East Lothian Council

REPORT TO: Petitions Committee

MEETING DATE: 12 December 2013

BY: Depute Chief Executive (Resources and People Services) **1**

SUBJECT: Petitions Presented to the Petitions Committee for Consideration

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1 PURPOSE

1.1 To present the petitions, outlined in Appendix 1, to the Petitions Committee for consideration.

2 RECOMMENDATIONS

2.1 That the Committee considers the petitions, as outlined in Appendix 1, and takes action as required:

- **PET 1301** – Calling on East Lothian Council to have a Committee day-diary published daily and made accessible to the public on the Council's website.
- **PET 1304** – Calling on East Lothian Council to reconsider its decision to reduce the funding for Fisherrow Community Nursery, Musselburgh.

3 BACKGROUND

3.1 The Petitions Committee is asked to note that 2 petitions have been received. The petitions outlined in Appendix 1 are deemed to be competent, and the Committee is asked to consider them and refer the matters to the relevant Cabinet spokesperson/Departmental Heads, where appropriate.

3.2 Members are advised that they may view any petitions received by contacting the Clerk to the Petitions Committee.

3.3 Additional information provided by Fisherrow Community Nursery in relation to PET1304 may also be viewed by contacting the Clerk to the Petitions Committee.

4 POLICY IMPLICATIONS

4.1 There are no immediate policy implications arising from this report. Depending on the action required and agreed by the Committee, there may be policy implications relating to particular issues arising from competent petitions. These will be subject to a separate report to the relevant committee, as required.

5 EQUALITIES IMPACT ASSESSMENT

5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

6.1 Financial – dependent on the action required and agreed by the Committee.

6.2 Personnel – dependent on the action required and agreed by the Committee.

6.3 Other – dependent on the action required and agreed by the Committee.

7 BACKGROUND PAPERS

7.1 East Lothian Council Standing Orders – Appendix 1: Scheme of Administration – Petitions Committee.

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DATE	03/12/2013

Appendix 1

EAST LOTHIAN COUNCIL PETITIONS COMMITTEE
PETITIONS FOR CONSIDERATION BY THE COMMITTEE AT ITS MEETING OF 12 DECEMBER 2013

Petition Ref:	Subject of Petition	Date Rec'd	Principal Petitioner	Number of Signatures
PET 1301	**Calling on East Lothian Council to have a Committee day-diary published daily and made accessible to the public on the Council's website.** In his e-petition request, Mr Stanton made the following comments: "This [Committee day-diary] should be in their [the Council's] website in order that members of the public are apprised of matters which are being discussed by the various Committees on a daily basis. This will ensure the democratic [process] is extended to the people of the county and is an open and clear example of democracy in action. At present the only way a member of the public is able to ascertain what is going on is to access intended meetings, enter the website and then click on a meeting name, e.g. Cabinet, and then click on a particular date for the agenda papers. A further web page has to be interrogated to show the time and date of a particular meeting, e.g. Tuesday 25 June 2013 @ 10.00 of East Lothian Council. This information does not tell us anything as the subject matter being discussed or considered is not disclosed. But as in this example, what members of the public even know what 'Cabinet' refers to? However, if you do not know what the designation of the meeting – in this case Cabinet – or the date when matters are to be discussed, how is one supposed to know what is going on? If you click on the next meeting, in this case 11th June, there is no information available at all! The site simply states; "there are currently no attachments for this meeting". We are left in the dark as to what is going on. The system is so convoluted it appears that the business of the Council is deliberately obtuse to the point of secretive.	23 June 2013	K Stanton	e-petition – 5

	The information I seek is readily available on the Scottish Government website and is published daily in the newspapers. Why is similar information not available to the people of East Lothian?" Mr Stanton had a letter published in the East Lothian Courier on 11 October 2013 in relation to his petition (a scanned copy is attached at **Appendix 2**). Other relevant background information: Scottish Parliament website: http://www.scottish.parliament.uk/ East Lothian Council website: http://www.eastlothian.gov.uk/info/200188/councillors_and_committees			
Petition Ref:	**Subject of Petition**	**Date Rec'd**	**Principal Petitioner**	**Number of Signatures**
PET 1304	**Calling on East Lothian Council to reconsider its decision to reduce the funding for Fisherrow Community Nursery, Musselburgh.** The paper petition was submitted to the Council along with a covering letter received on 12 September 2013. A further letter, providing background information on the petition, was received on 25 November 2013. The letters are attached at **Appendix 3** and **Appendix 4**. The petitioners state that in May 2013 they were advised that the Council was cutting the Nursery's funding by almost 33%. They claim that this has had a negative effect on the Nursery's ability to deliver its previously high standard of care to pre-school children in the local community. They wish to point out that the Nursery is unique in the local area as a charitable, non-profit making organisation. Many of its clients cannot afford increased charges and, despite meetings with Council officials, the petitioners are not satisfied that their circumstances have been properly taken into account. In addition to the petitions, staff and parents have written to the Head of Education, their local MP and MSP. Copies of this correspondence, along with business	12 Sept 2013	J Campbell	e-petition – 165 paper petition – 711 (Total = 876)

