

**REPORT TO:** East Lothian Council

**MEETING DATE:** 26 June 2012

**BY:** Executive Director (Services for Communities)

**1**

**SUBJECT:** Planning Application No. 11/00459/PPM – Planning permission in principle for (i) 3 chalets and (ii) 7 houses as an enabling development for the extension of the existing clubhouse and chalets at Castle Park Golf Club, Gifford

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## **1 PURPOSE**

- 1.1 On the simple fact that the site of application 11/00459/PPM has an area greater than 2 hectares, the development in principle proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development.
- 1.2 The housing component of the proposed development is significantly contrary to Policy DC1 of the adopted East Lothian Local Plan 2008.
- 1.3 Accordingly, a Pre-Determination Hearing for this application was held at the Planning Committee meeting of the 6 March 2012. A Pre-Determination Hearing is mandatory where a planning application is made for a major development that is significantly contrary to the development plan.
- 1.4 As amended by Section 14(2) of the Planning etc. (Scotland) Act 2006, the Local Government (Scotland) Act 1973 requires that in cases where a Pre-Determination Hearing is mandatory then the application must be decided by a meeting of the Council. Thus this application is now brought before the Council for a determination.

## **2 RECOMMENDATIONS**

- 2.1 That planning permission in principle be refused for the following reasons:

1. The applicant has not sufficiently demonstrated a case that the enhancement of the existing clubhouse and the provision of the proposed 3 chalets is critical to the continuing operation of Castle Park Golf Club as a countryside leisure and tourism use or that there would be resultant wider public benefits sufficient to outweigh the normal policy presumption against new build housing in the countryside. Thus the enabling housing component of the proposed development is contrary to Policy DC1 of the adopted East Lothian Local Plan 2008 and Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.

2. In their positioning on exposed, rising ground the indicatively proposed 7 houses, irrespective of their size and height would be prominent, sporadic and intrusive features that would be harmful to the landscape character and appearance of the area and a harmful suburbanisation of this part of the East Lothian countryside contrary to Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

3. As the proposed new build housing development would be on greenfield land not allocated for housing development by the adopted East Lothian Local Plan 2008 and as it would not be in keeping with the character of the local area, the proposed new build housing development is contrary to Policy HOU8 of the approved Edinburgh and the Lothians Structure Plan 2015.

### **3 BACKGROUND**

#### **3.1 Planning Assessment**

This planning application relates to Castle Park Golf Club, which occupies a countryside location some 2.2 kilometres to the southeast of the village of Gifford. The Golf Club consists of an 18 hole golf course, its clubhouse and a golf driving range. A car park serving the Golf Club is located to the south and southeast of the clubhouse. Access to the car park is by way of a single track access road from the unclassified Quarryford to Gamuelston Bridge road.

The application site is some 3.3 hectares in area. It consists of only a small part of the land of Castle Park Golf Club and also a larger area of agricultural land. The part of the site that is existing Golf Club land has on it the existing clubhouse, car park and single track access road. The agricultural land of the site is situated to the east of the car park and part of the access road. The application site does not include the golf course of Castle Park Golf Club.

The site is bounded to the north, west and partly to the east by the golf course of Castle Park Golf Club. Otherwise it is bounded to the east and to the south by other agricultural land.

The site is within the Yester House Designed Landscape.

Castle Park Golf Club has an extensive planning history.

In July 1992 planning permission (Ref: 91/01234/HIS\_P) was granted for the development of a 9 hole golf course and an associated access road that become the original Castle Park Golf Club.

Planning permission was granted in November 1992 (Ref: 92/00199/HIS\_P) and in July 1993 (Ref: 92/00988/HIS\_P) for the erection of a golf clubhouse, driving range and equipment store at the Golf Club.

The original 9 hole golf course opened in June 1994. The clubhouse, driving range and equipment store were erected around that time.

In November 1999 planning permission (Ref: 99/00876/FUL) was granted for the addition of a conservatory onto the existing clubhouse. The conservatory was thereafter erected and still exists.

Planning permission (Ref: 00/00422/FUL) was granted in July 2000 for the extension of the golf course at Castle Park from 9 to 18 holes. The golf course was extended to 18 holes in 2002.

In March 2002 planning permission (Ref: 01/01356/FUL) was granted for the attachment of a building onto the east side of the clubhouse for a temporary period of 3 years. This temporary building continues to be part of the existing clubhouse.

In July 2011 planning permission (Ref: 11/00458/P) was granted for the alteration and extension of the existing clubhouse building. Planning permission 11/00458/P has not yet been implemented but could be at any time up until the 29 July 2014.

Planning permission is now sought by Castle Park Golf Club for the principle of a development of the application site for 3 chalets and 7 houses.

The application is supported by an indicative site layout plan, a pre-application consultation report, a supporting statement and a financial appraisal report.

The submitted indicative drawings show two possible positions for the 3 chalets; one being land that forms the southeast part of the existing Golf Club car park and the other being land immediately to the east of the existing car park. In either case it is shown on the indicative drawings how the 3 chalets could be of a terraced form and how each one of them could contain two bedrooms, a bathroom, a hall and a kitchen/ dining room. No elevation drawings of the chalets have been submitted with the application.

The principle of the 7 houses is being promoted by the applicant as a necessary provision of enabling development to cross-subsidise both the development of the 3 chalets and the alteration and extension of the existing clubhouse already approved by planning permission 11/00458/P.

The indicative site layout plan shows how the houses could be located on part of the agricultural land that comprises part of the application site and how they could be 1 detached house, 2 semi-detached houses and a U-shaped terrace of 4 houses. Access to the 7 houses is shown to be taken from the existing golf club access road via a length of new road.

The applicant has subsequently submitted cross section drawings showing how the indicative 7 houses might be set in the landscape relative to views from Baxtersyke and the unclassified Quarryford to Gamuelston Bridge road.

The applicant's supporting statement informs that golf based tourism forms an important part of the tourism mix in East Lothian and attracts a substantial number of visitors each year. Castle Park Golf Club must offer not only an excellent round of golf but the facilities that golfers expect to go with it. Because the clubhouse was only intended to serve the original 9 hole golf course at Castle Park and to test the market to see if the course was going to be viable, it was only ever intended to provide basic facilities. There is not any room within the existing clubhouse for ladies or children's facilities that any competitive golf course would normally provide. The lack of basic facilities inhibits further growth of this leisure and tourism business. The already approved alterations and extensions to the clubhouse would ensure that the clubhouse was fit for purpose. The proposed remodelling of the clubhouse would enable basic facilities to be provided such as new ladies changing facilities, a new meeting room suitable for young golfers, improved kitchen facilities and an enlarged driving range bay. The proposed remodelling of the clubhouse would allow a far more effective use of the course by local schools and would enable the promotion of women's golf. The net result would be to continue this tourism asset within East Lothian on an economically sustainable basis.

With regard to the 3 chalets the applicant's supporting statement informs that the intention is for them to be used to accommodate visiting golf parties so that they could enjoy the facilities after a round of golf without having to be concerned about driving that night. By offering these facilities the sustainable future of the golf club could be assured.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Policies HOU8 (Development on Greenfield Land), ENV1C (International and National Historic or Built Environment Designations) and ENV3 (Development in the Countryside) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies DC1 (Development in the Countryside and Undeveloped Coast), ENV8 (Gardens and Designed Landscapes), INF3 (Infrastructure and Facilities Provision) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application is Scottish Planning Policy: February 2010 where it states that planning authorities have a role in protecting, preserving and enhancing gardens and designed landscapes of national importance that are included in Historic Scotland's Inventory of Gardens and Designed Landscapes. The affect of a proposed development on a garden or designed landscape should be a consideration in decisions on planning applications. Change should be managed to ensure that the significant elements justifying designation are protected or enhanced.

A total of 18 written representations have been received in respect of this application. Of these 11 make objection to the principle of development proposed. One of these is from the Haddington and District Amenity Society. There are 5 representations in support of the principle of development proposed. 2 of the total of 18 written representations do not support or object to the principle of development proposed.

A copy of each written representation is contained in a shared electronic folder to which all Members of the Committee have access.

One of the written representations of objection is a petition, with a total of 15 signatories to it. In the petition it is stated that "We, the undersigned, object strongly to the proposed development at Castle Park Golf Course, because we believe it would severely impact on the beauty of this area, is out of character with nearby housing, and in any case is not necessary for a small local golf course".

The main grounds of objection of the other written representations are summarised as follows:

- Proposed houses would be highly visible, obviously intrusive and would diminish the quality of this outstanding landscape;
- There is no justification for the proposed chalets, as the local area is already well served by hotels, bed and breakfasts and holiday lets;
- Other regular commercial funding could be used to fund the development;
- There would be no public benefits from the proposed development;
- Local roads could not cope with the traffic generated by the proposed development;
- The proposed development would not secure the primary use, which is the golf course and which has long since been completed;

- The proposed development is contrary to the adopted East Lothian Local Plan; and
- Approval of this planning application would set an unfortunate precedent, which could result in other golf clubs and commercial enterprises within the countryside of east Lothian also seeking planning permission for enabling housing to upgrade their existing facilities.

The 5 representations of support for the principle of development proposed are made on the grounds that it would:

- Not affect the stunning rural scenery;
- Ensure the future security of the golf course;
- Ensure that the clubhouse would be big enough to accommodate all of the members of the Golf Club; and
- Benefit tourism through the erection of 3 chalets.

In the 2 other representations it is stated that prescriptive planning controls should be imposed to ensure that all buildings are complimentary to each other and to their surrounding environment, and that construction works do not impact on the local area.

Gifford Community Council, a consultee on the application, raise concerns that the proposal would constitute a major item of unwelcome sporadic development and its intrusive impact on the countryside would be exacerbated by its location on the hillock. The additional traffic generated would be unwelcome in the countryside. Moreover the proposal should not be considered as enabling, as the improvements that the housing would cross fund would remain in the ownership of the applicant, with little or no benefit to the wider community. Gifford Community Council ask that planning permission in principle for the proposed development be refused.

In principle, the application site is capable of accommodating a development of the nature proposed without occupiers of nearby properties suffering a significant loss of privacy or amenity.

The Council's Environmental Protection Manager raises no objection to the principle of the proposed development.

The Scottish Environment Protection Agency raise no objection to the principle of the proposed development.

The indicative site layout plan submitted with the application shows that vehicular access to the 3 chalets could be taken from the existing golf club car park. It further shows that access to the 7 houses could be taken from the existing golf club access road via a length of new road. The Council's Transportation service is satisfied that in principle the proposed houses and chalets would be capable of being conveniently and safely accessed in the manner indicatively proposed. Transportation are also satisfied that the existing golf club car park is of a sufficient size that

could accommodate any additional parking demand generated by use of the proposed 3 chalets. In respect of the proposed 7 houses, Transportation recommend that 3 parking spaces would have to be provided within the curtilage of each property to accommodate residents and visitor parking. Moreover, it is recommended that a turning area should be provided within the site to enable the turning of large delivery and refuse vehicles. This could be formed at the end of the access road indicatively shown to serve the 7 houses. Alternatively, if an access path were to be formed between that proposed access road and the existing car park, then the car park could be used for the turning of large delivery and refuse vehicles. To minimise the impact of construction traffic movement and activity on the local road network, Transportation recommend that a Construction Method Statement should be submitted to and approved in advance by the Planning Authority. The Construction Method Statement should recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work.

