



**MINUTES OF THE MEETING OF  
THE CABINET**

**TUESDAY 15 JANUARY 2013  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor S Akhtar  
Councillor T Day  
Councillor D Grant  
Councillor N Hampshire  
Councillor J McMillan  
Councillor M Veitch (Convener)

**Other Councillors Present:**

Councillor D Berry  
Councillor S Brown  
Councillor J Caldwell  
Councillor S Currie  
Councillor J Gillies  
Councillor J Goodfellow  
Councillor P MacKenzie  
Councillor F McAllister  
Councillor P McLennan  
Councillor K McLeod  
Councillor J Williamson

**Council Officials Present:**

Mrs A Leitch, Chief Executive  
Mr A McCrorie, Executive Director (Support Services)  
Ms M Patterson, Executive Director (Services for Communities)  
Mr J Lamond, Head of Council Resources  
Mr M Leys, Head of Adult Wellbeing  
Ms M Ferguson, Corporate Legal Adviser  
Mr P Forsyth, Senior Area Officer East, Transportation  
Mr I Glen, Policy & Projects Manager, Planning  
Mr R Sinclair, Communications Officer  
Mr P Vestri, Corporate Policy & Improvement Manager

**Clerk:**

Mrs L Gillingwater

**Apologies:**

Councillor W Innes

Prior to the commencement of business, Councillor Grant congratulated Councillor Veitch on the recent birth of his first child. Members and officers present joined him in congratulating Councillor Veitch.

### **Order of Business**

The Cabinet agreed to discuss Item 4 as noted on the agenda – Physical Disability Strategy – at the beginning of the meeting.

## **1. PHYSICAL DISABILITY STRATEGY**

A report was submitted by the Executive Director (Services for People) seeking approval for East Lothian's Joint Strategy for Physical Disability and Hearing or Sight Loss 2012-2020.

The Head of Adult Wellbeing, Murray Leys, presented the report, advising Members of the partnership approach adopted in developing the Strategy. He highlighted the support options resulting from the Rapid Improvement event in 2011. It was noted that the Strategy document was available in the Members' Library.

In response to a question from Councillor Currie as regards the impact of the welfare reforms on people with physical disabilities, Mr Leys advised that the provision of advocacy services was an important component of the Strategy, and that work was underway to deliver such services on a Lothian-wide basis.

Councillor Berry asked how user needs were monitored. Mr Leys informed him that there was a system in place to monitor and reassess individuals with care packages. He mentioned the need to look at how services would be delivered with a growing and ageing population, and also about the use of preventative measures, self-directed support and capacity building within communities. He added that contact points in each community would assist in raising awareness of available support.

Councillor Grant welcomed the report and thanked all those involved in the development of the Strategy.

### **Decision**

The Cabinet agreed to approve the Joint Strategy for Physical Disability and Hearing or Sight Loss 2012-2020.

## **2. SUMMARY OF CONTRACTS AWARDED BY EAST LOTHIAN COUNCIL, 29 NOVEMBER – 31 DECEMBER 2012**

A report was submitted by the Executive Director (Support Services) advising Members of all contracts awarded by the Council from 29 November to 31 December 2012, with a value of over £150,000.

Councillor Berry welcomed the progress as regards the Gullane Day Centre and Medical Centre Facility.

### **Decision**

The Cabinet agreed to note the award of contracts with a value of over £150,000 from 29 November to 31 December 2012, as listed in Appendix 1 to the report.

### **3. 2013 CORPORATE RISK REGISTER**

A report was submitted by the Executive Director (Support Services) seeking approval of the Corporate Risk Register 2013.

The Corporate Policy & Improvement Manager, Paolo Vestri, presented the report, advising that existing risks had been updated to take account of the control and mitigation measures introduced in 2012. He drew attention to the matrix used to analyse risks and noted that this report would also be presented to the Audit & Governance Committee on 22 January for consideration.

Councillor Akhtar asked for a progress report on the development of the Tackling Poverty Strategy. Mr Vestri advised that this Strategy had been delayed to take account of the welfare reform agenda, but that work was ongoing through the Tackling Poverty Theme Group.

