



## MINUTES OF THE MEETING OF THE CABINET

TUESDAY 9 APRIL 2013  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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**Committee Members Present:**

Councillor S Akhtar  
Councillor T Day  
Councillor D Grant  
Councillor N Hampshire  
Councillor W Innes (Convener)  
Councillor J McMillan  
Councillor M Veitch

**Other Councillors Present:**

Councillor D Berry  
Provost L Broun-Lindsay  
Councillor S Brown  
Councillor S Currie  
Councillor A Forrest  
Councillor J Gillies  
Councillor J Goodfellow  
Councillor M Libberton  
Councillor P MacKenzie  
Councillor F McAllister  
Councillor K McLeod  
Councillor J Williamson

**Council Officials Present:**

Mrs A Leitch, Chief Executive  
Mr A McCrorie, Executive Director (Support Services)  
Ms M Patterson, Executive Director (Services for Communities)  
Dr R Jennings, Head of Housing & Environment  
Mr J Lamond, Head of Council Resources  
Mr M Leys, Head of Adult Wellbeing  
Ms S Saunders, Head of Children's Wellbeing  
Mr T Shearer, Head of Policy & Partnerships  
Ms M Ferguson, Corporate Legal Adviser  
Mr P Forsyth, Senior Area Officer East (Transportation)  
Ms C Johnson, Strategic Policy Officer (Housing)  
Mrs K MacNeill, Corporate Legal Adviser  
Ms E Wilson, Housing Strategy and Development Service Manager

**Clerk:**

Mrs L Gillingwater

**Apologies:**

None

**Visitors:**

None

**1. SUMMARY OF CONTRACTS AWARDED BY EAST LOTHIAN COUNCIL, 28 FEBRUARY – 26 MARCH 2013**

A report was submitted by the Executive Director (Support Services) advising Members of all contracts awarded by the Council from 28 February to 26 March 2013, with a value of over £150,000.

Councillor Berry welcomed the extension to Dirleton Primary School, remarking that it was fair that developers contribute to the costs.

**Decision**

The Cabinet agreed to note the award of contracts with a value of over £150,000 from 28 February to 26 March 2013, as listed in Appendix 1 to the report.

**2. POLICY & PARTNERSHIPS – PARTNERSHIP FUNDING RECOMMENDATIONS 2013/14**

A report was submitted by the Executive Director (Support Services) advising of the applications received from various organisations seeking financial assistance for 2013/14 and seeking approval for the recommendations, as set out in Appendix 1 of the report.

The Head of Policy & Partnerships, Tom Shearer, presented the report, advising that a significant number of applications for funding had been received, and that the increase in funding for this budget would enable the Council to provide additional support to voluntary organisations. He noted that a short-life working group of Council officers was currently looking at developing a co-ordinated approach to financial assistance requests across the Council.

Councillor Day welcomed the continued support to voluntary groups and the range of activities and projects receiving financial assistance. He highlighted the positive work undertaken by these groups and the impact they had on communities. He thanked officers for the work involved and also the volunteers for their contribution. His views were shared by Councillor Hampshire, who added that in many cases the financial assistance provided by the Council enabled the organisations to attract additional external funding. He asked if information on the levels of external funding awarded could also be provided in future reports.

Welcoming the report, Councillor Currie paid tribute to the commitment of volunteers, and the value provided to communities by voluntary organisations.

Councillor Berry expressed his appreciation at the increase in funding, commenting that it provided excellent value for money to the Council and enabled people to engage with their communities.

Councillor McMillan pointed out that 12 April was the closing date for nominations for the Volunteer Awards and urged his colleagues to submit nominations.

## Decision

The Cabinet agreed:

- i. to approve the recommendations for individual awards, as set out in Appendix 1 to the report, totalling £969,685;
- ii. to remit officers to continue to review all grants awarded during the financial year 2013/14;
- iii. to note that it would be a condition of all grant awards that organisations provide reports on progress, expenditure and outcomes achieved; and
- iv. to note that a short life working group was examining grant and financial assistance provided across all Council services, with a view to developing a more structured approach to grant and partnership funding administration to ensure that the Council secures Best Value and embraces best practice following the principles contained in the *Code of Guidance on Funding External Bodies and Following the Public Pound*.

### 3. CORPORATE PARENTING: NEW COMMITMENTS AND POLICY

A report was submitted by the Executive Director (Services for People) informing the Cabinet of the key priorities identified at the Corporate Parenting Conference held on 28 November 2012, so that the Council and all associated agencies work together to achieve the best outcomes for Looked After Children (LAC).

