. He confirmed that funding was available from external sources but that this was contingent upon the imposition of a 40mph speed limit. He explained that statutory consultation would take place as usual when making or amending traffic regulation orders but that some advance consultation had been undertaken in late 2023. This had involved an online survey, a drop-in event, and a presentation to a local cycling forum. If the 117 responses to the survey, 63% supported the proposed changes.

Mr Lennox responded to questions from Councillor Forrest and Councillor Jardine. He confirmed that external funding was available each year from SUSTrans and other sources, should further changes or improvements be required. He advised that the number of negative comments on the proposals was a relatively small proportion of the total response to the consultation. The Council had provided a response to each comment and officers would continue to engage with communities and explain the rationale behind the proposals.

Replying to a question from Councillor Cassini, Mr Lennox outlined plans for adjustments to existing speed limits which he hoped would reduce driver confusion and advised that the need for additional signage, etc. would be considered on a case-by-case basis for each settlement. He suggested that it would be best to introduce the changes, allow them to bed in, monitor compliance and take feedback and then respond appropriately.

Responding to the Convener, Mr Lennox confirmed that the detailed engineering design would include a standard minimum 60mm buffer to prevent vehicle egress into the cycleway.

Councillor McMillan welcomed the thoughtful and innovative proposals and the work of officers to improve safety and identify external funding sources. He welcomed the introduction of a 40mph speed limit in this regard. He said that the proposals in this report also responded to the requests of local people to increase and encourage cycling and walking. He reiterated his support for the plans as a response to climate change, as a way of improving wellbeing but primarily on grounds of safety.

The Convener echoed his colleague's remarks, particularly on the provision of safer cycling routes.

Decision

The Cabinet agreed, by roll call vote, to support the initiation of the statutory procedures to initiate, consider any objections and make or amend Traffic Regulation Orders in accordance with the relevant legislation to implement a 40mph speed limit between settlements along the A199, to enable construction of the first phases of the Active Freeway during 2024.

4. CHANGES TO THE DISCRETIONARY CHARGING FOR THE PLANNING SERVICE

A report was submitted by the Executive Director for Place seeking approval to alter the discretionary fees to be applied for services within the Planning Service of East Lothian Council that were approved by Cabinet at their meeting of 14 March 2023 and that were implemented on 1 April 2023.

The Service Manager - Planning, Keith Dingwall, presented the report. He reminded Members that Cabinet had previously approved a range of discretionary fees in March 2023 and this report provided the outcome of a review of these fees, as well as proposals for further changes. He advised that, generally, the fees had worked well, and the review had provided an opportunity to streamline some of the pre-application processes, to benchmark the Council's planning service against other local authorities and, where necessary, to increase some of fee

levels. He drew attention to the main proposed change which involved energy-related projects and, in line with processes introduced at other local authorities, the introduction of discretionary fees for pre-application discussions for energy-related developments and a service for conditioned discharges. It was hoped that this additional income would support a future business case for the employment of a temporary planner for a period of 2 years. Allowing additional capacity within the service to manage the significant number of energy-related development applications.

Mr Dingwall responded to a question from Councillor Jardine, explaining the two processes for consents for energy installations involving the Council's planning service and the Scottish Government's Energy Consents Unit. He acknowledged that the Council's planning service did have capacity issues and that they were seeking to address these through the temporary planner post. He also hoped that this post would help to address the concerns of some community groups by providing additional resource to investigate breaches of planning controls.

In reply to a question from the Convener, Mr Dingwall advised that before the first discretionary fees were introduced in March 2023, a limited consultation had been undertaken with the development industry. They had provided qualified support for the proposals and there had been no adverse comments received since then. This time a limited consultation had been undertaken with the energy industry. The response had been generally positive, but developers were keen to see the income from these fees ring-fenced to support an additional planner post, to provide additional capacity in the system to help them better meet their timescales.

Responding to a question from Councillor McMillan, Mr Dingwall provided an assurance that there would be no conflict of interest with this additional post. The officer would be operating entirely under his management, as well as the two team leaders within the planning service. In addition, the new procedure for section 36 applications approved by Council in February, would mean that there were additional checks and balances in place for these applications, including the opportunity for call-in where appropriate.

The Convener said it was important to see development taking place within East Lothian and the planning process was a key part of that. He welcomed the proposals which he hoped would deliver an improved planning service for all parties involved.

Decision

The Cabinet agreed, by roll call vote, to:

- i. the introduction from the 1 April 2024 of the proposed changes to discretionary charges for providing pre-application services and written advice, as set out in the report; and
- ii. the introduction from the 1 April 2024 of a priority condition compliance service for major renewable energy related developments, as set out in report.

5. PROPOSED EAST LOTHIAN LOCAL ECONOMIC STRATEGY

This report was called in under the terms of Standing Order 5.4 and would be referred to the next ordinary meeting of Council for consideration.

6. CIVIC GOVERNMENT LICENSING FEE REVIEW

This report was withdrawn from the agenda.

Signed

Councillor Norman Hampshire
Council Leader and Convener of Cabinet