Councillor Berry questioned the matrix used to analyse the risk. He was advised that this matrix was used by the risk management profession worldwide. The Chief Executive added that the matrix was very useful as a management tool.

Councillor Currie indicated that it was the role of the Audit & Governance Committee to scrutinise the Risk Register and that there would be an opportunity for Members to consider it in greater detail at the meeting on 22 January. He highlighted the potential financial impact on the Council in relation to the changes in homelessness legislation and the welfare reform agenda.

Councillor McMillan suggested that Members should not consider the Risk Register in isolation, but should look at it in the context of other Council strategies and initiatives.

#### **Decision**

The Cabinet agreed:

- i. to approve the 2013 Corporate Risk Register;
- ii. that the relevant corporate risks had been identified and assessed in the Corporate Risk Register;
- iii. that the significance of each risk was appropriate to the current nature of the risk;
- iv. that the total profile of corporate risk could be borne by the Council at this time in relation to the Council's appetite for risk; and
- v. to recognise that, although the risks presented were those requiring close monitoring and scrutiny throughout 2013, many were longer term risks for the Council that were likely to be a feature of the risk register over a number of years.

### **4. PENSIONS AUTO-ENROLMENT – TRANSITIONAL ARRANGEMENTS OPTION**

A report was submitted by the Executive Director (Support Services) advising Cabinet of the financial and operational implications of auto-enrolment and recommending exercising the option to delay auto-enrolment for certain employees to September 2017.

The Head of Council Resources, Jim Lamond, presented the report, outlining the Council's duties in respect of the new legislation and of the potential financial implications for the

Council in terms of additional employer contributions. He drew attention to the conditions attached to delaying auto-enrolment.

### **Decision**

The Cabinet agreed:

- i. to note the potential financial and operational implications of auto-enrolment; and
- ii. to approve the application of the transitional arrangement option.

### **5. CONSULTATION BY MARINE SCOTLAND ON A SECTION 36 APPLICATION FOR NEART NA GAOITHE OFFSHORE WINDFARM AND A MARINE LICENCE APPLICATION FOR THE WINDFARM AND TRANSMISSION ASSETS**

A report was submitted by the Executive Director (Services for Communities) informing Members of a Section 36 Electricity Act application for an offshore windfarm and associated works off Fife Ness and seeking agreement of the Council's consultation response to Marine Scotland.

The Policy & Projects Manager (Planning), Ian Glen, presented the report. He advised Members of the technical aspects of the application and of the visual impact it would have from various viewpoints in East Lothian. He suggested that the visual impact on East Lothian had been underestimated and hoped Marine Scotland would take the points raised in the response in this regard into consideration. He also provided information on the economic benefits associated with the windfarm.

Councillor Day asked about the rationale of situating the windfarm so close to the coast when there were other potential sites further away from the coast. Mr Glen advised that technically it was more difficult to site turbines in deeper water and also more expensive.

Responding to a question from Councillor Grant regarding shipping lines, Mr Glen explained that this had been taken into consideration when planning the windfarm site. Councillor Berry added that the majority of vessels in the Forth went north or south rather than to the east, and therefore there would be very little impact on shipping lines.

Councillor Berry asked if any fees would be payable to the Crown Estate and, if so, what fraction of those fees would come to Scotland and, more specifically, East Lothian. Mr Glen advised that this was not a matter covered in the application and so could not comment.

Councillor Veitch called on the Council to scrutinise this development given the visual impact it would have on the East Lothian coastline. He sought assurance that any disruption at Thorntonloch would be kept to a minimum. He believed that the East Lothian coastline was the county's greatest asset and that the effect on the seascape should be considered as 'high'. He agreed with the officer's view that Marine Scotland should ensure that the particular impact assessments highlighted in Sections 3.9-3.26 of the report be reassessed and that the implications of any change in the assessment should be fully considered before a decision is taken on the proposal.

Councillor MacKenzie welcomed the application, arguing that the visual impact would not be as significant as other features on the East Lothian landscape and, at the same time, large amounts of clean energy would be produced.

