



**MINUTES OF THE MEETING OF  
THE CABINET**

**TUESDAY 13 NOVEMBER 2012  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

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

**Other Councillors Present:**

Provost L Broun-Lindsay  
Councillor S Brown  
Councillor S Currie  
Councillor J Gillies  
Councillor J Goodfellow  
Councillor F McAllister  
Councillor P McLennan  
Councillor K McLeod  
Councillor J Williamson

**Council Officials Present:**

Mrs A Leitch, Chief Executive  
Mr A McCrorie, Executive Director (Support Services)  
Dr R Jennings, Head of Housing & Environment  
Mr J Lamond, Head of Council Resources  
Mr R Montgomery, Head of Infrastructure  
Mr T Shearer, Head of Policy & Partnerships  
Ms P Bristow, Communications Officer  
Mr P Forsyth, Senior Area Officer East, Transportation  
Mrs K MacNeill, Corporate Legal Adviser  
Mr P Ritchie, HR Business Partner

**Visitors:**

None

**Clerk:**

Mrs L Gillingwater

**Apologies:**

Councillor T Day

*Prior to the commencement of business, those present at the meeting observed a minute's silence in respect of Captain Walter Barrie of the Royal Scots, who had died in Afghanistan on 11 November, and of all those service men and women who had lost their lives in the course of their duties.*

## **1. SUMMARY OF CONTRACTS AWARDED BY EAST LOTHIAN COUNCIL, 30 AUGUST – 31 OCTOBER 2012**

A report was submitted by the Executive Director (Support Services) advising Members of all contracts awarded by the Council from 30 August to 31 October 2012, with a value of over £150,000.

### **Decision**

The Cabinet agreed to note the award of contracts with a value of over £150,000 from 30 August to 31 October 2012, as listed in Appendix 1 to the report.

## **2. ANNUAL PENSIONS REPORT 2011/12**

A report was submitted by the Executive Director (Support Services) summarising the early retirement activity within the financial year 2011/12, in accordance with External Audit requirements and Council Policy.

The Head of Council Resources, Jim Lamond, presented the report, drawing particular attention to the number of pension retirements in 2011/12, and to the Council's liability for future pension costs.

In relation to the number of compulsory redundancies detailed in the report, Councillor Innes indicated that the previous Administration had misled the Council by claiming that there had been no compulsory redundancies during their term in office. He also made reference to a recent motion submitted to the Council by the SNP Group which had called for the Council to implement a 'no compulsory redundancy' policy.

Councillor McLennan argued that Councillor Innes's comments were inaccurate, and that the previous Administration had undertaken to minimise compulsory redundancies. He asked Councillor Innes to retract his statement or provide evidence to support his claims.

Councillor Currie commented that a number of local authorities, including Midlothian and Scottish Borders, had recently implemented 'no compulsory redundancy' policies and urged the Council to reconsider this matter.

Councillor Innes questioned why the previous Administration had not implemented such a policy during their five years in office. Councillor Hampshire added that, given the Council's current financial situation, it was not possible to provide a guarantee that there would be no compulsory redundancies.

### **Decision**

The Cabinet agreed to note the content of the report with regard to the pension activity in the financial year 2011/12.

### **3. FREEDOM OF INFORMATION AUDIT**

A report was submitted by the Executive Director (Support Services) advising of the Council's compliance with the timescales laid down by the Freedom of Information (Scotland) Act 2002 for the period 1 April 2012 to 30 September 2012, and informing Cabinet of the assessment to be carried out by the Scottish Information Commissioner in December 2012.

The Corporate Legal Adviser, Kirstie MacNeill, presented the report, proposing that a twice-yearly report on Freedom of Information (Fol) statistics should be submitted to Cabinet. She highlighted the response timescales for Fol requests between April and September 2012, noting that measures were now being introduced to improve response times. Mrs MacNeill also pointed out that the Scottish Information Commissioner would be assessing the Council's compliance with the Act during a visit to the Council in December 2012.