Transportation do not consider that the additional traffic generated by the proposed development would create unacceptable congestion on the local road network or result in any road safety hazard.

Based on the advice of Transportation the principle of the proposed development does not conflict with Policy T2 of the adopted East Lothian Local Plan 2008.

With regard to the housing component of the proposed development, the Executive Director (Services for People) informs that the application site is within the primary school catchment area of Yester Primary School with its nursery school and the secondary school catchment area of Knox Academy. He confirms that there would be sufficient capacity at Yester Primary School to accommodate children that could arise from the proposed development but not at Knox Academy. He advises that the proposed 7 houses, together with other residential developments expected to arise within the Knox Academy catchment area would necessitate the provision of additional accommodation at that school. In the case of the proposed development of 7 houses on the application site, the contribution toward the provision of additional educational capacity at Knox Academy requires to be £18,928 (£2,704 per house). The Executive Director confirms that he has no objection to the proposed development if the applicant is required to make such a financial contribution.

This required payment of a financial contribution of £18,928 could be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the test of reasonableness of a planning obligation set in Planning Circular 1/2010: Planning agreements. Subject to the Council securing the appropriate developer contribution the proposal is consistent with Policy INF3 of the adopted East Lothian Local

Plan 2008, which states that new development will only be permitted where the developer makes appropriate provision for infrastructure required as a consequence of their development. This will include funding necessary school capacity. The applicant has indicated that they are willing to enter into such a Section 75 Agreement.

The Council's Policy and Projects Manager advises that if the proposed housing is taken to be a justified form of enabling development it has to be regarded as being a stated exception of the Council's affordable housing policy and that it need not be subject to a required provision of affordable housing.

Castle Park Golf Club is a leisure and tourism facility in its countryside location to the southeast of Gifford. The chalets are not proposed as a new primary leisure and tourism use within this part of the East Lothian countryside. Rather they are promoted as a complementary addition to the existing primary leisure and tourism use of Castle Park Golf Club.

By being in the countryside the lands of the application site are covered by Policy DC1 of the adopted East Lothian Local Plan 2000. Policy DC1 sets controls for the development of business, leisure, tourism and housing uses within the countryside and undeveloped coast of East Lothian.

It is the stated intention of the applicant that the proposed chalets would be occupied mainly by users of the golf course at Castle Park. If that is to be the case then, by their association of use with Castle Park Golf Club, they can be taken to have an operational requirement for their countryside location and, accordingly, the development principle of them is consistent with Policy DC1 of the adopted East Lothian Local Plan 2008.

In that the chalets are consistent, in principle, with Policy DC1, they are also consistent, in principle, with Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.

Although the three chalets are intended for leisure and tourism use they would nevertheless be physically capable of use as three houses. A proposal to build three houses in this countryside location would be contrary to the policies of the development plan that control the development of new build housing in the countryside (i.e. Local Plan Policy DC1 and Structure Plan Policy ENV3).

In respect of this the occupation of each chalet would have to be restricted to prevent them from being used as houses and this could be achieved by limiting their use to short term holiday lets (i.e. to the letting period of each chalet being no more than 14 days at a time and to no re-letting to the party who last occupied the chalet anytime within a period of two months after that previous time of occupancy). Such control could be secured by an Agreement under Section 75 of the Town and Country



Planning (Scotland) Act 1997. The applicant has confirmed a willingness to enter into such an Agreement. This would have the effect of safeguarding the purpose and integrity of the Council's policies for the control of new build housing development in the countryside.

Local Plan Policy ENV8 stipulates that development that would harm the conservation objectives of areas included within "The inventory of Gardens and Designed Landscapes" will not be permitted. Structure Plan Policy ENV1C stipulates that development that would harm the character, appearance and setting of a site listed in the Inventory of Gardens and Designed Landscapes should be resisted. In part 5 of Policy DC1 it is stated that having regard to its nature and scale, new development must be integrated into the landscape, reflect its character and quality of place, and be compatible with its surroundings.

In either of the positions on the application site indicatively shown for them, and subject to careful design and external finishes, 3 chalets should be capable of being fitted into the local landform in a manner respectful of the character and quality of their place, without being harmfully intrusive, incongruous or exposed or without being harmful to the historic values or landscape qualities of the Yester House Designed Landscape.

In their consultation response, Historic Scotland advise that, given the location and scale of the proposed development, it would not have a significant enough impact on the Yester House Designed Landscape to warrant an objection.

On these considerations the chalet component of the proposed development does not conflict with Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015 or Policies DC1 and ENV8 of the adopted East Lothian Local Plan 2008.

As is indicatively shown for them, the proposed houses would be positioned on a raised area of agricultural land to the east of the existing access road to Castle Park Golf Club and to the south of the existing golf club car park. In those positions the houses would be on existing agricultural land to the south of the golf course and near to the southern edge of the Yester House Designed Landscape. Historic Scotland advise that given their location and scale they would not have a significant enough impact on the Yester House Designed Landscape to warrant an objection.

Whilst the applicant is proposing to erect houses that would be one and a half storeys in height they would nevertheless, on the raised land of their indicative positions, still be clearly visible in views from the unclassified Quarryford to Gamuelston Bridge public road to the south of the site. Due to their indicative height, size and positioning the houses would be prominent, sporadic and intrusive features in their setting, harmful to the

landscape character and appearance of the area and a harmful suburbanisation of this part of the East Lothian countryside.

On this consideration, the housing component of the proposed development is contrary to Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

A greenfield site is defined in the approved Edinburgh and the Lothians Structure Plan 2015 as being a site which has never previously been developed, or fully restored formerly derelict land which has been brought back into active or beneficial use for agriculture, forestry, environmental purposes, or outdoor recreation.

The land of the proposed housing development is actively used for agriculture and is therefore a greenfield site.

The land is not allocated in the adopted East Lothian Local Plan 2008 for residential development and as the housing component of the proposed development would not be in keeping with the character of the local area, such development of the greenfield land of the application site is contrary to Policy HOU8 of the approved Edinburgh and the Lothians Structure Plan 2015.

In any event, what now has to be considered in the determination of this application is whether or not the principle of the proposed housing to enable the erection of the 3 chalets and the already approved alterations and extensions to the clubhouse of Castle Park Golf Club accords with Policy DC1 of the adopted East Lothian Local Plan 2008.

It is stated in paragraph 84 of Scottish Planning Policy: February 2010 that the majority of housing land requirements will be met within or adjacent to existing settlements and this approach will help to minimise servicing costs and sustain local schools, shops and services. Authorities should also set out the circumstances in which new housing outwith settlements may be appropriate, particularly in rural areas.

In this regard it is stated in paragraph 2.10 of the adopted East Lothian Local Plan 2008 that "East Lothian's countryside and undeveloped coast exhibits little need for regeneration, renewal or action to redress population decline. It is not a remote rural area where a more permissive planning policy approach to new housing in the countryside might be appropriate on these grounds. Rather it is an area where few, if any, locations are more than 1 hours travel time from Edinburgh and, on the whole, is characterised by increasing population and economic growth and a continuing pressure for housing development both within and outwith its towns and villages."

In paragraph 2.11 it is further stated that "For these reasons, and consistent with Structure Plan Policy ENV3, new development, particularly housing, is directed to existing settlements. New

development in the countryside is permitted only in the specific circumstances defined in Policy DC1."

The adopted East Lothian Local Plan 2008 does not allocate any of the land of the application site for residential development. Rather, the area of land of the application site proposed for development in this application is defined by Policy DC1 of the adopted East Lothian Local Plan 2008 as being part of the countryside of East Lothian.

Policy DC1 is very restrictive in its support for new build housing development in the countryside of East Lothian. Through Part 1(b) of the policy new build housing is only permissible where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use.

The housing development proposed in principle in this application is not to meet a direct operational requirement of an agricultural, horticultural, forestry or other employment use in the countryside to the southeast of Gifford and therefore it does not comply with Part 1 (b) of Policy DC1.

However, It is stated in Part 1(c) of Policy DC1 that "in the case of an employment, tourism or leisure use, an element of new build housing may be acceptable as enabling development where the Council is satisfied that (i) the wider public benefits of securing the primary use outweigh the normal policy presumption against new build housing in the countryside, and (ii) the enabling development is essential, it is the minimum necessary to achieve the primary use and it is not a substitute for normal development funding, including borrowing".

The primary use of Castle Park Golf Club as a leisure and tourism facility is an established use that, following its inception in the early 1990s, continues to be operated in its countryside location to the southeast of Gifford.

The new build development of 7 houses for which planning permission in principle is now sought is promoted as enabling development, not to secure the creation of a new primary use but to secure the continuing viability of the existing primary use through the enhancement of the existing clubhouse of Castle Park Golf Club and the new provision of 3 chalets.

The case put forward by the applicant is that without an enhancement of the existing sub-standard clubhouse the future of the Golf Club as a viable business is not sustainable. The 3 chalets would help improve the attractiveness of the course, which is in a relatively remote part of East Lothian, by allowing travelling parties to stay overnight. The golf course would not be able to continue to compete in a competitive leisure and tourism market without an investment in the established business that cannot be secured through current operating profits. The enhancement

of the clubhouse and the provision of the 3 chalets cannot be fully funded by normal development funding.

The enhancement of the clubhouse is the scheme of alteration and extension to it for which planning permission (Ref; 11/00458/P) is already granted (July 2011).

The applicant's financial appraisal report has been assessed by both the District Valuer and the Council's Economic Development Manager.

The Economic Development Manager has raised some concerns that it contains only one quote for the alterations and extensions to the clubhouse and has questioned whether or not the proposed development could be funded through some other method of development funding, such as borrowing.

The District Valuer's assessment of the cost of the alterations and extensions to the clubhouse is only 1.33% higher than the quote provided by the applicant and that, therefore, the costs of the alterations and extension are deemed by him to be realistic at the current.

In response to a request from the District Valuer for further information on other methods of funding that the applicant has considered, the agent for the applicant has submitted a letter from the Clydesdale Bank, which confirms that it would not be possible for them to support the funding of the alterations and extensions to the clubhouse, as the business would not be able to service borrowing of the level required. Furthermore, the applicant's agent has submitted a letter from Scottish Enterprise, which confirms that the proposed development would not be eligible for Scottish Government funding.

The District Valuer concludes that he is satisfied that there would appear to be no prospect for alternative funding open to the applicant. Moreover, the advice of the District Valuer is that 7 residential units is the minimum necessary to cover the costs of the alterations and extensions to the existing clubhouse and the provision of the proposed 3 chalets.

Nonetheless, the fact of the matter is that the primary use of Castle Park Golf Club exists. There is nothing in the applicant's case that categorically demonstrates that such existing use would cease to operate if the clubhouse were not to be enhanced by the alterations and extensions to it for which planning permission is granted. Figures submitted by the applicant show that in each of the four years following his purchase of it the business of Castle Park Golf Club has made a significant net profit (before proprietor's wages).

The existing clubhouse contains a reception, conservatory/ bar, dining room, office, kitchen, toilets, store rooms, ladies changing room, gents changing room and an 8 bay golf driving range.

The scheme of alterations and extensions to the clubhouse approved by the grant of planning permission 11/00458/FUL involves the removal of the existing temporary building and its replacement with an extension that would abut the eastern side of the original clubhouse building. Additionally a small extension would be added to the southwest part of the clubhouse building and a glazed link would be added to the south and east elevations of the clubhouse building to provide a covered access between the southwest part of the existing building and the southwest part of the proposed eastern extension.

