



**MINUTES OF THE MEETING OF
THE CABINET**

**TUESDAY 13 MAY 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor J Gillies
Councillor J Goodfellow
Councillor P MacKenzie
Councillor F McAllister
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services
Mr A McCrorie, Depute Chief Executive – Resources and People Services
Mr D Small, Director of East Lothian Health and Social Care Partnership
Mr J Lamond, Head of Council Resources
Mr R Montgomery, Head of Infrastructure
Mr T Shearer, Head of Communities and Partnerships
Mr J Coutts, Service Development and Support Manager (Housing)
Mrs M Ferguson, Service Manager – Legal Services
Dr R Gertz, Data Protection/FoI Compliance Officer
Ms C McCorry, Service Manager – Community Housing
Mr D Northcott, Senior Structures Officer

Clerk:

Mrs L Gillingwater

Apologies:

None

Declarations of Interest:

None

Order of business

The Clerk announced that two items (Items 5 and 7 as noted on the agenda) had been withdrawn from the agenda. A number of Members noted their dissent in relation to the withdrawal of Item 5.

1. MINUTES OF THE MEETING OF THE CABINET OF 11 MARCH 2014

The minutes of the meeting of the Cabinet of 11 March 2014 were approved.

2. SUMMARY OF CONTRACTS AWARDED BY EAST LOTHIAN COUNCIL, 7 JANUARY – 30 APRIL 2014

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of all contracts awarded by the Council from 7 January to 30 April 2014 with a value of over £150,000.

Decision

The Cabinet agreed to note the award of contracts with a value of over £150,000 from 7 January to 30 April 2014, as listed in Appendix 1 to the report.

3. FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 AND DATA PROTECTION ACT 1998 – COMPLIANCE STATISTICS

A report was submitted by the Depute Chief Executive (Resources and People Services) reporting on the Council's compliance with the 20 working day timescale laid down by the Freedom of Information (Scotland) Act 2002 for the period 1 October 2013 to 31 March 2014, and reporting on the Council's compliance with the 40 calendar day timescale laid down by the Data Protection Act 1998 for the period 1 October 2013 to 31 March 2014.

The Head of Council Resources, Jim Lamond, presented the report, summarising the key points and drawing comparisons with the statistics from the previous period.

In response to questions from Members in relation to Freedom of Information (Fol) requests, Dr Rena Gertz advised that the average cost to the Council of processing a Fol request was £98 and that 21% of requests in 2014 had been submitted by journalists. She also pointed out that changes to Council services and structures had been a factor as regards late responses.

Councillor McMillan paid tribute to Council staff for their efforts in dealing with increasing numbers of Fol requests.

Decision

The Cabinet agreed to note the report.

4. COUNCIL HOUSE ALLOCATIONS TARGETS FOR 2014/15

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking Cabinet approval of Council House Allocation targets for the period 1 April 2014 to 31 March 2015, seeking approval for a review of the targets within six months predicated on the development of local lettings plans, and explaining the context, legal position and rationale for the proposed targets.

The Service Manager – Community Housing, Caitlin McCorry, presented the report, advising that there were c.4500 applicants currently on the housing list, 3735 of whom were on the general needs list, and 763 on the transfer list. She drew attention to Appendix 1 to the report, which set out the allocations activity for 2013/14, advising that there would be no change to the targets for the first 6 months of 2014/15. She informed Members of the ongoing work to develop local lettings plans, noting that proposals would be presented to Cabinet in due course.

In response to questions from Members, Ms McCorry advised that, as part of the local letting plan process, criteria would be developed to ensure that people would not be favoured or discriminated against, and that anti-social behaviour issues would be addressed.

Councillor Currie suggested that tenants who have paid rent and have had no history of anti-social behaviour should be given the opportunity to apply to transfer to a new build home, as had been previous Council practice. He expressed concern that the Council would no longer be able to offer existing tenants this opportunity, and viewed this as a retrograde step. He urged the Administration to take this matter up with the Scottish Housing Regulator (SHR).

Councillor Hampshire accepted that housing allocations was a difficult matter when there was a shortage of housing, but welcomed the proposals for local lettings plans, which would take account of issues and demands relevant to each area. Referring to Councillor Currie's comments, he stated that there were a number of areas where there were very few transfer applications, but that if there was demand for transfers in a particular area, this could be considered when allocating homes in new build developments. Councillor Currie pointed out that the previous policy had been applied on a site-by-site basis.

Councillor Berry spoke in support of Councillor Currie's comments as regards questioning the SHR as to why higher transfer allocation targets for new build developments was disadvantageous to certain groups, arguing that the Council was being forced to comply with legislation that was not necessarily appropriate for East Lothian. He hoped that the local lettings plans would address difficulties as regards housing people with social difficulties together.

Councillor Innes pointed out that a more sophisticated approach to housing allocations was being developed that was concerned with developing balanced communities. He welcomed the development work undertaken by housing officers and tenant and resident groups, and noted that a further report would be presented to Cabinet in six months' time.

