

REPORT TO: East Lothian Council

MEETING DATE: 23 April 2013

BY: Executive Director (Services for Communities)

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SUBJECT: Planning Application No. 12/00199/PPM – Planning permission in principle for residential development and associated open space, landscaping, tree planting, SUDS pond, development access road, junction improvements, enhancement of pedestrian routes and ancillary works at land west of Aberlady Road, Haddington

1 PURPOSE

- 1.1 As the area of the application site is greater than 2 hectares and the principle of development is for more than 50 houses, the proposed development is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development. Furthermore the proposed development is significantly contrary to Policies ENV3 and HOU8 of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy DC1 of the adopted East Lothian Local Plan 2008.
- 1.2 Members will recall that a Pre-Determination Hearing for this application was held at the Planning Committee meeting of 09 April 2013. A Pre-Determination Hearing is mandatory where a planning application is made for a major development that is significantly contrary to the development plan.
- 1.3 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 RECOMMENDATION

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

1. The new build housing development proposed in principle in this application is not necessary for agriculture, horticulture, forestry or other employment use and thus it is contrary to Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy DC1 of the adopted East Lothian Local Plan 2008.
2. There is no demonstrable need for a grant of planning permission in principle for housing development of the land of the application site to release additional land for house building and in this the proposal is not supported by Policy HOU10 of the approved Edinburgh and the Lothians 2015.
3. In that the land of the application site is greenfield land not allocated for housing development through the adopted East Lothian Local Plan 2008 and is not required to meet strategic housing land allocations, the proposed development is contrary to Policy HOU8 of the approved Edinburgh and the Lothians Structure Plan 2015 and with Scottish Planning Policy: February 2010 on housing land.
4. In that the proposal is contrary to Policies ENV3 and HOU8 of the Structure Plan, they are also contrary to the requirement of Policy HOU10 of the approved Edinburgh and the Lothians Structure Plan 2015 that the bringing forward of any additional land into the already allocated housing land supply by a grant of planning permission will comply with other Structure Plan policies.
5. Development of the site for houses would be contrary to the objectives, proposals and policies of the adopted East Lothian Local Plan 2008 on housing development within and outwith the settlements of East Lothian. It would prejudice the development of allocated strategic housing sites, particularly at Letham Mains in Haddington. In this the principle for housing development of the land of the application site is contrary to Policy HOU3 of the approved Edinburgh and the Lothians Structure Plan 2015 and Proposals H1 to H7 of the adopted East Lothian Local Plan 2008.
6. A housing development of the application site would result in the loss of some 6.4 hectares of prime agricultural land and is not necessary to meet any established need and thus the principle of such development is contrary to Policy DC1 (Part 5) of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010.

3 BACKGROUND

3.1 Planning Assessment

The application site consists of 6.4 hectares of land in the East Lothian countryside. It is located immediately to the north of Haddington. The site mainly consists of agricultural land. The agricultural land slopes down, from north to south. The site also includes a length of the A6137 road (Aberlady Road) that is to the east and northeast of the agricultural land.

The site is roughly rectangular in shape. To the north of it is the dual carriageway of the A1 trunk road, beyond which is agricultural land. The adjacent length of the A1 trunk road is at a lower level than the land of the application site. To the east of it is the Peppercraig Quarry Industrial Estate. To the south of it are the residential properties of Haldane Avenue and to the west of it is the Links Veterinary Clinic and a 25 metres wide strip of countryside land, beyond which is the access road which leads from the A199 road to Alderston House, Alderston Coachhouse, Alderston Mains Farm, an office development and some other properties.

Planning permission in principle is sought for the residential development of the application site and for associated works.

A site layout plan submitted with the application shows how 89 residential units might be accommodated within the application site. It also shows how the residential units could consist of 55 detached houses, 10 semi-detached houses, 16 terraced houses and 8 flats and could be laid out on the site with most of the residential units fronting onto an access road that would be formed within the site.

Access could be taken from the A6137 road via a new access to be formed opposite the junction of the A6137 road and the access road serving Peppercraig Quarry Industrial Estate. Additionally it is shown that a footpath could be formed over part of the 25 metres wide strip of countryside land to the west of the site to provide a pedestrian link between the proposed housing site and the access road which leads from the A199 road to Alderston House, Alderston Coachhouse, Alderston Mains Farm, an office development and some other properties.

The site layout plan indicates that a substantial belt of planting could be formed along the northern and north-western parts of the site and a hedgerow interspersed with trees could be formed along the southern boundary of the site, adjacent to the existing rear gardens of the houses of Haldane Avenue. The site layout plan further indicates that two areas of open space, two play areas and a SUDS pond could be provided within the application site.

No illustrative drawings have been submitted with the application to indicate the design of any of the residential units.

An amended site layout plan has been submitted showing:

- (i) revisions to the access and street layout of the proposed housing development;
- (ii) revisions to the indicative positions for some of the residential units;
- (iii) revisions to the indicative landscape proposals and to the layout of the SUDS pond; and
- (iv) the provision of a footpath link between the proposed housing site and the access road which leads from the A199 road to Alderston

House, Alderston Coachhouse, Alderston Mains Farm, an office development and some other properties.

The application is supported by, amongst other things, a pre-application consultation report, a planning statement, a landscape and visual impact assessment, a noise assessment and a transport assessment.

As a statutory requirement of major development type proposals this proposal was the subject of a Proposal of Application Notice (Ref: 11/00009/PAN) and, through that procedure, community consultation prior to the application for planning permission in principle being made to the Council. As a further statutory requirement a report on that pre-application consultation is submitted with this application.

The report informs that over 90 people attended the two pre-application consultation events held in Haddington and the views expressed by those attendees have helped influence the layout of the housing development now proposed.

The planning statement submitted with this application seeks to address the circumstance of the proposed development relative to the development plan and other material considerations. It declares that Policy HOU10 of the approved Edinburgh and the Lothians Structure Plan 2015 is the key determining policy in the consideration of this application in that it provides a planning policy context which allows this site to be considered for development at this time, and in advance of any development plan review.

The planning statement also details the recent planning history of the application site. Whilst the application site has not been subject of any previous planning applications, the development of the site for housing was twice promoted through the local plan process. On both occasions, the Reporter appointed by the Scottish Government did not accept that the site should be developed for housing, primarily on the basis that there was no strategic requirement for the site to be released for housing. In respect of the more recent promotion of the site for housing in 2008, the Reporter considered that the provisions of Policy HOU10 of the approved Edinburgh and the Lothians Structure Plan 2015 would provide a mechanism to address the situation if it should emerge that there could be a shortfall in the effective housing land supply.

The landscape and visual impact assessment considers the landscape character of the site and assesses the visual impact of a residential development of the site.

The noise assessment assesses the noise impact of road traffic using the A1 trunk road on future residents of the proposed housing development.

The Transport Assessment evaluates the traffic impact generated by the proposed development, and examines the accessibility of the development by all modes of transport.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 28 February 2012 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission in principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

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.

Relevant to the determination of the application are Policies ENV3 (Development in the Countryside), HOU8 (Development on Greenfield Land) and HOU10 (The Five Year Housing Land Supply) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP17 (Art Works- Percent for Art), DP18 (Transport Assessments and Travel Plans), DP20 (Pedestrians and Cyclists), INF3 (Infrastructure and Facilities Provision), C1 (Minimum Open Space Standard for new General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), H4 (Affordable Housing), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

Also material to the determination of the application is Scottish Planning Policy: February 2010 and the letter from the Scottish Government's Chief Planner to Heads of Planning dated 29 October 2010.

In Paragraph 75 of Scottish Planning Policy it is stated that a supply of effective land for at least 5 years should be maintained at all times to ensure a continuing generous supply of land for house building. Planning authorities should monitor land supply through the annual housing land audit, prepared in conjunction with housing and infrastructure providers. Development plans should identify triggers for the release of future phases of effective sites where a 5 year effective supply is not being maintained.

In Paragraph 84 of Scottish Planning Policy it is stated 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 Paragraph 97 of Scottish Planning Policy it is stated that prime quality agricultural land is a finite national resource on which development should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need, for example for major infrastructure development where no other suitable site is available. When forming the settlement strategy, planning authorities should consider the impact of the various options on prime quality agricultural land and seek to minimise its loss.

The letter from the Chief Planner to Heads of Planning dated 29 October 2010 provides advice on the provision of an effective housing land supply as a result of the changed economic climate. It advises that the concept of 'effective housing land' centres on the question of whether a site can be developed i.e. whether "residential units can be completed and available for occupation". If the circumstances affecting sites means that there is no longer a 5 year supply of effective housing land, the Chief Planner's expectation is that planning authorities will take steps to comply with Scottish Planning Policy: February 2010. The housing land audit can be used to achieve this by identifying sites that are no longer effective and highlighting a need to bring forward new sites. Where a planning authority has a 5 year supply of effective housing land but the impediment to developing that site is the general availability of mortgages or low level of demand from purchasers then there will be little if anything to be gained by releasing additional sites.

9 written representations have been received in respect of this application, all of which raise objection to the principle of the proposed development.

The main grounds of objection are summarised as follows:

- ❖ Proposed vehicular access from the A6137 road (Aberlady Road) would be extremely dangerous;
- ❖ Additional residents from the proposed housing would put even more strain on the infrastructure of Haddington, including local schools;
- ❖ There is no need for additional housing;
- ❖ Proposed development would devalue the objector's property;

- ❖ Proposed development would increase traffic on the surrounding road network;
- ❖ Loss of private views;
- ❖ Loss of privacy and amenity;
- ❖ Proposed development would result in the removal of the existing buffer between the housing of Haldane Avenue and the A1 trunk road;
- ❖ Concerns over flood risk; and
- ❖ The northern part of the site is unsuitable for housing because of noise and noxious fumes from heavy traffic on the A1 trunk road.

The loss of a private view is not a material consideration in the determination of a planning application. Neither is a perceived devaluation of an objector's property.

Haddington Area Community Council recommends refusal of the application on the grounds that the site is in a rural setting and not allocated for housing and that the development at Letham is still active. The Community Council also advise that i) controls must be put in place to ensure that the trees proposed for the northern part of the site are indeed planted and ii) pedestrian access should be catered for, including the widening of pavements and the provision of a pedestrian crossing on the A199 road.

The application site is located in an elevated position, on rising ground to the north of the built-up area of the town of Haddington. The site is visible from the A1 trunk road heading east along the section between the Oaktree Junction and the Abbotsview Junction. Shrub and tree planting on the road embankment provides some screening of the site from that public road.

The site layout plan originally submitted with the planning application indicated that most of the land of the application site would be developed for housing. As it was indicatively shown, the house nearest to the northern boundary of the site would have been positioned only some 10 metres from that boundary of the site. A belt of planting was proposed along the northern and north-western boundaries of the site. As they were indicatively shown, some of the houses proposed for the elevated, north-western part of the site would have been visible from the A1 trunk road. The landscape advice of the Council's Policy and Projects Manager was that the prominence of those houses and the indicative layout of the other houses originally proposed would have been detrimental to the landscape setting and character of Haddington.

In response to those concerns, the applicant submitted a revised site

layout plan. The revised site layout plan indicatively shows a wider belt of planting along the north-western part of the site. Moreover, the houses are now indicatively shown to be set back from the A6137 road, with a landscaped area now proposed for the eastern part of the site.

The landscape advice of the Council's Policy and Projects Manager is that the planting now indicatively proposed for the northern and north-western boundaries of the site would satisfactorily screen the proposed housing from views of the site from the A1 trunk road, would help to satisfactorily integrate the development into its surroundings, and would provide an acceptable landscape setting to the northern edge of Haddington. Moreover the setting back of the houses from the eastern boundary of the site and the provision of a landscaped area over most of the eastern edge of the site would reduce the impact of the development when viewed from the A6137 road to the east. To further reduce the impact of the development from those public views, the two houses indicatively proposed for the northeast part of the site should be single storey in height.

On this landscape consideration, the site could acceptably be developed for housing in the manner indicatively proposed without detriment to the landscape setting and character of Haddington. On this consideration, the principle of the proposed development is consistent with Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

If planning permission in principle is to be granted the details of the siting, design, external appearance of houses and landscaping of and the means of access to the proposed development would be for the subsequent approval of the Planning Authority. It would be through the subsequent determination of such details that planning control would be exercised to ensure that its built form would be fully acceptable, and with due regard to the need to safeguard the character and appearance of the application site.

The Council's Policy and Projects Manager advises that there are large mature trees located to the west of the application site. In order to safeguard those trees, he recommends that the footpath to be formed between the proposed housing site and the access road which leads from the A199 road to Alderston House, Alderston Coach house, Alderston Mains Farm, an office development and some other properties should be designed in accordance with BS5837: 2012 "Trees in relation to design, demolition and construction- Recommendations".

The site lies immediately to the south of the A1 trunk road. As part of the submission the applicants have provided a noise assessment in respect of the potential nuisance that would arise therefrom. The Council's Senior Environmental and Consumer Services Manager has confirmed that subject to double glazing and trickle vents being provided on windows of noise sensitive rooms on elevations facing the A1 trunk road and subject to the construction of the noise attenuation barrier specified in the

applicant's noise assessment, he has no objection to the principles of the proposed development. The noise attenuation barrier would be 4 metres in height and would be formed along the northern end of the site. It could comprise of a 3 metres high acoustic fence atop a 1 metre high earth bund. He recommends that the precise nature and extent of these mitigation measures should be identified by a further noise assessment, which should be submitted to and approved by the Planning Authority.

The Council's Senior Environmental & Consumer Services Manager advises that in principle it would be possible for the 4 metres high acoustic barrier to be located within the wide belt of planting along the northern end of the site. The Council's Policy and Projects Manager advises that this would be satisfactory from a landscape point of view, as in time the acoustic barrier would be screened by the belt of planting.

Subject to the mitigation measures recommended by the Council's Senior Environmental & Consumer Services Manager, future occupants would in principle benefit from a sufficient level of privacy and residential amenity.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

What is shown on the submitted site layout plan illustrates that it would be possible to accommodate a total of 89 residential units on the application site such that units facing southwards towards the existing properties on Haldane Avenue would in their relationship with those properties meet the overlooking separation distances of 9 metres and 18 metres.

The Council's Landscape and Countryside Management Manager is satisfied with the indicative proposals for open space and play area provision. On these considerations, the principle of the proposed development is consistent with Policies C1 and C2 of the adopted East Lothian Local Plan 2008.

The applicant has submitted a transport assessment with their application and on this consideration the proposed development is consistent with Policy DP18 of the adopted East Lothian Local Plan 2008.

The Council's Transportation service has considered the transport assessment submitted by the applicant and agrees with the findings that

the traffic likely to be generated by the proposed housing development of the application site could be satisfactorily accommodated on the local road network. The assessment takes into account the additional traffic that could also be generated by the mixed use development of 750 houses, social and community facilities and associated infrastructure of the adjacent lands of Letham Mains the subject of Proposal H3 of the adopted East Lothian Local Plan 2008.

It is proposed in principle in this application that site access would be directly from the A6137 public road. The Transportation service raises no objection in principle to these proposed access arrangements, subject to the existing 40 miles per hour speed limit being extended northwards on the A6137 road to the northern end of the bridge over the A1 trunk road, and subject to a gateway feature being installed on the A6137 road at the start of the new 40 miles per hour speed limit zone.

The Transportation service confirm that there is no transportation objection to the principle of the proposed development of the application site subject to the imposition of conditions on a grant of planning permission in principle to ensure that appropriate off site road improvement works, including the installation of a signalised pedestrian crossing on the A199 public road, are undertaken, that various identified road safety measures are undertaken, that cycle parking be provided for the proposed flats, that a Green Travel Plan be submitted, that wheel washing facilities be provided during the construction period, and that construction traffic movements be controlled.

With the imposition of conditions to cover the recommendations of the Transportation service the proposed development would, in principle accord with Policies DP20, T1 and T2 of the adopted East Lothian Local Plan 2008.

Transport Scotland raise no objection to the principle of the proposed development, although they recommend that adequate screening should be provided between the housing and the A1 trunk road, that there be no drainage connections to the trunk road drainage system, and that details of any external lighting within the site should be submitted for the approval of the Planning Authority following consultation with Transport Scotland.

The proposed housing development by its scale would have a significant impact on the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission.

The Scottish Environment Protection Agency recommend that a SUDS scheme should be submitted to and approved by the Planning Authority prior to the commencement of any housing development of the application site.

Scottish Water raise no objection to the principle of the proposed development.

The Council's Heritage Officer advises that the site is within an area regarded as having a moderate to high potential for the discovery of archaeological remains. He therefore advises that a programme of works (Archive Assessment and Evaluation) should be carried out at the site by a professional archaeologist. This approach is consistent with Scottish Planning Policy: February 2010, Planning Advice Note 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The Council's Executive Director (Services for People) informs that the application site is located within the primary school catchment area of Kings Meadow Primary School and the secondary school catchment area of Knox Academy. He advises that Kings Meadow Primary School would have capacity to accommodate children that could arise from the proposed development. However, he also advises that Knox Academy would not have capacity to accommodate children that could arise from the proposed 89 residential units. Thus the Executive Director (Services for People) objects to the application. However, he confirms that he will withdraw this objection if the applicant is required to make a financial contribution to the Council of £314,170 (£3,530 per residential unit) towards the provision of additional accommodation at Knox Academy. This could be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: 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, which stipulates that new housing 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. A legal agreement will be used to secure this provision.

The Council's Community Housing and Property Management service advise that a grant of planning permission in principle would require to be subject to a requirement for 25% of all housing units to be developed to be provided as affordable housing through mechanisms to be agreed with the developer. The applicants propose that there be provision of 25% affordable housing. A grant of planning permission in principle for the proposed development could be made subject to an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. This accords with Policy H4 of the adopted East Lothian Local Plan 2008.

Notwithstanding these considerations, the principal material consideration in the determination of this application is whether or not the

principle of the proposed housing development accords with development plan policy and, if not, whether there are material considerations that outweigh the policy presumption against the housing development of the application site.

The land of the application site is defined by Policy DC1 of the adopted East Lothian Local Plan 2008 as being part of the countryside of East Lothian.

The adopted Local Plan does not allocate the land of the application site for residential development.

The principle of new build housing development on the application site must therefore be assessed against national, strategic and local planning policy relating to the control of new build housing development in the countryside.

In paragraph 84 of Scottish Planning Policy: February 2010 it is stated that planning authorities should set out the circumstances in which new housing outwith settlements may be appropriate, particularly in rural areas.

Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015 states that development in the countryside will be allowed where it has an operational requirement for such a location that cannot be met on a site within an urban area or land allocated for that purpose, and is compatible with the rural character of the area. Acceptable countryside development will include agriculture, horticulture, forestry and countryside recreation.

Part 1(b) of Policy DC1 only allows for new build housing development in the countryside where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use.

The new build housing development proposed in this application is not necessary for agriculture, horticulture, forestry operations or countryside recreation and thus is contrary to Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015 and Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008.

The applicant contends that the proposal should be supported on the ground that there is an insufficiency of allocated, unconstrained housing land to form an effective five year housing land supply in the Lothians and East Lothian. They express the view that a grant of planning permission in principle for the proposed development would contribute towards the five year housing land supply, would therefore comply with Policy HOU10 of the Structure Plan and that Policy HOU10 now provides the planning policy context to allow this site to be considered for

development at this time, and in advance of any development plan review.

Policy HOU10 states that the Lothians Councils will maintain an effective five-year land supply for Edinburgh and the Lothians as a whole by supporting the development of housing land consistent with the strategy, including its requirements for essential infrastructure.

Policy HOU10 also states that the adequacy of the effective land supply will be assessed against annual monitoring reports prepared by the Councils, which shall take account of the annual Lothian Housing Land Audit and assumptions for future windfall development.

Policy HOU10 further states that where a Council's contribution to the effective five-year land supply falls below 90% of its expected contribution and the shortfall in the Lothian-wide housing land supply is also more than 10%, that Council will bring forward additional land. This land will be found within the core development areas. The land will be brought forward by a local plan alteration or, where this is not possible, by granting planning permission in advance of local plan adoption, provided that the proposals comply with other policies of the structure plan.

In respect of their contention, the applicants' planning statement contains data from the Annual Housing Monitor 2010 and excerpts of the report from the Edinburgh and Lothians Structure Plan Joint Liaison Committee dated 22 August 2011.

Since the application was submitted, a 2012 Housing Land Audit for Edinburgh and the Lothians has been produced. This is an assessment of the housing land supply in the area covered by the Edinburgh and the Lothian Structure Plan 2015, as at 31 March 2012.

Without going into the fine detail of this data, the Council does not dispute that housing completions in Edinburgh and the Lothians in the period of the Edinburgh and the Lothians Structure Plan 2015 are markedly lower than anticipated at the time the plan was prepared. With regard to East Lothian the Council accepts the findings of the Housing Land Audits in respect of a lower rate of completions than had been anticipated through development of allocated strategic housing sites.

Whilst the Council recognises that there is a shortfall in housing completions within the anticipated timescales, it does not accept that this is the result of land supply problems or that there is a corresponding need for permitting residential development on unallocated, countryside land or other land on a piecemeal basis. The shortfall has arisen not because insufficient land has been allocated for housing development, but rather that there has been insufficient house building and thereby housing completions on the allocated strategic housing sites and other allocated housing development land.

The significant consideration in this matter is about why the level of completions is insufficient.

On this consideration East Lothian Council, together with the other Edinburgh and Lothians Councils, endorses the position adopted by the Edinburgh and Lothians Structure Plan Joint Liaison Committee that whilst the Edinburgh and Lothians effective five-year housing land supply is below the Structure Plan requirement, it is for infrastructure and marketing reasons rather than a lack of land identified or allocated for housing. The identified shortfall is due particularly to the current economic recession and the lack of availability of mortgage finance such that house builders have been unable to build houses at the completion rates anticipated by the Structure Plan rather than being due to a lack of unconstrained land.