Through the alterations and extensions to the clubhouse improved ladies changing facilities, a larger dining room and kitchen, an improved reception and toilet facilities and a small meeting room would be provided.

The applicant considers that the existing clubhouse facilities fall well short of the standards necessary in an increasingly competitive golf market. However, no case is made that the existing clubhouse is wholly unfit for purpose or that the amount of enhancement to the permanency of the building and the services to be provided within it would be such an improvement as to attract significantly greater numbers of members and visitors to the Golf Club.

In their supporting statement the applicant argues that the enhancement of the clubhouse would allow for a far more effective use of the course by local schools and would enable the promotion children's and women's golf. However it is not clear to see how the enhancement of the clubhouse would in itself serve to accomplish those stated aims.

The supporting statement also advises that the enhancement of the clubhouse would result in an enlarged driving range bay. However the approved alterations and extensions to the clubhouse do not include changes to the existing driving range bays. In any event, according to the Castle Park Golf Club website there is already "excellent driving range facilities".

There is no evidence in the applicant's case to demonstrate the extent to which the proposed 3 chalets would be used by visiting golfers or how the extent of use of them would enhance the business operation of the Golf Club.

The applicant has not sufficiently demonstrated a case that the enhancement of the existing clubhouse and the provision of the proposed 3 chalets is critical to the continuing operation of Castle Park Golf Club as a countryside leisure and tourism use or that there would be resultant wider public benefits sufficient to outweigh the normal policy presumption against new build housing in the countryside. Thus the enabling housing component of the proposed development is contrary to Policy DC1 of the adopted East Lothian Local Plan 2008 and Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.

At the Pre-Determination Hearing for this application on the 6 March 2012, the agent acting on behalf of the applicant referred to general support from Scottish Planning Policy: February 2010 in relation to supporting economic growth. It is correct to say that on the matter of rural development Scottish Planning Policy states that the planning system has a significant role in supporting sustainable economic growth. Whilst the aim in this should be to support prosperous and sustainable communities it should not be to the expense of the protection and enhancement of the environmental quality of our rural areas or the suburbanisation of the Scottish countryside.

#### **4 POLICY IMPLICATIONS**

4.1 None.

#### **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 - None

6.2 Personnel - None

6.3 Other - None

#### **7 BACKGROUND PAPERS**

7.1 Planning application 11/00458/P- Alteration and extensions to building at Castle Park Golf Club, Gifford

7.2 Planning application 11/00459/PPM- Planning permission in principle for (i)3 chalets and (ii)7 houses as an enabling development for the extension of the existing clubhouse and chalets at Castle Park Golf Club, Gifford

7.3 Adopted East Lothian Local Plan 2008

7.4 Approved Edinburgh and the Lothians Structure Plan 2015

7.5 Scottish Planning Policy: February 2010

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<b>DATE</b>	13 June 2012





**NOTE TO COUNCIL OF PRESENTATIONS  
MADE TO THE PLANNING COMMITTEE ON 6 JUNE 2012 IN  
RESPECT OF THE PRE-DETERMINATION HEARING**

Planning Application No. 11/00459/PPM: Planning permission in principle for (i)3 chalets and (ii)7 houses as an enabling development for the extension of the existing clubhouse and chalets at Castle Park Golf Club, Gifford

## NEIL SUTHERLAND (Agent - Wardell Armstrong LLP)

### PRESENTATION

#### Background

- The existing clubhouse was formed from the original 9 hole clubhouse and temporary porta-cabins. The clubhouse does not have ladies changing room or shower facilities, nor adequate facilities for children and the kitchen is too small to cater efficiently. The aim of the improvements is to provide a clubhouse that is fit for purpose; ladies changing facilities with toilets and showers, a new meeting room, improved kitchen facilities and an enlarged driving range bay.
- Castle Park Golf Course was purchased by Mr Wilson in 2006. He and his family have improved the course and building and have a good reputation with local and visiting golfers. The course operates as a leisure and tourism business in a competitive environment.
- Golf based tourism forms an important part of the tourism mix in East Lothian.
- Castle Park is included within the choice of courses played by visitors because of its friendly reputation, good quality greens and lower price bracket.
- Castle Park hold free events every Tuesday for children aged between 6 and 8. They also have a children's golf team which won the children's East Lothian golf competition last year.

#### Design

- The golf course comprises rolling countryside located within the Yester House Designed Landscape.
- The 7 houses and 3 chalets would be located adjacent to the clubhouse car park to minimise views of the houses from the public road to the south and the buildings would form a grouping with the existing clubhouse.
- The houses would be 1½ storeys in height. The detailed design would be the subject of a further planning application to East Lothian Council. Historic Scotland has not objected.

#### Planning Policy

- Scottish Planning Policy states that *“Increasing sustainable economic growth is the overarching purpose of the Scottish Government ....The planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places. ...Planning authorities should take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that could contribute to economic growth.”*
- Part 1(c) of Policy DC1 states that *“In the case of an employment, tourism or leisure use, an element of new build housing may be acceptable as enabling development where the Council is satisfied that (i) the wider public benefits of securing the primary use outweigh the normal policy presumption against new build housing in the countryside, and (ii) the enabling development is essential, it is the*

*minimum necessary to achieve the primary use and it is not a substitute for normal development funding, including borrowing.”*

- Castle Park is an employment, tourism and leisure use located in the countryside. A golf course must have associated facilities in order that the course can be properly run; those facilities are typically contained in a clubhouse. The existing clubhouse does not have the facilities required to compete in the competitive golf course market; it is essential to improve the clubhouse facilities.
- The original concept was to build an entirely new purpose built clubhouse. However it is recognised that Policy DC1 will only support the “*minimum necessary*” enabling housing. The scheme has therefore been reduced to the absolute minimum required to secure only essential facilities. The 3 chalets would help improve the attractiveness of the course by allowing travelling parties to stay overnight; the chalets would be funded by the enabling housing.
- Policy DC1 requires that enabling development not only be “*the minimum necessary*” but also “*secure the primary use*” of the site. The primary use of the site is a golf course. An integral part of a commercial golf course is a clubhouse.

### **Financial Case**

- The normal method of funding improvements would be to obtain a bank loan to cover the cost of the works. The loan and associated interest would be repaid via increased receipts obtained as a result of the improvements. However in this instance the loan and its interest payments could not be serviced by the profit generated by Castle Park Golf Course. *Written evidence of this from a bank has been provided.*
- The financial assessment contains the full justification for the enabling housing and demonstrates that the only way to secure the minimum necessary capital is through enabling development. The accompanying financial assessment demonstrates that;
  - In order to raise capital from membership fees they would have to increase by around 62%. It would not be possible to raise subscriptions by that amount.
  - The Wilson’s have invested heavily in the golf course. Mr & Mrs Wilson take no income from the business; all revenue is put back into the business.
  - The valuation of the proposed 7 house plots is significantly less than that of the estimates of the build cost; the Wilson’s have agreed to fund that shortfall.
  - If it were not for the ongoing commitment of the Wilsons it is probable that the course would close; rather than let that happen they propose to drive the business forward with their son taking over in due course, but they require investment in order to do so.
- East Lothian Council requested further financial details on behalf of the District Valuer. It is assumed that evidence post dates the comments made by the Council’s Economic Development Manager. No comment is made about the District Valuer in the Council report.

## **Conclusion**

- The wider public benefits include the ongoing and sustainable future for Castle Park Golf Course which in turn has direct benefits for employment and tourism revenue.
- The proposed housing would not remain within the ownership of the Wilsons and the capital generated would be spent on the approved clubhouse improvements.
- Improving facilities for developing children's golf, getting children involved in sport at an early age clearly offers a number of health and social benefits.
- Without the enabling housing there is no realistic prospect of the temporary structures being removed and the future of the club would be in doubt.
- By offering the proposed facilities the sustainable future of the course could be assured.

## **QUESTIONS TO THE DEVELOPMENT MANAGEMENT MANAGER**

- Q** Mention was made in the Agent's report of the economic benefits this application could bring to the community. If the success of the application will rest on a business case, why are details of this not included in the Officer's report?
- A** The financial benefits cannot be addressed at this stage. Details will be included in the report which goes before Council on 26 June. It will then be for Members to decide what weight to put on the financial and business case at the Council meeting.
- Q** The Officer's report states that the Council's Economic Development Manager had raised concerns over the applicant's financial assessment submitted with the planning application. What were these concerns?
- A** (Convener) This information will be included in the report going to Council on 26 June.

## **QUESTIONS TO NEIL SUTHERLAND (Agent) and JIM WILSON (Applicant)**

- Q** The Officer's report states that the planning authorities have a role in protecting, preserving and enhancing gardens and designed landscapes of national importance which are included in Historic Scotland's Inventory of Gardens and Designed Landscapes. How will the applicant ensure that the proposed development doesn't prejudice the position here?
- A** (Agent) The application is in principle, and plans show where the houses can go as a grouping without compromising the landscape.
- Q** Two other golf clubs in East Lothian raised funds for their clubhouses without enabling development.
- A** (Applicant) I cannot comment on the business affairs of other golf clubs.
- Q** Is there a distinction between links golf courses and other golf courses in terms of popularity or are all golf courses equally attractive to tourists?
- A** (Applicant) When parties come from all over, they want to play links courses, but they also want to experience a variety of courses during their 4/5 day stay so there is not really a differential.
- Q** Do you have any figures on the number of visitors you would hope to attract?

- A** (Applicant) We have 3-4,000 per year at the moment. We have had Germans, Swedes and Dutch in the last 3 days. It is difficult to project a figure as the outcome depends upon word of mouth, reputation and advertising
- 

## **OTHER PRESENTATIONS IN SUPPORT OF THE APPLICATION**

### **HAMISH LONG (on behalf of Castle Park Golf Club members)**

#### **Presentation**

Mr Long informed the Committee that he was a founder member of Castle Park Golf Club. He stated that the present facilities were not fit for purpose and the enabling development was essential to subsidise the alteration and extension of the existing clubhouse. East Lothian was marketed as the cradle of Scottish Golf and he quoted from *Golf in Scotland 2012* which mentioned courses in south east Scotland, including Castle Park.

#### **Key points**

- Golf based tourism an important part of tourism in East Lothian
- Visitor numbers – 70 visiting groups this year, average of 30 golfers per group
- Golfing at Castle Park was affordable
- Subscription lowered from last year and membership numbers increased
- Minimum enabling housing development proposed
- No room within the existing clubhouse for ladies or children's facilities, the remodelling would allow more effective use of the course by local schools and enable the promotion of women's golf
- 3 proposed chalets would accommodate visiting golf parties

He stated that Historic Scotland had made no objection. He concluded that the development proposed was essential, the club had to progress; if permission was not granted there were concerns for the future of the golf club.

There were no questions.

## **PRESENTATIONS AGAINST THE APPLICATION**

### **HELEN ROBERTSON (on behalf of Gifford Community Council)**

#### **Presentation**

- Major development in conflict with the local plan
- Significant visual impact
- Intrusive to the landscape
- Additional traffic concerns
- Little or no benefit to wider community

There were no questions.

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### **RALPH SMITH**

#### **Presentation**

Mr Smith indicated that he had lived at Castlemains for 20 years. He stated that the proposal did not comply with the development plan, it was inconsistent with policies designed to protect open countryside - the starting point for this development could not be more contrary.