In response to a question from Councillor Hampshire regarding the cost of dealing with FOI requests, Mrs MacNeill indicated that it would be difficult to quantify the number of staff hours spent dealing with requests, but that complying with the Act had placed a significant financial burden on the Council. She also advised that the introduction of charges for certain types of request was being explored, and that a report on this would come forward in due course.

#### **Decision**

The Cabinet agreed:

- i. to note the statistical information and that such information should be reported to Cabinet on a half-yearly basis; and
- ii. to authorise officers to report the outcome of the Scottish Information Commissioner's assessment together with any action plan proposed.

### **4. EXTENSIONS POLICY**

A report was submitted by the Executive Director (Services for Communities) seeking Cabinet approval for the new Extensions to Council Houses Policy.

The Head of Housing & Environment, Richard Jennings, presented the report, advising that due to high demand and a shortage of housing, a number of households were living in an overcrowded situation, and that in some cases it was not possible to meet their housing needs through re-housing. He suggested that, in such cases, the housing need could be met by extending the existing property. He reminded Members that £230,000 had been allocated to Council house extensions in the current financial year, and that future provision would be determined as part of the 2013 budget process.

Councillor Currie asked how the new policy differed from the previous policy. Dr Jennings informed him that the previous policy addressed extreme overcrowding, but that the new policy would take account of all situations of overcrowding and would also link to the Housing Options Policy.

Councillor Currie asked how many households were in a situation where they were one bedroom short. Dr Jennings advised that just over 200 households were in this position. He added that each application would be considered by the local housing office and the value for money aspect would be assessed. He noted that other factors such as new build properties or other vacant properties would also be taken into account when considering applications.

Councillor McLennan asked what the long term financial implications would be should the Council adopt this policy, and he also asked for a geographical breakdown of those households in an overcrowding situation.

With regard to the long term financial implications, Dr Jennings advised that this would need to be considered alongside other areas of expenditure and as part of the new HRA budget. He stipulated that the primary focus on the service would be to meet the Scottish Housing Quality Standard. He undertook to provide Councillor McLennan with an area breakdown of overcrowded households.

Councillor Akhtar welcomed the policy, which would help people remain within their own communities.

Councillor Currie remarked that the expectations of tenants would need to be managed with the introduction of the policy, and also expressed concern that the cost of implementing the policy could impact on the Council's ability to meet the requirements of the Scottish Housing Quality Standard.

Councillor Grant accepted the points raised by Councillor Currie, but commented that this policy would give the Council some flexibility in helping families to remain within their communities, and that it should therefore be welcomed.

Responding to comments made by Councillor Innes, Councillor Currie advised that since 2008, extensions had been made to Council houses in cases where tenants had severe medical problems or disabilities.

Councillor Innes concluded the debate by reiterating the Administration's commitment to deliver options to help resolve issues with overcrowding in Council houses and allow tenants to live within their communities.

## **Decision**

The Cabinet agreed to approve the new Extensions to Council Houses Policy, which amongst a range of other measures, would seek to ameliorate overcrowding in Council houses.

## **5. 142<sup>ND</sup> OPEN GOLF CHAMPIONSHIP 2013, MUIRFIELD – TRAFFIC MANAGEMENT ARRANGEMENTS AND TEMPORARY TRAFFIC REGULATION ORDER**

A report was submitted by the Executive Director (Services for Communities) advising that the 142<sup>nd</sup> Open Golf Championship would be contested at the Honourable Company of Edinburgh Golfers, Muirfield, Gullane, during July 2013, and that to assist in the safe and effective control of vehicle and other traffic during the event, a Temporary Traffic Regulation Order (TTRO) would be promoted. The report also advised that the County of East Lothian (Waiting Restrictions) (Gullane Village) Traffic Regulation Order 1974 would be suspended during the period only where it relates to the roads described in the schedules attached to the report.

The Head of Infrastructure, Ray Montgomery, presented the report, advising that a transport group had been established to develop a traffic management plan for the duration of the Open Championship. He spoke of the need to minimise disruption to the local community and businesses, and proposed the removal of some parking restrictions in Gullane. He noted that although there were no financial implications outlined within the report, the Council would be providing assistance during the event.