The position of the Structure Plan Joint Liaison Committee is that whilst the Annual Housing Monitor records the shortfall in house completions it does not weigh these against reduction in housing demand. This creates an artificial situation whereby a response to a reduced completion rate caused by a downturn in the market would seem to be to increase the required annual housing completion rate.

Given that the significant reasons for the reduced delivery of housing completions on the allocated strategic housing sites are effectively due to lower consumer demand and consequential lower developer activity there is no logic in the applicants' contention that there is a need to increase the housing land supply. Those particular market circumstances do not provide a justification for the applicant's contention that the housing development of the unallocated land of the application site should be supported contrary to the objectives, proposals and policies of the adopted East Lothian Local Plan 2008 on housing development within and outwith the settlements of East Lothian and which are in accordance with Paragraph 84 of Scottish Planning Policy: February 2010 on the matter of the circumstance in which new housing development is planned for.

In his letter of 29 October 2010 to local authority Heads of Planning the Scottish Government's Chief Planner also endorses this position in the advice given that where a planning authority has a 5 year supply of effective housing land but the impediment to developing that land is the general availability of mortgages or low level of demand from purchasers then there will be little if anything to be gained by releasing additional sites.

This position recognises the context of the shortfall in housing completions, namely that the housing market since the economic crisis of 2008 remains a depressed market, with limited demand for housing. The applicant's contention that the figures for the effective housing land supply support the generality of case for a grant of planning permission

for residential development of a site not allocated for housing development fails to consider the market situation where effective sites are not being developed or are being developed at a relatively slow pace for the simple reason that the house builders are making a proportionate response to market conditions. Ignoring the mechanism of a drop in market demand for new build houses as a change to the viability of the strategic housing land supply would encourage land speculation whilst further endangering the development of allocated housing development sites as planned for in the development plan.

Notwithstanding the above consideration of the effective five year land supply the Structure Plan Joint Liaison Committee recommends measures, which are adopted by East Lothian Council, to encourage house building on strategic housing sites by:

- negotiating with house builders on the phasing of existing allocated sites, along with the timing of infrastructure and developer contributions to spread costs;
- the Councils exploring the potential of the Scottish Futures Trust to 'unlock' investment for infrastructure projects to support house building; and
- supporting appropriate new windfall applications which are in accord with the development plan.

This response has already assisted in the bringing forward of active development of the strategic housing site (450 houses) of Pinkie Mains, Musselburgh (Proposal H4 of the adopted East Lothian Local Plan 2008) and of the strategic housing site (100 houses) of Gilsland, North Berwick (Proposal H6 of the adopted East Lothian Local Plan 2008). In the case of Pinkie Mains the planning permission is for 473 houses and in the case of Gilsland it is for 120 houses. These additional numbers is indicative of how the Council is taking a constructive approach to proposals for strategic housing sites, where there are capacity and substantive urban design justifications to support proposals for increased numbers of houses on strategic housing sites.

Additionally, planning permission in principle is granted for a development of 525 houses on the strategic housing site (500 houses) of Hallhill, Dunbar (Proposal H2 of the adopted East Lothian Local Plan 2008) and approval of matters specified in conditions has recently been granted for the details of a housing development of 126 houses and 72 flats on part of the strategic housing site of Hallhill, Dunbar. Moreover, the Council is presently in discussions over a revised phasing of such a development and of the details of it with the aim of also bringing forward a development of the land.

Furthermore, a large number of local housing sites allocated in the adopted East Lothian Local Plan 2008 have been developed or are being

built out, as evidenced by the current 2012 Housing Land Audit for Edinburgh and the Lothians.

Seeking to fulfil the strategic housing allocations of the Structure Plan in the recognised time period would now entail a level of house building significantly higher even than that achieved in the early period of the Structure Plan when the housing market was buoyant. The current evidence provided by housebuilder activity is that the market would not support this and thus there is no justification for the Council to grant planning permission in principle for a housing development of the application site. The Council's approach is designed to assist in supporting a level of house building which the market can sustain and to protect the objectives, proposals and policies of the adopted East Lothian Local Plan 2008 on housing development within and outwith the settlements of East Lothian that include the town of Haddington.

Given the circumstances of the housing market a grant of planning permission in principle for a housing development of the application site would not only be contrary to the objectives, proposals and policies of the adopted East Lothian Local Plan 2008 on housing development within and outwith the settlements of East Lothian, it could also prejudice the development of the strategic housing development site of Letham Mains, Haddington.

In all of this consideration there is no justification in terms of national or strategic policy or in the Chief Planner's letter of the 29 October 2010 to invoke the provision of Policy HOU10 in order to grant planning permission in principle for housing development of the application site.

Development of the application site for housing would be contrary to the objectives, strategic housing allocations and settlement strategy of the development plan. It could prejudice the development of the strategic housing sites in East Lothian, particularly at Letham Mains in Haddington. In this the proposals are contrary to Policy HOU3 of the approved Edinburgh and the Lothians Structure Plan 2015 and Proposals H1 to H7 of the adopted East Lothian Local Plan 2008.

Even if with regard to Policy HOU10 there was a demonstrable case for the bringing forward of additional land to make up for any shortfall in the five-year land supply then what Policy HOU10 states is that the land will be brought forward by a local plan alteration and only where this is not possible, by granting planning permission in advance of local plan adoption and only provided that the proposals comply with other policies of the Structure Plan.

The proposed use of the land of the application site for housing is contrary to Policy ENV3 of the Structure Plan because there is no operational requirement for such development of that countryside land.

In that the land of the application site is greenfield land, not allocated for development in the Local Plan and not required as strategic housing land, the proposed principle of a housing development of it is also contrary to Policy HOU8 of the Structure Plan 2015, which presumes against new housing development on greenfield sites other than where required for strategic housing allocations or where otherwise identified for housing development through local plans.

Thus the principle of a housing development of the application site is contrary to Policy HOU10 of the approved Edinburgh and the Lothians Structure Plan 2015.

The Council endorses the Structure Plan Joint Liaison Committee's view that any change to the current housing development strategy should be promoted through the development plan process. The Council is currently in the process of preparing for East Lothian a new Local Development Plan and the applicants are making representation through this for the land of the application site to be allocated for housing development. Through this Expression of Interest it is more proper for the applicants to be making their case for the bringing forward of the land of the application site for housing development.

The land of the application site is mostly prime quality agricultural land. Policy DC1 (Part 5) of the adopted East Lothian Local Plan 2008 requires that all developments in the countryside minimise the loss of agricultural land. A housing development of the land would result in the loss of some 6.4 hectares of prime agricultural land, contrary to Policy DC1 (Part 5) and Scottish Planning Policy: February 2010.

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 12/00199/PPM - Planning permission in principle for residential development and associated open space, landscaping, tree planting, SUDS pond, development access road, junction improvements, enhancement of pedestrian routes and ancillary works at land west of Aberlady Road, Haddington
- 7.2 Adopted East Lothian Local Plan 2008
- 7.3 Approved Edinburgh and the Lothians Structure Plan 2015
- 7.4 Scottish Planning Policy: February 2010
- 7.5 Letter from the Scottish Government's Chief Planner to Heads of Planning dated 29 October 2010.

AUTHOR'S NAME	Iain McFarlane/Keith Dingwall
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DATE	28 March 2012

**NOTE OF PRESENTATIONS MADE TO THE
PLANNING COMMITTEE ON 9 APRIL 2013 IN RESPECT OF
THE PRE-DETERMINATION HEARING FOR:**

Planning Application No. 12/00199/PPM: Planning Permission in Principle for residential development and associated open space, landscaping, tree planting, SUDS pond, development access road, junction improvements, enhancement of pedestrian routes and ancillary works at land west of Aberlady Road, Haddington

PRESENTATION BY JOHN HANDLEY OF HANDLEY ASSOCIATES (AGENT)

Agent for Gladedale Estates (applicant). Informed Members that he had been promoting this site for housing for 15 years and that this site had been considered in last 2 Local Plan Public Inquiries (1998 and 2006). He had intended to discuss the housing land supply shortfall however the Committee had heard about this already today in relation to the previous application so he would not repeat those points. He proposed to take Members through some aspects of the report. There were a number of key issues - application site and surroundings, public consultations and planning policies.

History of application site

He outlined the lengthy planning history of this site from the 1990s (when the site was formed following the creation of the Haddington bypass), highlighting the conclusions reached by the Reporter at each of the two Inquiries. At the 1998 Inquiry Haddington was deemed an area of restraint, and, although the Reporter considered the site had benefits it was not allocated for housing. At the 2006 Inquiry the Reporter concluded there was no need for this site to be allocated as Letham Mains would suffice. The Reporter had stated that, in the event of a housing land supply shortfall, Structure Plan Policy HOU10 would be the appropriate means to address the situation. In response to the Reporter's comments from these earlier Inquiries, landscaping at the northern end of the site would now be provided and traffic related matters, including an independent road safety audit, had been addressed along with a visual assessment and provision of a significant landscape buffer to the A1.

Report

Para 3.1 - is infill site, is surrounded by development on all sides. Site is part of built up area of Haddington. An amended layout plan has been submitted. 6.4 hectares, with around 5 acres of landscaping.

Para 3.2 - Policy HOU10 (The Five Year Housing Land Supply of the approved Edinburgh and the Lothians Structure Plan 2015) key policy.

Para 3.3 - consultation responses - all consultees, except Policy & Projects Manager and community council, have no objections. In response to the community council's comments a) not a rural setting, b) Letham development 2002 first identified as housing, still no planning application, not considered by applicants here to be an active site. This application will not affect the delivery of the Letham development; by providing some of the finance (educational contribution) may help deliver Letham.

He made reference to public pre-application consultation events. He stated that only 9 objections were submitted. In response to objections -

Increase in traffic: the Council's Transportation service and Transport Scotland both happy with proposal, road safety audit done.

Infrastructure: SEPA and Scottish Water raised no objections. In relation to schools the Education department raised no objection.

Need for additional housing: feedback from community events some objections however not material planning policy considerations, suggested loss of buffer, enclosing this, also landscaping/tree planting.

Flood risk: assessment carried out

Northern part of site: not developing along northern part of boundary

Conclusion

All points raised in report addressed. This application can meet all relevant planning policies. It is supported by all technical consultees, only objector Policy & Projects Manager who states this application is premature - clearly do not agree with this view. Policy HOU10 also recently identified by the Reporter as key policy in relation to meeting shortfall in housing land supply.

This application would provide:

- 65 family homes
- 24 affordable houses
- New road
- 2 new play parks
- New gateway entrance to Haddington
- New landscaping
- Significant financial contribution to the expansion of the secondary school

QUESTIONS TO AGENT

Q Re comment that educational financial contribution will help Letham development - fundamentally flawed, the Council can only collect developer contributions from this site relative to children arising from this site. Contributions cannot be cross linked to another development - agree flawed argument?

A Key issue - has been criticism from the community council that if this development goes ahead this will stall the Letham development, my understanding is that one reason for lack of progress with the Letham development is the educational financial contribution, so if we can help to fund part of the extension to Knox Academy then this may assist with that development.

Q Re enclosing the amenity of the northern periphery element/bund issue - would not a fence or dense woodland be more attractive than a bund?

A North edge of site under particular scrutiny with regards to landscape perspective, as part of that significant tree planting and landscaping proposed, can also do engineering and ground works and introduce noise reduction measures. Have indicative layout at the moment, keen to get solution re acoustic barrier, if needs bunding as well then will provide this.

PRESENTATIONS AGAINST THE APPLICATION

ALISTAIR YOUNG

Resident of Haldane Avenue for 23 years. The site is a rural setting, is prime agricultural land. The boundary of Haddington is Haldane Avenue. Main concerns outlined.

Location-flood risk/privacy issues

- Area already gets flooded, filling this area with tar roads and monoblock etc. will bring more flooding issues
- Privacy – due to slope of the land residents of Haldane Avenue will see the whole range of these houses, therefore privacy will be much reduced

Road/traffic

- Aberlady Road is very dangerous road, fatal accident some years ago, fast traffic 60 to 80mph
- Proposed development is out of town so residents will not walk into town centre but will use cars therefore increase in car use in Haddington
- Additional traffic/additional associated noise

Greenbelt

- How many greenbelt areas can we afford to lose

Wildlife

- Area is a great habitat for wildlife, already seen drop in numbers of certain species

He concluded that it would be irresponsible of any committee to make a decision on this application until the impact of the Letham development on the town was experienced.

REPORT TO: East Lothian Council

MEETING DATE: 23 April 2013

BY: Executive Director (Services for Communities)

2

SUBJECT: Planning Application No. 12/00680/PPM – Planning permission in principle for residential development at Ferrygate Farm, Dirleton Road, North Berwick

1 PURPOSE

- 1.1 As the area of the application site is greater than 2 hectares and the principle of development is for more than 50 houses, the proposed development is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development. Furthermore the proposed development is significantly contrary to Policies ENV3 and HOU8 of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy DC1 of the adopted East Lothian Local Plan 2008.
- 1.2 Members will recall that a Pre-Determination Hearing for this application was held at the Planning Committee meeting of 09 April 2013. A Pre-Determination Hearing is mandatory where a planning application is made for a major development that is significantly contrary to the development plan.
- 1.3 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 RECOMMENDATION

- 2.1 That planning permission in principle be refused for the following reasons:
 1. The new build housing development proposed in principle in this application is not necessary for agriculture, horticulture, forestry or other employment use and thus it is contrary to Policy ENV3 of the

approved Edinburgh and the Lothians Structure Plan 2015 and Policy DC1 of the adopted East Lothian Local Plan 2008.

2. There is no demonstrable need for a grant of planning permission in principle for housing development of the land of the application site to release additional land for house building and in this the proposal is not supported by Policy HOU10 of the approved Edinburgh and the Lothians 2015.
3. In that the land of the application site is greenfield land not allocated for housing development through the adopted East Lothian Local Plan 2008 and is not required to meet strategic housing land allocations, the proposed development is contrary to Policy HOU8 of the approved Edinburgh and the Lothians Structure Plan 2015 and with Scottish Planning Policy: February 2010 on housing land.
4. In that the proposal is contrary to Policies ENV3 and HOU8 of the Structure Plan, they are also contrary to the requirement of Policy HOU10 of the approved Edinburgh and the Lothians Structure Plan 2015 that the bringing forward of any additional land into the already allocated housing land supply by a grant of planning permission will comply with other Structure Plan policies.
5. Development of the site for houses would be contrary to the objectives, proposals and policies of the adopted East Lothian Local Plan 2008 on housing development within and outwith the settlements of East Lothian. It would prejudice the development of allocated strategic housing sites, particularly at Gilsland and at Mains Farm, both in North Berwick. In this the principle for housing development of the land of the application site is contrary to Policy HOU3 of the approved Edinburgh and the Lothians Structure Plan 2015 and Proposals H1 to H7 of the adopted East Lothian Local Plan 2008.
6. A housing development of the application site would result in the loss of some 10.3 hectares of prime agricultural land and is not necessary to meet any established need and thus the principle of such development is contrary to Policy DC1 (Part 5) of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010.

3 BACKGROUND

3.1 Planning Assessment

The application site consists of 10.3 hectares of land in the East Lothian countryside. It is located immediately to the west of North Berwick. The site consists of agricultural land and a length of a single track road, known as Gasworks Lane, which runs through the site from north to south and which bisects the agricultural land in two, an eastern part and a western part. The eastern part is an enclosed field. The western part forms the northeast part of a larger field. That larger field is bounded to its west by a belt of tree planting. All of the agricultural land is gently

undulating and slopes gradually upwards at its southern end. The site is irregularly shaped. To the north of it is a length of Dirleton Road (the A198 road), a petrol filling station and garage, a small landscaped area and a number of houses. To the east of it are houses, garden ground and a paddock. To the south of it are Williamstone Farm Cottage and Williamstone Steading. Williamstone Steading and Williamstone Farm Cottage are both listed as being of special architectural or historic interest (Category B and Category C(S) respectively). Further to the south of the site is the Edinburgh to North Berwick rail line. To the west of the site is the remainder of the larger field.

Planning permission in principle is sought for the residential development of the application site and for associated works.

A site layout plan submitted with the application shows how 140 residential units might be accommodated within the application site. It also shows how the residential units could consist of 93 detached houses, 10 semi-detached houses, 25 terraced houses and 12 flats and could be laid out on the site with 31 of the residential units located on the eastern part of the site and the other 109 residential units located on the western part of the site.

Access could be taken from Dirleton Road via a new access to be formed some 20 metres to the west of the petrol filling station and garage on Dirleton Road. Additionally it is shown that a footpath could be formed along the eastern end of the site and could terminate at the southeast end of the application site. The applicant has indicated in their supporting statement that Gasworks Lane would remain connected to Dirleton Road but only pedestrians and cyclists would be able to use it to access the proposed residential development.

The site layout plan indicates that the existing belt of trees to the west of the application site would be enlarged with additional woodland planting. The site layout plan further indicates that a SUDS pond and two areas of open space could be provided within the application site. One of the areas of open space, a park that could be formed in the southeast part of the site, could incorporate natural play elements including landforms, climbing boulders and balancing bridges.

No illustrative drawings have been submitted with the application to indicate the design of any of the residential units.

The application is supported by, amongst other things, a pre-application consultation report, a planning statement, a landscape and visual impact assessment, a noise assessment and a transport assessment.

As a statutory requirement of major development type proposals this proposal was the subject of a Proposal of Application Notice (Ref: 11/00010/PAN) and, through that procedure, community consultation prior to the application for planning permission in principle being made to

the Council. As a further statutory requirement a report on that pre-application consultation is submitted with this application.

The report informs that approximately 62 people attended the two pre-application consultation events held in North Berwick and that amendments were made to the pre-application proposals following the consultation events. This included significantly reducing the scale of development in response to public concern.

The planning statement submitted with this application provides background details on the proposals and sets out the key factors that should be taken into account in the determination of the planning application. It declares that there is a very large shortfall in the delivery of new homes to meet Structure Plan requirements and that this proposal would deliver much needed housing, including affordable housing, in the short term.

The landscape and visual impact assessment considers the impact of a residential development of the site on the landscape and visual characteristics of the location and surrounding landscape.

The noise assessment assesses the noise impact of i) road traffic using Dirleton Road, ii) operation of the petrol filling station located on Dirleton Road, and iii) rail traffic using the rail line that is to the south of the site, on future residents of the proposed housing development.

The Transport Assessment examines the current and future transport matters associated with a residential development of the site and evaluates the accessibility of the development by all modes of transport.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 08 May 2012 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission in principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

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.

Relevant to the determination of the application are Policies ENV3 (Development in the Countryside), HOU8 (Development on Greenfield Land) and HOU10 (The Five Year Housing Land Supply) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP17 (Art Works- Percent for Art), DP18 (Transport Assessments and Travel Plans), DP20 (Pedestrians and Cyclists), INF3 (Infrastructure and Facilities Provision), C1 (Minimum Open Space Standard for new General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), H4 (Affordable Housing), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

Also material to the determination of the application is Scottish Planning Policy: February 2010 and the letter from the Scottish Government's Chief Planner to Heads of Planning dated 29 October 2010.

In Paragraph 75 of Scottish Planning Policy it is stated that a supply of effective land for at least 5 years should be maintained at all times to ensure a continuing generous supply of land for house building. Planning authorities should monitor land supply through the annual housing land audit, prepared in conjunction with housing and infrastructure providers. Development plans should identify triggers for the release of future phases of effective sites where a 5 year effective supply is not being maintained.

In Paragraph 84 of Scottish Planning Policy it is stated 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 Paragraph 97 of Scottish Planning Policy it is stated that prime quality agricultural land is a finite national resource on which development should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need, for example for major infrastructure development where no other suitable site is available. When forming the settlement strategy, planning authorities should consider the impact of the various options on prime quality agricultural land and seek to minimise its loss.

The letter from the Chief Planner to Heads of Planning dated 29 October 2010 provides advice on the provision of an effective housing land supply as a result of the changed economic climate. It advises that the concept of 'effective housing land' centres on the question of whether a site can be developed i.e. whether "residential units can be completed and

available for occupation". If the circumstances affecting sites means that there is no longer a 5 year supply of effective housing land, the Chief Planner's expectation is that planning authorities will take steps to comply with Scottish Planning Policy: February 2010. The housing land audit can be used to achieve this by identifying sites that are no longer effective and highlighting a need to bring forward new sites. Where a planning authority has a 5 year supply of effective housing land but the impediment to developing that site is the general availability of mortgages or low level of demand from purchasers then there will be little if anything to be gained by releasing additional sites.

A total of 26 written representations have been received in respect of this application. Of these 24 make objection to the principle of the proposed development and 1 expresses support for it. The other representor does not state whether they support or object to the proposals.

The main grounds of objection are summarised as follows:

- ❖ Proposal is not supported by the adopted Local Plan as a location for residential development;
- ❖ Additional residents from the proposed housing would put even more strain on the Infrastructure of North Berwick, including local schools;
- ❖ If approved, development would promote ribbon development between North Berwick and Dirleton;
- ❖ The site is prone to flooding;
- ❖ Loss of prime agricultural land;
- ❖ Proposed development would devalue the objector's property;
- ❖ Proposed development would increase traffic on the surrounding road network;
- ❖ Loss of private views;
- ❖ Loss of privacy;
- ❖ Gradual upsizing of the town's peripheries would take the heart out of the community and would destroy the unique atmosphere of the township;
- ❖ There is insufficient capacity at the North Berwick Treatment Works to accommodate the scale of development proposed;
- ❖ Proposal would ruin the aesthetically pleasing approach into North Berwick from the west; and

- ❖ Granting planning permission in principle could undermine delivery of a committed or allocated site such as Mains Farm, which in turn would prevent delivery of necessary education infrastructure in North Berwick.

The loss of a private view is not a material consideration in the determination of a planning application. Neither is a perceived devaluation of an objector's property.