#### **Main issues**

- Significant urbanisation of rural area
- The enabling policy does not apply as the primary use, the golf course, already exists
- Queries regarding pre application drawings
- If granted a precedent could be set by encouraging other businesses to lodge similar applications for enabling housing to upgrade existing facilities
- Castle Park Golf Club's main selling point is the parkland and unspoilt scenery – this development would devalue its main asset

#### **Funding issues**

- Public not allowed to see funding proposals
- Enabling development policy not a substitute for normal development funding
- Present owner could have been factored in replacement costs into price
- 3 areas of land peripheral to the course were sold in October 2006, 1 of these is the proposed location for the housing development, the sum could have paid for the cost of an extension

There were no questions.

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## **HELEN ROBERTSON**

### **Presentation**

Mrs Robertson informed Members that she had lived in the area for 25 years. She was totally opposed to this excessive development of 10 new dwellings in this beautiful landscape between Gifford and the Hopes Reservoir; such a development would be entirely out of character for this area.

#### Re proposal for 3 chalets

- No justification for the 3 chalets
- There is not a lack of suitable accommodation nearby
- Hotels in Gifford and Haddington and several quality Guest Houses in the area
- In addition good local taxi services

#### Geographical location

- Effect of weather on the viability of golf course
- Potentially significant periods of inactivity during the winter months
- Position above sea levels provided for Haddington, Gifford and Castle Park Golf Club

There were no questions.





**MINUTES OF THE MEETING OF THE  
LOCAL REVIEW BODY**

**THURSDAY 31 MAY 2012  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

**3**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor J Gillies  
Councillor W Innes  
Councillor T Day  
Councillor P MacKenzie

**Advisers to the Local Review Body:**

Mr P McLean, Planning Adviser to the LRB  
Mrs M Ferguson, Legal Adviser to the LRB

**Others Present:**

Mr C Molloy, Planner  
Mr D Irvine, Planner  
Mr H Macaskill (Item 1)  
Mrs Macaskill (Item 1)  
Mr T McBride (Item 1)  
Mr S Harrison (Item 2)

**Clerk:**

Mrs F Stewart

**Declarations of Interest**

None

The Convener, Councillor Hampshire, welcomed everyone present to the first meeting of the East Lothian Local Review Body (ELLRB) since the local elections on 3 May 2012.

He introduced the Members of today's Local Review Body. He also introduced the Planning Adviser, who would advise on the matters of planning policy and the Legal Adviser, who would provide clarification on legal matters. He outlined the procedure which would be followed, advising that Members would review the decision of the Planning Officer and consider the recommendations he had made.

The Convener announced that Item 2 on the agenda would be heard first.

**1. NON DETERMINATION  
PLANNING APPLICATION 11/00921/P: ERECTION OF A SINGLE WIND  
TURBINE AND ANCILLARY INFRASTRUCTURE ON LAND AT  
WOODHALL, EAST LOTHIAN**

The Convener introduced the application and asked his colleagues if they had sufficient information before them to proceed with determining this application today.

Councillor Day advised that he wished to request a site visit before determining the application. Councillor Innes and Councillor Gillies also considered that they would require a site visit before determining the application. Councillor MacKenzie considered that he had sufficient information before him to reach a decision.

The Convener sought clarification on the implications of a site visit for this application.

The Legal Adviser explained that, as this application had come to the Local Review Body as it had not been determined by the delegated officer within the statutory period, there was a time limit of two months for the LRB to determine the application. As the Notice of Review was received on 5 April 2012, the application would require to be determined by 5 June which was a public holiday. If Members made a decision on the application today, it would fall within the time frame allowed, but if the consensus was that a site visit would be necessary, it would have to take place on Friday 1 June or Monday 4 June, which may not be practical. If Councillors could not carry out a site visit and attend a reconvened meeting within the statutory period, the review would be deemed refused and the Applicant could appeal to the Directorate for Planning and Environmental Appeals (DPEA).

After consulting his colleagues, the Convener announced that, as three Members had requested a site visit, the Local Review Body would be unable to determine this application today. Due to diary commitments and the public holiday on 5 June, it would not be possible to schedule a site visit and a reconvened LRB meeting before expiry of the statutory time limit.

Councillor Innes enquired if it was open to the Applicant to submit a new application and was advised that an application for the same site could not be submitted within 12 months. Councillor Innes commented it was regrettable that, due to the delay caused by the recess for the local elections, the application could not be determined within the statutory timescale.

## **Decision**

The ELLRB agreed that they would be unable to determine this application within the statutory period. The Convener advised the Applicant that he could appeal to the DPEA or submit a new application.

## **2. REVIEW AGAINST DECISION - REFUSAL PLANNING APPLICATION 11/00920/P: ERECTION OF CRANE STRUCTURE, MACMERRY**

The Convener introduced the application and asked his colleagues if they had sufficient information before them to proceed with determining this application today or if they would require to carry out a site visit before reaching a decision. Members unanimously agreed that they had sufficient information and that a site visit would not be necessary.

Accordingly, the Convener formally announced that the application would proceed today and invited the Planning Adviser to outline the planning issues concerning this application.

The Planning Adviser advised that the application site was located within Macmerry Industrial Estate and that the application seeks retrospective approval for a crane structure for use in connection with the Applicant's steel fabrication business. The structure was approximately 21m in height with a footprint of 19m by 26m. He stated that Macmerry Industrial Estate was designated as a business and industrial area in the adopted Local Plan under Policy BUS1 which provided support in principle for business and industrial use. He also outlined the relevance of the Structure Plan policy ENV1G and Local Plan policy DP2 which states that developments should be appropriate to their location in terms of positioning, size and scale, and complement the local character.

The Planning Adviser confirmed that the Case Officer had refused the application for a single reason, considering that the crane was not well integrated into its landscape setting and therefore contrary to the design policies of the Development Plan. The Applicant had provided a statement to the Review advising that refusal of permission would restrict future growth of his business. No objections had been received from the Council's Head of Transportation or Environmental Protection Manager and no representations on the application had been submitted by the public or interested parties. Finally, he advised that, should Members decide to grant consent to the application, the Council's Projects Officer had recommended that the structure was painted in a light grey colour to help integrate it into its surroundings.

The Convener stated that Members had a duty to review the reasons for refusal of this application. He noted that the Case Officer had stated that the application was contrary to Policy ENV1G of the approved Edinburgh and Lothians Structure Plan 2015 and Policy DP2 of the Adopted East Lothian Local Plan. He referred Members to the detail of these policies contained within the Papers and invited his colleagues to give their views on the application in relation to these policies.

Councillor Innes stated that he had no reason to think that the structure would not meet the design criteria, albeit that it was a functional design. It appeared to him to be an entirely suitable design for its purpose. He also noted that Policy DP2 stated that the structure should be appropriate to its location and he believed that the siting of a crane on an industrial estate could not be more appropriate. He understood that the Applicant had erected the crane for one job but now finds that he has further applications for it. In the present economic climate, it would be foolish not to accept the Applicant's proposal.

Councillor MacKenzie concurred with those comments, agreeing that a crane on an industrial estate like Macmerry was highly appropriate. He accepted that it would be highly visible, but not inappropriate to its setting.

Councillor Gillies commented that Macmerry Industrial Estate was a proper location for a crane. He also hoped that granting consent to the application would help to create new employment opportunities.

Councillor Day agreed with his colleagues and remarked that he would not expect a structure on an industrial estate to win any design awards.

The Convener stated that he would not be supporting the Case Officer's recommendation on this application. The crane was for industrial use on an industrial estate. He did not accept the Case Officer's position that the crane was '*a harmfully dominant, discordant and incongruous feature, detrimental to the amenity of the area*' as stated in his reason for refusal. The Convener was also not convinced that the application was contrary to Local Plan policies and that it would be harmful for the crane to remain. He also took account of the fact that there had been no public objection to the application.

The Members discussed the proposal that the structure be painted a light grey colour and agreed that they wished to impose a condition to this effect. They also wished to ensure that the structure was maintained in good condition such that it did not become an eyesore and thus detrimental to the amenity of the area.

## **Decision**

The ELLRB unanimously agreed that the Planning Officer's decision to refuse the application should be overturned and approval granted, subject to the two Conditions below:

1. The crane is painted in a colour acceptable to the Planning Department: and
2. The crane is properly maintained.

The Legal Adviser announced that a Decision Notice would be issued within 21 days.

**REPORT TO:** East Lothian Council  
**MEETING DATE:** 26 June 2012  
**BY:** Chief Executive  
**SUBJECT:** 2012/13 Council Improvement Plan

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**4**

## **1 PURPOSE**

- 1.1 To present the 2012/13 Council Improvement Plan to the Council for approval.

## **2 RECOMMENDATIONS**

- 2.1 That Council agrees the 2012/13 Council Improvement Plan (Appendix 3).

## **3 BACKGROUND**

- 3.1 In 2010 Council replaced the Best Value Improvement Plan with a Corporate Improvement Plan. In order to emphasise that the Improvement Plan is relevant to the whole Council and, not just what used to be termed the 'Corporate services', the Plan is being re-named the Council Improvement Plan (CIP).
- 3.2 The diagram in Appendix 1 illustrates the sources used to determine the 2012/13 CIP action points. The action points in the CIP are primarily drawn from the results of the How Good is Our Council? (HGIOC) self-evaluation carried out by all services and the Corporate Governance self-evaluation (reported to Audit & Governance Committee, 19<sup>th</sup> June 2012). All of the improvement points raised in the self-evaluations have been reviewed to ascertain which actions should be addressed corporately. The results of the 2012 Employee Engagement Survey have also been taken into account.
- 3.3 The CIP also contains relevant improvement points and actions from Audit Scotland's Overview of Local Government in Scotland, Audit Scotland's Annual Report to Members and the Shared Risk Assessment prepared by the Local Area Network.
- 3.4 A report on the 2011/12 CIP is provided in Appendix 2. A small number of action points from the 2011/12 CIP that have not been completed have also been carried forward into the latest CIP.

- 3.5 In accordance with the principles of Best Value the Council strives to pursue 'continuous improvement' and seeks to deliver services in as effective and efficient way as possible. The recommendations arising from all of the self-evaluation, review and inspection work identified above help to inform the Council's pursuit of 'continuous improvement through the adoption and implementation of the 2012/13 CIP.
- 3.6 The 2012/13 CIP outlines the actions that the Council as a whole will be undertaking at a council-wide level. Improvement points from HGIOC and other sources relating to specific Council services are not contained within the CIP as they are dealt with in Service and Business Plans.
- 3.7 One of the four areas of focus of the draft Council Plan 2012-2017 is *Growing the Capacity of Our Council* which has one specific outcome: *We deliver excellent services as effectively and efficiently as possible.* All the improvement points in the 2012/13 CIP will contribute to growing the capacity of the Council to meet this outcome.
- 3.8 The Council Plan established five core principles that underpin or influence the Plan. The 2012/13 CIP supports four of these principles:
- Services built around people and communities
  - Effective, efficient and excellent services
  - Working together to achieve outcomes
  - Prioritising prevention and promoting equality
- 3.9 Implementation of the CIP will be assured via ongoing internal monitoring of progress on key actions points by the relevant lead officers and Executive Directors. Monitoring reports on progress with implementing the CIP will be made to the Council Management Team and the Audit & Governance Committee.

