



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 14 MARCH 2023
VIA A DIGITAL MEETING FACILITY

Cabinet Members Present:

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

Other Councillors Present:

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| Councillor L Bruce | Councillor C Cassini |
| Councillor G McGuire | |

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
Mr D Proudfoot, Executive Director for Place
Ms E Dunnet, Head of Finance
Ms M Ferguson, Head of Corporate Support
Mr I Gorman, Head of Operations, East Lothian Health & Social Care Partnership
Ms N McDowell, Head of Education
Ms W McGuire, Head of Housing
Mr T Reid, Head of Infrastructure
Ms S Saunders, Head of Communities & Partnerships
Ms M Sullivan, Head of Development
Mr K Dingwall, Service Manager - Planning
Ms G Neil, General Manager – Adult Community
Mr S Cooper, Team Manager - Communications
Mr I Lennox, Team Manager – Assets and Regulatory
Mr S Kennedy, Emergency Planning, Risk & Resilience Officer
Mr D Irving, Senior Planner
Ms R Crichton, Committees Officer

Clerk:

Ms F Currie

Apologies:

None

Declarations of Interest:

Item 2 – Councillor McMillan and Councillor McGinn each declared an interest as Council-appointed board members of Enjoy Leisure. The Monitoring Officer, Morag Ferguson, advised that Members appointed to third party organisations by the Council, did not have to

declare an interest solely as a consequence of their appointment and could remain in the meeting during consideration of the item of business if they wished. Both members agreed to do so and their membership of the Board of Enjoy Leisure was noted for transparency purposes.

1. MINUTES FOR APPROVAL – CABINET 17 JANUARY 2023

The minutes of the meeting of the Cabinet on 17th January 2023 were approved.

2. ADDITIONAL FINANCIAL SUPPORT TO ALEO

A report was submitted by the Executive Director for Council Resources to approve an additional financial contribution of support to Enjoy Leisure.

The Executive Director for Council Resources, Sarah Fortune, presented the report. She informed Members that the proposed contribution of £40,000 would support Enjoy Leisure for the loss of income suffered as a result of the closure of the Loch Centre swimming pool. She advised that Enjoy Leisure's management had been exploring all options to mitigate the impact of this closure, which remained an important income stream. The organisation continued to operate in a very challenging financial landscape, particularly during their recovery from COVID, and the Council had continued to provide a 'letter of guarantee'. Officers were meeting monthly, in addition to regular contract meetings, to discuss the ongoing closure of the pool. Ms Fortune confirmed that the proposed contribution was consistent with the legal agreement between the Council and Enjoy Leisure and that the ongoing impact of the closure would remain subject to review.

In response to a question from Councillor Bruce, the Head of Infrastructure, Tom Reid, explained that there were significant structural issues within the fabric of the building and an options appraisal was currently underway to identify the best way forward.

Councillor McMillan welcomed the proposal and the close liaison, support and collaboration between the Council and Enjoy Leisure. He said that the Loch Centre was an important part of life in Tranent and the work undertaken by Enjoy was important to people's wellbeing.

Councillor McGinn echoed these remarks adding that the support shown for Enjoy and for COVID recovery was good to see. Such facilities were crucial to the health and wellbeing of communities and the Council must ensure that these continued in the future.

Councillor Dugdale also welcomed the report and the support for Enjoy.

The Convener commented that the public were aware of the difficult financial position being faced by both Enjoy and the Council. This money would help and the Council would continue to do all it could to support Enjoy.

Decision

The Cabinet agreed, by roll call vote, to approve an additional financial contribution of £40,000 to Enjoy Leisure aligned to loss of income relating to the closure of the Loch Centre swimming pool.

3. RISK MANAGEMENT STRATEGY 2023 TO 2026

A report was submitted by the Chief Executive presenting the Risk Management Strategy 2023-2026 for approval.

The Emergency Planning, Risk and Resilience Officer, Scott Kennedy, presented the report. He outlined the background and key elements of the strategy and advised Members that it had last been revised in December 2019 and had covered the period to December 2022. The Corporate Risk Management Group, along with its sub groups, had recently reviewed and amended the strategy to take account of the current risk context within which the Council operates, existing risk management practice and current software. The revised strategy would cover the period 2023 to 2026.