The written representation expressing support for the principle of the proposed development is made on the grounds that the proposal would make a positive contribution to the housing stock in North Berwick, that it would provide good access to the west and Edinburgh, and that it would contribute to effecting more reasonable house values in North Berwick.

North Berwick Community Council recommends refusal of the application on the grounds that the proposal would encourage the coalescence of Dirleton and North Berwick and that development in the countryside is contrary to East Lothian's planning policies. The Community Council also advise that i) the housing developments at Mains Farm, Gilsland and Newhouse Farm will greatly contribute towards the accepted housing needs and ii) yet another residential development would prove disastrous to the town's infrastructure and would increase such major problems as parking.

Gullane Area Community Council recommends refusal of the application on the grounds that i) it is a departure from the Local Plan and the area is not zoned for development; ii) it is a development in the countryside; iii) the additional residential units would create problems for the school; iv) the extra traffic would aggravate traffic pollution and the parking situation in North Berwick; v) plans are already in hand to build further units to the south of North Berwick; vi) there can be no justification for ignoring all previous decisions made simply because the current view is that there is a perceived lack of land on which to build; and vii) closure of the gap between Dirleton and North Berwick should be resisted in order to maintain the two separate communities.

As part of the existing area of undeveloped agricultural land between North Berwick and Dirleton the land of the application site, as an area of countryside between them, serves to differentiate one from the other. However the application site forms only a relatively small part of that existing area of undeveloped agricultural land. A housing development of the application site, and thus of a relatively small part of the intervening countryside land between North Berwick and Dirleton, would not compromise the separate forms and identities of those two places. Nor would it result in the coalescence of them. There is no other proposal before the Council at this time for the housing development of any of the other undeveloped agricultural land between North Berwick and Dirleton. It would be for the Planning Authority through the determination of any such future application to decide whether or not the development

proposed in it was acceptable. A grant of planning permission for the housing development now proposed would not prejudice any such future determination(s).

The application site is immediately to the west of part of North Berwick. It has only a small interface with Dirleton Road, and is largely contained to the south of residential properties and the petrol filling station and garage on Dirleton Road. The site is bounded to the east by houses, garden ground and a paddock and to the south by Williamstone Farm Cottage and Williamstone Steading. This existing built form gives the site a degree of containment. Whilst the western part of the site is open and forms part of a larger field, the western part of this field is screened by a young woodland tree belt. As it matures, this tree belt would provide increased screening of the site when approaching North Berwick eastwards along the A198 road. The applicant is proposing to double the width of this tree belt from 20 metres to 40 metres, which in time would further help to integrate the development into its surroundings. The proposed landscaping of the site together with its well contained location means that in principle, the site could acceptably be developed for housing in the manner indicatively proposed without detriment to the landscape setting and character of North Berwick. On this consideration, the principle of the proposed development is consistent with Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

If planning permission in principle is to be granted the details of the siting, design, external appearance of houses and landscaping of and the means of access to the proposed development would be for the subsequent approval of the Planning Authority. It would be through the subsequent determination of such details that planning control would be exercised to ensure that its built form would be fully acceptable, and with due regard to the need to safeguard the character and appearance of the application site.

The Council's Policy and Projects Manager recommends that a detailed landscape planting plan for the site should be submitted to and approved in advance by the Planning Authority. This should include the provision of a mixed hedgerow, which should be planted along the site's boundary with Dirleton Road. He further recommends that the housing development should be designed in accordance with BS5837: 2012 "Trees in relation to design, demolition and construction-Recommendations".

The noise assessment assesses the noise impact of i) road traffic using Dirleton Road, ii) operation of the petrol filling station located on Dirleton Road, and iii) rail traffic using the rail line that is to the south of the site, on future residents of the proposed housing development. The Council's Senior Environmental & Consumer Services Manager is satisfied that noise from rail traffic and noise from operation of the petrol filling station would not have a harmful impact on the amenity of future occupants of the proposed residential units. However he recommends that some mitigation measures, in the form of acoustic glazing and close boarded

fences, may be required to ensure that residents of houses within the northern part of the site are not affected by traffic noise from Dirleton Road.

Subject to the mitigation measures recommended by the Council's Senior Environmental & Consumer Services Manager, future occupants would in principle benefit from a sufficient level of privacy and residential amenity.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

What is shown on the submitted site layout plan illustrates that it would be possible to accommodate a total of 140 residential units on the application site such that units facing northwards towards the existing properties on Dirleton Road and units facing eastwards towards the existing properties to the east of the site would in their relationship with those properties meet the overlooking separation distances of 9 metres and 18 metres. As they are indicatively shown, some of the proposed units would be within 18 metres of the southern elevations of the houses of Cala Bona, Carolyn and Little Morven, which are located at the southern end of the public road of South Gait. However, through the erection of fencing along the southern boundaries of those properties and through the careful design and layout of those residential units, it should be possible to ensure that the proposed new houses would not result in harmful overlooking of those properties.

The Council's Landscape and Countryside Management Manager is satisfied with the indicative proposals for open space and play area provision. She recommends that the residential development should be phased to ensure that the proposed play area is provided at a reasonably early phase of the development. On these considerations, the principle of the proposed development is consistent with Policies C1 and C2 of the adopted East Lothian Local Plan 2008.

The applicant has submitted a Transport Assessment with this planning application. In itself this submission is consistent with Policy DP18 of the adopted East Lothian Local Plan 2008.

The Council's Transportation service has considered the transport assessment submitted by the applicant and agrees with the findings that the traffic likely to be generated by the proposed housing development of the application site could be satisfactorily accommodated on the local

road network. The assessment takes into account the additional traffic that could also be generated by the housing development of the lands of Gilsland and Mains Farm, respectively the subject of Proposals H5 and H6 of the adopted East Lothian Local Plan 2008.

It is proposed in principle in this application that site access would be directly from Dirleton Road. Gasworks Lane would be retained for use by pedestrians and cyclists only. The Transportation service raises no objection in principle to these proposed access arrangements, subject to the existing 40 miles per hour speed limit being extended westwards on Dirleton Road, to the west of the proposed site access and subject to an independent road safety being undertaken for the proposed site access.

The Transportation service confirm that there is no transportation objection to the principle of the proposed development of the application site subject to the imposition of the conditions on a grant of planning permission in principle to ensure that appropriate off site road improvement works are undertaken, including the footpath proposed for the southeast end of the site being connected into the existing public footway network on Williamstone Court, to the southeast of the site.

With regard to safe routes to school, the Transportation Assessment concludes that a school crossing patrol should be placed at the junction between Ware Road and Highfield Road. On this matter, the advice of the Council's Transportation service is that the obligation for the applicant should be the payment to the Council of a developer contribution of £15,000 to fund a school crossing patrol for a fixed period of five years. This contribution can 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 tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

The requirement for the developer contribution of £15,000 is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where the developer makes appropriate provision for infrastructure required as a consequence of their development.

It is also recommended by the Transportation service that cycle parking be provided for the proposed flats, that a Green Travel Plan be submitted, that wheel washing facilities be provided during the construction period, and that construction traffic movements be controlled.

With the imposition of conditions to cover the recommendations of the Transportation service the proposed development would, in principle accord with Policies DP20, T1 and T2 of the adopted East Lothian Local Plan 2008.

The proposed housing development by its scale would have a significant impact on the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission.

The Scottish Environment Protection Agency recommends that details of the location and route of the Strathearn Culvert and the field drain is submitted to and approved by the Council and that no built development is located on top of those structures and flood risk is not increased elsewhere.

On the matter of flood risk, the Council's Senior Structures Officer raises no objection to the principle of the proposed development, although he advises that the details of the proposed sustainable urban drainage system (SUDS) should be submitted to and approved by the Council as Planning Authority.

Scottish Water raises no objection to the principle of the proposed development.

In their consultation response, Scottish Water advise that the North Berwick Waste Water Treatment Works (WWTW) currently has capacity for 640 additional household (or household equivalent) connections. Scottish Water are unable to reserve this spare capacity for housing sites that are allocated in the Local Plan but that have not yet received planning permission. Rather, spare capacity is given on a first come first served basis. Already planning permission has been granted for a development of 120 residential units at Gilsland, North Berwick (Refs 12/00338/PM and 12/00339/PM). Moreover, 42 residential units are currently being developed at Lochbridge Road. Planning permission in principle (Ref: 13/00227/PPM) was sought in March 2013 for the development of 420 houses at the strategic housing site of Mains Farm, North Berwick. Therefore, if planning permission in principle were to be granted for the proposed 140 houses on the application site, and if Scottish Water were to give drainage connections for those houses and for those already approved at Gilsland and at Lochbridge Road, then there would not be spare capacity at the WWTW for all of the 420 houses that are proposed at the strategic housing site of Mains Farm. In such circumstance, Scottish Water advise that they would fund an upgrade of the WWTW to ensure that there would be capacity at the WWTW to serve all of the 420 houses that are proposed for the strategic housing site of Mains Farm.

The Council's Heritage Officer advises that the site is within an area regarded as having a moderate to good potential for the discovery of archaeological remains. He therefore advises that a programme of works (Archive Assessment and Evaluation) should be carried out at the site by a professional archaeologist. This approach is consistent with Scottish Planning Policy: February 2010, Planning Advice Note 2/2011: Planning

and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

Lothian and Borders Police, the Lothian Fire Brigade, the Scottish Ambulance Service and NHS Lothian were all consulted on this planning application.

Neither the Lothian Fire Brigade nor the Scottish Ambulance Service have provided a consultation response.

Lothian & Borders Police raise no objection to the proposed housing. It can be taken from this that they are satisfied that they could accommodate within their existing operations any identified impacts anticipated to arise from the 140 residential units proposed in this application.

NHS Lothian advises that they see a need for capital investment in their General Practice facilities in North Berwick Health Centre. This, they advise, would be to address the increased capacity requirements resulting from the increased population. NHS Lothian therefore requests that the applicant makes a capital contribution towards increasing and improving accommodation at North Berwick Health Centre.

It is for NHS Lothian to demonstrate the need for and the quantum of any contributions towards healthcare provision, all relative to the principles set out in Circular 3/2012: Planning Obligations and Good Neighbour Agreements. No such case has been made in respect of the housing development proposed in this application. In these circumstances it would be unreasonable for the Council as Planning Authority to insist that as a requirement of development of the application site a financial contribution is made towards increasing the capacity of North Berwick Health Centre, as NHS Lothian recommend.

The Council's Executive Director (Services for People) informs that the application site is located within the primary school catchment area of Law Primary School and the secondary school catchment area of North Berwick High School. He advises that neither of those schools would have capacity to accommodate children that could arise from the proposed 140 residential units. Thus the Executive Director (Services for People) objects to the application. However, he confirms that he will withdraw this objection if the applicant is required to make a financial contribution to the Council of £1,841,560 (£13,154 per residential unit) towards the provision of additional accommodation at Law Primary School and North Berwick High School. Such a developer contribution can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Moreover the Executive Director of Services for People recommends that a restriction would need to be placed on the annual completion rates arising from the

proposed development. This can be secured through a condition attached to a grant of planning permission in principle for the proposed development. Subject to the imposition of the recommended condition and to the Council securing the appropriate developer contribution the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where the developer makes appropriate provision for infrastructure required as a consequence of their development and that such provision must be phased in line with the new development required.

The Council's Community Housing and Property Management service advise that a grant of planning permission in principle would require to be subject to a requirement for 25% of all housing units to be developed to be provided as affordable housing through mechanisms to be agreed with the developer. The applicants propose that there be provision of 25% affordable housing. A grant of planning permission in principle for the proposed development could be made subject to an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. This accords with Policy H4 of the adopted East Lothian Local Plan 2008.

Notwithstanding these considerations, the principal material consideration in the determination of this application is whether or not the principle of the proposed housing development accords with development plan policy and, if not, whether there are material considerations that outweigh the policy presumption against the housing development of the application site.

The land of the application site is defined by Policy DC1 of the adopted East Lothian Local Plan 2008 as being part of the countryside of East Lothian.

The adopted Local Plan does not allocate the land of the application site for residential development.

The principle of new build housing development on the application site must therefore be assessed against national, strategic and local planning policy relating to the control of new build housing development in the countryside.

In paragraph 84 of Scottish Planning Policy: February 2010 it is stated that planning authorities should set out the circumstances in which new housing outwith settlements may be appropriate, particularly in rural areas.

Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015 states that development in the countryside will be allowed where it has an operational requirement for such a location that cannot be met on a site within an urban area or land allocated for that purpose, and is compatible with the rural character of the area. Acceptable countryside

development will include agriculture, horticulture, forestry and countryside recreation.

Part 1(b) of Policy DC1 only allows for new build housing development in the countryside where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use.

The new build housing development proposed in this application is not necessary for agriculture, horticulture, forestry operations or countryside recreation and thus is contrary to Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015 and Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008.

The applicant contends that the proposal should be supported on the ground that there is a very large shortfall in the delivery of new homes to meet the Structure Plan's requirements. They express the view that a grant of planning permission in principle for the proposed development would contribute towards the five year housing land supply, would therefore comply with Policy HOU10 of the Structure Plan and that Policy HOU10 now provides the planning policy context to allow this site to be considered for development at this time, and in advance of any development plan review.

Policy HOU10 states that the Lothians Councils will maintain an effective five-year land supply for Edinburgh and the Lothians as a whole by supporting the development of housing land consistent with the strategy, including its requirements for essential infrastructure.

Policy HOU10 also states that the adequacy of the effective land supply will be assessed against annual monitoring reports prepared by the Councils, which shall take account of the annual Lothian Housing Land Audit and assumptions for future windfall development.

Policy HOU10 further states that where a Council's contribution to the effective five-year land supply falls below 90% of its expected contribution and the shortfall in the Lothian-wide housing land supply is also more than 10%, that Council will bring forward additional land. This land will be found within the core development areas. The land will be brought forward by a local plan alteration or, where this is not possible, by granting planning permission in advance of local plan adoption, provided that the proposals comply with other policies of the structure plan.

In respect of their contention, the applicants' planning statement contains data from the Annual Housing Monitor 2010.

Since the application was submitted, a 2012 Housing Land Audit for Edinburgh and the Lothians has been produced. This is an assessment

of the housing land supply in the area covered by the Edinburgh and the Lothian Structure Plan 2015, as at 31 March 2012.

Without going into the fine detail of this data, the Council does not dispute that housing completions in Edinburgh and the Lothians in the period of the Edinburgh and the Lothians Structure Plan 2015 are markedly lower than anticipated at the time the plan was prepared. With regard to East Lothian the Council accepts the findings of the Housing Land Audits in respect of a lower rate of completions than had been anticipated through development of allocated strategic housing sites.

Whilst the Council recognises that there is a shortfall in housing completions within the anticipated timescales, it does not accept that this is the result of land supply problems or that there is a corresponding need for permitting residential development on unallocated, countryside land or other land on a piecemeal basis. The shortfall has arisen not because insufficient land has been allocated for housing development, but rather that there has been insufficient house building and thereby housing completions on the allocated strategic housing sites and other allocated housing development land.

The significant consideration in this matter is about why the level of completions is insufficient.

On this consideration East Lothian Council, together with the other Edinburgh and Lothians Councils, endorses the position adopted by the Edinburgh and Lothians Structure Plan Joint Liaison Committee that whilst the Edinburgh and Lothians effective five-year housing land supply is below the Structure Plan requirement, it is for infrastructure and marketing reasons rather than a lack of land identified or allocated for housing. The identified shortfall is due particularly to the current economic recession and the lack of availability of mortgage finance such that house builders have been unable to build houses at the completion rates anticipated by the Structure Plan rather than being due to a lack of unconstrained land.

The position of the Structure Plan Joint Liaison Committee is that whilst the Annual Housing Monitor records the shortfall in house completions it does not weigh these against reduction in housing demand. This creates an artificial situation whereby a response to a reduced completion rate caused by a downturn in the market would seem to be to increase the required annual housing completion rate.

Given that the significant reasons for the reduced delivery of housing completions on the allocated strategic housing sites are effectively due to lower consumer demand and consequential lower developer activity there is no logic in the applicants' contention that there is a need to increase the housing land supply. Those particular market circumstances do not provide a justification for the applicant's contention that the housing development of the unallocated land of the application site

should be supported contrary to the objectives, proposals and policies of the adopted East Lothian Local Plan 2008 on housing development within and outwith the settlements of East Lothian and which are in accordance with Paragraph 84 of Scottish Planning Policy: February 2010 on the matter of the circumstance in which new housing development is planned for.

In his letter of 29 October 2010 to local authority Heads of Planning the Scottish Government's Chief Planner also endorses this position in the advice given that where a planning authority has a 5 year supply of effective housing land but the impediment to developing that land is the general availability of mortgages or low level of demand from purchasers then there will be little if anything to be gained by releasing additional sites.

This position recognises the context of the shortfall in housing completions, namely that the housing market since the economic crisis of 2008 remains a depressed market, with limited demand for housing. The applicant's contention that the figures for the effective housing land supply support the generality of case for a grant of planning permission for residential development of a site not allocated for housing development fails to consider the market situation where effective sites are not being developed or are being developed at a relatively slow pace for the simple reason that the house builders are making a proportionate response to market conditions. Ignoring the mechanism of a drop in market demand for new build houses as a change to the viability of the strategic housing land supply would encourage land speculation whilst further endangering the development of allocated housing development sites as planned for in the development plan.

Notwithstanding the above consideration of the effective five year land supply the Structure Plan Joint Liaison Committee recommends measures, which are adopted by East Lothian Council, to encourage house building on strategic housing sites by:

- negotiating with house builders on the phasing of existing allocated sites, along with the timing of infrastructure and developer contributions to spread costs;
- the Councils exploring the potential of the Scottish Futures Trust to 'unlock' investment for infrastructure projects to support house building; and
- supporting appropriate new windfall applications which are in accord with the development plan.

This response has already assisted in the bringing forward of active development of the strategic housing site (450 houses) of Pinkie Mains, Musselburgh (Proposal H4 of the adopted East Lothian Local Plan 2008) and of the strategic housing site (100 houses) of Gilsland, North Berwick

(Proposal H6 of the adopted East Lothian Local Plan 2008). In the case of Pinkie Mains the planning permission is for 473 houses and in the case of Gilsland it is for 120 houses. These additional numbers is indicative of how the Council is taking a constructive approach to proposals for strategic housing sites, where there are capacity and substantive urban design justifications to support proposals for increased numbers of houses on strategic housing sites.

Additionally, planning permission in principle is granted for a development of 525 houses on the strategic housing site (500 houses) of Hallhill, Dunbar (Proposal H2 of the adopted East Lothian Local Plan 2008) and approval of matters specified in conditions has recently been granted for the details of a housing development of 126 houses and 72 flats on part of the strategic housing site of Hallhill, Dunbar. Moreover, the Council is presently in discussions over a revised phasing of such a development and of the details of it with the aim of also bringing forward a development of the land.

Furthermore, a large number of local housing sites allocated in the adopted East Lothian Local Plan 2008 have been developed or are being built out, as evidenced by the current 2012 Housing Land Audit for Edinburgh and the Lothians.

Seeking to fulfil the strategic housing allocations of the Structure Plan in the recognised time period would now entail a level of house building significantly higher even than that achieved in the early period of the Structure Plan when the housing market was buoyant. The current evidence provided by housebuilder activity is that the market would not support this and thus there is no justification for the Council to grant planning permission in principle for a housing development of the application site. The Council's approach is designed to assist in supporting a level of house building which the market can sustain and to protect the objectives, proposals and policies of the adopted East Lothian Local Plan 2008 on housing development within and outwith the settlements of East Lothian that include the town of Haddington.

Given the circumstances of the housing market a grant of planning permission in principle for a housing development of the application site would not only be contrary to the objectives, proposals and policies of the adopted East Lothian Local Plan 2008 on housing development within and outwith the settlements of East Lothian, it could also prejudice the development of the strategic housing development sites of Gilsland, North Berwick and Mains Farm, North Berwick.

In all of this consideration there is no justification in terms of national or strategic policy or in the Chief Planner's letter of the 29 October 2010 to invoke the provision of Policy HOU10 in order to grant planning permission in principle for housing development of the application site.

Development of the application site for housing would be contrary to the objectives, strategic housing allocations and settlement strategy of the development plan. It could prejudice the development of the strategic housing sites in East Lothian, particularly at Gilsland and at Mains Farm. In this the proposals are contrary to Policy HOU3 of the approved Edinburgh and the Lothians Structure Plan 2015 and Proposals H1 to H7 of the adopted East Lothian Local Plan 2008.

Even if with regard to Policy HOU10 there was a demonstrable case for the bringing forward of additional land to make up for any shortfall in the five-year land supply then what Policy HOU10 states is that the land will be brought forward by a local plan alteration and only where this is not possible, by granting planning permission in advance of local plan adoption and only provided that the proposals comply with other policies of the Structure Plan.

The proposed use of the land of the application site for housing is contrary to Policy ENV3 of the Structure Plan because there is no operational requirement for such development of that countryside land.

In that the land of the application site is greenfield land, not allocated for development in the Local Plan and not required as strategic housing land, the proposed principle of a housing development of it is also contrary to Policy HOU8 of the Structure Plan 2015, which presumes against new housing development on greenfield sites other than where required for strategic housing allocations or where otherwise identified for housing development through local plans.

Thus the principle of a housing development of the application site is contrary to Policy HOU10 of the approved Edinburgh and the Lothians Structure Plan 2015.

The Council endorses the Structure Plan Joint Liaison Committee's view that any change to the current housing development strategy should be promoted through the development plan process. The Council is currently in the process of preparing for East Lothian a new Local Development Plan and the applicants are making representation through this for the land of the application site to be allocated for housing development. Through this Expression of Interest it is more proper for the applicants to be making their case for the bringing forward of the land of the application site for housing development.