Decision

The Cabinet agreed:

- i. to approve the recommended targets detailed in Section 3.25 of the report;
- ii. to approve a review of the targets within six months, subject to the possible requirement for local lettings plans;

- iii. to note that performance against these targets was reviewed on a weekly basis and that such review would form part of the analysis in setting future targets in 2015/16 and beyond; and
- iv. to note that ongoing regular monitoring of performance was embedded within the Community Housing Performance Management Framework.

5. FLOOD RISK MANAGEMENT

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) updating Cabinet on the implementation of the Flood Risk Management (Scotland) Act 2009 and specifically the Flood Risk Management Strategy procedure.

The Senior Structures Officer, David Northcott, presented the report, informing Members of the background to the development of the Flood Risk Management Strategy (FRMS). He advised that the FRMS would focus on vulnerable areas, and drew Members' attention to Appendix 2 of the report, which highlighted areas at risk. He noted that characterisation reports were required to be produced for coastal, river and surface water flooding. He pointed out that this report dealt only with coastal flooding and that further reports on river and surface water flooding would be presented to Cabinet for approval. He added that a cost/benefit analysis would then be undertaken with a view to securing Government funding.

In response to questions from Councillor Berry, Mr Northcott advised that the report produced by SEPA was a general appraisal of the Forth Estuary and that detailed information would be included in the flood risk management plans (FRMPs). He pointed out that flood risk information in relation to Blindwells would be included in a future report. As regards residential properties at risk, Mr Northcott noted that the SEPA flood maps provided more detailed information.

Councillor Currie asked what action the Council was currently taking to deal with flooding. Mr Northcott noted that flood risks were currently dealt with by way of the Council's Severe Weather Response Plan. He advised of a proposal to engage consultants to progress measures to deal with flood risks and protection in Musselburgh and Haddington, and that further information on this would be included in the flood risk management plans. He explained that FRMPs would be published in 2016 and that identified schemes could be considered for Scottish Government funding.

Councillor Hampshire expressed concern that the Scottish Reporter had recently granted permission for a housing development on an area considered a flood risk and asked why SEPA had not objected to this application. Mr Northcott noted that SEPA and the developer would ensure that engineering measures were put in place so that no properties would be at risk of flooding.

Responding to comments made by Members in relation to specific premises being identified as flood risk areas, Mr Northcott reiterated that detailed information would be included in the FRMPs.

As regards stakeholders, Mr Northcott pointed out that the Flood Risk Management (Scotland) Act 2009 referred to local authorities, Scottish Water, SEPA and the Scottish Government, but that other bodies may be included. He did not know if the Coal Authority was obliged to work with other authorities on flooding issues.

Councillor Berry voiced his concern that North Berwick had not been included as a potential vulnerable area, given that it had been affected by storms and flooding a number of times in recent years. He provided examples of areas in the town that he believed were at risk of coastal flooding.

Councillor Currie highlighted the need to ensure that the Local Development Plan process took account of areas at risk of flooding. He also spoke of the need for long-term investment in flood prevention measures and called on the Council to develop a cross-party approach in order to maximise opportunities for Scottish Government funding.

Councillor MacKenzie raised the issue of inland drainage problems, claiming that drainage systems had been compromised due to mining activity and complex hydrology. He suggested that a briefing on such issues would be helpful for Members.

Councillor Hampshire believed that it would not be possible to protect all flood risk areas from a cost perspective. He commented that more detailed information was required before any decisions could be taken as to how to resolve the issues.

Councillor Innes concluded the debate by proposing that SEPA should be invited to brief Members on all three characterisation reports. He welcomed the suggestion to take a cross-party approach in seeking assistance from the Scottish Government.

Decision

The Cabinet agreed to note the requirements of the Flood Risk Management (Scotland) Act 2009 and approve the Characterisation Reports as part of the ongoing Flood Risk Management Strategy process.

6. ROAD TRAFFIC REGULATION ACT 1984 – EXPERIMENTAL TRAFFIC REGULATION ORDER, 20 MPH SPEED LIMITS IN 3 AREAS IN COCKENZIE, NORTH BERWICK AND TRANENT

Members were advised that this report had been withdrawn from the agenda and would be considered by the Council at its meeting on 24 June 2014.

7. PUBLIC MINUTES OF THE MEETINGS OF THE LICENSING SUB-COMMITTEE HELD ON 13 MARCH 2014

The public minutes of the meeting of the Licensing Sub-Committee held on 13 March 2014 were approved.

8. MINUTES FOR NOTING

The minutes of the Sustainable Economy Partnership were noted.

Sederunt: Councillor Currie left the meeting.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Cabinet unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraphs 3 and 6 (information relating to any particular applicant for, recipient or former recipient of a service provided by 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 meeting of the Licensing Sub-Committee held on 13 March 2014 were approved.

The private minutes of the meetings of the Homelessness Appeals Sub-Committee held on 20 March and 17 April 2014 were approved.