Mr Kennedy responded to questions from Members. He confirmed that the strategy was relayed to all members of staff, via CMT, SMT and service managers, and that everyone should be involved in the identification and management of risk. The strategy should also inform discussions on the development and review of Council policies. Mr Kennedy added that the existing risk registers would shortly be moving onto new software and that training workshops would be provided for Elected Members and staff.

Councillor McMillan said this was an important paper and he paid tribute to the work done by staff to embed risk management practices across Council services; work which had been remarked upon by the Council's external auditors.

Councillor Akhtar echoed these remarks acknowledging the workforce behind the strategy. She said she was reassured that the Council had learned the lessons of the last few years and that staff were coming to the fore to support communities.

Councillor McGinn agreed with his colleagues, noting that communities and the groups supporting the work to manage risks were not always recognised when things had gone well but were often picked up on when things went wrong. He added that it was important to allow managed risks and to use these opportunities to learn lessons in as safe a way as possible.

Councillor Dugdale commented that by managing and controlling risk the Council was creating resilience and improving its agility to support communities across East Lothian.

The Convener agreed with all of his colleagues' remarks. He said that the report gave confidence that all services were assessing risk and identifying and resolving issues at an early stage. He was confident that the Council would continue to manage its challenges.

Decision

The Cabinet agreed, by roll call vote, to approve the Risk Management Strategy 2023-2026 and in doing so, noted that this was a live document which would be monitored by the Corporate Risk Management Group in the context of new and developing risks arising in the international, national and local context.

4. MEDICATION ASSISTED TREATMENT (MAT) STANDARDS

A report was submitted by the Chief Officer, East Lothian Health & Social Care Partnership, seeking to update Cabinet in relation to the Medication Assisted Treatment (MAT) Standards and the requirement to embed and implement standards 1 – 5 to 'enshrine a rights based approach to immediate, person centred treatment for problem drug use, linked to primary care, mental health and other support services' by April 2023.

The General Manager – Adult Community, Gillian Neil, presented the report. She outlined the background and purpose of the MAT Standards and explained how services had been developed to provide same day access to assessment and treatment for those individuals with an opioid dependence. She advised that considerable work had been done to implement the MAT standards by April 2023 and a recent assessment had shown that East Lothian was on target to fully implement standards 1 – 5 by the deadline. She also confirmed that although MAT standards 6 – 10 did not have to be fully implemented until April 2024, East Lothian had already made good progress against these and were on track to fully implement them in 2023.

Ms Neil responded to questions from Members. She provided further information on how experiential data was gathered from those with lived experience, and how this would be used to monitor progress and develop services. She advised that services had already assessed and engaged with 25 people within the first 2 months; initially, this had been the target by April 2024. She confirmed that the team would also provide psycho-social support to service users and that this linked to the implementation of standards 6 – 10, and she outlined training and other support provided to services to help them implement the standards. Ms Neil provided an update on the two low threshold cafes operating in East Lothian, observing that attendance was gradually increasing. She also confirmed that funding from the Scottish Government and MELDAP for implementation of the MAT standards was recurring for four years; allowing the continuation of services which were already reaping positive rewards.

Councillor Akhtar thanked Ms Neil and her team for the report noting that implementation of the standards had had to be made in a short timeframe and within a challenging environment. She acknowledged the achievement of supporting 25 people within the first 2 – 3 months, when the target by April 2024, and that these were individuals going through challenging situations. She also highlighted the links with housing and commended the work of the café in supporting individuals. She expressed her disappointment that the implementation of the MAT standards had not been fully funded by the Scottish Government and she thanked MELDAP for stepping in to bridge the gap.

Councillor McMillan echoed these remarks. He commented that it was very easy to be abstracted from the problem but it was different when seen on our own streets. He welcomed the progress made and the collaboration between services. He added that this was also another example of effective risk management.

Councillor Forrest welcomed the report which he said had been sobering reading. He also welcomed the offer of training and felt that community groups, in particular, would take advantage of this. He concluded that any actions which would drive down the number of drug related deaths was to be welcomed.

The Convener said that this was an example of what the Council delivers for East Lothian and he commended the progress made in such a short timeframe. He said the Council would do all it could to ensure this work could continue and that funding would be available from the Scottish Government.