The land of the application site is mostly prime quality agricultural land. Policy DC1 (Part 5) of the adopted East Lothian Local Plan 2008 requires that all developments in the countryside minimise the loss of agricultural land. A housing development of the land would result in the loss of some 10.3 hectares of prime agricultural land, contrary to Policy DC1 (Part 5) and Scottish Planning Policy: February 2010.

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 12/00680/PPM – Planning permission in principle for residential development at Ferrygate Farm, Dirleton Road, North Berwick

7.2 Adopted East Lothian Local Plan 2008

7.3 Approved Edinburgh and the Lothians Structure Plan 2015

7.4 Scottish Planning Policy: February 2010

7.5 Letter from the Scottish Government's Chief Planner to Heads of Planning dated 29 October 2010.

AUTHOR'S NAME	Iain McFarlane/Keith Dingwall
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DATE	09 April 2012

**NOTE OF PRESENTATIONS MADE TO THE
PLANNING COMMITTEE ON 9 APRIL 2013 IN RESPECT OF
THE PRE-DETERMINATION HEARING FOR:**

Planning Application No. 12/00680/PPM: Planning permission in principle for residential development at Ferrygate Farm, Dirleton Road, North Berwick

PRESENTATION BY EWAN MACINTYRE OF EMA ARCHITECTS

EMA Architects carried out the indicative design for this development for client Miller Homes. Will focus on design matters.

Key Issues

The development will provide 105 private units and 35 affordable homes, in a woodland/parkland setting. The development will be of an urban design and provide a natural infill to the existing environment. There will be no adverse impact on the character of North Berwick; there will be less impact on the town than from the sites to the south, Gilsland, Newhouse and Mains Farm. A community engagement process was undertaken and a relatively small number of objections submitted. Benefits of the proposal:

- Provide much needed family housing
- 35 affordable homes
- New public park
- Scale of development modest
- Phased in over 7 year period with 8 to 24 new houses occupied every year (devised to ensure no adverse impact on the town)
- Assist with housing shortfall
- Height of buildings limited to 2 storeys
- Traditional streets, with open spaces/trees

Conclusion

East Lothian design policies are some of the best in the country; confident that, in complying with these, the development will be of a high design quality. The site will be effective in terms of transport and utility infrastructure. It will be a sustainable location in an urban infill site.

PRESENTATION BY DAVID MORGAN OF MILLER HOMES (APPLICANT)

Miller Homes is national house builder. This development will provide much needed family housing in East Lothian. There are no technical constraints relating to the site. Miller Homes is quite willing to make the appropriate educational financial contribution. It is unfortunate that the report before Members today does not provide a full planning assessment. This undermines the hearing process and means we cannot provide an informed response to the only significant objection (from the Policy & Projects Manager). This lack of clarity undermines the fairness of this process. Key issues outlined.

Housing Land Supply Shortfall

Assume, maybe wrongly, that the report recommendation will be for refusal as the site is not currently allocated for housing. Our view is that this is not an adequate reason in itself to refuse the application. Members will be aware of the very significant housing shortfall in East Lothian; this application will help rectify that. Over the past 5 years 3,800 homes should have been built across East Lothian - 1,500 were actually built, a shortfall of 60% of the housing need not met. The shortfall over the next 5 years is likely to be at a similar level; this is a crisis situation. The new Development Plan is already significantly delayed. To continue this way is not tenable; permission for new housing needs to be granted now.

Conclusion

Trust that Members will consider these matters very carefully when making a decision. Note that the town of North Berwick is sensitive; however the depth of the housing crisis in East Lothian must be addressed. The proposal will be an asset to the town and is deliverable.

QUESTIONS TO APPLICANT

Q Shortfall – The Council has allocated sites and granted permissions but construction is not yet underway, e.g. Letham Mains (Haddington) or Wallyford developments; is the figure of 60% calculated on that basis?

A Have to consider sites that are deemed effective/deliverable. Sites in one ownership or with no infrastructure restrictions should be preferred.

Q Where do you think people in this proposed development will work?

A May work in East Lothian, or to the south, or within the wider Lothian area.

Q Given the pattern followed by existing house owners, large numbers of residents will travel outwith East Lothian, primarily into Edinburgh; if there is demand for housing in East Lothian then why not place the housing to the west of the county, nearer the main area of employment?

A North Berwick was identified as a core development area in the Development Plan.

Q 105 family homes promised, smaller family homes i.e 3 bedroom houses are needed, not 4/5 bedroom houses – what is your definition of family homes?

A Family homes can range from 2 to 5 bedroom properties.

PRESENTATIONS AGAINST THE APPLICATION

SHEILA SINCLAIR

On behalf of North Berwick Community Council

The community council objects to this planning application - main grounds of objection outlined.

- This site is prime agricultural land
- Not in an area identified for development in the Development Plan
- Will encourage the coalescence of Dirleton and North Berwick
- North Berwick's housing needs are being met at Mains Farm, Gilsland and Newhouse Farm
- Strong feeling in the community that any more development will be seriously detrimental
- Grave concerns about the existing infrastructure and ability to cope with further developments
- Will only increase existing traffic/parking problems

Conclusion

The community council appreciates that growth is necessary but enough is enough.

ROSS DEMPSTER

Key factors - common sense and trust. In 2003 this site at Ferrygate Farm was deemed not to be a suitable site for development; 2103 what had changed? This application, allied with the Mains Farm and Gilsland applications, means there could potentially be almost 700 houses. Key points outlined.

Infrastructure

- Secondary school at 98% capacity
- Primary school at 100% capacity - some children in North Berwick have to travel to school in Gullane
- GP surgery at 110% capacity
- Road network coping with around 2,500 cars
- Planned park and ride development at Dirleton Road

Other issues

- No common sense in this planning application
- Drive for higher profit leads to increasing pressure on amenities
- No evidence that this will increase quality of life for North Berwick residents

Conclusion

- Build houses closer to Edinburgh - where the jobs are located
- Build on brownfield sites first
- Leave valuable arable land of North Berwick for food production

DAVE HOLLOWAY
On behalf of Dirleton Village Association

Chairman of Dirleton Village Association – the Association objects to this application.

- The character and beauty of Dirleton is its discrete nature, it is an isolated community
- This application starts the process of development along the A198
- Petrol filling station currently acts as an effective end to the urban zone
- This application is contrary to the Local Plan, contrary to planning policies

He informed Members that he had previously been employed by the Forth River Purification Board and SEPA and had been involved in the introduction of the Urban Waste Water Treatment Directive. He stated that 20 years ago the North Berwick Treatment Works met the requirements for the population, however the population had grown by 2,000 plus – he used to report to the Scottish Government that the North Berwick Treatment Works served 8,500 people – once the population reached 10,000 a whole new level of treatment needed to be provided. This was a material consideration and, given this, the application was premature.



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

**THURSDAY 21 FEBRUARY 2013
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

4

Committee Members Present:

Councillor J Goodfellow (Chair)
Councillor T Day
Councillor J Williamson
Councillor W Innes

Advisers to the Local Review Body:

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

Others Present:

Mr J Miller, Ironside Farrar Ltd (Agent)
Ms A Brown, Ironside Farrar Ltd
Mr J Heron, Applicant
Ms S Greaves, Planner
Ms C Molloy, Senior Solicitor

Clerk:

Mrs F Stewart

Declarations of Interest

None

The Convener welcomed all present to today's meeting of the East Lothian Local Review Body (ELLRB) and announced details of the planning application to be considered today.

All Members had attended a site visit which had been carried out on 14 February 2013.

**1. REVIEW AGAINST DECISION (REFUSAL)
PLANNING APPLICATION No: 12/00644/P – DEVELOPMENT OF A
RESIDENTIAL DWELLING AND WORKSHOP WITHIN AN ESTABLISHED
CLUSTER OF RESIDENTIAL AND BUSINESS PROPERTIES ON LAND AT
THE FORMER LIME KILN**

The Legal Adviser introduced the Members on today's Local Review Body and the Planning Adviser who had had no involvement in the original planning application. She also outlined the procedures the meeting would follow and advised that Members would firstly decide, on the basis of the written Review Documents, the Planning Adviser's summary and the site visit, if they had sufficient information before them to determine the application today. If they did not, they would specify what further information was required and a Hearing may be arranged for a future date, all in accordance with the regulations.

The Planning Adviser presented a brief summary of the issues relevant to the application. He stated that the application site was in a countryside location around 1km to the east of East Saltoun, adjacent to a small cluster of residential and commercial buildings, forming part of the site of a former lime kiln. The application proposed the erection of one detached house, a separate workshop building, and associated parking and driveway areas. The planning application was originally registered on 5 September 2012 and was refused under delegated powers on 2 November 2012. The Notice of Review was dated 19 December 2012.

The Planning Adviser advised that the Planning Act required decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicated otherwise. This site was within an area designated as countryside under Local Plan policy DC1. The context for development in the countryside was provided by that policy and Structure Plan policy ENV3, both of which seek to restrict development in the countryside to protect its character. The Planning Adviser explained the terms of these policies and advised that other relevant policies included ENV1G and DP2 on design, and T2 and DP22 on access and parking. He also outlined other material considerations, including Scottish Planning Policy. The application had been refused by the Appointed Officer for three reasons; the proposals would represent sporadic new build housing in the countryside, the development would set a precedent for further houses or workshops in the East Lothian countryside and the proposed design of the dwelling was not considered to be designed for its place in the countryside. The reasoning for the original decision was set out in full in the case officer's report.

The Planning Adviser summarised the applicant's request for a review, which argued that the proposals represent rural diversification and the redevelopment of a brownfield site. It was stated that the proposals would benefit the applicant's business in terms of fuel costs, carbon footprint and security, and that they would allow for expansion of the business, working relationships with neighbouring businesses, and overall benefits to the rural economy. The application was therefore

considered by the applicant to be consistent with relevant development plan policy on rural development and with Scottish Planning Policy. The applicant had also argued that approval would not set a precedent, that the proposed design would be in keeping with the area, and that the case officer did not fully consider all potential material considerations. The full details of the applicant's case were set out in the review papers.

Finally, the Planning Adviser summarised the consultation responses received from Scottish Water, the Council's Transportation Department and the Council's Environmental Protection Service.

All Members indicated to the Chair that they had sufficient information to reach a decision on the application.

Councillor Day stated that this had been a difficult review as he had great sympathy for the applicant and his desire to build a house and workshop on the Lime Kiln site. In his view, the key test was whether this application complied with policy DC1 of the 2008 Local Plan which quite rightly set a very high bar for new developments in the countryside. Local Review Body Members also had to consider very carefully applications which had the potential to create a precedent. He noted that Part 1 (b) of DC1 allowed for a new build if it could be proved that the house was a direct operational requirement, but in terms of this application, he could not see that the applicant's need to build a house on this site constituted a direct operational requirement. Reluctantly, therefore, he was minded to uphold the Appointed Officer's decision to refuse this application, but suggested that the applicant may wish to engage in the developmental process for the next Local Development Plan.

Councillor Williamson believed that the application site was a brownfield site and not in the countryside as such and had some sympathy with the applicant for wanting to relocate his business to this area. He considered that it was an 'eyesore' at the moment and could not envisage what alternative use there could be for the site. He hoped that any issues with the design of the house could be overcome and considered that adjacent houses were of little design merit. He also noted that the Council's Transportation Department and Scottish Water had had no objection to the application. He therefore believed there was a strong case for overturning the decision of the Appointed Officer.

Councillor Innes agreed that this had been a difficult review. The principal consideration for him had been the Local Plan and policy DC1 was one of the most important policies in the Plan. This policy, designed specifically to protect the countryside, had designated the application site as countryside but he did not consider that this was necessarily the correct designation for this particular site. He also did not consider the proposed design was unreasonable for the site. He believed the site was appropriate for the proposals and that there was a need to change the Local Plan so that planners could assess the application against different criteria. However, policy DC1 currently applied to the site and he considered that it was thus appropriate to uphold the decision of the Appointed Officer and refuse this application.

The Chair concurred with Councillors Day and Innes. He agreed with the applicant that the site was not what was generally considered to be unspoiled countryside and perhaps should not have been designated as such under Local Plan policy DC1. However, this policy did apply at present, albeit that the Local Plan was currently under review and the area designated countryside could be subject to change. In terms of the design of the building, he was confident that any issues could be

addressed and he expected that the proposals would improve the appearance of the site.

Decision

The Chair announced that the ELLRB agreed by a majority of three to one to uphold the decision to refuse the application for the first two of the reasons given in the Appointed Officer's Decision Notice:

- 1) The building of a house and workshop on the application site would be sporadic new build housing development in the countryside of East Lothian for which a need to meet the operational requirements of an agricultural, horticultural, forestry or other employment use has not been demonstrated. The proposal is therefore contrary to policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015, policy DC1 of the adopted East Lothian Local Plan 2008 and the Government policy guidance on housing and rural development given in Scottish Planning Policy: February 2010.
- 2) If approved, the proposed development of a house and workshop on the application site would set an undesirable precedent for the development of new houses or workshops anywhere in the East Lothian countryside, the cumulative effect of which would result in a detrimental impact on the rural character and amenity of East Lothian.

The Clerk advised that a formal Decision Notice would be issued within 21 days.



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

**THURSDAY 21 MARCH 2013
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor J Gillies
Councillor L Broun-Lindsay

Advisers to the Local Review Body:

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

Committee Clerk:

Mrs F Stewart

Declarations of Interest

None

Apologies

Councillor P McLennan

**1. REVIEW AGAINST DECISION (REFUSAL)
PLANNING APPLICATION No: 12/00750/P – REMOVAL OF PLANNING
CONDITION (PP 11/00631/P) REFUSING PERMISSION FOR PVCu
WINDOWS TO FRONT ELEVATION OF PROPERTY AT 25 BALFOUR
STREET, NORTH BERWICK.**

The Clerk welcomed everyone to the meeting and introduced the Local Review Members, the Planning Adviser and the Legal Adviser. She also advised that a site visit, attended by all three Members, had been carried out prior to the meeting.

The Clerk outlined the procedure for today's meeting where Members would review the decision of the Planning Officer on one planning application. After hearing a statement from the Planning Adviser, Members would consider if they had sufficient information before them to reach a decision today. If they agreed that they had sufficient information, Members would proceed to consider the applicant's submission and the Case Officer's response. If they did not have sufficient information, the meeting would adjourn for further written representations or for a full Hearing. If Members decided that a Hearing was appropriate, they had to identify the specific issues they wished to address, giving advance notice to the parties involved.

The Planning Adviser presented a brief summary of the issues relevant to the application. He advised that the application site was a ground-floor mid-terrace flat within a three-storey building and that the applicant was seeking retrospective planning permission for the installation of three new PVCu windows on the front elevation, replacing timber windows. The form and glazing pattern of the new windows was similar to those they replaced; the key difference was in the framing material. The background to this application was that an earlier application in July 2011 sought planning permission for replacement windows to both front and rear of this property, with those to the rear being approved in September 2011 but those to the front being refused by a condition of the planning permission. This current application sought to remove this condition of the earlier permission and thereby grant consent for the replacement front windows.

The Planning Adviser stated that the Planning Act required decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicated otherwise. The Listed Buildings and Conservation Areas Act further required that special attention was paid to the desirability of preserving or enhancing the character or appearance of the area. The site was within a predominantly residential area, designated under local plan policy ENV1, and within the North Berwick Conservation Area but the building was not listed. The main policy considerations were design and impacts on the Conservation Area and the key policies in this respect were Structure Plan policy ENV1D and Local Plan policy ENV4. In addition, Local Plan policy DP8 related specifically to replacement windows, stating that replacement windows in Conservation Areas had to preserve or enhance the area's special architectural or historic character. The Planning Adviser outlined the terms of this policy.

The application had been refused by the appointed officer on the basis that the PVC windows did not preserve the positive contribution that the traditional timber-framed sash and case windows made to the special architectural or historic interest of the Conservation Area. Consequently the application was considered contrary to relevant development plan policies and to Scottish Planning Policy. The officer's report had also noted that permission was granted in the 1980s for aluminium windows in several properties in this terrace under the policies applicable at that time, but there were no records of permissions for any PVCu windows on this

terrace; indeed permission was refused for PVCu windows at number 15 Balfour Street in 2002 and again in 2012. The latter application came before the LRB in December 2012 which refused permission for PVC windows on the front elevation but allowed them on the rear.

Finally, the Planning Adviser summarised the applicant's request for a review which argued that the previous timber windows allowed draughts and heat loss. The agent explained that it was advised that permission had been approved in 2011 and PVC windows were installed on both front and rear elevations, with the issue of a condition refusing permission for the front windows not having been raised. The agent argued that, although the examples of non-timber windows referred to in the officer's report pre-date the current Local Plan, they do set a precedent for non-timber windows to be acceptable in the area. It was also argued that the windows would not have any negative impact on the area or building as they matched the original windows in all respects other than material. They were therefore argued to have at worst a neutral effect on the building and the conservation area. There were no consultations carried out on the application by the case officer and no representations were received.

In summary, the main questions for the LRB to consider in reviewing the case were whether the proposed development would comply with the policies of the development plan in respect of design and impacts on the Conservation Area, and whether there were any other material considerations that should be taken into account which outweighed the provisions of the development plan in this case.

The Convener advised that it was now for Members to make an assessment of the case and to decide if they had sufficient information to determine the application. After discussion, Members agreed unanimously to proceed with the application today.

The Convener referred to the reason for refusal of the application given in the original Decision Notice and considered that the planning policies cited there were important and needed to be observed. He noted that the applicant had considered that consent had been given for the installation of the windows on the front elevation, but Condition 2 of the consent granted under reference 11/00631/P clearly stated that planning permission was not granted for the windows proposed for the front elevation. He also noted that the applicant argued that there were other PVCu windows in the street, however, planning permission for those windows pre-dated current planning policies. In his view, the windows installed on the front elevation were of good quality, but the framing material was different to the original timber and thus they were in contravention of Local Plan policy DP8. He therefore considered that the decision of the Planning Officer to refuse to vary the condition should be upheld.

Councillor Broun-Lindsay agreed that these planning policies relating to protection of the Conservation Area were important and should be adhered to in the absence of a compelling reason to depart from them. He acknowledged that the windows installed appear to be of a high quality but pointed out that PVCu deteriorates and degrades with age. Taking a longer term view, therefore, he would be supporting the decision of the Planning Officer.

Councillor Gillies concurred with the views of his colleagues and indicated that he would be supporting the decision of the Planning Officer.

Finally, the Convener referred to Page 2 of the Grounds of Appeal submitted by the applicant where it stated that the drawings showing PVCu windows to the front elevation were stamped approved. In response, the Planning Adviser stated that this was standard practice but the Condition imposed would still apply.

Decision

The ELLRB unanimously agreed to reject the review and uphold the decision of the Planning Officer for the reason set out in the original Decision Notice dated 13 November 2012. The Clerk advised that a formal Decision Notice would be issued within 21 days.

REPORT TO: East Lothian Council

MEETING DATE: 23 April 2013

BY: Chief Executive

SUBJECT: Police and Fire and Rescue Services: Arrangements for Public
Scrutiny and Engagement

5

1 PURPOSE

- 1.1 To present the Shadow Police and Fire & Rescue Board's recommendations for future arrangements for engaging with and scrutinising Police and Fire and Rescue Services following the establishment of the Scottish Police Authority and the Scottish Fire and Rescue Service on 1st April 2013.

2 RECOMMENDATIONS

- 2.1 Council agrees the recommendation from the Shadow Police and Fire & Rescue Board to adopt the new scrutiny and engagement arrangements outlined in paragraphs 3.28 and 3.29 and that the Council Standing Orders be amended in line with the above recommendation.

3 BACKGROUND

- 3.1 The Police and Fire & Rescue Reform (Scotland) Act 2012 which was passed by the Scottish Parliament in May 2012 created a national police force and a national fire & rescue service. It replaced local authorities' role as police authorities and fire and 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 April 2013.
- 3.2 The abolition of the eight Police Boards and Fire and Rescue Boards and their replacement by single national authorities changes the relationship between local authorities and councillors and the police and fire and rescue services. The Boards were made up of elected members from constituent authorities and received funding from these authorities. From 1st April local authorities will no longer have any direct involvement in the governance of the police and fire and rescue services. The new arrangements mean that local authorities and elected members will have no direct involvement in deciding policy, resource allocation or personnel matters. These duties and responsibilities will now be

carried out by the nationally appointed Scottish Police Authority and the Scottish Fire & Rescue Service.

- 3.3 Whilst the direct relationship between the elected members on the Police Boards and Fire and Rescue Boards and their respective services has been broken it should be noted that one of the key aims for the Scottish Government in introducing the reform is:

“To strengthen the connection between police services and communities by creating a new formal relationship with all 32 local authorities, creating opportunities for many more locally elected members to have a formal say in police services in their areas, and better integrating with community planning partnerships.”¹

- 3.4 Appendix 1 provides an outline of the responsibilities of local authorities under the new national arrangements brought in by the Police and Fire & Rescue Reform (Scotland) Act 2012. Councils will be able 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 Scottish Police Authority and Scottish Fire and Rescue Service 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.

Shadow Scrutiny and Engagement Arrangements

- 3.5 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.
- 3.6 A follow up report in March 2012 provided a summary of the discussions with LBP and LBFRS, noted a proposed draft remit and role for a Community Safety Committee or Board 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.
- 3.7 The ongoing discussions with LBFRS and LBP focussed on:

¹ Draft Strategic Police Plan; Scottish Police Authority January 2013

- 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 Scottish Police Authority, Scottish Fire and Rescue Service 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
- 3.8 In June 2012 Council established the Shadow Police and Fire and Rescue Board as an interim arrangement for the period running up to the establishment of the national bodies (April 2013). The Shadow Board was tasked with considering and bringing forward recommendations for the permanent scrutiny and engagement arrangements to be put in place in April 2013.
- 3.9 The report establishing the Shadow Board highlighted that further consideration needed to be given to certain issues before a permanent arrangement could be established, including:
- whether the remit of a Police and Fire 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.
- 3.10 The Shadow Board met four times – 10th September 2012, 12th November 2012, 14th January 2013 and 4th March 2013. It considered a number of reports including updates on the establishment of the national arrangements for police and fire and rescue, the draft Fire and Rescue Plan, the draft Local Police Plan, performance monitoring reports, a report on Community Wardens and a report on Lothian and Borders Police Lay Diversity Advisers.