The Head of Children's Wellbeing, Sharon Saunders, presented the report, reminding Members of the background to the Council's work on Corporate Parenting, including two conferences held in 2008 and 2012, which had involved young people, partner agencies and Council officers and Members. She advised that this report was aimed at refreshing the Council's commitments in relation to Corporate Parenting. She drew Members' attention to the Action Plan attached to the report, which had been endorsed by CMT and which would be overseen by the Integrated Children's Services Planning Group, and also advised that the 'Who Cares?' campaign would be launched on 21 May 2013.

In response to a question from Councillor Berry in relation to educational attainment aims, Ms Saunders advised that the new commitments and policy had been endorsed by the Council Management Team and that this was consistent with the One Council approach. She noted that Corporate Parenting would be incorporated into all Council Service Plans and the new Community Planning structure. She also expected the Council to hold officers to account.

Councillor Akhtar welcomed the report. She thanked all those involved in the Corporate Parenting Conference, particularly the Looked After Children who had contributed to the event. She referred to a number of measures being implemented to improve opportunities for Looked After Children, including access to leisure facilities, employability and internships.

Councillor MacKenzie remarked that the Council was widely recognised as a council that looks after its young people. He made reference to the Children and Young People Bill, and noted that the Council was making good progress in meeting the objectives of the Scottish Government.

Councillor Innes described the Corporate Parenting Conference as an excellent example of joint working. He spoke of the innovative and exciting proposals to support young people. However, he also warned of the consequences for the Council as a Corporate Parent when things go wrong and for the need for the Council to be prepared to accept these consequences.

## **Decision**

The Cabinet agreed:

- i. to approve and adopt each of the commitments laid out in Section 4 of the report and the refreshed action plan for the Corporate Parenting Policy (Appendix 1)
- ii. to delegate to the Corporate Parenting Planning Group (see Appendix 2 to the report) the overview of the implementation of the commitments and to request regular progress reports; and
- iii. to support Who Cares? Scotland's '*Give me a chance: phase II*' campaign to tackle the stigma and discrimination faced by children and young people in care and care leavers.

## **4. CHILDREN'S WELLBEING KINSHIP CARE AND FOSTERING STRATEGY: PAYMENTS TO FOSTER CARERS AND KINSHIP CARERS**

A report was submitted by the Executive Director (Services for People) seeking approval of proposed increases to payments to Foster Carers and Kinship Carers 2013-14.

The Head of Children's Wellbeing, Sharon Saunders, presented the report, proposing an increase to the allowances for Foster Carers and the introduction of a fee structure for Kinship Carers. She pointed out that CoSLA and Scotland Excel had negotiated a National Fostering Contract to ensure realistic charges and best value, and also drew attention to ongoing work by the Scottish Government on fostering. She provided an explanation as to how Foster Carers in East Lothian were paid in comparison with other local authorities and independent providers.

In relation to Kinship Carers, Ms Saunders advised that many did not seek support or assistance from the Council. She informed Members of work underway within the Council to identify and support Kinship Carers.

Councillor Akhtar thanked all those involved in preparing the Strategy. She highlighted the valuable work undertaken by Foster Carers and Kinship Carers, advising that the proposed increases was one way of recognising their contributions. She also reminded Members that East Lothian Foster Carers had achieved an excellent report in a recent inspection, and she praised them for their commitment and their positive relationship with the Council.

Councillor MacKenzie spoke in support of these comments and welcomed the news that Foster Carers were choosing to work with the Council rather than transferring to external agencies. He also commended the contribution made by Kinship Carers and stressed the benefits of accommodating children within their extended families.

## **Decision**

The Cabinet agreed to approve the increase in payments to Foster Carers and Formal and Informal Kinship Carers, as detailed in Section 3 of the report.

## **5. ADULT WELLBEING PAYMENTS TO VOLUNTARY ORGANISATIONS 2013-14**

A report was submitted by the Executive Director (Services for People) seeking approval to make grants, in terms of Section 10 of the Social Work (Scotland) Act 1968, to voluntary organisations for the financial year 2013-14.

**Declaration of Interest:** Councillor McLeod declared an interest as the Chair of Elvon and left the Chamber.

Responding to a question in relation to support for the Citizens Advice Bureaux, the Head of Adult Wellbeing, Murray Leys, advised that this was an anomaly, in that Haddington CAB was awarded funding from one budget and Musselburgh CAB from another. He reminded Members that there was a review currently underway within the Council looking at financial assistance to external organisations.