Councillor Currie asked if there was any way of recouping the Council's costs, for example charging for parking. Mr Montgomery advised that the park and ride facilities were operated by the Royal & Ancient, and that there was no intention on the part of the Council to try to recover costs.

Councillor Innes thanked Mr Montgomery and his staff for their role in the organisation of this international event.

### **Decision**

The Cabinet agreed to note the content of the report and, that following further consultation with the Royal and Ancient Golf Club, Lothian and Borders Police and the community, a further report for approval would be presented to the Cabinet at a later date.

### **6. ROAD TRAFFIC REGULATION ACT, 1984 – PROPOSED EXPERIMENTAL TRAFFIC REGULATION ORDER – 20 MPH SPEED LIMITS, HALLHILL AREA, DUNBAR**

A report was submitted by the Executive Director (Services for Communities) seeking Cabinet approval to commence the statutory approval necessary to promote an Experimental Traffic Regulation Order to prohibit the driving of motor vehicles in excess of 20 mph within the specified area.

The Transportation Officer, Peter Forsyth, presented the report, outlining the joint work undertaken by the Council and the Sustaining Dunbar group to promote the ethos of a 20 mph limit. He provided details of the area which would be included within the Experimental Traffic Regulation Order.

Councillor Veitch welcomed the report and thanked all those involved for their work on this project to date. He made reference to the Council Plan which proposed the introduction of 20 mph limits where they were supported by residents. He also welcomed the proposal not to implement additional traffic calming measures.

Councillor McLennan supported Councillor Veitch's comments, which he believed would be welcomed by the local community.

Councillor Akhtar paid tribute to the people who had led the campaign, and suggested that, if successful, consideration should be given to introducing similar schemes in other areas.

Councillor Currie remarked that the support of the police was also important, as they would be responsible for enforcing the restrictions.

### **Decision**

The Cabinet agreed to approve the initiation of the statutory procedure necessary to make the Order in accordance with 'The Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999 and such amendments that are in force.

### **7. NEILSON PARK ROAD AND VICTORIA ROAD, HADDINGTON – PROPOSED EXPERIMENTAL TRAFFIC REGULATION ORDER – PROHIBITION OF VEHICULAR TRAFFIC (DURING SCHOOL TRAVEL PERIODS)**

A report was submitted by the Executive Director (Services for Communities) advising Cabinet of the proposal to introduce an Experimental Traffic Regulation Order at two

locations near to schools in Haddington. The purpose of the Order would be to prohibit vehicular traffic at the critical school travel times.

The Transportation Officer, Peter Forsyth, presented the report, advising Members of the road safety issues being experienced during school traffic times and previous efforts to resolve the problem. Mr Forsyth pointed out that this would be the first time that a TRO of this type would be implemented in the UK. He advised that community police officers and the Community Council were supportive of the proposed approach.

Councillor Hampshire welcomed the report, commenting that there were similar issues at other primary schools in East Lothian.

With reference to the opening of the new schools in Haddington, Councillor McMillan suggested that, in future, traffic management measures should be implemented to coincide with the opening of a new school.

Councillor Currie called for safety audits to be carried out at all schools on a regular basis, and take action as required.

### **Decision**

The Cabinet agreed to approve the initiation of the consultation process and Traffic Regulation Order statutory procedures in connection with the Experimental Traffic Regulation Order to prohibit vehicular traffic in Neilson Park Road and Victoria Road in Haddington, during specified school traffic time periods.

### **8. PUBLIC MINUTES OF THE MEETINGS OF THE LICENSING SUB-COMMITTEE HELD ON 13 SEPTEMBER 2012 AND 11 OCTOBER 2012**

The public minutes of the meetings of the Licensing Sub-Committee held on 13 September 2012 and 11 October 2012 were approved.

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

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

### **Sub-Committee Minutes**

The private minutes of the meeting of the Licensing Sub-Committee held on 13 September 2012 and 11 October 2012 were approved.

The private minute of the meeting of the Employee Appeals Sub-Committee held on 4 October 2012 was approved.