Options for Permanent Scrutiny and Engagement Arrangements

- 3.11 At its last meeting the Shadow Board considered a report outlining the possible options for permanent scrutiny and engagement arrangements from which it would make its recommendation to the Council.

- 3.12 It is important to bear in mind that the scrutiny and engagement arrangements the Council establishes will need to fulfil two distinct roles. Firstly they will need to provide the Council with the means to scrutinise and influence the police and fire and rescue services in East Lothian; secondly, they should ensure that the services and new arrangements integrate with Community Planning.
- 3.13 The Council has consistently stated that the new national arrangements for police and fire and rescue should not put at risk the very positive contribution that both police and fire and rescue services make in East Lothian towards achieving key Single Outcome Agreements. It should be noted that the Police and Fire & Rescue Reform (Scotland) Act 2012 and the draft Scottish Police Plan include provisions to try to ensure that the structures for delivery of police and fire and rescues functions are fully integrated with community planning.
- 3.14 The East Lothian Community Planning Partnership has undertaken a review of its structure and governance arrangements. The Community Planning Partnership Board has agreed in principle that the existing seven Theme Groups (including the Community Safety Theme Group) should be replaced by three new strategic Partnerships. One of the new Partnerships will have responsibility for Safer and Vibrant Communities including Community Safety related outcomes and would work closely with police and fire and rescue services.
- 3.15 Also, it should be noted that although it was originally envisaged that the Shadow Police and Fire and Rescue Board would consider possible alignment and future integration with arrangements for Midlothian this is no longer considered a viable option. The structural and local command arrangements for both police and fire and rescue services are based on areas that cover East Lothian, Midlothian and Scottish Borders for the fire and rescue service and that grouping with the addition of West Lothian for the police service. These arrangements mean that, although there are key areas of partnership working between East Lothian and Midlothian (e.g. Adult and Child Protection arrangements) there is no real benefit in considering establishing a joint or integrated scrutiny and engagement arrangement for police and fire and rescue services.
- 3.16 The Shadow Board considered three options for permanent scrutiny and engagement arrangements:
- 1) Council performs the scrutiny and engagement function
 - 2) The scrutiny and engagement function is delegated to a new Council Committee or the Cabinet
 - 3) Council allows the new Community Planning Partnership Strategic Board for Communities to undertake scrutiny and engagement arrangements with respect to community safety matters reflected in the Single Outcome Agreement

Council

- 3.17 The Council's new responsibilities and functions relating to police and fire and rescue are outlined above (paragraph 3.4) and in Appendix 1.
- 3.18 The Council could fulfil all these responsibilities with relevant reports being considered at full Council meetings. This would allow all councillors to play an equal part in deciding Council policy with respect to police and fire and rescue services and scrutinising and monitoring the delivery of these services across East Lothian. This would ensure that one of the key aims of the reform introduced by the Scottish Government would be fulfilled: creating opportunities for many more locally elected members to have a formal say in police and fire and rescue services.
- 3.19 It should be noted that the Council will not have any powers to intervene in operational matters and consequently consideration of the policing and fire and rescue plans and the monitoring of delivery would be at the strategic level. The Council could request the police Local Commander and fire and rescue Senior Officer to attend meetings that consider the plans and monitoring reports.
- 3.20 The new Police Force has produced Ward policing plans alongside the East Lothian Local Police Plan. It is envisaged that the police will consult with Community Councils and the wider local community in each ward and that councillors for each wards would be involved in this consultation thereby giving them a direct input into influencing policing priorities in their ward. This approach would be aligned to the Council's intention to develop Area based local community planning.

Delegate to the Cabinet or a new Council Committee

- 3.21 The Council could delegate some or all of its responsibilities to the Cabinet or a new Committee of the Council.
- 3.22 Establishing a new Council Committee specifically to deal with police and fire and rescue service matters would allow the members of the Committee to establish experience and knowledge of these services. However, it could also be argued that delegating these important matters to a Committee would mean that the majority of councillors would not be engaged with, or have a direct input into, Council policy relating to police and fire and rescue services. Given the Council operates a Cabinet system with a minimum number of Committees it could be thought counter-intuitive to establish a Council Committee specifically to monitor services for which the Council does not have direct accountability.
- 3.23 An alternative approach could be for the Council to delegate all or some of its responsibilities for police and fire and rescue services to the Cabinet. The downside of this would be that only the Administration councillors on the Cabinet would be involved in deciding Council policy in relation to police and fire and rescue matters.

Community Planning Partnership – Safe and Vibrant Communities Partnership

- 3.24 The responsibilities in relation to Community Safety matters that were previously the responsibility of the Community Safety Theme Group of the Community Planning Partnership will become the responsibility of the new Safer and Vibrant Communities Partnership. The membership of the new partnership has still to be finalised but the Community Planning Partnership Board is recommending that it should include three elected members – two from the Administration and one from the Opposition – representatives from the Police and Fire and Rescue services and community representatives.
- 3.25 The new Partnership will have responsibility for the Single Outcome Agreement outcomes relating to Community Safety. Currently these are:
- Fewer people are the victims of crime, disorder or abuse in East Lothian
 - Fewer people experience antisocial behaviour in East Lothian
 - East Lothian’s homes and roads are safer
- 3.26 One of the aims of the reform of police and fire and rescue services is to better integrate these services with community planning and strengthen their connection with communities. Therefore, Local Plans for police and fire and rescue services will need to show how the respective services are planning to meet their obligations to support Community Planning and the achievement of the Single Outcome Agreement.
- 3.27 The Council could decide to have minimal involvement in relation to scrutiny and engagement with police and fire and rescue services (possibly limiting this to considering and approving the local plans). Scrutiny and engagement with police and fire and rescue services could be integrated into and embedded within the new arrangements being established by the Community Planning Partnership through the new Safe and Vibrant Communities Partnership.

Recommended Option

- 3.28 Having considered these options the Shadow Board recommended that a combination of the first and third options should be put in place. The Council should have responsibility for all aspects of public engagement and scrutiny of police and fire and rescue services (as per paragraphs 3.4 and 3.18 above). Monitoring of Local Multi-member Ward Plans would take place at the area level with the active involvement of ward councillors.
- 3.29 The Community Planning Partnership’s Safe and Vibrant Communities Strategic Partnership should have responsibility for ensuring the police and fire and rescue services are fully engaged with, and support the delivery of, outcomes and priorities included in the Single Outcome Agreement.
- 3.30 If the recommendation outlined in paragraph 3.28 is agreed the Council’s Standing Orders would be amended to include in the remit of the Council the approval and monitoring of Police and fire and Rescue Service plans, in

accordance with Sections 46 and 113 of the Police and Fire Reform (Scotland) Act 2012.

4 POLICY IMPLICATIONS

- 4.1 The establishment of the new arrangements will ensure that the Council has robust arrangements in place to engage with and scrutinise the new police and fire and rescue services.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Equality Impact Assessment has been carried out and no negative impacts have been found.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – no direct financial implications are 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 Appendix 1: Summary of Implications of the Police and Fire Reform (Scotland) Bill for Local Authorities
- 7.2 Keeping Scotland Safe and Strong: A Consultation on Reforming Police and Fire and Rescue Services in Scotland; Scottish Government, September 2011
- 7.3 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, 25th October 2011
- 7.4 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, 27th March 2012
- 7.5 Establishment of a Shadow Police and Fire & Rescue Board – Report to Council, 26th June 2012

7.6 Agendas and papers for Shadow Police and Fire and Rescue Board meetings:

- 10th September 2012
- 12th November 2012
- 14th January 2013
- 4th March 2013.

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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 replace at least once every three year 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 Police and Fire & Rescue Reform (Scotland) Act 2012 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.

REPORT TO: East Lothian Council

MEETING DATE: 23 April 2013

BY: Chief Executive

SUBJECT: East Lothian Community Planning Partnership Governance Review

6

1 PURPOSE

- 1.1 To inform Council of the outcome of the review of the East Lothian Community Planning Partnership governance arrangements and to seek nominations for Elected Members to represent the Council on the new community planning partnerships arrangements.

2 RECOMMENDATIONS

- 2.1 That Council endorses the Community Planning Partnership Board's decision to establish new governance arrangements and structure as detailed in paragraphs 3.4 and 3.5.
- 2.2 That the Administration and Opposition Group nominate representatives to the following Partnerships:
- East Lothian Partnership: two Administration and one Opposition
- Sustainable Economy Partnership: two Administration and one Opposition
- Resilient People: two Administration and one Opposition
- Safe and Vibrant Communities: two Administration and one Opposition.

3 BACKGROUND

- 3.1 The East Lothian Community Planning Partnership (ELCPP) agreed to carry out a review of its governance arrangements and structure in 2012. The review was necessary in order to allow the Community Planning Partnership to:

- reflect on how the partnership, governance arrangements and structure have been working
- take on board the implications of the adoption of the Economic Development Strategy (e.g. the recommendation that a new strategic economic development board be established)
- prepare for the establishment of the integrated Health and Social Care Partnership
- consider the implications of the establishment of the Scottish Police Authority and the Scottish Fire and Rescue Service
- consider the impact of the review of Community Planning being undertaken at a national level and the guidance on the development of a new Single Outcome Agreement, which Community Planning Partnerships are expected to produce by June 2013.

3.2 A key recommendation made by Audit Scotland in its recent report, *Improving Community Planning in Scotland* is that Community Planning Partnerships need to significantly improve their governance and accountability, and planning and performance arrangements. The review of East Lothian Community Planning Partnership's structure and governance arrangements described below aimed to ensure the partnership would be well prepared for the challenges ahead,

3.3 As reported to the Council on 26 February 2013 the East Lothian Community Planning Partnership Board on 10 December 2012 considered a report recommending new governance arrangements and structure based on the outcome of review including consultations and workshops involving stakeholders. The Board agreed in principle to a new structure based on:

- A strong governance role for a slightly expanded East Lothian Partnership including elected member and community representation
- The replacement of the existing seven Theme Groups by three new Strategic Partnerships with responsibility for the Economy and the Environment, People (including health and social care, education and children) and Communities (including community safety) and the relevant Single Outcome Agreement Outcomes that relate to these areas
- Clear direct reporting relationship between the Strategic Partnerships and the East Lothian Partnership
- Local area coordination and integrated service delivery and planning in all 6 ward areas (Musselburgh combines two wards)
- Recognition of the role for the private sector in relevant areas of work

- 3.4 The Board established three short-life working groups to report back by the end of February on the detail of the new structure, including the remit and membership of the new East Lothian Partnership and Strategic Partnerships. The report back from these working groups was considered at the Board meeting held on 11 March 2013. The Board agreed the role, remit and membership of the new East Lothian Partnership (See Appendix 1) and the role, remit and membership of the three new Strategic Partnerships – Sustainable Economy Partnership; Resilient People Partnership; and Safe and Vibrant Communities Partnership.(See Appendix 2)
- 3.5 The role of the new East Lothian Partnership will be to act as the governing body for community planning, showing strategic and collaborative leadership, driving performance and good governance to achieve the partnership's aim and shared vision for East Lothian. Its remit and powers include (see Appendix 1):
- Lead a culture of collaboration and co-production across sectors, maximising the creativity, knowledge, skills and resources of all partner organisations and communities – i.e. actively encouraging formal and informal joint working, joint use of resources and joint funding options where this may lead to service improvement
 - Ensure effective community involvement in partnership structures and processes
 - Monitor progress on the SOA by receiving reports 'by exception' on performance and significant issues from relevant partnership bodies and scrutinising performance at the highest level
 - Ensure transparency and accountability through public reporting and information sharing across partners.
- 3.6 Each of the Strategic Partnerships will have a common role (see Appendix 2):
- to lead a culture of collaboration and co-production across sectors, maximising the creativity, knowledge, skills and resources of all partner organisations and communities
 - to develop and deliver the Priorities and Outcomes within their remit and also to collaborate with each other and with the groups responsible for local level coordination
 - to scrutinise performance to ensure delivery of Priorities and Outcomes.
- 3.7 It should be noted that the remits of the new strategic partnerships are in line with the strategic objectives detailed in the Council Plan – Growing our Economy, Growing our People, and Growing our Communities. These themes will also form the basis of the new Single Outcome Agreement that

the Community Planning Partnership is developing for final approval in June 2013.

3.8 The Board agreed criteria for membership of the East Lothian Partnership and the Strategic Partnerships with the emphasis on ensuring that all the key partners are represented at the appropriate level on the relevant Partnerships. It is proposed that the Council representation is as follows:

- East Lothian Partnership: two Administration members, one Opposition member and the Chief Executive
- Sustainable Economy Partnership: two Administration members, one Opposition member and Executive Director
- Resilient People Partnership: two Administration members, one Opposition member and Executive Director
- Safe and Vibrant Communities: two Administration members, one Opposition member and Executive Director.

3.9 The ELCPP Board, as it is currently known, is seeking endorsement from its members of the new structure and governance arrangements summarised above and detailed in Appendices 1, 2 and 3. If the Council endorses the new arrangements it is asked to the elected members to represent the Council on the East Lothian Partnership and the three Strategic Partnerships.

4 POLICY IMPLICATIONS

4.1 The review of community planning governance arrangements and structure will provide a more strategically focussed Partnership which reflects the impact of public sector reform, the national review of Community Planning and the guidance on the new Single Outcome Agreement.

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 Appendix 1: East Lothian Partnership Role, Remit and Membership, April 2013
- 7.2 Appendix 2: Strategic Partnerships Role, Remit and Membership. April 2013
- 7.3 Appendix 3: The East Lothian Partnership structure diagram, April 2013
- 7.4 Quarterly Monitoring Report on Effective and Efficient Services; Community Planning Partnership Board, 11 June 2012
- 7.5 Quarterly Monitoring Report on Effective and Efficient Services; Community Planning Partnership Board, 10 September 2012
- 7.6 Quarterly Monitoring Report on Effective and Efficient Services; Community Planning Partnership Board, 10 December 2012
- 7.7 ELCPP Structure 2013 Revised Partnership Board Role and Remit, Community Planning Partnership Board, 11 March 2013
- 7.8 ELCPP Structure 2013 Revised Strategic Board Role and Remit, Community Planning Partnership Board, 11 March 2013
- 7.9 Improving Community Planning in Scotland, Audit Scotland, March 2013

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THE EAST LoTHIAN PARTNERSHIP ROLE & REMIT

THE EAST LoTHIAN PARTNERSHIP (formerly known as the East Lothian Community planning Partnership)

The East Lothian Partnership (ELP) brings together organisations from the public, community, enterprising third and private sectors. It is an unincorporated body. The aim of the Partnership is to collaboratively deliver the best possible services which make a real difference in people's lives and opportunities.

The East Lothian Partnership's long term goal, known as the Statement of Intent, is:

“We will work in partnership to build an East Lothian where everyone has the opportunity to lead a fulfilling life and which contributes to a fair and sustainable future”.

THE EAST LoTHIAN PARTNERSHIP

ROLE

The East Lothian Partnership is the governing body of The East Lothian Partnership. The Partnership's role is to be the creative powerhouse and show strategic and collaborative leadership, driving performance and good governance so as to achieve the East Lothian Partnership's aim and shared vision for East Lothian.

REMIT / POWERS

1. Show creative and active leadership and take action on both the opportunities which arise and the challenges which people and communities face, with a focus on prevention, equality and sustainability
2. Lead a culture of collaboration and co-production across sectors, maximising the creativity, knowledge, skills and resources of all partner organisations and communities – i.e. actively encouraging formal and informal joint working, joint use of resources and joint funding options where this may lead to service improvement.
3. Ensure effective community involvement in partnership structures and processes
4. Set out the shared vision and strategy for East Lothian through the strategic plan, currently the Single Outcome Agreement (SOA), and approve the delivery mechanisms proposed by the Strategic Partnerships
5. Set out the contribution expected of partners towards delivering the strategic plan. This includes aligning partners' business planning to priorities and outcomes, and aligning partner and external resources - financial, people and physical – to services best placed to deliver these.
6. Monitor progress on the SOA by receiving reports 'by exception' on performance and significant issues from relevant partnership bodies and scrutinising performance at the highest level. The focus will be on resolving problems relating to the interface/joint working between partners.

7. Ensure a performance management and improvement framework is in place to scrutinise the performance of the Strategic Partnerships on their delivery - priorities and outcomes, key policies and programmes, and structures and membership
8. Ensure transparency and accountability through public reporting and information sharing across partners
9. Develop partnership relationships and networking within East Lothian, with other local authority areas, with the Scottish Government and with national bodies
10. Ensure the East Lothian Partnership responds to issues which shape the national agenda, seeking to secure the best outcomes for East Lothian

CRITERIA FOR MEMBERSHIP

Board level representatives of organisations with an East Lothian remit, either for delivering services or for communities. These are:

- Elected members and senior officials of organisations with a statutory duty for Community Planning
- Representatives of the enterprising third sector, the private sector and the community sector
- Organisations represented must have a strategic role in setting the agenda for East Lothian
- Chairs of each of the Strategic Boards
- Members should name a substitute who is designated to make decisions in their place

Membership

East Lothian Council (4)	Chief Executive 3 elected members (2 Administration and 1 Opposition)
Police Service of Scotland (1)	East Lothian lead
Fire and Rescue Service for Scotland (1)	East Lothian lead
Health (2)	Non-Executive Director of NHS Lothian Chair or Vice-chair of the future Health & Social Care Partnership
Enterprising Third Sector (1)	Voluntary Action East Lothian (VAEL)
Communities (2)	Chair of the Association of East Lothian Community Councils Chair of East Lothian Tenants and Residents Panel
Business (3)	Chamber of Commerce Federation of Small Businesses Scottish Enterprise Edinburgh & Lothians
Knowledge and skills (1)	Queen Margaret University

- If not already a member of the above, the Chairs of each of the Strategic Partnerships

CHAIR AND VICE CHAIR

- The Chair of the East Lothian Partnership is the Leader of East Lothian Council
- The Vice Chair is a non-Council rep to be appointed by the Board
- If both the Chair and the Vice Chair are not at the meeting a Chair will be chosen by those present.

OPERATIONAL GUIDANCE

Quorum

- The quorum for meetings is 50% +1 of members and representing at least 4 different member organisations/ sectors

Meetings

- The Partnership meets two or three times per year
- Agendas are based on the strategic plan and only include items of a strategic nature
- All members can request items for future reports
- The Council Corporate Policy & Improvement Manager ensures executive and administrative support
- Meetings are open to any community planning partner as Observers. Requests should be channelled through the Corporate Policy & Improvement Manager
- Decisions taken by the Partnership must be followed through by reports being submitted to the relevant partner organisation's decision making system e.g. for the Council, minutes are reported to Council.
- Policy decisions on specific areas of work must also be sequenced through the relevant partner organisation's decision making system and then to the Partnership

Decision Making

- Decisions should be taken in meetings wherever possible
- Consensus should be reached wherever possible. In the event that the Partnership is unable to reach consensus in any matter a vote may be required
- Decisions may be taken outwith meetings on occasion e.g. emergencies or short deadlines. In these cases, decision making is either a) delegated to the East Lothian Council Chief Executive in consultation with the Chair and Vice Chair or b) taken through email to members. Decisions are actioned by the Corporate Policy and Improvement Manager

Communications

- Agendas and reports will be publicly available on the Council's E-gov system and can be accessed through the EL CPP website or the Council website
- Notice of agendas and reports will be emailed to the Partnership one week prior to the meeting as far as possible
- Agendas and reports will be reported to the appropriate decision making body of partner organisations e.g. for the Council, this will be to Council

STRATEGIC PARTNERSHIPS ROLE & REMIT

STRATEGIC PARTNERSHIPS (x 3)

ROLE

The East Lothian Partnership entrusts the delivery of the Strategic Plan, currently the Single Outcome Agreement, to three Strategic Partnerships (SP). The role of each Strategic Partnership is:

- to lead a culture of collaboration and co-production across sectors, maximising the creativity, knowledge, skills and resources of all partner organisations and communities.
- to develop and deliver the Priorities and Outcomes within their remit and also to collaborate with each other and with the groups responsible for local level coordination.
- to scrutinise performance to ensure delivery of the Priorities and Outcomes

REMIT / POWERS

1. Show creative and active leadership and take action on both the opportunities which arise and the challenges which people and communities face, with a focus on prevention, equalities and sustainability. The Strategic Partnership may co-opt in additional expertise and knowledge from time to time.
2. Guarantee that the priorities and outcomes from the strategic plan within the remit are fully developed and delivered
3. Make sure that a direct line of site, exists from the strategic outcomes through to the intermediate and short term outcomes, that the appropriate strategies and delivery plans are in place and project managed with named delivery leads – a person and partnership group or service
4. Support and provide leadership in formal and informal joint working, joint use of resources, multi-agency commissioning and joint funding options where this may lead to service improvement and creative re-design of services, where appropriate.
5. Scrutinise performance by the appointed delivery leads (priorities and outcomes, key policies and programmes, operational structures and membership), making use of evidence and emerging local priorities, reviewing progress and taking action as necessary
6. Ensure the mechanisms adopted by the partnership to progress outcomes are streamlined to avoid overlap and add value and are linked across outcomes where appropriate. The partnership may establish Task and Finish groups to deliver areas of work
7. Secure effective community involvement in partnership structures and processes
8. Make sure that effective stakeholder and public engagement activities and events take place to develop, deliver and review relevant themes and policies

9. Guarantee that relevant strategic policies and programmes are in place and up-to-date with appropriate indicators and public reporting
10. Report progress at least once per year to the East Lothian Partnership, presenting key issues for decision as necessary
11. Make any necessary links with other Strategic Partnerships, the groups responsible for local level coordination and the Senior Management Teams of partner organisations
12. Ensure public reporting and information sharing across partners

CRITERIA FOR MEMBERSHIP

Elected members and senior managers or representatives of organisations with an East Lothian remit, either for delivering services or for communities. These are:

- 3 elected members (2 members of the Administration, 1 member of the Opposition)
- Senior managers of organisations which have a statutory duty for the topics within the remit
- Representatives of the enterprising third sector and the community sector, and may also include the private sector, from organisations which have an interest in the topics within the remit
- National agencies which have a strategic development role for the topics within the remit
- Other representatives deemed appropriate
- Organisations represented must have a strategic role in setting the agenda for East Lothian
- Members should name a substitute who is designated to make decisions in their place

Appendix 1 lists the membership for each of the three Strategic Partnerships.