#### **4 POLICY IMPLICATIONS**

- 4.1 The 2012/13 CIP will assist the Council in demonstrating that it is achieving Best Value. It will provide the necessary focus to improve key areas of the Council at a corporate level, thus aiding delivery of the Council Plan. Moreover, it will support East Lothian Council in its constant striving for continuous improvement, to continue improving the quality and delivery of its services and to meet the Council Plan outcome: *'We deliver excellent services as effectively and efficiently as possible.'*

#### **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 – none.
- 6.2 Personnel – none directly, although certain actions within the Plan are likely to require the commitment of staff resources.
- 6.3 Other – none.

## **7 BACKGROUND PAPERS**

- 7.1 Corporate Improvement Plan; report to the Council, 17<sup>th</sup> May 2011
- 7.2 Overview of Local Government in Scotland; report to Audit & Governance Committee, 9<sup>th</sup> June 2012
- 7.3 Corporate Governance Self-Evaluation and Annual Governance Statement 2012; report to Audit & Governance Committee, 9<sup>th</sup> June 2012
- 7.4 Appendix 1: Sources of the Content of the Council Improvement Plan
- 7.5 Appendix 2: 2011/12 Corporate Improvement Plan Report
- 7.6 Appendix 3: 2012/13 Council Improvement Plan

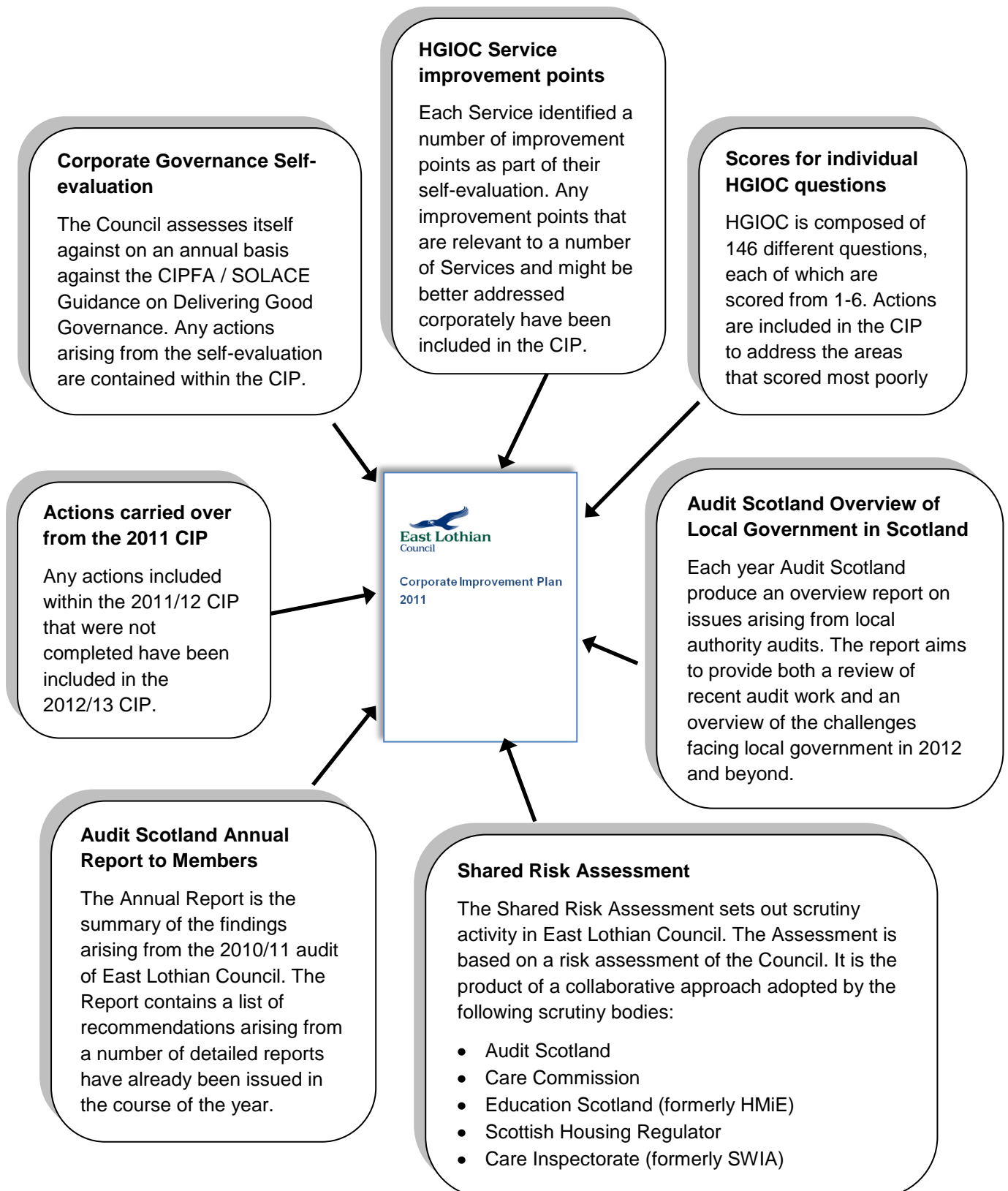
<b>AUTHOR'S NAME</b>	Paolo Vestri
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<b>CONTACT INFO</b>	<a href="mailto:pvestri@eastlothian.gov.uk">pvestri@eastlothian.gov.uk</a> 01620 827320
<b>DATE</b>	7 <sup>th</sup> June 2012





## Appendix 1: Sources of the Contents of the Council Improvement Plan

Actions contained within the Corporate Improvement Plan have arisen from several different sources.





## Appendix 2: 2011/12 Corporate Plan Report

### 1. Efficient & effective services are delivered, providing value for money to East Lothian Residents

Ref.	Required Action	Update
1.1	Review the Council's approach to Best Value and self-evaluation to ensure they incorporate a standard approach to options appraisal	New Council improvement Framework adopted (March 2012) HGIOC audited and revised and all services carried out HGIOC self-evaluation by March 2012 Options appraisal approach to capital projects is being developed
1.2	Develop guidance to ensure that services have a consistent approach to achieving efficiency savings (e.g. to ensure that one off savings and ongoing savings are not treated in the same way)	To be included in the review of the budget setting process
1.3	Improve risk analysis regarding the implications of budget options and future revenue and capital expenditure proposals	To be included in the review of the budget setting process
1.4	Identify where efficiency savings can be made by working in partnership / sharing services with Community Planning partners and/ or other local authorities	Proposal to integrate education services with Midlothian Council included consideration of efficiency savings Work underway on integration of health and social care services Consideration to be given to making more efficient use of staff resources through internal shared services
1.5	Implement relevant recommendations from How Good is Our Partnership?, the Community Planning Partnership's (CPP) self-evaluation	CPP's Improvement Plan agreed by CPP Board and is being implemented. Review of governance and structures has been delayed to take account of the national review and developments such as national police and fire and rescue services. Local Community Planning is being reviewed
1.6	Improve service planning with Community Planning partners, including asset management	Being addressed as part of the CPP Improvement Plan
1.7	Improve consistency of asset management planning across all services	Asset Management Strategy approved

## 2. Staff have the leadership and capacity to deliver high quality outcomes

Ref.	Required Action	Update
2.1	Implement recommendations from Review of Multi-Member Wards and Officer Member relations	On-going; introduction of electronic caseload management system is on hold until it is introduced successfully by other Councils; CPD for elected members to be re-launched; full induction programme for new members included consideration of roles and responsibilities and legal duties
2.2	Review Scheme of Delegation	Review of Standing Orders, Schemes of Administration and Delegation started in early 2012, some amendments made following conclusion of senior officer review; full review will be completed in autumn 2012
2.3	Review reports template and guidance on report preparation, taking account of the review of the Scheme of Delegation	Will follow on from Review of Schemes of Administration and Delegation
2.4	Increase awareness of whistle blowing policy	Whistle blowing policy being updated and revised policy will be publicised to all staff
2.5	Review leadership / management development in the Council with a view to improving project & change management skills among leaders	New People Strategy adopted March 2012 – promoting a culture of enabling change, building on the Transformational Leadership programme and fostering the One Council approach
2.6	Implement the recommendations from the review the impact of the PRD process	Review completed and amended PRD template adopted
2.7	Review communications to employees, including ways to share good practice and inform staff of priorities	Communication of council priorities to be undertaken on back of new Council Plan following May 2012 election, the creation of the new Council Management Team (CMT) and the extended CMT

### 3. East Lothian Council is equipped to deliver, measure and review specific outcomes

Ref.	Required Action	Update
3.1	Develop and maintain a methodology for systematically reviewing and updating corporate policies, strategies and guidance	A database of all Council policies, strategies and guidance is being created and will be reviewed annually as part of the Corporate Governance self-evaluation. The new database will also allow a systematic review of the policies, strategies and guidance
3.2	Develop the use of HGIOC as the Council's self-evaluation and improvement framework: <ul style="list-style-type: none"> <li>Establish a Management Information System to allow the storage and sharing of self-evaluation evidence</li> <li>Undertake a validation process for HGIOC</li> <li>Make further improvements / share best practice regarding evidence for HGIOC</li> </ul>	HGIOC improvements put in place following an audit carried out by Internal Audit, e.g. a 'facilitation team' was established, new guidance and question set issued in December. All services completed HGIOC in March 2012
3.3	Develop the reporting and use of performance information across the Council: <ul style="list-style-type: none"> <li>Review performance indicators to adhere to the criteria outlined in the 'Statutory Performance Indicators Direction 2010'</li> <li>Develop a training programme for Aspireview users</li> </ul>	New Improvement Framework adopted; new East Lothian Council Performs pages being put on Council website; use of Aspireview being developed.  Use of benchmarking needs to be developed further, possibly through undertaking best value reviews
3.4	Develop the use of the Risk Monitoring function in Aspireview or alternative package to assist in the effective deployment of Risk Management Framework	The use of Aspireview for risk monitoring is being developed
3.5	Review operation of PPR Co. and Audit & Governance Co.	Review of PPR Co and A&G Co has been carried out; reported to PPR Co (March) and to A&G Co (June)

3.6	Establish a means of identifying risks in the process of developing new policies or procedures and regularly reporting on risk to senior managers	The use of Aspireview for risk monitoring is being developed
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#### 4. East Lothian residents, customers and partners value the Council's services

Ref.	Required Action	Update
4.1	Improve the identification and measurement of equality outcomes for Council services and monitoring of participation / take-up of services from vulnerable groups	Equality monitoring template being developed
4.2	Develop processes and procedures for involving equalities groups in Equality Impact Assessment	To be undertaken following adoption of new EQIA framework based on Single Equality Act duty
4.3	Implement the corporate consultation and engagement strategy, including: <ul style="list-style-type: none"> <li>• improving / increasing service user involvement in the review and development of Council services</li> <li>• encouraging the use of consistent satisfaction measures across all council services</li> <li>• enabling public consultations to be conducted via the Council website</li> </ul>	Consultation Strategy approved by CMT, May 2012
4.4	Refresh the Corporate Plan and ensure the Council's Vision and priorities are reflected in the Plan and that these are promoted among employees	Draft Council Plan 2012-2017 adopted by Council (Jan 2012) and to be revised following May 2012 election – to be approved by August Council meeting