Decision

The Cabinet agreed to:

- i. Note the specific responses, actions and oversight arrangements required by the Scottish Government to achieve implementation of the MAT standards; and
- ii. Note progress against the delivery of the MAT standards 1 – 5 by April 2023.

5. DISCRETIONARY CHARGING FOR THE PLANNING SERVICE

A report was submitted by the Executive Director for Place informing Cabinet of the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 that came into force on 1 April 2022 and to seek approval for new discretionary fees to be applied for services, and surcharges to be applied to retrospective planning applications within the Planning Service of East Lothian Council.

The Service Manager - Planning, Keith Dingwall, presented the report. He informed Members that the 2022 Regulations had introduced some additional categories of payment enabling Planning Authorities to charge discretionary fees for some services and to apply a surcharge for retrospective applications. A working group had been set up to consider options and it was proposed that the Planning Service introduce fees for dealing with pre-application enquiries, non-material variations, compliance with conditions and apply a surcharge to the fees for retrospective applications. Mr Dingwall outlined the proposed fee levels and confirmed that these had been benchmarked against other local authorities, as well as being subject to limited consultation with developers and planning agents.

Mr Dingwall responded to questions from Members. He outlined arrangements for publicising the proposed changes to fees, provided further detail on exemptions and confirmed that the new fees and charges would be kept under review.

Councillor Akhtar welcomed the report and said she would be keen to support an ongoing policy review and to consider, in six months or a year, whether further exemptions were required.

The Convener welcomed fair charges for the services provided by the Planning Authority. While he accepted the concerns expressed regarding exemptions to charging, he supported the principle that people should pay for a service.

Decision

The Cabinet agreed, by roll call vote, to approve:

- i) the introduction from the 1 April 2023 of discretionary charges for (i) providing pre-application services and written advice, (ii) considering a request to vary a planning permission, as a non-material variation, and (iii) considering a request for written confirmation of compliance/discharge of conditions, all as set out in Appendix 1; and
- ii) the introduction from the 1 April 2023 of a surcharge of 25% of the planning application fee to be imposed on all planning applications made after the carrying out of part or all of the development, as set out in Appendix 1.

6. COUNCIL HOUSE ALLOCATIONS TARGETS FOR 2023/24

A report was submitted by the Executive Director for Place seeking approval for Council House Allocation Targets for the period 1 April 2023 to 31 March 2024 and explaining the context, legal position and rationale for the proposed targets.

The Head of Housing, Wendy McGuire, presented the report. She set out the background to the allocations targets, including legislation, performance against previous year allocations and other statutory considerations. She advised that changes to legislation, increased pressure on homeless accommodation, housing needs for young people leaving the care

system and humanitarian programmes had increased the challenges facing the housing team. The allocations policy, including local lettings plans, allowed them to make best use of the available stock and it was recommended that the allocations targets remained the same as last year. The position would continue to be closely monitored and a further report would be brought to Cabinet in 6 months' time.

Ms McGuire responded to questions from Members. She confirmed that incentivised moves had helped to free up larger housing stock but on this had to be balanced with need as currently the greatest demand was for one bedroom properties. She acknowledged that a number of factors contributed to housing demand and that all decisions on allocations had to be based on need and available stock.

Ms McGuire advised that there were a number of criteria set by the Scottish Government to determine unsuitable accommodation and she agreed to share this information with Members. She confirmed the position with regard to compliance with the legislation, noting that there were currently a number of breaches of the 7 day target for rehousing someone who was living in 'unsuitable' accommodation. It was also not yet clear whether the position in East Lothian was being impacted by people declaring themselves homeless within the county, as a result of being housed in unsuitable accommodation elsewhere. She confirmed that the Scottish Government had yet to publish guidance on this issue and this had been raised at meetings with officials.

Councillor Forrest welcomed the report and thanked the staff in the housing teams who were working under extreme pressure. He said the situation was not helped by the number of changes brought forward by the Scottish Government and that Council's needed breathing room and guidance to be able to implement these changes effectively.

Councillor Akhtar acknowledged the work undertaken to get the Council back to pre-COVID levels of allocations and she thanked staff for their efforts. She said that progress with new Council housing at Letham and Pencaitland would make a difference but noted that a reduction in funding in such a crucial area had made things increasingly challenging for staff.