CHAIR AND VICE CHAIR

- The Chair of the Strategic Partnership is to be appointed by The East Lothian Partnership
- The Vice Chair is to be appointed by the Strategic Partnership
- If both the Chair and the Vice Chair are not at the meeting a Chair will be chosen by those present.

OPERATIONAL GUIDANCE

Quorum

- The quorum for meetings is 50% of members +1 (and representing at least 50% +1 of different member organisations?)

Meetings

- The Strategic Partnership should meet at least 4 times per year based on need (frequency and venue to be confirmed by each Partnership)

- Agendas follow the priorities and outcomes within the remit and related strategic topics.
- All members can request items for future reports
- The lead organisation ensures executive and administrative support
- Meetings are open to any community planning partner as observers. Requests should be channelled through the Chair or supporting officer.
- Decisions taken by the Partnership must be followed through by reports being submitted to the relevant partner organisation's decision making system e.g. for the Council minutes are reported to Cabinet.

Decision Making

- Decisions should be taken in meetings wherever possible
- Consensus should be reached wherever possible. In the event that the Partnership is unable to reach consensus in any matter a vote may be required
- Decisions may be taken outwith meetings on occasion e.g. emergencies or short deadlines. In these cases, decision making is either a) taken through email to members or b) delegated to the relevant senior officer(s) from partner organisations in consultation with the Chair and Vice Chair. In both cases decisions are actioned by the named lead officer for the Partnership.

Communications

- Agendas and reports are publicly available on the Council's E-gov system and can be accessed through The East Lothian Partnership's website or the Council's website
- Notice of agendas and reports are emailed to the Strategic Partnership one week prior to the meeting as far as possible
- Agendas and reports are reported to the appropriate decision making body of partner organisations e.g. for the Council this will be Cabinet

APPENDIX 1: Proposed Membership of the three Strategic Partnerships

Sustainable Economy Partnership

East Lothian Council:	3 Elected Members (2 Administration and 1 Opposition) Executive Director
Business and Third Sectors:	Chamber of Commerce, Federation of Small Businesses Third sector rep (to be proposed by VAEL) Edinburgh College
National/ statutory partners:	Skills Development Scotland Visit Scotland Scottish Enterprise Scottish Natural Heritage Jobcentre Plus

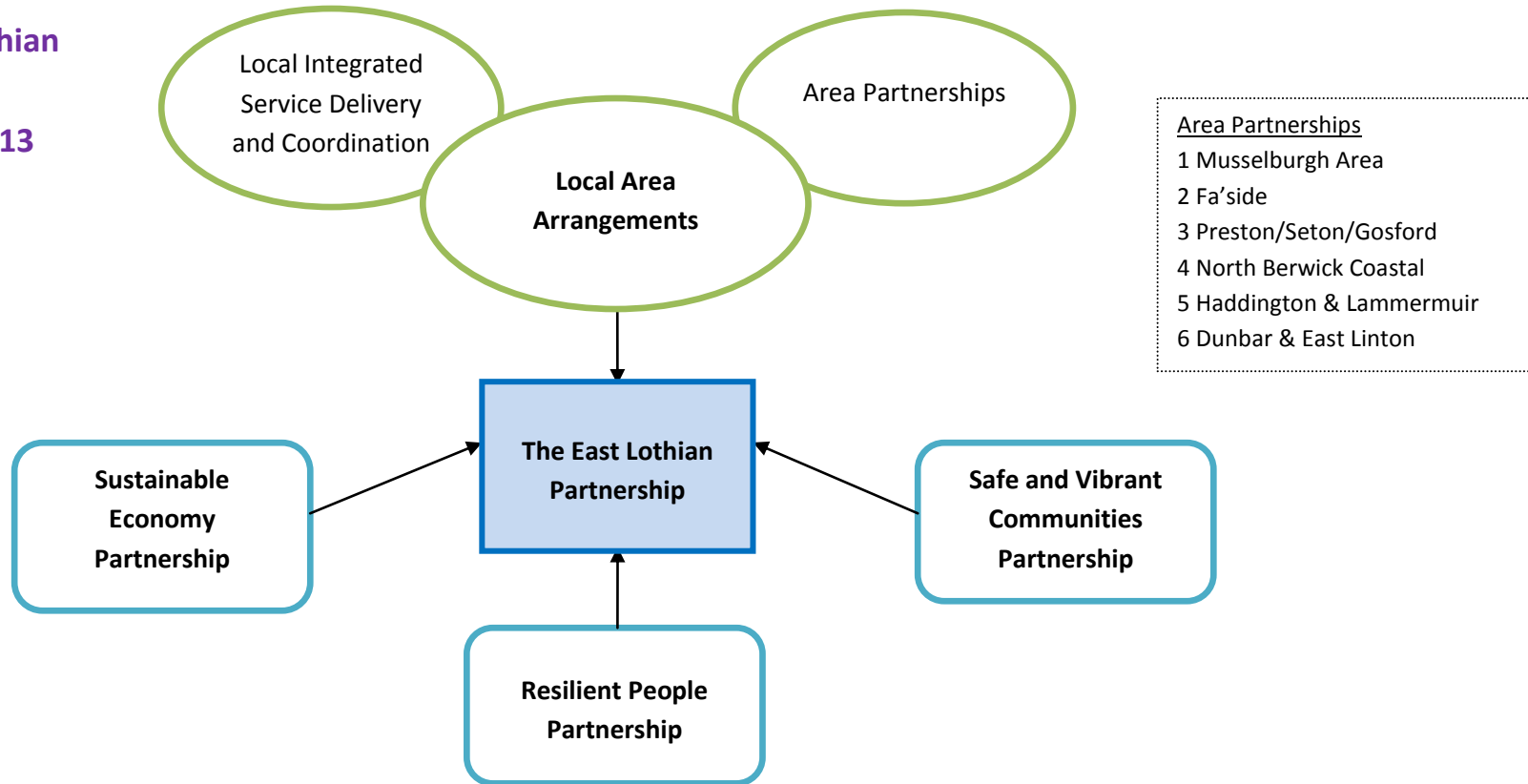
Resilient People Partnership

East Lothian Council:	3 Elected Members (2 Administration and 1 Opposition) Executive Director
NHS:	Lothian NHS Board Non-Executive member NHS Lead for Children's Health
Health & Social Care Partnership:	Chair or Vice-Chair of the Health and Social Care Partnership Jointly Accountable Officer for the Health and Social Care Partnership
Third Sector:	2 representatives appointed by VAEL
Independent sector:	2 representatives

Safe and Vibrant Communities Partnership

East Lothian Council:	3 Elected Members (2 Administration and 1 Opposition) Executive Director
Statutory partners:	Police Service Chief Superintendent Fire & Rescue Services Community Justice Authority
Third and community sectors:	Representative appointed by VAEL Representative appointed by Association of East Lothian Community Councils Representative appointed by the East Lothian Tenants and Residents Panel

The East Lothian Partnership Structure 2013



REPORT TO: East Lothian Council
MEETING DATE: 23 April 2013
BY: Chief Executive
SUBJECT: Integration of Health and Social Care:
Proposed Shadow Partnership Arrangements

7

1 PURPOSE

1.1 The Purpose of this report is to;

- i) Seek approval for the establishment of a Shadow Partnership to plan for the establishment of a formal Health and Social Care Partnership in East Lothian
- ii) Seek approval to appoint a Jointly Accountable Officer.

2 RECOMMENDATIONS

2.1 Members are asked to;

- i) Approve proposals to establish a Shadow Partnership
- ii) Nominate four Elected Members to serve on the Shadow Partnership
- iii) Nominate one Elected Member to act as the Vice-Chairperson of the Shadow Partnership
- iv) Approve the process of appointment for the Jointly Accountable Officer set out at paragraph 3.10
- v) Note that all seven existing Heads of Service and the existing General Manager of East and Midlothian Community Health Partnership will make up the pool of candidates for this post.

3 BACKGROUND

- 3.1 At its meeting on 26 February 2013, the Council received a report providing an update on the integration of health and social care. Members approved a recommendation to “request that a report with proposals to establish shadow partnership arrangements is brought forward for approval by April 2013”. This paper brings together the key elements of discussion surrounding the development of a Shadow Health and Social Care Partnership that have taken place to date and synthesises the main points into a specific set of proposals.
- 3.2 The Shadow Partnership’s purpose will be to ensure that the Single Outcome Agreement for East Lothian is progressed by supporting the national Integration Outcomes which the Partnership will become accountable for. The Partnership’s remit is set out at Appendix 1.
- 3.3 The Scottish Government will legislate for arrangements that confer voting rights on statutory members of the Health and Social Care Partnership Committee, and strengthen these arrangements by legislating to require additional membership of the Committee covering professional, carer, user and public interests.
- 3.4 In advance of the establishment of the formal Health and Social Care Partnership Committee, a Shadow Partnership will be required. There will be eight members of the Shadow Partnership comprising four Non-Executive NHS Board Members (one of whom will be the Partnership representative) and four Elected Members of East Lothian Council. The Council is invited to nominate four Members to attend the Board, and it is suggested that this includes three Members of the Administration and one Member of the Opposition.
- 3.5 In the event that formal decisions are required, these will be the voting members. The Shadow Partnership will be strengthened by additional membership of the committee covering professional, carer, user and public interests.
- 3.6 For the first two years, the Chairperson will be selected from the NHS Lothian members whilst the Vice Chair will be selected from the Council Elected Members. These positions will alternate annually thereafter with a member of the Council assuming the chair in 2015.
- 3.7 The position of Chairperson has now been filled by Mr Mike Ash, who is currently the Chair of East Lothian Community Health Partnership Sub-Committee and a member of Lothian Health Board. The Council is invited to nominate a Vice-Chair for the period up to 2015.
- 3.8 The Partnership will also include the two Chief Executives who will not be voting members but will attend meetings and provide advice and oversight.

- 3.9 The Scottish Government has reaffirmed its commitment to the appointment of a Jointly Accountable Officer for each partnership. This post will be at Chief Officer level for the Council and its equivalent in the Health Board.
- 3.10 Discussions are now well advanced with NHS Lothian regarding the process for making this appointment in East Lothian. A job description is currently being finalised for assessment and grading by both parties. A recruitment timetable has been provisionally agreed. Arrangements for the appointment process are as follows;
- The appointment process will follow the model previously used to appoint Chief Officers to the Council in 2012
 - The appointment panel will be made up of the four Elected Members and four NHS non-executive members of the Shadow Partnership; the Chief Executives of the Council and NHS Lothian; a senior HR advisor from NHS and the Council; an independent external adviser (see 3.11)
 - Applications will be invited between 24th April and 3rd May 2013 with interviews anticipated at some point after 13th May 2013.
 - Prior to completion of the appointment process by the appointment panel, an induction process for members of the Shadow Partnership will be arranged. This will enable members to discuss the role of the Partnership and prepare them for the appointment process
 - The aim is to conclude the appointment process before the summer recess
 - The successful candidate will be appointed with effect from 1 August 2013 and will be based in John Muir House. It will up to the successful candidate to decide whether they wish to be an employee of the Council or the NHS.
- 3.11 Recognising the significance of the proposal being made, it will be necessary to appoint a suitably qualified and experienced independent adviser to assist and act as a sounding board to the Chief Executives. An external management consultant will need to be procured to:
- Provide an expert opinion on the process itself
 - Provide expert advice and guidance and act as Independent HR Adviser throughout the appointment process
- 3.12 In addition to their role within Adult Wellbeing services, the Jointly Accountable Officer will take on responsibility for NHS services in East Lothian and will carry Lothian wide NHS responsibilities which are still to

be agreed. The postholder will be accountable to the Chief Executives of both the Council, and the Health Board.

- 3.13 The postholder will be expected to work together with Chief Officers within the Council and the Health Board, Elected Members and non-executive Health Board directors as well as the complete range of stakeholders to manage the transition period from the current arrangements to the full establishment of the Health and Social Care Partnership in order to ensure strong management and governance of NHS and Council services.
- 3.14 The Partnership will be supported by senior strategic officers from both the Council and the CHP who will attend Board meetings.
- 3.15 The Shadow Partnership's remit will be to establish a Health and Social Care Partnership (HSCP) for Adult Services and to direct the workstreams required for this. The Partnership will work with East Lothian Council and NHS Lothian to consider extending the range of service provision that could be included in the Partnership's scope e.g. Children's Services.
- 3.16 It is important to note that the Partnership's role at this point is not to manage services. Current service management, reporting and accountability arrangements will remain in place up until the point that the HSCP assumes formal responsibility for these, although the Partnership will develop management arrangements following the appointment of the Jointly Accountable Officer.
- 3.17 Senior Officers will prepare a workplan for the Partnership that is based upon the five strategic workstreams already underway to plan for the integration of health and social care. Workstreams will be delivered jointly by senior officers from both the Council and the CHP bringing in other stakeholders as and when required. Strategic leads for the workstreams have already been identified by the Council, and parallel leads from the NHS will now need to be agreed. The key workstreams are;
- Finance and IT
 - Governance
 - Outcomes
 - Strategic Commissioning
 - HR and Workforce Development.
- 3.18 The Shadow Partnership will meet for the first time in spring 2013 to agree its remit and its workplan. The Partnership will ensure the frequency of its meetings is aligned with the Community Planning Partnership Board, Council and NHS Lothian meeting cycles. Workstream groups will meet as frequently as required to fulfil agreed reporting intervals to the Partnership.
- 3.19 It has been agreed in principle that once established, the Health and Social Care Partnership will become an integrated element of East Lothian's Community Planning structure that is built-into the emerging

Resilient People's Board. However, as the Shadow Partnership's role is to pave the way for the introduction of the HSCP, it is appropriate that during the shadow period, its reporting routes should remain as present to Council and NHS Committees. This should take the form of progress reports until the point where a formal HSCP is being proposed for approval.

4 POLICY IMPLICATIONS

- 4.1 The establishment of a Shadow Partnership Board and appointment of a Jointly Accountable Officer are consistent with the Council's approach to reshaping care for older people and adults, the Council Plan and the Single Outcome Agreement.

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 – The costs associated with the establishment of the Jointly Accountable Officer post will be shared equally on a 50/50 basis between the Council and NHS Lothian and will be met from within existing resources.
- 6.2 Personnel - The appointment of the Jointly Accountable Officer will comply with both Council and NHS Lothian recruitment policies. The Council's existing management arrangements will remain in place until such time as the Jointly Accountable Officer reviews and develops a new management structure, which will be the subject of a separate Council report. It is anticipated that the new management arrangements will be brought forward within 18 months of the Jointly Accountable Officer taking up post (1st August 2013). The current Heads of Service and the relevant trades unions have been consulted on the proposals outlined above and the potential implications this may have on the current Chief Officer structure.
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Report to East Lothian Council on 26 February 2013 "Integration of Health and Social Care Update".

AUTHOR'S NAME	Laura Marsh Sue Cormack
DESIGNATION	Strategy Officer HR Manager
CONTACT INFO	Tel. 8142
DATE	02 April 2013

APPENDIX 1

Shadow Partnership Remit

The Shadow Partnership will focus on rethinking the model of health and social care services in East Lothian taking account of the changing demographic profile of the area, financial restraint on the Council, the NHS and our partners, and opportunities to improve the health and wellbeing of our communities.

Specifically, the shadow Partnership will;

- a) Create a shared vision for the future model of health and social care in East Lothian
- b) Plan towards the formation of a Health and Social Care Partnership
- c) Approve a workplan containing the five workstreams described in paragraph 3.17 of the report to the Council, and seek updates from workstream leads at regular intervals
- d) Ensure that its plans for the establishment of a Health and Social Care Partnership are consistent with emerging legislation and guidance
- e) Create opportunities to work in partnership with families, carers, service users, communities and non-statutory partners to deliver the partners' shared vision
- f) Create the climate for excellent service delivery building on best practice and feedback from service users
- g) Ensure that the Health and Social Care Partnership is founded upon a robust financial framework supported by first class service delivery and performance management systems
- h) Oversee the delivery of key aspects of East Lothian's Single Outcome Agreement
- i) Ensure delivery of the national outcomes for health and social care integration.

REPORT TO: East Lothian Council

MEETING DATE: 23 April 2013

BY: Executive Director (Support Services)

SUBJECT: Health and Safety Partnership Arrangements with Midlothian Council

8

1 PURPOSE

- 1.1 To present the Council with a review of the current partnership arrangements with Midlothian Council in relation to Health and Safety and to recommend that the existing arrangements be continued and further consideration be given to extending partnership arrangements in relation to Health and Safety, Emergency Planning and Business Continuity, Risk and Internal Audit.

2 RECOMMENDATIONS

- 2.1 Council agrees to the continuation of the current arrangements for partnership working in relation to Health and Safety and further consideration be given to extending partnership arrangements in relation to Health and Safety, Emergency Planning and Business Continuity, Risk and Internal Audit.

3 BACKGROUND

- 3.1 Midlothian Council and East Lothian Council jointly recognised that both organisations face largely similar health and safety risks, based on the activities and services of each organisation, although the approach to manage these differ slightly. Following a review of the Health and Safety function within Midlothian Council, it had become evident that further specialist resourcing was required to drive forward improvement at an appropriate pace. Midlothian Council was seeking to explore cost sharing options to support their need for additional resourcing in this area.
- 3.2 East Lothian Council had a vacant Corporate Health and Safety Adviser position in August 2012 and required to access support as East Lothian Council considered this post to be a pivotal element of the Council's health and safety management system. Crucial to the success of the current

approach is the co-ordination and management of specialist work programming of Health and Safety Professionals and performance monitoring.

- 3.3 An initial six month Partnership was agreed by the Joint Liaison Group meeting on 22 August 2012, whereby Midlothian Council's shared their Health and Safety Manager with East Lothian Council, with the formal Partnership work beginning on 1 September 2012. East Lothian Council contributed 50% of the salary costs of the Health and Safety Manager during this period utilising the saving from not filling the vacant Corporate Health and safety Adviser post.
- 3.4 Following the six month pilot period an evaluation has been carried out to determine the benefits to Midlothian and East Lothian Councils from working in partnership going forward to deliver efficient internal health and safety services. Throughout this time both councils have utilised the services of the Health and Safety Manager from Midlothian Council.
- 3.5 Midlothian Council accessed support from specialist Officers from East Lothian to review the Fire Safety risk assessment arrangements within the Council and had a review of Asbestos Management arrangements carried out by East Lothian Council's Asbestos Manager during the exploratory period.
- 3.6 A status review was conducted by the Health and Safety Manager within East Lothian Council which highlighted the strengths of the current health and safety arrangements and areas for development. The status review identified particular health and safety risks where current arrangements now require to be reviewed and those areas where formal policy/ management arrangements require to be developed.
- 3.7 The report also highlighted the need to review the current health and safety staffing resource across the Council (currently, Corporate Health and Safety Adviser (vacant), Corporate Health and Safety Adviser, Fire Safety Adviser, Asbestos Manager, Gas Monitoring Officer and four service based Health and Safety Implementation Officers) with a view to realigning this to best meet the needs of the organisation going forward.
- 3.8 The pilot period has reinforced that the Councils have similar needs going forward to develop and review organisational health and safety policy arrangements. It has been confirmed this presents the Councils with an opportunity to spread the effort of developing these arrangements between the Councils, taking a more common approach to managing particular workplace hazards and thus reducing the staffing time to undertake this work in each authority.
- 3.9 Further benefits would stem from joint policy/management arrangement development with the ability to partner on training development and delivery associated with these policy arrangements, creating further cost efficiencies.
- 3.10 It is expected that such partnering arrangements could result in the saving between the two councils equivalent to 0.75FTE resourcing requirement.

- 3.11 Aligning policy/management arrangements also makes any further partnering between Councils more straightforward with standardised employee approaches to managing workplace hazards.
- 3.12 Initial enquires have been made to examine the potential to utilise the health and safety management information system currently used in East Lothian Council, Rivo Safeguard, across both Council areas. The shared use of this system would facilitate joint policy/ management arrangement development in specific areas, e.g. management of risk, hazardous substance assessment, incident reporting, incident investigation, auditing and performance monitoring. Initial feedback from the system supplier has suggested the cost to each Council using this system would result in a lower cost per Council than East Lothian currently pay.
- 3.13 The review of the initial period of partnership working has suggested that it has proven successful with both Midlothian and East Lothian Councils benefiting from the arrangement, in the form of improved organisational awareness of current management arrangements and the steps required to address these. The Councils have also been able to realise real cashable savings from this partnership.
- 3.14 It has been possible to establish that both Councils have similar needs going forward to develop and review organisational health and safety policy/ management arrangements and embed these policies into practice. Through the policy and procedural development, training development and delivery there is significant opportunity to reduce the resource demand within both Councils by sharing the workload and achieving associated efficiency benefits. Projecting future benefits of partnership working in this area, it is considered that both Councils could benefit from improved services and real savings.
- 3.15 This partnership working has benefited both Councils over the initial six month period and is capable of returning longer term benefits both in terms of service delivery and cost saving to the Council's.
- 3.16 During the pilot period Midlothian Council have carried out a review of Risk Management, Health and Safety and Audit within Midlothian. This has resulted in a realignment of resource within Midlothian Council to increase resourcing within the health and safety function. Midlothian Council's Health and Safety Manager now also has a management lead on Risk Management and Civil Contingencies/ Emergency Planning. This may create further opportunity for partnership working going forward. Midlothian Council has also separated responsibility for Internal Audit from Risk Management and this has opened up the opportunity to consider partnership arrangements in relation to the Internal Audit function.
- 3.17 In view of the successful pilot the Joint Liaison Group has agreed to recommend that the partnering arrangement for the sharing of Midlothian's Health and safety manager be continued and that further consideration be given to extending partnership arrangements in relation to Health and Safety, Emergency Planning and Business Continuity, Risk and Internal Audit.