## Appendix 3: 2012/3 Council Improvement Plan

# 2012/13 Council Improvement Plan

**We deliver excellent services as effectively and efficiently as possible**

	<b>Required Action</b>	<b>Timescale</b>	<b>Lead</b>	<b>Source</b>
1	Complete review of Schemes of Administration and Delegation	Aug 2012	Legal and Governance & Democracy	Corp Gov
2	Expand and make more effective use of performance information and benchmarking including benchmarking of cost information  Undertaking best value reviews of two or three service areas	Oct 2012  March 2013	Policy & Performance  Policy & Performance and relevant services	HGIOC / OLG  OLG/ 2011 CIP
3	Review HGIOC process and guidance and integrate with Investor in People and Customer Service Excellence frameworks	Oct 2012	Policy & Performance and Human Resources	HGIOC/ SRA
4	Increase capacity for research and analysis including: <ul style="list-style-type: none"> <li>• sharing resources for data collection and analysis across the Council and CPP, including developing the use of GIS</li> <li>• developing shared data sharing protocols</li> <li>• investigate the potential to better interrogate / utilise existing datasets or information systems to provide an improved understanding of diversity in the community</li> </ul>	Nov 2012	Policy & Performance	HGIOC
5	Complete the review of Community Planning Partnership governance arrangements and structures within the context of the national review and embed system of Local Community Planning	Nov 2012	Policy & Performance	Corp Gov
6	Review and revise the reports template	Nov 2012	Governance & Democracy	Corp Gov

<b>7</b>	Promote the Council Plan and the Single Outcome Agreement to all staff and East Lothian citizens	Dec 1012	Chief Executive	HGIOC/ Corp Gov
<b>8</b>	Review policies in line with new Equalities Act duties, including: <ul style="list-style-type: none"> <li>• develop improved monitoring regarding equalities and indicators to demonstrate the equality aspect of the Council's mainstream work</li> <li>• review and revise provision of equalities training</li> </ul>	Dec 2012	Policy & Performance and all Heads of Service	HGIOC/ OLG
<b>9</b>	Review and revise Service Planning process and guidance, including: <ul style="list-style-type: none"> <li>• identification of risk</li> <li>• links between budget process, service planning and employee development</li> </ul>	Dec 2012	Policy & Performance	HGIOC/ 2011 CIP
<b>10</b>	Roll out CPD for all elected members	Jan 2013	Governance & Democracy	Corp Gov
<b>11</b>	Review Customer Contact Strategy including: <ul style="list-style-type: none"> <li>• expanding the services available through the Council Contact Centre and the Council's website</li> <li>• improving our response to complaints and ensuring feedback is used to review and improve services</li> <li>• joining up services around</li> <li>• developing customer service training and setting customer care standards.</li> </ul>	Feb 2013	Customer Services	HGIOC/ OLG
<b>12</b>	Develop guidance to ensure that services have a consistent approach to achieving efficiency savings (e.g. to ensure that one off savings and ongoing savings are not treated in the same way)	Feb 2013	Finance	2011 CIP
<b>13</b>	Implement the Consultation and Engagement Strategy, ensuring greater co-ordinate of consultation and engagement activities across the Council and CPP	Mar 2013	Policy & Performance	HGIOC/ 2011 CPP
<b>14</b>	Further develop asset management planning, including the use of options appraisal and joint asset planning with Community Planning partners	Mar 2013	Housing & Environment	HGIOC/ OLG/ SRA



<b>15</b>	Identify and exploit opportunities for making savings by making more efficient use of staff resources through internal shared services and by working in partnership with Community Planning partners	Mar 2013	Council Management Team	HGIOC/ OLG/ 2011 CIP
<b>16</b>	Develop a leadership development programme for senior managers to increase their skills and capability to manage change, to promote and encourage a culture of innovation, continuous improvement and best value across the Council	Mar 2013	Council Management Team	HGIOC / EES
<b>17</b>	Implement the Procurement Improvement Plan including the development of the process for monitoring of contracts	Mar 2013	Finance	HGIOC
<b>18</b>	Review governance of arms length services, commissioned services and partnerships including: <ul style="list-style-type: none"> <li>• development of a greater understanding of exposure to risk relating to arms length /outsourced / commissioned services</li> <li>• incorporate monitoring of commissioned / outsourced services into performance indicators</li> </ul>	Mar 2013	Legal / Finance / Policy & Performance	HGIOC
<b>19</b>	Establish arrangements for scrutiny of and engagement with the new national Police and Fire and Rescue services	Mar 2013	Policy & Performance and Governance & Democracy	OLG
<b>20</b>	Further develop the Council's approach to options appraisal to ensure Best Value and the highest standard of financial planning	Mar 2013	Policy & Performance	OLG

### Sources – Glossary of Acronyms

2011 CIP	2011/12 Corporate Improvement Plan
Corp Gov	2012 Corporate Governance Self-evaluation
EES	Employee Engagement Survey 2012
HGIOC	How Good is Our Council 2012
OLG	Overview of Local Government in Scotland 2010/11 (Audit Scotland)
SRA	Shared Risk Assessment Update 2011-15



**REPORT TO:** East Lothian Council

**MEETING DATE:** 26 June 2012

**BY:** Chief Executive

**SUBJECT:** Establishment of a Shadow Police and Fire and Rescue Services Board

**5**

---

## **1 PURPOSE**

- 1.1 To present proposals for arrangements for engaging with and scrutinising Police and Fire and Rescue Services in preparation for the establishment of the Scottish Police Authority and the Scottish Fire and Rescue Service.

## **2 RECOMMENDATIONS**

- 2.1 Council agrees to establish a Shadow Police and Fire and Rescue Services Board (paragraphs 3.6 – 3.8) and appoint seven elected members to the Shadow Board (paragraph 3.9).
- 2.2 Council notes that the Shadow Board will report and make recommendations for the permanent arrangements to be put in place by April 2013.

## **3 BACKGROUND**

- 3.1 The Police and Fire & Rescue Reform (Scotland) Act 2012 which was passed by the Scottish Parliament in May 2012 creates a national police force and a national fire & rescue service. It replaces local authorities' role as police authorities and fire & rescue authorities through the creation of the Scottish Police Authority (SPA) and the Scottish Fire & Rescue Service (SFRS). The Act includes a framework for the delivery of local scrutiny and engagement arrangements, which all local authorities and the new services will need to implement by the time the new national bodies are established in April 2013.
- 3.2 In January 2012 the Council agreed to participate with Lothian and Borders Fire & Rescue Service (LBFRS) and Lothian & Borders Police (LBP) in the Local Scrutiny and Engagement Implementation Network. Further the Council agreed to form a Pathfinder with LBFRS and LBP to begin establishing local scrutiny and engagement arrangements in preparation for the implementation of the Act.

- 3.3 A follow up report in March 2012 provided a summary of ongoing discussions with LBP and LBFRS, noted a proposed draft remit and role for a Community Safety Committee or Board Council and agreed that the Chief Executive would report back to the Council as soon as possible after the May Council elections with recommendations on the remit and membership of the Committee/ Board.
- 3.4 The ongoing discussions with LBFRS and LBP have focussed on:
- The need to try to have new scrutiny and engagement arrangements in place as soon as possible after the Council elections in order to allow them to be piloted and bed in before the new national forces are established in April 2013
  - The new functions required to be undertaken by the Council to monitor delivery and engage with the SPA, SFRS and their respective local command arrangements
  - The establishment of a Community Safety or Police and Fire Committee or Board to undertake the scrutiny and engagement functions and possible membership
  - The relationship between the new monitoring and engagement arrangements and the Community Planning Partnership
  - Possible alignment and future integration with arrangements for Midlothian
- 3.5 Appendix 1 outlines the implications of the legislation for local authorities. In summary it is envisaged that the Council will have to:
- Contribute a local perspective on the Scottish Government's strategic police priorities that will be the subject of consultations between Scottish Ministers and local authority representative bodies (COSLA)
  - Comment on SPA and SFRS strategic plans
  - Contribute to the preparation of the local plan for police and local fire and rescue plan and approve the plans
  - Monitor the delivery of police and fire and rescue functions in the area and make recommendations for improvement
  - Provide feedback to the police Local Commander and the fire and rescue service Local Senior Officer.
- 3.6 Given the new duties and responsibilities which the Council will need to perform once the Police and Fire & Rescue Reform (Scotland) Act 2012 comes into force the Council may wish to establish a Committee or Cabinet Sub-Committee to which it would delegate the relevant functions relating to police and fire and rescue services. A possible remit and role for the Committee is provided in Appendix 2.

- 3.7 However, it is felt that further consideration will need to be given to some important issues before a permanent Committee with full powers can be established, including:
- whether the remit of the Committee would extend to broader community safety issues, including anti-social behaviour, violence against women, drugs and alcohol and adult and child protection and fire and home safety
  - the relationship between the new arrangements and the Community Planning Partnership
  - whether membership would include lay representatives and, if yes, how they would be selected or elected.

Appendix 3 provides further detail on these issues.

- 3.8 Therefore, it is proposed that for the period running up to the establishment of the national bodies (April 2013) a Shadow Police and Fire and Rescue Services Board be formed as an interim arrangement. The Shadow Board would be the forum through which the Council, LBP and LBFRS would pilot the new scrutiny and engagement arrangements for police and fire and rescue services. It would engage with LBP and LBFRS in the development of their local arrangements and local police and fire and rescue plans. The Shadow Board would be tasked with considering and bringing forward recommendations for the permanent scrutiny and engagement arrangements to be put in place by April 2013.
- 3.9 The membership of the Shadow Board should consist of seven elected members plus two representatives from LBP and two from LBFRS.

## **4 POLICY IMPLICATIONS**

- 4.1 The Council will need to put in place governance and accountability arrangements to ensure that it fulfils its new duties, powers and functions arising from the Police and Fire Reform (Scotland) Bill.
- 4.2 LBP and LBFRS make major contributions to the achievement of key outcomes in East Lothian's Single Outcome Agreement, in particular, but not exclusively, the three community safety related outcomes:
- Fewer people are the victim of crime, disorder or abuse in East Lothian
  - Fewer people experience antisocial behaviour in East Lothian
  - East Lothian's homes and roads are safer.
- 4.3 The priority for East Lothian Council, LBP and LBFRS during the transition to the new national bodies must be to ensure that the national services continue to support the achievement of the outcomes in the East Lothian SOA.

- 4.4 The piloting of new scrutiny and engagement arrangements will assist Council to plan and prepare for the transition to the new arrangements that will need to be implemented following the creation of single police and fire and rescue services in 2013.

## **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 An Equality Impact Assessment will be carried out of the proposed permanent arrangements recommended by the Shadow Board in order to assess their impact on the well being of equalities groups.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – no direct financial implications associated with the recommendations made in this report although supporting the new arrangements may have staffing implications. Where such impact cannot be accommodated within approved budgets the action will be the subject of a future report.
- 6.2 Personnel – no direct implications on staffing associated with this report's recommendations although supporting the new arrangements may have staffing implications which would be the subject of a future report.
- 6.3 Other – none.