Councillor Currie asked for further details about the position with organisations whose funding had been withdrawn. Mr Leys provided an explanation in respect of a number of the organisations. As regards Signposts SAMH, he advised that there was a need to focus on service needs as assessed through the Adult Wellbeing Service within East Lothian.

Councillor Grant stated that organisations that were not focussing on the needs of East Lothian residents or were being funded by other means had had their Section 10 funding withdrawn. He called for further consideration of the position of Lammermuir Community Transport, including the potential impact on service users.

Councillor Currie voiced concern at the withdrawal of funding for a number of organisations, and argued that some may cease to exist without this funding. As regards Signposts SAMH, he asked if there was any other ways of providing funding to this service.

Councillor Innes recommended that, as requested by Councillors Grant and Currie, further consideration be given to the funding of Lammermuir Community Transport and Signposts SAMH.

## **Decision**

The Cabinet agreed:

- i. to note the contents of the report;
- ii. to review the funding proposals in respect of Lammermuir Community Transport and Signposts (East Lothian Employment Support) SAMH; and
- ii. with the exception of the organisations outlined in (ii) above, to agree to award grants for 2013-14 as shown in Appendix B to the report, the funding for which could be met from within the Adult Wellbeing budget.

## **6. HRA HOUSING CAPITAL INVESTMENT PLAN 2013/14**

A report was submitted by the Executive Director (Services for Communities) advising of the detail of the HRA Housing Capital Investment Plan for 2013/14 and seeking approval for the Programmes contained within the Plan.

The Housing Strategy and Development Service Manager, Esther Wilson, presented the report, drawing Members' attention to the Modernisation/Extensions Programme and the Council's New Build Programme. She advised that the Council had been awarded £11.5m of Scottish Government subsidy for new build, and that to date £10.2m of this had been drawn down. She did not anticipate an over spend as regards the New Build Programme. She also noted that 0.6m (exclusive of Scottish Government subsidy) had been allocated to the Mortgage to Rent Scheme.

In response to a request from Councillor Berry, Ms Wilson undertook to provide details of home extensions in due course.

Councillor Hampshire welcomed the report and the level of investment, particularly for the Council's New Build Programme.

Councillor Currie remarked that funding home extensions would result in cuts elsewhere in the housing budget and voiced his opposition to this policy. On the matter of Scottish Government funding for new build housing projects, he asked if discussions had taken place between the Council and Ministers in relation to specific projects.

Councillor Innes noted that, in relation to the particular project referred to by Councillor Currie, the Administration had been advised that this money could be used to fund other projects. He added that housing was a key priority and called on the Opposition to support the Administration in securing additional funding. Concerning the Mortgage to Rent Programme, Councillor Innes suggested that this had not always worked effectively in East Lothian due to high house prices, and asked officers to consider the possibility of developing an East Lothian model.

### **Decision**

The Cabinet agreed to approve the detailed HRA Housing Capital Investment Plan for 2013/14.

## **7. AFFORDABLE HOUSING AGREEMENT WITH TAYLOR WIMPEY UK LTD**

A report was submitted by the Executive Director (Services for Communities) seeking approval to enter into an Affordable Housing Agreement with Taylor Wimpey UK Ltd to facilitate the delivery of education infrastructure and affordable housing units at the strategic housing site at Pinkie, Musselburgh.

The Head of Housing & Environment, Richard Jennings, presented the report, explaining that in the current financial climate developers were finding it difficult to borrow money to fund Section 75 contributions. He proposed that the Council could pay the education contribution up front, which would enable the development of the primary school to coincide with the house building and, in return, the developer would provide the Council with a number of affordable housing units equivalent to the cost of the education contribution. He believed that this innovative approach would be a good deal for the Council and for the people of Musselburgh. He also believed that this was a low risk approach, given that the development of the housing had already commenced and that a Bond had been provided as security by Taylor Wimpey UK Ltd.

Councillor Hampshire highlighted the problems faced by developers in securing funding to start developments such as the Pinkie site, but warned that the Council was not in a position to enter into such agreements for sites across East Lothian. He proposed that the Council should approach the Scottish Government to make funds available for developers to borrow so that housing sites could be delivered. He commended officers on the Affordable Housing Agreement idea.