- 3.18 The review of the Council's Health and Safety resource (see para 3.7) will incorporate the partnering arrangement and consideration of further partnering arrangements for Health and Safety. Separate work will be undertaken to evaluate the business cases for partnering arrangements relating to Emergency Planning and Business Continuity, Risk and Internal Audit.

4 POLICY IMPLICATIONS

- 4.1 The continuation of the arrangements for sharing Midlothian Council's Health and safety Manager and further consideration of partnering arrangements in relation to Health and Safety, Emergency Planning and Business Continuity, Risk and Internal Audit will aim to ensure that these services are provided in accordance with best value principles as effectively and efficiently as possible. A pre-requisite of any partnering arrangement in these vital services is that the Council's resilience in these areas at least should be maintained and, if possible, should be improved.

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 – continuing to share Midlothian Council's Health and Safety Manager between the authorities creates a saving for the Council of approximately £22,000pa. This saving was included in the 2013/14 Revenue Budget approved by Council on 12 February 2013. Further savings may be achieved from extending partnering arrangements in Health and Safety or in the other service areas detailed in this report but have not been specified within the Council's budget.
- 6.2 Personnel – The proposal to continue with the shared Health and Safety Manager post means that the currently vacant Corporate Health and Safety Advise post will remain vacant. This post will be included in the review of Health and Safety resources across the Council. Any personnel implications arising from consideration of extending partnering arrangements to Emergency Planning and Business Continuity, Risk and Internal Audit will be reported in future reports.
- 6.3 Other – none.

7 BACKGROUND PAPERS

- 7.1 None

AUTHOR'S NAME	Paolo Vestri
DESIGNATION	Corporate Policy and Improvement Manager
CONTACT INFO	pvestri@eastlothian.gov.uk 01620 827230
DATE	12 th April 2013

REPORT TO: East Lothian Council

MEETING DATE: 23 April 2013

BY: Executive Director (Support Services)

SUBJECT: Common Good Funds – Budgets 2013/14 to 2015/16

9

1 PURPOSE

- 1.1 To seek approval for the budgets for the Dunbar, Haddington, Musselburgh and North Berwick Common Good Funds over this and the following two years and to recommend that local expenditure proposals are developed within these budgets.

2 RECOMMENDATIONS

- 2.1 The Council is recommended to approve the strategy outlined at 3.12, in particular, the aim of maintaining the Funds' assets and the protection, maintenance and where possible increase to the level of usable reserves.
- 2.2 The Council is recommended to approve the budgets for the four Common Good Funds for 2013/14 to 2015/16. These are contained at Appendices 1a – 1d.
- 2.3 The Council is asked to approve the specific items of expenditure noted at Section 3.15.
- 2.4 The Council is asked to note the investment performance of long term Common Good fund balances with East Lothian Council's investment managers, Investec Wealth & Investment Ltd.

3 BACKGROUND

- 3.1 The historical origin of Common Good property in Scotland can be traced back to the Middle Ages and the systems of local government administration which have evolved from this time. The earliest legislation which mentions the term 'Common Good' goes back to the Common Good Act of 1491.

- 3.2 In the days before central government funding, the burghs of Scotland, for the most part, met expenses from the revenues of their properties. These were often properties and lands given to the burgh by the Crown in medieval times. The burgh collected the rents and feu-duties and used these to defray the cost of public lamps, the town clock, of cleansing and repairing streets, of interest on loans, of the Minister's stipend, and the cost of entertaining the council on occasion of the King's birthday.
- 3.3 Over time, the Common Good ultimately became an adjunct to the principal revenues from statutory rates but remained reserved for purposes which promoted the general good of the inhabitants or dignity of the specific burgh.
- 3.4 Subsequent local government re-organisations have transferred the responsibility for administering the Common Good Funds for the four former burghs (Dunbar, Haddington, Musselburgh and North Berwick) to East Lothian Council.
- 3.5 Section 15(4)(a) of the 1994 Act provides that in administering property forming part of the Common Good, any authority to which such property is transferred shall:-
- (a) except in the case of the Councils for Aberdeen, Dundee, Edinburgh, and Glasgow, have regard to the interests of the inhabitants of the area to which the common good related prior to 16 May 1975.*
- 3.6 In order to encourage transparency, separate accounts are maintained for each of the individual funds. Financial statements are prepared and audited by the Council's auditors. The assets that fall within the Common Goods are also separately identified and included in their annual financial statements. Any unused monies are carried forward to the following year. A report detailing the results for 2012/13 was deposited in the Members Library in December 2012.
- 3.7 The Common Goods are currently managed in line with the Scheme of Delegation approved by Council on 28 August 2007. A review of the Scheme is currently underway and will be reported to Council in the near future.
- 3.8 At 1st April 2012 the accumulated usable funds for each of the Common Goods comprise the following:

Table 1: Common Good Fund usable funds at 01 April 2012				
Common Fund	Good	Loans to East Lothian Council (£000s)	Investments (£000s)	Total (£000s)
Dunbar		59	20	79
Haddington		90	55	145
Musselburgh		975	2,193	3,168
North Berwick		79	126	205
Total		1,203	2,394	3,597

- 3.9 Although the Musselburgh Common Good has substantial usable reserves this is not true of the other three Funds. In making decisions in the case of Dunbar, North Berwick and Haddington it must be recognised that the level of usable funds are low when compared to the potential liabilities that come with owning historical properties. This limits the grant awards which can be made from these Funds over the coming years.
- 3.10 Each Common Good Fund has two main sources of income. The first is the Fund investments – which are currently managed by Investec Wealth & Investment Ltd - an external investment broker. These are covered in more detail at Section 3.16. In addition, each of the Common Goods owns property assets that generate rental income. As an example, the Haddington Common Good rents out the Town House in Haddington for approximately £34,000 per annum.
- 3.11 The majority of all Common Goods' rental income comes from the Council. In the case of Musselburgh Common Good a significant portion of their income is in decline as Cockenzie Power Station has ended its use of the ash lagoons.
- 3.12 Given the above, it is appropriate to adopt a financial strategy for the four Common Goods which seeks to maintain the Funds' assets and to protect, maintain and, where possible, increase the level of usable reserves. In the case of Dunbar, North Berwick and Haddington this will mean restricting any annual grant awards to a level which will allow the Funds to grow. In the case of the Musselburgh Common Good the aim is to keep the level of the Fund broadly stable over the next three years.
- 3.13 Draft budgets for 2013/14 to 2015/16 have been prepared and are detailed at Appendix 1a – 1d. These draft budgets have been discussed

with those elected members who sit on the respective Common Good Committees.

3.14 The budgets are based on historical spending patterns and known commitments for 2013/14 and beyond. In the first instance income is used to maintain the assets with any surplus funds being used to benefit the inhabitants of the area covered by the fund.

3.15 Specific items of note within the Common Good budgets are as follows;

Musselburgh

- The planned spending of £500,000 on the Inveresk church wall is timetabled for 2013/14. The budget has now been re-profiled to allow for this;
- A provisional amount of £55,000 has been set aside as a contribution towards work on the Brunton Hall. This is also scheduled to take place in 2013/14 and the amount may change dependent on the extent of the works;
- The budget includes provision of £21,000 for the Musselburgh Fireworks;
- Budget provision of £3,000 as a contribution towards the New Year sprint ;
- Budget provision of £15,000 to cover all the costs surrounding the Honest Toun and Silver Arrow festivities and hospitality.

Haddington

- The budget for 2013/14 includes £90,000 as a contribution towards the refurbishment work at the Haddington Town House. In addition, as they are meeting the balance of cost the Council will benefit from a 'rent holiday' during the period 2013/14 – 2015/16.

3.16 East Lothian Council currently uses an external investment broker, Investec Wealth & Investment Ltd, to manage a separate investment portfolio consisting of Common Good monies. The Council has set the objective for the portfolio to achieve growth in income and capital over the long term.

3.17 The most recent valuations and the projected income for 2013/14 are detailed below.

Table 2: Common Good Investments			
Common Good	Amount Invested 2009/10 (£)	Valuation at 31 March 2012 (£)	Projected Income 2013/14 (£)
Dunbar	20,000	20,000	748
Haddington	55,000	55,000	1,496
Musselburgh	2,180,000	2,193,000	68,824
North Berwick	125,000	126,000	3,740
TOTAL	2,380,000	2,394,000	74,808

3.18 These investments have been covered in the Treasury Management Strategy Statement 2013-2016 placed in the Members Library in February. The most important parts of the Strategy Statement as it relates to the Common Good portfolio is as follows

- Quality - the aim is to hold at least 25% of the UK equity content in a combination of individual stocks within the FTSE100 Index and of 'generalist' collective funds;
- Concentration - no individual stock should account for more than 10% of the equity content of the portfolio. No individual bond should account for more than 10% of the total portfolio;
- Diversification - any holdings valued at over 5% of the portfolio may not, in aggregate, represent more than 40% of the portfolio. There is no restriction on the percentage of the overseas equity content in generalist collective funds.

3.19 Investec produce performance reports on a quarterly basis comparing performance to set investment benchmarks. These reports are reviewed by the Head of Council Resources. In addition, a summary report is submitted to the full Council at least once a year on the performance of the portfolio.

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 – As outlined above
6.2 Personnel – None.

7 BACKGROUND PAPERS

- 7.1 Council 27 August 2007 – “Common Good Funds” Accounting for the Common Good Fund: A Guidance Note for Practitioners (LASAAC December 2007)
7.2 Council 20 November 2011 – Common Good Funds – Budget 2011/12 to 2013/14
7.3 Members Library 287/12 – Common Good Accounts and Awards 2011-12
7.4 Members Library 34/13 ELC Treasury Management Strategy Statement 2013-2016

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DATE	11 April 2013

Dunbar Common Good

Income & Expenditure Budget

	Actual 2011/12 £000	Budget 2012/13 £000	Budget 2013/14 £000	Budget 2014/15 £000	Budget 2015/16 £000
Expenditure					
Employees	2	2	2	2	2
Premises Repairs & Maintenance	9	2	12	12	12
Premises - Rates	2	2	2	2	2
Supplies & Services	1	2	3	3	3
Grants	2	0	3	3	3
Total Expenditure	16	8	22	22	22
Income					
Rents & other income	(25)	(26)	(24)	(24)	(24)
Interest / Investment Income	(3)	(1)	(1)	(1)	(1)
Total Income	(28)	(27)	(25)	(25)	(25)
Net Surplus for the Year	(12)	(19)	(3)	(3)	(3)
Common Good Fund opening balance	(23)	(35)	(54)	(57)	(60)
Accumulated fund	(35)	(54)	(57)	(60)	(63)

Haddington Common Good

Income & Expenditure Budget

	Actual 2011/12 £000	Budget 2012/13 £000	Budget 2013/14 £000	Budget 2014/15 £000	Budget 2015/16 £000
Expenditure					
Repairs & Maintenance	0	2	2	2	2
Supplies & Services	2	2	2	2	2
Haddington Town House repairs	0	0	90	0	0
Grants	12	0	3	3	3
Total Expenditure	14	2	95	5	5
Income					
Rents	(34)	(34)	0	0	0
Interest / Investment Income	(3)	(2)	(2)	(2)	(2)
Total Income	(37)	(36)	(2)	(2)	(2)
Net Surplus for the Year	(23)	(34)	93	3	3
Common Good Fund opening balance	(438)	(461)	(495)	(402)	(399)
Accumulated fund	(461)	(495)	(402)	(399)	(396)
Proposals under consideration					
None					

Musselburgh Common Good

Income & Expenditure Budget

	Actual 2011/12 £000	Budget 2012/13 £000	Budget 2013/14 £000	Budget 2014/15 £000	Budget 2015/16 £000
Expenditure					
Premises Repairs & Maintenance	15	40	30	30	30
Premises - Utilities	1	3	1	1	1
Premises - Rates	9	10	15	15	15
Premises - Cleaning & Janitorial	19	35	21	22	23
Supplies & Services	32	41	32	33	34
Grants	39	30	90	90	90
Repairs to Inveresk Wall	0	0	500	0	0
Brunton Hall	0	90	0	0	0
Brunton Hall - Doors	0	0	55	0	0
Total Expenditure	115	249	744	191	193
Income					
Ash Lagoons	-23	-80	0	0	0
Rents	-364	-300	-345	-345	-345
Interest / Investment Income	-76	-30	-69	-69	-69
Total Income	-463	-410	-414	-414	-414
Net Surplus for the Year	-348	-161	330	-223	-221
Common Good Fund opening balance	-2,924	-3,272	-3,433	-3,103	-3,326
Accumulated fund	-3,272	-3,433	-3,103	-3,326	-3,547

North Berwick Common Good
Income & Expenditure Budget

	Actual 2011/12 £000	Budget 2012/13 £000	Budget 2013/14 £000	Budget 2014/15 £000	Budget 2015/16 £000
Expenditure					
Premises Costs - Repairs & Maintenance	2	0	3	3	3
Premises Costs - Rates	2	2	3	3	3
Supplies & Services	2	2	3	3	3
Grants	3	0	10	10	10
Total Expenditure	9	4	19	19	19
Income					
Rents	(34)	(30)	(33)	(33)	(33)
Interest / Investment Income	(5)	(3)	(4)	(4)	(4)
Total Income	(39)	(33)	(37)	(37)	(37)
Net Surplus for the Year	(30)	(29)	(18)	(18)	(18)
Common Good Fund opening balance	(161)	(191)	(220)	(238)	(256)
Accumulated fund	(191)	(220)	(238)	(256)	(274)

REPORT TO: East Lothian Council
MEETING DATE: 23 April 2013
BY: Executive Director (Services for Communities)
SUBJECT: Scottish Housing Regulator Report and Improvement Plan

10

1 PURPOSE

- 1.1. To advise Council of the content of the Scottish Housing Regulator's Final Inquiry Report published November 2012 and the Council's proposed Improvement Plan.

2 RECOMMENDATIONS

- 2.1 It is recommended that Council note the content of the Scottish Housing Regulator's Final Inquiry Report (Appendix 1) and approve the Council's Improvement Plan (Appendix 2).

3 BACKGROUND

- 3.1 Since 2009, the Scottish Housing Regulator, Audit Scotland and other scrutiny bodies have been taking a joint approach to planning activity that is proportionate and risk based – the Shared Risk Assessment process. This process produces an Assurance and Improvement Plan (AIP) for each local authority in Scotland. East Lothian's AIP for 2011/12 highlighted uncertainties around potential risks in the Council's Homelessness service and in its progress towards meeting the Scottish Housing Quality Standard (SHQS) in 2015. Given this, it was agreed that an Inquiry would be targeted primarily at these potential risks. This focused Inquiry was carried out in early 2012 and does not constitute a comprehensive assessment of the Council's homelessness or asset management/property maintenance services.
- 3.2 The Final Inquiry Report accordingly sets out findings of the Inquiry and key areas for improvement action in relation to those areas of focus, namely homelessness (including progress towards the abolition of priority need, assessment decisions, temporary outcomes and permanent outcomes) and asset management and progress towards meeting the SHQS (including tenant

satisfaction, asset management strategy and planning, new homes and investment). The Final Inquiry Report is attached at Appendix 2.

3.3 Scrutiny activity in relation to homelessness had three specific areas of focus and the findings reflect these. It was recommended the Council should:

- Improve consistency in relation to assessment decisions;
- Improve temporary and permanent outcomes for people who are homeless; and
- It was noted that the Council could improve its approach to planning for the abolition of priority need in 2012.

3.4 In asset management and progress towards SHQS it was recommended the Council should:

- Continue to work to mitigate the risks identified to the achievement of SHQS by 2015;
- Further develop its approach to reporting SHQS performance to management and Committee;
- Ensure that it understands the issues around communal improvements where the co-operation of owners is required; and
- Ensure it addresses the increasing trend in arrears.

3.5 Regulated bodies are expected to respond to the issues raised in the Report, with a formal response. An Improvement Plan has subsequently been prepared, with actions, key milestones and timescales, to address key issues raised in the Report. This is required to be submitted to the Scottish Housing Regulator, integral to a broader ongoing engagement process. The proposed Improvement Plan is attached at Appendix 2

4 POLICY IMPLICATIONS

4.1 There are no policy implications arising from this report.

5 EQUALITIES IMPACT ASSESSMENT

5.1 This Report is not applicable to the wellbeing 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 Final Inquiry Report – Appendix 1

7.2 Improvement Plan – Appendix 2

AUTHOR'S NAME	Esther Wilson
DESIGNATION	Housing Strategy and Development Service Manager
CONTACT INFO	Nicky Sandford – Ext 7170
DATE	11 April 2013



Scottish Housing
Regulator

Final Inquiry Report

East Lothian Council

November 2012

1 Background to the report

- 1.1 This Inquiry was carried out by the Scottish Housing Regulator under section 42 of the Housing (Scotland) Act 2010.
- 1.2 Communities Scotland's Regulation and Inspection branch previously inspected East Lothian Council's landlord and homelessness services in 2003. It awarded the following grades:
 - Housing Management – "C" or "Fair"
 - Property Maintenance – "C" or "Fair"
 - Homelessness – "D" or "Poor"
- 1.3 In line with practice at that time, we re-inspected the Council's Homelessness Services in 2008 and awarded a "C" or "Fair" grade, to reflect the improvements we saw at that time.
- 1.4 Since 2009 the Scottish Housing Regulator, Audit Scotland and other scrutiny bodies are taking a joint approach to planning activity that is proportionate and risk based – the Shared Risk Assessment process. This produces an Assurance and Improvement Plan (AIP) for each local authority in Scotland. East Lothian's AIP for 2011/12 highlighted uncertainties around potential risks in the Council's Homelessness service and in its progress towards meeting the Scottish Housing Quality Standard (SHQS) in 2015. Following discussion with the Council we agreed to complete an Inquiry targeted primarily at these potential risks and to delay this work until the end of 2011/12.
- 1.5 For our Inquiry we looked only at these areas in order to seek assurance about the Council's performance. This report is therefore not a comprehensive assessment of East Lothian Council's homelessness or asset management/property maintenance services.
- 1.6 This scrutiny was led by Lynn Sweeney (Inspection Manager) and the team included Donna Matthewson and Robbie Fraser (Inspectors) and Gillian Findlay and Carolynne White (Inspection Officers). Niall Beattie (Business Analyst) shadowed our scrutiny work. We were also joined by Danny Mullen (Tenant Assessor) and were on site in February 2012.

2 Responding to this report

- 2.1 We expect all regulated bodies to report our findings to service users and to respond to the issues raised within the report.
- 2.2 The findings of our scrutiny activity will feed into our work with Audit Scotland and other scrutiny bodies on the Local Area Network (LAN). We will have a continuing regulatory engagement with the Council and we will decide the exact level of this engagement through the LAN for East Lothian Council. This will be outlined in the 2013/14 AIP.

3 Report findings

Asset Management and progress towards SHQS

Tenant Satisfaction

- 3.1 The Council undertakes a good range of customer satisfaction surveys for all tenants who participate in a number of capital improvement works, such as kitchen and bathrooms, re-wiring and aids and adaptations improvements. We saw some evidence that the Council uses the outcomes and results of these to inform future service improvements to the capital programme. However it could further develop these surveys to determine overall satisfaction levels with each programme.
- 3.2 For the 2011 customer feedback surveys we saw high levels of satisfaction, across the contracts, although satisfaction levels for its re-wiring work are lower than for the kitchen or bathroom programmes.

Asset management strategy and planning

- 3.3 The Council has developed a Corporate Asset Management Strategy. However we saw that this lacks specific details around how it will manage its housing property assets in relation to stock condition information, need and demand information, assessment of resource requirements and plans for investment, strategic planning and setting out a performance management framework. The Council told us that it has plans to develop an Asset Management Strategy specifically for the Community Housing and Property Management Service.
- 3.4 We saw that the Council's strategic objectives and investment priorities are outlined in a number of other existing plans, which include the stock condition survey report which was undertaken by an external consultant, the Council's Strategic Housing Investment Plan (SHIP), Local Housing Strategy (LHS) and service Unit Plans. The Council's key strategic objectives include increasing the supply of affordable housing and achieving the delivery of SHQS by 2015.
- 3.5 According to its 2011 annual SHQS return to SHR, the Council now holds 94% stock condition information and this is positive. The Council based this on a 25% rolling programme which began in 2006. We saw that the Council uses a stand alone stock condition database and whilst we saw that this covers all SHQS elements, we identified a number of gaps and risks with the database, these include:
 - lack of integration with its housing management system;
 - over-reliance on the stock condition survey report;
 - lack of validation and updating to ensure accuracy of database and stock condition information;
 - lack of staff access to update the database;

- information gaps in the database, for example it doesn't record year of installation for programmes; and
 - limited reporting capability.
- 3.6 The Council has plans to replace the current database to provide greater functionality and integration.
- 3.7 The Council has achieved 55% SHQS compliance in 2011 and has provided good information on the reasons for properties that do not yet meet the standard. This is an improvement on the Council's previous position.
- 3.8 The Council told us that it will achieve SHQS by 2015 and plans to invest £6 million per year in its stock over the next 5 years. There are however a number of risks and challenges to its achievement of SHQS by 2015, these include:
- the Council is heavily reliant on borrowing to fund SHQS and other capital investment;
 - it will not achieve all elements of the investment programme this year and there is a lack of flexibility in bringing forward other elements of the programme;
 - there is a lack of validation and gaps with the stock condition information;
 - there is uncertainty regarding communal improvements where the co-operation of owners is required; and
 - the Council's reported SHQS performance to management and Committee is under-developed.
- 3.9 In addition, the Council's rent arrears are increasing although we saw that it has some plans in place to begin to address this. The financing of SHQS was a key feature of its recent rent consultation exercise to ensure that sufficient funding is in place to deliver the investment programme and meet SHQS by 2015.