## **7 BACKGROUND PAPERS**

- 7.1 Keeping Scotland Safe and Strong: A Consultation on Reforming Police and Fire and Rescue Services in Scotland; Scottish Government, September 2011
- 7.2 East Lothian Council's Draft Response to 'Keeping Scotland Safe and Strong: A Consultation on Reforming Police and Fire and Rescue Services in Scotland' – Report to East Lothian Council, 25<sup>th</sup> October 2011
- 7.3 Letter from Kenny MacAskill MSP, Cabinet Secretary for Justice to Local Authority Chief Executives; 21<sup>st</sup> December 2011
- 7.4 Police and Fire & Rescue Reform: Local Scrutiny and Engagement Pathfinder; Report to East Lothian Council, 24<sup>th</sup> January 2012
- 7.5 Briefing on the Police and Fire Reform (Scotland) Bill; Scottish Parliament Information Service, January 2012
- 7.6 Briefing for Scottish Parliament Local Government and Regeneration Committee; attached to letter from Kenny MacAskill MSP, Cabinet Secretary for Justice to Local Authority Chief Executives, 7<sup>th</sup> March 2012
- 7.7 Arrangements for Engaging with and Scrutinising Police and Fire and Rescue Services in Preparation for the Establishment of the Scottish Police Authority

and the Scottish Fire and Rescue Service; Report to East Lothian Council, 27<sup>th</sup> March 2012

- 7.8 Appendix 1: Summary of Implications of the Police and Fire Reform (Scotland) Bill for Local Authorities
- 7.9 Appendix 2: Remit and Role of the Shadow Police and Fire and Rescue Services Board
- 7.10 Appendix 3: Issues for Consideration by the Shadow Police and Fire and Rescue Services Board

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<b>DATE</b>	14 <sup>th</sup> June 2012





## **Appendix 1: Summary of Implications of the Police and Fire Reform (Scotland) Bill for Local Authorities**

The Scottish Police Authority (SPA) and the Scottish Fire and Rescue Service (SFRS) will be under a statutory duty to ensure adequate arrangements for policing and fire and rescue services in all local authority areas.

The SPA will be under a statutory requirement to work in partnership with others to ensure policing is accessible to and engaged with local communities and promotes measures to prevent crime, harm and disorder. A similar statutory purpose for the fire and rescue service will be included in a new Fire and Rescue Framework under the Fire (Scotland) Act 2005.

Local authorities will have the right to have a say in the national strategic direction of the national services:

- Scottish Ministers will have a statutory duty to consult local authority representative bodies before determining strategic policing priorities
- The SPA and the SFRS will have a statutory duty to consult all local authorities on their strategic plans.

The Chief Constable will designate a Local Commander and the and Chief (Fire) Officer will designate a Local Senior (Fire) Officer for each local authority area, who will be accountable for local service delivery through the Chief Constable and the Chief Officer to the SPA and SFRS.

Local authorities will be able to directly influence the delivery of police and fire and rescue functions in their areas:

- The Local Commander and Local Senior officer will have a statutory duty to work with the local authority to set priorities and objectives for police and fire and rescue services in their local area
- The Local Commander and Local Senior Officer will be required to prepare the local plan for police and a local plan for fire and rescue that meets the needs of the local area for agreement with the local authority *{N.B. clarification is required as to what would happen if a local authority does not approve a local plan}*
- The local authority will have statutory powers to monitor the delivery of police and fire and rescue functions in the area
- The local authority will have statutory powers to provide feedback to the Local Commander and Local Senior Officer and to make recommendations for improvements.

The local plan for police and the local plan for fire and rescue, which will need to be reviewed and replaced at least once every three years will be required to:

- Build on the principles set out in the national priorities and objectives for the services
- Incorporate the local priorities and objectives developed with the local authority

- Be prepared in consultation with the local authority and other interested parties, for the agreement of the local authority
- Set out the proposed arrangements for delivery of police and fire and rescue functions in the area, ranging from community policing and fire safety to incident response and provision of specialist capacity
- Identify outcomes against which the achievement of priorities and objectives may be measured
- Make clear how the arrangements for local service delivery will contribute to the outcomes identified through local authority community planning partnerships.

The Bill includes provisions to ensure that the structures for delivery of police and fire and rescue functions are fully integrated with community planning. The Local Commanders and Local Senior Officer will have a statutory duty to participate in the Community Planning Partnership(s) for the local area(s) and they will be under a statutory duty to include information on community planning in the local plan for police and the local plan for fire and rescue.

## **Appendix 2: Draft Remit and Role of Police and Fire and Rescue Services Committee**

### ***Remit:***

To ensure that the Council effectively engages with the new arrangements for police and fire and rescue services.

To contribute towards the achievement of East Lothian's Single Outcome Agreement, in particular, but not exclusively, the outcomes:

- Fewer people are the victim of crime, disorder or abuse in East Lothian
- Fewer people experience antisocial behaviour in East Lothian
- East Lothian's homes and roads are safer.

### ***Role:***

1. Consider, engage in and respond to consultations on Scottish Government's strategic police priorities and Scottish Police Authority and Scottish Fire and Rescue Service strategic plans
2. Consider and engage in the development of the local plans for police and the local plan for fire and rescue
3. Consider the local operating arrangements for the Police Service of Scotland and the Scottish Fire and Rescue Service
4. Consider progress reports on the implementation of local plans from the Local Commander (police) and Local Senior Officer (fire and rescue) and plans/strategies relating to other aspects of community safety
5. Receive overview reports on complaints about police and fire and rescue services and how these are dealt with
6. Monitor the delivery of police and fire and rescue functions in East Lothian and of other aspects of community safety
7. Receive and comment on performance reports on from the Local Commander and Local Senior Officer and make recommendations for improvements
8. Consider reports on questions raised on police and fire and rescue matters
9. Oversee and receive monitoring reports on the Service Level Agreement through which the council funds East Lothian's funded policing teams.



### **Appendix 3: Issues for Consideration by the Shadow Police and Fire and Rescue Services Board**

#### ***Extending the remit to broader Community Safety issues and the relationship to the Community Planning Partnership***

The Council currently contributes over £500,000 per annum funding to Lothian and Borders Police for funded police officers (2 Sergeants and 11 Constables) operating through the East Lothian Community Action Team (ELCAT), Police initiative teams in Musselburgh, Tranent and Prestonpans. In addition the Council funds several in-house initiatives and services that support the achievement of community safety related outcomes, including the Anti-Social Behaviour Team (Co-ordinator and five officers), the Community Warden Team (Senior Warden and seven Wardens), and the Safer East Lothian Fund (£180,000).

The Police and Fire Committee could have responsibility for overseeing and receiving monitoring reports on these initiatives.

The Council (and CPP Board) will need to consider how the Community Safety/ Police and Fire Committee / Board relates to the Community Planning Partnership. The Community Safety Theme Group, which reports to the CPP Board, has responsibility for overseeing delivery of the community safety related outcomes in the Single Outcome Agreement (SOA):

- Fewer people are the victim of crime, disorder or abuse in East Lothian
- Fewer people experience antisocial behaviour in East Lothian
- East Lothian's homes and roads are safer

Delivery takes place through the Fire and Home Safety Group, the Road Safety Working Group, the Antisocial Behaviour Officers' Group, Mid and East Lothian Drug and Alcohol Partnership and the Mid and East Lothian Violence Against Women Partnership.

Community Safety activity is supported through the Safer East Lothian Fund - £180,000 in 2011/12. To date, funding has covered a wide range of youth diversionary activities, CCTV, speed reactive signs, drug and alcohol initiatives, violence against women work, policing initiatives, road safety education and fire and home safety interventions.

Since the Community Safety/ Police and Fire Committee/ Board will assume responsibility for the Council's input into community safety matters and monitor the police and fire and rescue functions (which will be closely tied to the SOA outcomes) consideration will need to be given to the relationship between the new arrangements and the Community Planning Partnership/ Community Safety Theme Group. Options that require further consideration include:

- Maintain current Community Safety Theme Group structure (essentially an officers' group) with the Group reporting to the CPP Board and to the Community Safety / Police and Fire Committee/ Board as appropriate

- Maintain the Community Safety Theme Group but reporting to the Community safety/ Police and Fire Committee/ Board with the Committee/ Board reporting (minutes and recommendations) to the Council (on matters pertaining to the Council) and to the CPP Board (on matters pertaining to the CPP)

### ***Possible integration with arrangements for Midlothian***

The CPP has begun a review of its governance arrangements to take account of developments such as the new police and fire and rescue arrangements, the integration of health and social care through a new Community Health and Care Partnership and the sharing of Mid and East Lothian Education management services.

Consideration will need to be given to the implications of both police and fire and rescue services creating local structures based around Mid and East Lothian with a Local Commander and a Local Senior Officer for the joint local authority area. There are already several joint partnership bodies overseeing aspect of community safety including

- Mid and East Lothian Child and Adult Protection Committee
- Mid and East Lothian Drug and Alcohol Partnership
- Mid and East Lothian Violence Against Women Partnership.

Midlothian Council has decided not to participate in the Pathfinder project and so there have been no further discussions with the Council on whether or how a joint Committee/ Board might operate. However, the police and fire and rescue services will wish to re-open discussion with Midlothian Council once the Police and Fire Reform (Scotland) bill is enacted.

### ***Lay Representation***

Consideration should be given to lay representation on the Committee / Board. Lay representatives would provide a wider community perspective on the Committee/ Board which would ensure that engagement on community safety matters extended beyond elected members.

If the Committee/ Board is to include lay representatives then it is recommended that the membership should be made up of six elected members (made up of representatives from political parties and groups on the Council according to the proportionality rules) and three lay representatives.

Two options for lay representation:

Option 1: seek nominations from representative bodies such as ELTRP, AELCC and the youth organisations.

Option 2: seek applications through open advert for three representatives (as per Enjoy Leisure Board members), possibly setting aside one of the places for someone under 21yrs old.

**REPORT TO:** East Lothian Council

**MEETING DATE:** 26 June 2012

**BY:** Executive Director (Support Services)

**SUBJECT:** Appointment of Appropriate Representatives to Outside Bodies – Follow-up Report

**6**

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**1 PURPOSE**

- 1.1 To seek Council approval of a number of additional nominations and amendments to the list of appointments of representatives to Outside Bodies.

**2 RECOMMENDATIONS**

- 2.1 That the Council makes appointments to the Outside Bodies, as outlined in Section 3.2 of the report
- 2.2 That, in the event that appointments are not to be made at today's meeting, to note that further reports shall be presented to the Council, as appropriate.

**3 BACKGROUND**

- 3.1 At its meeting of 15 May 2012, the Council proposed and approved Elected Member nominations to a number of outside bodies. Since that meeting, further information has been received regarding several of these bodies that will require Council approval and the list of outside bodies to be amended.
- 3.2 Members are asked to approve the following nominations:
- Lothian Valuation Joint Board and Lothian Electoral Joint Committee – Councillor Norman Hampshire (there are two places for ELC Members on this Body, but only one nomination was made on 15 May 2012)
  - CoSLA Convention – Councillor Willie Innes, Councillor Norman Hampshire (replacing Provost Broun-Lindsay) and Councillor P McLennan

- East Lothian Education Trust – Councillor Steven Brown and Councillor Peter MacKenzie (the Opposition nominations were not put forward at the Council meeting of 15 May 2012)
- Brunton Theatre Trust – Provost Broun-Lindsay and Councillor Day (Information in relation to the appointments in accordance with the Trust deed was received following the approval of the initial nominations. As a result Provost Broun-Lindsay and Councillor Day replace Councillors Forrest and McNeil)
- Scotland Excel – Councillor Hampshire, with Councillor Innes as the named substitute (a named substitute is required)
- Scottish National War Memorial Trust – Provost Broun-Lindsay (the request for a Council nomination was received following the Council meeting of 15 May; Members are asked to note that there are 6 places for Scottish Local Authorities and where there is a greater number of nominations than places, the representative for each geographical area will be drawn by lots)

3.3 Members are asked to note that the updated list of representation on outside bodies will be published on the Council’s website.