The Convener thanked the officers who managed the housing stock and acknowledged the huge challenge presented by homelessness and increasing waiting lists. The Council was trying to deliver as many affordable homes as possible but the challenges resulting from homelessness legislation increased existing pressures. He emphasised the importance of maintaining a balance across the county and of preserving the target of 5% of allocations for sustainable communities.

Decision

The Cabinet agreed, by roll call vote, to:

- i. Approve the recommended targets detailed in section 3.23 of the report;
- ii. Note that performance against these targets would be reviewed on a regular basis and that such reviews would form part of the analysis in setting future targets in 2023/24 and beyond; and
- iii. Note that ongoing regular monitoring of performance had been embedded within the Community Housing Performance Management Framework.

7. VARIOUS ROADS, EAST LOTHIAN: INTRODUCTION AND AMENDMENTS TO TRAFFIC REGULATION ORDERS 2023

A report was submitted by the Executive Director for Place seeking approval to start the statutory procedures necessary to introduce and amend various Traffic Regulation Orders to

prohibit waiting, loading and unloading, amend some speed limits, re-determine a footway as suitable for cyclists and make a road one-way with a ban on left/right turns.

The Team Manager – Assets & Regulatory, Ian Lennox, presented the report. He advised Members that approval was sought to begin the statutory process to put in place the Traffic Regulation Orders (TROs) set out in the appendices to the report.

Mr Lennox responded to questions from members providing further details of the works associated with orders for Hercus Loan and Eskmills Road in Musselburgh and changes to speed limits in New Winton and Humbie. He also confirmed that options for the junction at Queens Road/Spott Road in Dunbar had been reviewed by an independent consultant and would require appropriate parking restrictions.

Councillor Akhtar thanked officers for the report and noted that some of these proposals were in response to issues raised by local residents. She particularly welcomed the proposals for Hospital Road, Haddington and the changes to speed limits in Humbie and New Winton.

Councillor McMillan welcomed the report and the measures which should help reduce speed and improve safety on the county's roads. He acknowledged that officers were doing all they could to promote public safety but driver behaviour was a major factor. He added that it was important to get across the message that speeding was unsafe and unacceptable.

Councillor Forrest welcomed the work outlined in the report, particularly at the junction of Eskside West and Bridge Street which would remove some of the current dangers.

Decision

The Cabinet agreed, by roll call vote, to approve the initiation of the statutory procedure necessary to introduce and amend Traffic Regulation Orders in accordance with the Local Authorities (Procedures) (Scotland) Regulations 1999 and such introduction and amendments that are in force in respect of locations and proposals listed in the appendices to the report.

8. DECRIMINALISED PARKING ENFORCEMENT – INCREASE IN PENALTY RATES

A report was submitted by the Executive Director for Place updating Cabinet on the Scottish Government Guidance on increases to Decriminalised Parking Enforcement Penalty Charge Maximum Rates.

Mr Lennox presented the report. He outlined the background to the delegated powers for decriminalised parking enforcement being adopted by East Lothian Council and provided details of the current parking fine rates. He advised that following a Scottish Government consultation in 2022 no change was planned. However, this resulted in increased calls from local authorities and other interested parties to review the decision and to give additional powers to local authorities to decide whether to increase the levels of Penalty Charge Notices (PCNs). The Scottish Government has now issued revised guidance and from 1 April 2023 payments may be increased within prescribed ranges. Mr Lennox outlined the proposed increase in PCN charges for East Lothian. He advised that while no formal benchmarking had taken place, there had been informal discussions with other local authorities.

Councillor McMillan noted the contribution these proposals would make towards the Council's priorities of providing a safer environment and safer homes and roads within East Lothian. He acknowledged that driver behaviour was again a factor and until there was a

stop to indiscriminate parking the Council's goals would not be achieved. Therefore, it was important to support officers in their efforts to make roads and access safer for all.

Councillor Dugdale hoped that these proposals would stop dangerous parking and help to make the county's roads safer for all users, particularly children and young people using active travel routes.

The Convener commented that the vast majority of people would never receive a PCN; they were only for those didn't follow the rules and who parked indiscriminately. He supported the proposals and the need for enforcement.

Decision

The Cabinet agreed, by roll call vote, to:

- i. Note the increase of parking fines for Penalty Charge Notices; and
- ii. Approve the adoption of the higher rate of charges.

Signed

Councillor Norman Hampshire
Council Leader and Convener of Cabinet