	accounts and AGM reports, have been submitted as background information. The full list of documents is as follows: • 9 signed copies of a circular letter prepared by the Nursery; • 9 other letters from parents to the Education Authority; • Nursery accounts for 2012-13 and for the current financial year; • Chairperson's reports from the AGMs for 2012 and 2013; • Letter from Darrin Nightingale to Jackie Campbell 23 May 2013; • Reply from Jackie Campbell (no date); • E-mail and written correspondence from Sarah Boyack MSP, Kezia Dugdale MSP, Colin Beattie MP and Fiona O'Donnell MP; • Letters from Darrin Nightingale to Kezia Dugdale MSP (1 July 2013) and Colin Beattie MSP (4 July 2013). These documents may be viewed by contacting the Clerk to the Petitions Committee. The online petition – created on an independent petitions website – can be viewed using the following link: http://www.change.org/en-GB/petitions/east-lothian-council-rethink-proposed-funding-cuts-to-fisherrow-community-nursery			

Democratic Services
3 December 2013

 EAST LOTHIAN COURIER 11 OCTOBER 2013

Appendix 2

Petition calls for clearer council information

When trying to establish what matters were being considered on a particular day by East Lothian Council, I was disappointed to find that no such information is available to the general public.

The council says that the information is available but, having examined same, I am unable to actually obtain any information: it is presented in such a convoluted and obscure way I remain in the dark.

Any matter of particular concern to the community is not relayed to the public. Yet such information is published daily in regards to matters in the Scottish Parliament. Democracy, which should be open and transparent, is being flaunted by this code.

The council's representative has informed me that they have no intention of changing their position. Their reason, they state, is cost: a one-off fee estimated at between £3,000 and £5,000.

If this is seriously their only reason for such secrecy it is an incredible argument considering the funds available to the council for the benefit of the people of East Lothian.

At present, the only way a member of the public can ascertain what is going on is to enter the website and then check on a meeting name e.g. Cabinet, then click on a particular date the agenda appears.

A further web page has to be interrogated to show the time and date of a particular meeting e.g. Tuesday June 25, 2013 at 10am of East Lothian Council: this information does not tell us anything as the subject matter being discussed/considered is not disclosed.

But as in this example, what members of the public even know what 'Cabinet' refers to? If you do not know the designation name of the meeting or the date when matters are to be discussed, how is one expected to know what is going on?

In this case I clicked on the date of June 11 to be advised there there is no information available at all!

The site simply states: "There are currently no attachments for this meeting" – we are left in the dark as to what is going on. The system is so convoluted it appears that the business of the council is deliberately obtuse to the point of being secretive.

The information I seek is readily available on the Scottish Government website and is published daily in the newspapers. Why is similar information not available to the people of East Lothian?

It has been confirmed to me that a petition to the council to have this position changed is competent and I accordingly have submitted such an ePetiton online.

Such a petition invites members of the public to support it if they wish. The decision is considered quarterly by the council and this petition would be considered in their December review.

I would invite all member of the public interested in a clear democratic process to add their support for my petition.

Unfortunately the council does not advertise the existence of ePetitions.

Therefore I invite readers of the *Courier* to add their name in support of this petition in order that we might find out what the council are actually doing on a daily basis. It is after all 'our' council and our council tax which pays for it!

It can be accessed *www.eastlothian.gov.uk/CommitteeDayDiary*

Kenneth Stanton
North Road
Dunbar

COPY

Appendix 3

Fisherrow Community Nursery
at The Fisherrow Centre, South Street, Musselburgh
EH21 6AT
07949 390 853 fisherrow@googlemail.com

www.fisherrow.wix.com/fisherrownursery

Dear Mary,

Please find enclosed the petition that we started after having the funding cut confirmed. We have over 700 signatures from family, friends and local people and businesses. This was the result just from about 3 weeks without any hard petitioning. No knocking on doors, no speaking with people in the street.

There is also an online petition with change.org which has to date 159 names listed.

We discussed sending it to yourself, when Pauline Homer attended the meeting we had, tues 13th aug.
We wanted to have this passed on to whoever it may prick a conscience with. Possibly Shamin Aktar, as she was present at the Suzanne Zeedyk talk?
I have personally gone along to councillors surgeries (replies as blunt as 'och, you'll no get anything now, the budget for this year has been set.')and written to mp's/msp's with very little help forthcoming. Mr Nightingale, along with Mr Ledingham, get there PA's to send out varying cut and paste replies all amounting to effectively the same information.