Councillor Currie welcomed the report and supported Councillor Hampshire's suggestion to enter into discussions with the Scottish Government.

Dr Jennings pointed out that the Housing Revenue Account was not being used as a borrowing facility; rather it was a direct internal transfer to the capital fund.

## **Decision**

The Cabinet agreed:

- i. to approve the entering into of an Affordable Housing Agreement with Taylor Wimpey UK Ltd to facilitate the delivery of education infrastructure and affordable housing units at the strategic housing site at Pinkie, Musselburgh; and
- ii. to delegate authority to the Executive Director (Services for Communities), after consultation with legal and finance officers, to finalise the terms of the said Affordable Housing Agreement, which was currently in draft form.

## **8. SCOTTISH GOVERNMENT CONSULTATION: BETTER DISPUTE RESOLUTION IN HOUSING**

A report was submitted by the Executive Director (Services for Communities) advising of the proposals being consulted on by the Scottish Government to introduce a new Housing Panel model for Scotland, and seeking approval for a response to be submitted on behalf of East Lothian Council.

The Strategic Policy Officer (Housing), Catherine Johnson, presented the report, advising that this consultation was concerned with both the social and private rented sector. She explained the current procedures for dispute resolution and set out the options for handling disputes in future, as proposed in the consultation paper. She advised that the Council's response was broadly supportive of the principles contained within Options 1 and 3, and also highlighted a number of issues which had not been included in the consultation.

## **Decision**

The Cabinet agreed to approve the proposed Council response to the consultation.

## **9. PROPOSED ADDITIONAL CAR PARK SITES, NORTH BERWICK**

A report was submitted by the Executive Director (Services for Communities) advising Cabinet of the recommendations made by external consultants, MVA Consultancy, in the North Berwick car park site appraisal report over the short, medium and long term.

The Senior Transportation Officer East, Peter Forsyth, presented the report, summarising the findings of the consultants, the potential sites assessed, and the four sites identified where additional parking could be located. He noted that the proposal for a park and ride facility on Dirleton Road would not be progressed at this time.

Mr Forsyth advised that further consultation on the identified sites would now take place through the Council's consultation hub and would provide clear details of the sites.

Councillor Berry remarked that the report had not differentiated between weekday and weekend use of car parks in North Berwick, particularly with reference to the railway station car park. Mr Forsyth explained that this particular car park was used by commuters during the week and mainly as a long-stay car park at weekends. However, he pointed out that visitors tended not to use this car park as it was not close enough to the town centre. He noted that officers were trying to deliver a solution that would address everyday use and accommodate increased traffic during the summer months.

Councillor Berry also questioned the decision as regards the park and ride facility. Mr Forsyth explained that people tended not to use such facilities.

Mr Forsyth also pointed out that he did not agree with the estimated costs set out within the consultant's report and that that cost of buying land at the Lower Glebe had not yet been established.

Councillor Goodfellow welcomed the progress made on this matter, especially as regards having the proposed parking facility at Recreation Park ready in time for The Open in July 2013. He disagreed with Councillor Berry's views on park and ride facilities, arguing that such schemes did not work in towns the size of North Berwick.

Councillor Day warned that the parking problems in North Berwick would get worse with the new housing that had been approved. He called on the Council to increase parking for residents and also support for businesses. He also suggested that clearer signage would be helpful.

### **Decision**

The Cabinet agreed:

- i. to note the recommendations within the report to increase parking provision in North Berwick; to review the residents' parking scheme and re-designate the existing car parks as short, medium and long stay parking based on a demand management model; and
- ii. to approve the provision of additional parking, as outlined at Section 3.11 of the report, and to start the statutory procedure necessary to change the residents' parking scheme subject to a review and designate car parks as short, medium and long stay.

### **10. PUBLIC MINUTE OF THE MEETING OF THE LICENSING SUB-COMMITTEE HELD ON 14 MARCH 2013**

The public minute of the meeting of the Licensing Sub-Committee held on 14 March 2013 was approved.

### **SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

The Cabinet unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraphs 1 and 6 (information concerning particular employees of the Authority; information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

#### **Sub-Committee Minutes**

The private minutes of the meetings of the Employee Appeals Sub-Committee held on 7 March and 18 March 2013 were approved.

The private minute of the meeting of the Licensing Sub-Committee held on 14 March 2013 was approved.

The private minute of the meeting of the Tenancy Sub-Committee held on 21 March 2013 was approved.