#### **4 POLICY IMPLICATIONS**

4.1 None.

#### **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 – There may be expenses incurred in relation to allowances and other expenses Council appointees attending meetings of such Bodies, but these will be similar to expense for such purposes incurred in the past and will be met from the appropriate budgets.

6.2 Personnel – none.

6.3 Other – none.

#### **7 BACKGROUND PAPERS**

7.1 None.



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<b>DATE</b>	4 June 2012



**REPORT TO:** East Lothian Council  
**MEETING DATE:** 26 June 2012  
**BY:** Executive Director (Support Services)  
**SUBJECT:** Summer Recess Arrangements 2012

7

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**1 PURPOSE**

- 1.1 To advise Members of the arrangements for dealing with Council business during the summer recess 2012.

**2 RECOMMENDATIONS**

Council is requested to:

- 2.1 Approve the application of the summer recess arrangements outlined in Rule 43 of the Council's Standing Orders, effective from the close of this meeting until the Council meeting of 28 August 2012, attached as Appendix 1; and
- 2.2 Note that a summary of business carried out during the recess period will be brought to the Council meeting of 28 August 2012, and that copies of all reports approved during the recess period will be lodged in the Members' Library.

**3 BACKGROUND**

- 3.1 Rule 43 of the Council's Standing Orders provides that between the last scheduled Council Meeting prior to the summer recess and the first meeting after the summer recess as agreed by the Council, the Provost and/or Depute Provost and/or Leader of the Council, and/or Depute Leader of the Council as available, together with the Convener and/or Vice-Convener, as available, of the appropriate Committee, with a minimum of any two of them, shall deal in their discretion with the urgent business of the Council presented to them for consideration by the Chief Executive, the Executive Director (Support Services), Head of Council Resources or officers duly authorised by them on their behalf.
- 3.2 Members are asked to note that Standing Order 43 has been revised to take account of the new post titles resulting from the Review of the

Chief Officer Structure (approved by Council on 28 February 2012) and in accordance with the reports on Review of Chief Officer Structure: Update and Appointment of Statutory Officers, approved under election recess arrangements.

- 3.3 It is advised that reports outlining the business that has occurred over the recess period and that have required the application of Rule 43 should then be brought to the Council meeting of 28 August 2012 for noting.
- 3.4 Business dealt with under delegated powers and submitted to the Members' Library will continue to be processed using the normal procedures.

#### **4 POLICY IMPLICATIONS**

- 4.1 None

#### **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 – None
- 6.2 Personnel – None
- 6.3 Other - None

#### **7 BACKGROUND PAPERS**

- 7.1 East Lothian Council's Standing Orders

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<b>DATE</b>	13 June 2012

**43. RECESS BUSINESS ARRANGEMENTS**

Between the last scheduled Council Meeting prior to the summer recess and the first meeting after the summer recess as agreed by the Council, the Provost and/or Depute Provost, and/or Leader of the Council, and/or Depute Leader of the Council as available, together with the Convener and/or Vice-Convener, as available, of the appropriate Committee, with a minimum of any two of them, shall deal in their discretion with the urgent business of the Council presented to them for consideration by the Chief Executive, Executive Director (Support Services), Head of Council Resources or officers authorised by them to act on their behalf. This Standing Order also applies to any election recess period.



MOTION TO THE MEETING OF  
EAST LoTHIAN COUNCIL

Motion to Council

26 JUNE 2012

Council wish to record its congratulations to Josh Taylor, James Clegg and Blair Glynn upon their selection for the British Olympic Team.

Proposed: Coun. Peter MacKenzie

*P. R. MacKenzie*

14.6.12.

Seconded: Coun. Steven Brown

*[Signature]*

14-**8**-12.

EAST LoTHIAN COUNCIL  
RECEIVED  
14 JUN 2012  
CHIEF EXECUTIVE'S  
OFFICE





**MOTION TO EAST LoTHIAN COUNCIL**

26 June 2012

**LIVING WAGE**

Council commits to the Living Wage and calls for its implementation as from the 1<sup>ST</sup> August 2012

Any subsequent payments to affected staff should be backdated upon implementation to the date of 1 August 2012.

Council believes that agreement should be reached with the Joint Trade Unions in its implementation at the earliest opportunity

9

Proposed by: Paul McLennan



14 June 2012

*14/6/12*

Seconded By : Peter MacKenzie

14 June 2012

*P. R. MacKenzie*

*14th June '12*

EAST LoTHIAN COUNCIL  
RECEIVED  
14 JUN 2012  
CHIEF EXECUTIVE'S  
OFFICE



**MOTION TO EAST LOTHIAN COUNCIL**

26 June 2012

**No Compulsory Redundancy Guarantee**

Council commits to a NO COMPULSORY REDUNDANCIES Policy with immediate effect

Council believes that agreement should be reached with the Joint Trade Unions in its implementation at the earliest opportunity

**10**

Proposed by: Paul McLennan



14 16 2012

Seconded By : Peter MacKenzie

P. R. MacKenzie 14th June '12





**REPORT TO:** East Lothian Council

**MEETING DATE:** 26 June 2012

**BY:** Executive Director (Support Services)

**SUBJECT:** Submissions to the Members' Library Service  
3 May – 13 June 2012

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**11**

## **1 PURPOSE**

- 1.1 To record the reports submitted to the Members' Library Service since the last meeting of Council, as listed in Appendix 1, into the Council's Business.

## **2 RECOMMENDATIONS**

- 2.1 Council is requested to record the reports submitted to the Members' Library Service between 3 May and 13 June 2012 as listed in Appendix 1, into the Council's Business.

## **3 BACKGROUND**

- 3.1 The Members' Library Service has a formal role in the consultative process between Council officers and Members as outlined in Standing Order 9(iv). It is therefore necessary to circulate a list of those reports submitted to the Library Service, to be recorded into the proceedings of the Council.
- 3.2 If Members have no objections to the reports listed in Appendix 1 they will be recorded into the Council's Business. All reports submitted to the Members' Library since January 2005 are available on eGov.

## **4 POLICY IMPLICATIONS**

- 4.1 None

## **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 – None  
6.2 Personnel – None  
6.3 Other - None

## **7 BACKGROUND PAPERS**

- 7.1 East Lothian Council's Standing Orders – 9(iv)  
7.2 Report to East Lothian Council on 25 January 2005 – Submission to the Members' Library Service 29 October 2004 - 14 January 2005, and Changes to the Members' Library Process

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<b>DATE</b>	14 June 2012

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD  
3 May – 13 June 2012**

<b>Reference</b>	<b>Originator</b>	<b>Document Title</b>	<b>Committee</b>	<b>Access</b>
118/12	Executive Director (Services for Communities)	Land Application - Ormiston	Cabinet	Private
119/12	Executive Director (Services for Communities)	Land Application – North Berwick	Cabinet	Private
120/12	Executive Director (Services for Communities)	Antisocial Behaviour Policy	Cabinet	Public
121/12	Executive Director (Services for Communities)	Mortgage to Rent Scheme: Purchase of a house in Musselburgh	Cabinet	Private
122/12	Executive Director (Services for Communities)	Mortgage to Rent Scheme: Purchas of a house in Port Seton	Cabinet	Private
123/12	Executive Director (Services for Communities)	Update on Open Market Acquisition Strategy	Cabinet	Public
124/12	Executive Director (Services for Communities)	Land Application – Tranent	Cabinet	Private
125/12	Executive Director (Services for Communities)	Local Housing Strategy 2012-2017: Amended	Cabinet	Private
126/12	Head of Housing and Environment	Building Warrants Issued under Delegated Powers between 1 and 30 April 2012	Planning	Public
127/12	Executive Director (Services for People)	Staffing Report - continuation of temporary contracts at Wraparound Care, Tranent and Dunbar	Cabinet	Private
128/12	Head of Council Resources	Creation of temporary post to support the delivery of the Business Gateway contract in East Lothian	Cabinet	Private
129/12	Head of Policy and Partnerships	Sports Award Scheme - Special Awards	Cabinet	Public
130/12	Head of Council Resources	Information from the Scottish Negotiating Committee for Teachers	Cabinet	Public
131/12	Head of Council Resources	Establishment of Temporary Family Support worker (Young Carers)	Cabinet	Private

132/12	Executive Director (Services for People)	Academies Co-ordinator	Cabinet	Private
133/12	Executive Director (Services for Communities)	Allocation of Housing, Tranent	Cabinet	Private
134/12	Executive Director (Services for Communities)	Mortgage to Rent Scheme – Purchase of House in Tranent	Cabinet	Private
135/12	Head of Housing and Environment	Proposed disposal of land to the rear of 76-82 Whitecraig Avenue, Whitecraig	Cabinet	Private
136/12	Head of Housing and Environment	Proposed Electrical Alterations & Improvements at Meadowmill Sports Centre, Prestonpans	Cabinet	Public
137/12	Head of Council Resources	Contract award – Automated Call Distribution Solution	Cabinet	Public
138/12	Economic Development Manager	Tourism Signposting	Cabinet	Public
139/12	Executive Director (Services for Communities)	Proposed External Fabric Repairs to Castellau House, Belhaven Road, Dunbar	Cabinet	Public
140/12	Executive Director (Services for Communities)	Proposed Alterations and Extension at North Berwick Museum and Library	Cabinet	Public
141/12	Head of Council Resources	Review of Project Coordinator (Underage Sales) Post	Cabinet	Private
142/12	Executive Director (Services for Communities)	Proposed Window Replacement & Associated Works at Cockenzie Primary School and Prestonpans Primary School	Cabinet	Public
143/12	Executive Directors (Services for Communities)	Proposed Housing Development at High Street Prestonpans - Offer from Hart Builders (Edinburgh) Ltd	Cabinet	Public
144/12	Head of Policy and Partnerships	Professional Development - Attendance at Cultural Events & Performances	Cabinet	Public
145/12	Head of Policy and Partnerships	Update on Spend of Common Good Funding for Brunton Hall Business Plan Implementation	Cabinet	Public
146/12	Head of Adult Wellbeing	Adult Social Care Services: Voluntary Sector Grants (2012/2013)	Cabinet	Public
147/12	Head of Housing & Environment	Lease Renewal, Musselburgh	Cabinet	Private
148/12	Executive Director (Services for Communities)	Serious Tenancy Breaches Policy (Houses and Gardens)	Cabinet	Private
149/12	Economic Development Manager	Economic Development Projects 2012/13	Cabinet	Public



150/12	Building Standards Manager	Building Warrants Issued under Delegated Powers between 1 and 31 May 2012	Cabinet	Public
151/12	Executive Director (Services for Communities)	Proposed Transfer of Property from General Services to HRA Account	Cabinet	Private
152/12	Head of Policy & Partnerships	Changes to Staffing Arrangements for Community Learning and Development Services	Cabinet	Private
153/12	Executive Director (Services for Communities)	Proposed Window Replacement and Associated Works at St Martin's Primary School and Gullane Primary School	Cabinet	Public
154/12	Executive Director (Services for Communities)	Mortgage to Rent Scheme – Purchase of House in Haddington	Cabinet	Private

13 June 2012