I understand the need for cuts, I do. But I don't understand why the cuts that came were done as they were or in the timescale. This has never been explained to me, despite asking.
I also understand the need for us to do as much as we can, which we are trying our best to do. But as you are aware, volunteers for a parent committee is transient and different committee come with different strengths. Whilst the nursery will fight tooth and nail to keep this resource, it seriously worries me what will happen.

With the benefit of hindsight, previous committee members could have

identified this as a risk and tried to change operations to help or cover our shortfall. But I don't believe ANYONE expected SUCH a reduction in funding to happen. It makes us non-operational. The ONLY reason we are still afloat is because of a cushion of cash in our bank account that had been building up/being saved for several projects, all of which have effectively been shelved until we can see what sort of funding we can get. Of course our biggest 2 outgoings don't get covered by the vast majority of grants and funding streams so I'm unsure of how we can exist going forward. The loss of revenue is substantial, to the point of East Lothian losing this resource by the end of the school year.
If we cannot get proper streams of funding in place and/or radically change the way in which we operate and charge (making us something altogether different than what the nursery was intended to do, which was make it affordable) we will quite simply, fail. Four people will be made redundant and 30+ kids will have no childcare, some of which will be in their pre-school year.

I understand that your hands are tied in some respects but who do I need to speak to? To let them see what's going on as I feel like the nursery has been set adrift. Albeit some help/ideas from some council staff but we need REAL action to come.

I'm most probably preaching to the converted and sorry it couldn't be more uplifting.

Let's hope that whoever you decide to pass this on to, can help keep Fisherrow Community Nursery.

Thank you for taking the time to read this and I look forward to hearing from you soon.

Kind Regards

Jennifer Stormont

Appendix 4

Fisherrow Community Nursery
at The Fisherrow Centre, South Street, Musselburgh
EH21 6AT

07949 390 853 ***fisherrow@googlemail.com***

Covering Notes for Petition Hearing Thursday 12th December

Fisherrow Community Nursery is unique in its place in East Lothian as the only partnership nursery to be a non-profit making charity run by a transient committee of parents.

We care for up to 20 2.5-5 year old pre-school children in the morning sessions (9.15-11.45am) and up to 10 2-3 year olds in the afternoon sessions (1-2.45pm)
We charge £8 per morning session (for children not yet eligible for funding) and £5.50 per afternoon session

Because of the placement of toilets in relation to the nursery room we are 'well-staffed' due to regulations and restrictions on room capacity. We are able to provide an excellent staff: child ratio, making our nursery an ideal setting for children with additional or special needs enabling them to have a gentle introduction to education.

Fisherrow Nursery pays, rent, wages, taxes, maintenance & legal fees, stand alone with no support other than ELC funding, fees and money raised by parents.

We run with part time staff- Nursery Manager @ £10/hr.; 1x nursery assistant @ £8/hr.; 1x nursery assistant @ £7.50/hr. and one Modern apprentice @£2.62/hr.
We also have 1 morning per week teaching input, supplied by ELC.
At present our wage bill is £25,550.46pa; Taxes £4,178.33; legal (estimate) £646.
Rent£5,391.36- total £35,766.15

We have been frugal in our expenditure since the funding cuts, but having always been prolific in our fundraising and this continues with vigour.

However, the cuts were so drastic (33%) that we no longer have enough money to cover staff wages, taxes, rent and legal fees. These are costs not independently met by other partnership nurseries- and also not covered by any grants we may win.
We estimate our funding from ELC to be £21,143 this year (£33,837.50 in 2012/3)
We charge fees @ £8 am session and £5.50 pm session estimating income of £6,500.
This would give us an overall income of £27,643 (estimate), leaving us with a shortfall of £8,123.15 in the year (estimate), excluding telephone, broadband, other bills as well as art materials, day to day expenses, sundries & maintenance (we recently met costs of replacing flooring, re surfacing & painting the playground, fitting kitchen, installing fans at the request of H&S etc.) which we can cover by fundraising.

Fisherrow Community Nursery is an integral part of the community; it is well renowned for providing an excellent standard of care and support to families- especially providing a service to

those with additional needs and families on lower incomes. It allows parents to work, who in other circumstances would be unable to afford childcare.

Children born later in the year are often unable to get a space at school nurseries due to increased demand, thus they often can only have 1 year funded 'school' nursery, Fisherrow is able to fill this gap, providing a full pre-school education program, to those needing- in many cases- most support.

Since hearing of the funding cuts we have enlisted the support from the community through the local press and our petition. We have backing from local Councillors, MSPs and MPs- although we are aware they have no/ little authority to change ELC ruling.

We have many letters and e mails of support which have been handed on to the Department of Education, we would hope they could be included in our appeal.