Councillor McLennan also welcomed the report, commenting that this windfarm would contribute to Scotland's climate change targets. He mentioned that the applicant had

engaged with the communities involved and had received very few objections to their proposals. He also highlighted the potential economic benefits and the possibility of Dunbar being selected as the site's operational base. His comments were echoed by Councillor Currie, who reminded Members of the support given to Dunbar Harbour Trust by the Council to allow it to develop facilities to support the offshore wind industry.

Councillor Hampshire commented that, whilst he supported wind energy, he did not believe that it could meet Scotland's demand alone. On the perceived economic benefits, he warned that jobs may not be offered to East Lothian residents, as had been the experience with other windfarm developments in the county. He added that as the windfarm site was closest to the Fife coastline, the developer may choose to locate the operational side of the business there.

Councillor Goodfellow pointed out that wind energy should not be considered as baseload on the grounds that the turbines were not operating all of the time. He also referred to the Visit Scotland survey which showed that 20% of respondents had indicated that the presence of a windfarm would affect their choice of holiday destination, and that this information should be considered in terms of the impact on the tourism economy.

In response to comments made by Councillor Hampshire, Councillor Berry remarked that East Lothian may be the preferred choice for the operational base as it is easily accessible by road and rail. He also believed that there may be a positive environmental impact in that the turbines may provide a habitat for sea life. He felt that the visual impact had been exaggerated and that it would be unlikely that the turbines would be visible for the majority of the time.

Councillor Veitch concluded the debate by restating his view as regards the impact on the landscape and seascape of East Lothian. He called on Marine Scotland to reconsider this aspect of the application before making a decision.

## **Decision**

The Cabinet agreed:

- i. to approve the report as its response to the consultation on the Neart na Gaoithe offshore windfarm proposal;
- ii. to advise Marine Scotland of its concerns over the visual impact of the proposed Neart na Gaoithe offshore windfarm on the seascape of the Firth of Forth and its offshore islands, and its impact on the landscape setting of significant built environment features in East Lothian;
- iii. to request that Marine Scotland reviews the accompanying Environmental Report's assessment of the magnitude of the impacts of the proposed development on landscape and seascape, particularly within East Lothian; and
- iv. to request that Marine Scotland considers the implications of any change to these impacts, and to the other matters raised in this submission, prior to taking any decision on this Section 36 application.

## **6. ROUNDABOUT SPONSORSHIP**

A report was submitted by the Executive Director (Services for Communities) informing Members of work currently being undertaken by Transportation Road Network on the potential market for and benefits from sponsorship of roundabouts.

The Transportation Officer, Peter Forsyth, presented the report, providing Members with information as to the potential locations for and size and design of the proposed signage. He also highlighted types of sponsorship that may be considered unacceptable. It was noted that further work would be undertaken as regards promotional activity and awareness-raising in the business community.

Responding to a question from Councillor Berry in relation to political signage, Councillor Hampshire advised that in the past such signs had not been erected properly or in a safe manner, and they had also been erected in unsuitable places.

Councillor Currie asked how signs of a personal nature (e.g. publicising someone's birthday) would be dealt with. Mr Forsyth commented that such signs were removed as quickly as possible. He added that there was a move to reduce signage on roadsides and that there was an intention to review signage around East Lothian.

Councillor Akhtar welcomed the report, remarking that the Council should do everything possible to promote local businesses, and that the proposals outlined in the report would also enable the Council to better maintain the roundabouts.

Councillor Hampshire stated that proposals to provide income to the Council during the current financial difficulties should be supported. He spoke in favour of including political signs during election periods, and indicated that this matter would be reconsidered.

Councillor Veitch also welcomed the report, suggesting that this move would be supported by the local business community.

Councillor McMillan concluded the debate by pointing out that both this item and the previous one were tied to the Economic Development Strategy, and there was a lot of work being done within the Council to support economic development and tourism.

## **Decision**

The Cabinet agreed to continue to investigate the feasibility of the sponsorship of roundabouts and develop a policy for Cabinet approval

## **7. PUBLIC MINUTE OF THE MEETING OF THE LICENSING SUB-COMMITTEE HELD ON 13 DECEMBER 2012**

The public minute of the meeting of the Licensing Sub-Committee held on 13 December 2012 was approved.

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

The Cabinet unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (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 minute of the meeting of the Licensing Sub-Committee held on 13 December 2012 was approved.