New Homes

- 3.10 The Council's SHIP outlines the need to increase the supply of quality affordable housing in East Lothian. The Council has been involved in a range of new build projects and has well developed plans for building new homes.
- 3.11 The Council has developed a design guide and specification for its new build programme which will require its housing to meet housing for varying needs and energy efficiency standards to help address fuel poverty issues.
- 3.12 Stakeholder consultation has been an integral element of the new build programme and the Council has incorporated feedback into the design of future wheelchair accessible properties. The Council has also recently undertaken a post completion review for a number of completed new build projects.

Investment

- 3.13 The Council has consistently invested in its stock and has plans to continue to invest £11 million over the next five years to deliver its modernisation programme. It is continuing to focus its spending on kitchens, bathrooms and rewiring. The Council could improve its approach to telling its tenants where their houses are positioned in these programmes, improve its performance reporting and develop targets for investment work in terms of volume and quality including benchmarking costs.
- 3.14 The Council told us that it post inspects 80-90% of its modernisation programme in addition to issuing customer satisfaction surveys. The Council could further develop its reporting on the outcomes from these.

Key areas for improvement action

- 3.15 In asset management strategy and planning East Lothian Council should:
- continue to work to mitigate the risks identified to the achievement of SHQS by 2015;
 - further develop its approach to reporting SHQS performance to management and Committee;
 - ensure that it understands the issues around communal improvements where the co-operation of owners is required; and
 - ensure it addresses the increasing trend in arrears.

Homelessness

- 3.16 Our scrutiny activity had three specific areas of focus and our findings reflect these:
- the abolition of priority need in 2012;
 - the Council's assessment processes; and
 - outcomes for people who are homeless.

Progress towards 2012 – the abolition of priority need

- 3.17 The Council is not preparing well for the abolition of priority need and we saw that it intends to simply continue with the current system until it is statutorily compelled to remove the priority distinction. The Council continues to allocate houses to homeless people at a low level and its two tiered approach to the assessment of homeless people also impacts on its preparation for abolition this year.

Assessment decisions

- 3.18 We saw that the Council has a good understanding of its statutory homeless assessment process. However, it does not always make consistent decisions. We saw good examples of cases being dealt with through the Council's prevention and housing options approach, however we also saw that the Council is not always meeting its obligations to people who may be homeless and that this can impact on outcomes for some of these people.

Temporary outcomes

- 3.19 We visited a number of temporary accommodation units used by the Council and found these to be variable and range from poor to high quality. The Council is aware that it needs to do work to ensure the quality and supply of temporary accommodation and we also saw that it has made improvements to how it procures and manages this.
- 3.20 Of the Council's temporary housing, it continues to use Bed and Breakfast (B&B) accommodation the most; 451 households (38%) in 2010/11. Since our initial inspection in 2003 the Council has maintained a strong focus on ensuring that it does not breach the Unsuitable Accommodation Order (2004) and has reported no breaches since 2007/08. This is positive.
- 3.21 The Council is aware of certain pressures on its use of temporary accommodation. It told us that it is working to reduce its reliance on B&B accommodation, to increase the supply of temporary accommodation and to provide specialist temporary accommodation for specific clients groups.

Permanent Outcomes

- 3.22 The Council's current allocations policy was introduced in July 2007. The policy is based on a groups and points system and when a house becomes empty it is automatically placed in a group – either general needs or transfers. Each year the Council approves annual targets for allocations to these groups. For 2011/12 the targets were set at 65% to general needs, 32% to transfers and 3% to a sustainable communities category, which operates in a specific area of Tranent. It includes lets to homeless people in the general needs category.
- 3.23 The Council also introduced a series of lettings plans which it uses to allocate houses in its new build developments. Allocations the Council makes as part of these lettings plans sit out with the set categories and targets contained in its published policy and have not been subject to individual equalities impacts assessments. The plans aim to target new build allocations firstly at transfer applicants on the housing list. The Council told us that this creates a vacancy chain which frees up an additional house to let to the general needs category in its allocations policy and so this practice is beneficial in increasing the number of houses available for let.
- 3.24 In our case reviews we saw some early examples where new build homes were allocated to transfer applicants with no housing need. In its more recent developments the Council has reviewed this practice, although we saw that applicants with the lowest levels of need continue to receive preference over those with a higher priority for housing. In addition, the vacancy chain we analysed did not realise any numerical advantage for homeless people.
- 3.25 The Council told us that it plans to review its allocations policy and intends to implement a new policy later this year. With these changes in mind, it has not yet reviewed its targets. We saw that most people that the Council assesses as statutorily homeless receive good outcomes and in 2010/11 the Council let 276 houses to homeless people. It told us that this figure represents the highest number of lets the Council has made to this group. Although this is positive, we saw that homeless people wait long periods of time before they receive offers of accommodation and in part this is caused by the Council's allocations policy.

- 3.26 We also saw that the route taken to secure housing can impact on the quality of people's permanent outcomes. The abolition of priority need means that more people will become eligible for statutory homeless outcomes than is currently the case in East Lothian. The Council is aware that it needs to quickly put plans in place to address this, particularly in relation to its temporary and settled accommodation.
- 3.27 In summary, the Council is able to demonstrate a good approach to some homeless people and a poorer approach to others. The way that the Council allocates its houses means that homeless people wait long periods of time before being offered housing, although this may be addressed by its planned allocations policy review. We saw that officers have produced strong statistical analysis and performance information on the risks posed to the service by the abolition of priority need. They have also begun to profile issues which may impact on sustainable outcomes because of changes to welfare benefits. The Council's programme of new build housing has not increased, in percentage terms, its allocations to homeless people.

SHR Report	Report Para	Outcome Required	Actions Planned	Lead Officer	Key milestones	Comments / Update	Timescale
1. Asset Management and Progress Towards SHQS							
1a. Tenant Satisfaction							
Further develop customer satisfaction surveys to determine overall satisfaction levels with each capital programme	3.1	Increased awareness of satisfaction levels and ability to influence each programme	Improve customer satisfaction surveys	JC	Evaluate effectiveness of existing surveys (content, methods and response rate) and prioritise areas for review (responsive repairs, kitchens, bathrooms and rewires)		Sept 2013
					Agree plan / timescale to revise surveys		Oct 2013
					Implement improved surveys		Oct 2014
1b. Asset Management Strategy and Planning							
Corporate Asset Management Strategy lacks detail about managing housing property assets in relation to stock condition and need and demand information; assessment of resource requirements and plans for investment, strategy planning and setting out a performance management framework	3.3	Improved strategic approach to managing housing property assets	Develop a Housing Asset Management Strategy	AE / LM	Agree Project Manager and establish Programme Board		April 2013
					Review Corporate Asset Management Strategy / draft PID / Project Plan in line with revised Guidance		May 2013
					Agree PID / Project Plan		July 2013
					Implement Project Plan		Aug 2013
					Produce draft Strategy		Dec 2013
Consult on draft Strategy	Jan 2014						

					Produce final Strategy		May 2014
					Cabinet approval		June 2014
Identification of gaps and risks with stock condition database:							
<ul style="list-style-type: none"> Lack of integration between stock condition database and housing management system and over reliance on stock condition survey report 	3.5	Improved system in place with increased functionality and integration with OIS Management and Repairs systems / Ability to produce Council reports	Replace current database with new asset management system to enable production of comprehensive Council stock condition survey reports	AE / PI	Establish Project Board to agree requirements for new system and procure new asset management system		April 2013
					Procurement of new system		June 2013
					Development / implementation of new system		Sept 2013
					Staff training programme rolled out		Nov 2013
					New system live		Dec 2013
<ul style="list-style-type: none"> Lack of validation and updating of database 	3.5	Validation and updating of database	Establish programme of Council on-site surveys to validate Savills data / assess current and future SHQS fails	AE	Establish programme		Jan 2013
					Review programme		July 2013
<ul style="list-style-type: none"> Lack of staff access to update database 	3.5	Improved access for staff	Develop and implement staff training programme re new asset management system	JC	Devise and agree staff training programme		Sept 2013
					Staff training programme rolled out		Nov 2013

<ul style="list-style-type: none"> Information gaps in the database 	3.5	Comprehensive database	Develop new asset management system	AE / PI	As above		Dec 2013
<ul style="list-style-type: none"> Limited reporting capability 	3.5	Improved reporting mechanisms in place	Develop new asset management system	AE / PI	As above		Dec 2013
<p>Identification of risks and challenges to achieving SHQS by 2015:</p> <ul style="list-style-type: none"> ELC is heavily reliant on borrowing to fund SHQS and other capital investment 	3.8	Reduced reliance on borrowing to fund SHQS and other capital investment	Review funding for SHQS and other capital investment	RJ / AG		Completed as part of budget setting process for 2013/14	Mar 2013
<ul style="list-style-type: none"> ELC will not achieve all elements of investment programme this year / lack of flexibility in bringing forward other elements of the programme 	3.8	Improve programme flexibility	Review programme flexibility / targeting	AE	Review programme flexibility / targeting as part of wider asset management strategy to include monitoring / evaluation framework		June 2014
<ul style="list-style-type: none"> Lack of validation and gaps with stock condition information 	3.8	Validation and updating of database	Establish programme of Council on-site surveys to validate condition data	AE	Establish programme Review programme		Jan 2013 Jul 2013
<ul style="list-style-type: none"> Uncertainty regarding communal improvements where the co-operation of owners is required 	3.8	Transparent process regarding communal improvements	Develop and implement policy on communal improvements	EW / AE	Develop draft policy Consult on draft policy Produce and agree final policy		Sep 2013 Oct 2013 Dec 2013

<ul style="list-style-type: none"> ELC's reported SHQS performance to management and Committee is under-developed 	3.8	Effective reporting on performance	Establish and agree reporting mechanisms	AE	<p>Agree reporting mechanisms to CMT</p> <p>Report to PPRC / Provide input to LHS Review and report to ELHP</p>		<p>Apr 2013</p> <p>Annually (July)</p>
1c. Investment							
Approach to informing tenants of proposed programme could be improved	3.13	Improved approach to informing tenants of proposed programme	Implement revised approach	CMC	<p>Review existing approach in conjunction with Tenants Panel</p> <p>Draft revised procedures / consult on revised procedures</p> <p>Agree finalised procedures</p>	Discussions ongoing with Tenants Panel	<p>Aug 2013</p> <p>Oct 2013</p> <p>April 2014</p>
Develop targets for investment work in terms of volume and quality including benchmarking costs	3.13	Compliance with Best Value	Implement quality assurance framework	PI	<p>Review existing approach</p> <p>Implement quality assurance framework</p>		<p>April 2014</p> <p>Oct 2014</p>
Mitigate risks identified to the achievement of SHQS by 2015	3.15	Improved understanding of risk and strategic approach to managing risk	Develop and implement a risk log	AE	<p>Develop risk log and include in Asset Management Strategy PID / LHS</p> <p>Report annually on action taken to mitigate risks</p>		<p>May 2013</p> <p>Annually (July)</p>
Further develop approach to reporting SHQS performance to management and Committee	3.15	Effective reporting on performance	Establish and agree reporting mechanisms	AE	<p>Agree reporting mechanisms at CMT</p> <p>Report to PPRC / Provide input to LHS Review and</p>		<p>Apr 2013</p> <p>Annually (July)</p>

					report to ELHP		
Ensure ELC understands issues around communal improvements where co-operation of owners is required	3.15	Improved understanding of issues and process regarding communal improvements	Develop and implement policy on communal improvements	EW / AE	Develop draft policy Consult on draft policy Produce and agree final policy		June 2013 July 2013 Sept 2013
Address increasing trend in arrears	3.15	Reduce arrears / produce rent arrears improvement plan	Implement Rent Arrears Improvement Plan Review the following specific payment mechanisms with tenants - online/telephone/direct debit - to establish how services should be focused to enable tenants to manage their finances effectively and pay their rent on time	KC / CMC	As per Rent Arrears Improvement Plan Review efficacy of exiting payment mechanisms Implement actions arising from review		2014

2. Homelessness							
2a. Progress Towards 2012 – The Abolition of Priority Need							
ELC's two tiered approach to the assessment of homeless people impacts upon its preparation for abolition of priority need	3.17	Review approach to preparing for abolition of priority need	Agree policy setting out approach to preparing for abolition of priority need	IP	N/A	COMPLETE – Policy agreed in 2007/08 and adhered to in practice	N/A
		Increase transparency re homelessness assessments	Agree homelessness assessment diagram / customer journey	IP	Review customer journey		Dec 2012
					Share homelessness assessment practices with East HUB		Mar 2013
					Finalise and agree homelessness assessment diagram (customer journey)		Mar 2013
ELC continues to allocate houses to homeless people at a low level	3.17 / 3.27	Review levels of allocations to homeless people	Revise existing allocations policy and implement changes	JC	Review allocations policy inc allocations to homeless people		Apr 2013
					Produce draft revised policy		Apr 2013
					Consult on revised policy		June 2013
					Finalise and agree revised policy		Aug 2013
ELC does not always make consistent homelessness decisions / does not always meet obligations to people who may be homeless	3.18	Consistency in making homelessness decisions / fulfilling obligations	Put quality assurance processes in place	IP	Review consistency of Council homelessness processes		Dec 2012
					Develop quality assurance framework		Aug 2013

					Implement quality assurance framework		Sep 2013
ELC needs to do work to ensure the quality and supply of temporary accommodation	3.19	Aim to reduce B&B accommodation	Review Temporary Accommodation Strategy	IP	Review Temporary Accommodation Strategy Revise Temporary Accommodation Strategy		Sep 2013 Nov 2013
Issues around allocations – Evidence of new build homes allocated to transfer applicants with no housing need Applicants with lowest levels of need receive preference over those with a higher priority for housing Vacancy chain does not realise any numerical advantage for homeless people Homeless people wait long periods of time before they receive offers of accommodation	3.23 - 3.25	Improve existing allocations policy	Revise existing allocations policy and implement changes	JC	Review allocations policy Produce draft revised policy Consult on revised policy Finalise and agree revised policy		Apr 2013 Apr 2013 June 2013 Aug 2013
The route taken to secure housing can impact on the quality of people's permanent outcomes	3.26	Improve quality of people's permanent outcomes	Implement Housing Information and Advice Strategy	JC / NS JC / NS	Launch Enquire and Enlight manuals Complete implementation of Housing Information and Advice Strategy Action Plan		Oct 2013 March 2014

Requirement to put plans in place to address increasing eligibility for statutory homeless outcomes	3.26	Address increasing statutory homelessness	Review Temporary Accommodation Strategy	IP	Review Temporary Accommodation Strategy Agree revisions to Temporary Accommodation Strategy		Sep 2013 Dec 2013
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REPORT TO: East Lothian Council

MEETING DATE: 23 April 2013

BY: Executive Director (Services for People)

SUBJECT: Response to the Scottish Government's Consultation on
Proposals for Redesigning the Community Justice System

11

1 PURPOSE

- 1.1 The Scottish Government has stated its intention to redesign the Community Justice System. How we plan, deliver and manage offender services in the community forms the focus of this consultation paper. This response document (Appendix 1) details the view of East Lothian Council.

2 RECOMMENDATIONS

- 2.1 East Lothian Council recommends 'Option B' as the preferred option. This is the Local Authority model where local authorities would assume responsibility for the strategic planning, design and delivery of offender services in the community.

3 BACKGROUND

- 3.1 Following the publication of the Commission on Women's Offenders report in April 2012, as well as Audit Scotland's report on 'Reducing re-offending in Scotland' published in November 2012, a series of recommendations were proposed which suggested that outcome improvements for offenders as well as a reduction in offending could be achieved if changes to the criminal justice system were made.
- 3.2 These reports are set against a background of wider public reform. This includes the integration of adult health and social care, community planning partnerships, as well as intense pressures on budgets across the whole of the public sector.
- 3.3 The consultation document sets out three possible options for reform. These options include:

- Option A: Enhanced Community Justice Authority (CJA) model
- Option B: Local authority model
- Options C: Single service model

4 POLICY IMPLICATIONS

- 4.1 The Scottish Government's consultation period will last until 30 April 2013 with a view to the Government making an announcement on the way forward in late 2013, and subject to Parliamentary approval, implementation from 2016 onwards.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 The Scottish Government acknowledges the importance of this assessment. During this consultation process, the Scottish Government is running a series of workshops on the proposals and views collected will then contribute towards the development of an Equalities Impact Assessment.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - N/A at moment
- 6.2 Personnel - N/A at moment
- 6.3 Other - N/A at moment

7 BACKGROUND PAPERS

- 7.1 Consultation document attached.

AUTHOR'S NAME	Fiona Duncan
DESIGNATION	Service Manager (Criminal Justice)
CONTACT INFO	(01620) 827897 fduncan@eastlothian.gov.uk
DATE	10 April 2013

REDESIGNING THE COMMUNITY JUSTICE SYSTEM A CONSULTATION ON PROPOSALS

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

East Lothian Council

Title Mr Ms Mrs Miss Dr

Please tick as appropriate

Surname

Forename

2. Postal Address

Postcode	Phone	Email

3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

CONSULTATION QUESTIONS

The consultation questions are split into two parts, which are:

- applicable to all options; and
- specific to either Option A, B or C.

Respondents can reply to all of the questions, or a selection, depending on where their interests lie. General views on the consultation paper are also welcomed.

All options

Which option(s) do you think is more likely to meet the key characteristics (set out on pages 15 and 16 of the Consultation) that, if integral to any new community justice system, are more likely to lead to better outcomes?

Key characteristic (pages 15 and 16 of the consultation)	Option (please specify A, B or C or a mix of all three)
Strategic direction and leadership to drive forward performance improvements and deliver public services that protect victims and communities and meet the needs of people who offend	B
A focus on prevention and early intervention	B
Better and more coherent person-centred opportunities for supporting desistance, which focus on developing the capacities and capabilities of offenders to enable them to make a positive contribution to their families and communities	B
Clearer lines of political, strategic and operational accountability for performance and mechanisms to support continuous improvement	B or C
Effective local partnership and collaboration that brings together public, third and private sector partners, including non-justice services, and local communities to deliver shared outcomes that really matter to people	B
Strategic commissioning of services that are based on a robust analysis of needs, evidence of what supports desistance and best value for money	B
A strong and united voice that represents community justice interests with the judiciary, public and media	B or C
Better data management and evaluation to assess organisational and management performance, including the impact of services	B
Involvement of service users, their families and the wider community in the planning, delivery and reviewing of services	B
Provision of an overview of the system as a whole, including consistency and breadth of service provision	B or C
Better integration between local partnership structures, services and organisations working with offenders and their families	B

A more co-ordinated and strategic approach to working with the third sector	B
A strategic approach to workforce development and leadership for criminal justice social work staff that is based on evidence of what supports desistance and builds expertise, capacity and resilience and encourages collaborative working with other professionals towards shared outcomes	B or C
Greater professional identity for community justice staff which builds on their existing values and provides well defined opportunities for career progression	B or C
Ability to follow innovation nationally and internationally, as well as develop and share evidence based good practice	B or C

Which option(s) will result in the significant cultural change required to redesign services so that they are based on offender needs, evidence of what works and best value for money?

Option B, the local authority model would be best placed to do this. The 'what works' model clearly shows that re-offending is reduced the more an individual is re-integrated into society by having access to family, employment, housing, addiction services, etc. Developing and building on existing partnerships can help to promote desistance. Performance measures are in place to assess the impact of services on reducing re-offending. Further, East Lothian Council's Single Outcome Agreement has a commitment to reduce repeat offending and work towards making the community a safer place to live in.

Which option(s) will result in improvements in engagement with, and quicker access to, non-justice services such as health, housing and education?

The local authority model is best placed as offenders will need access to local services and agencies to assist them address their often complex and multiple needs. As resources become scarcer, we need to work together more effectively and efficiently rather than treat people in silos. East Lothian's Single Outcome Agreement clearly reflects local needs and priorities. It is fully committed to building on partnerships already established through the 'One Council' vision.

Do you think a statutory duty on local partners will help promote collective responsibility for reducing reoffending among all the bodies who work with offenders? If not, what would?

It does not necessary require this. Good working relationships are central to promoting collective responsibilities for reducing reoffending. Further, working together also helps tackle institutional discrimination as agencies need to work with criminal justice clients as members of society, rather than simply offenders.

By including a reducing re-offending outcome within the SOA, the need for local partners to work together in order to achieve this, is clearly stated.

Under options A and B should funding for criminal justice social work services remain ring-fenced?

Yes. However, as CPP and SOAs are developed, it may be that funding should move into the remit of the local authority so that more integration is achieved. On a local level, joint commissioning should help improve access to services that are required by those living in our local community.

Are there specific types of training and development that would be beneficial for practitioners, managers and leaders working in community justice? Who is best placed to provide them?

Further education (degree standard) may be appropriate whether it be criminology; drug misuse; etc. particularly as the Msc in Advanced Social Work studies is no longer available. Further, there appears to be minimal use of research particularly through PHDs. This would seem to be a missed opportunity.

Joint training – such as Level of Service/Case Management Inventory; training to use sex offender risk assessment tools; etc, - have worked well. However, ensuring that new personnel to criminal justice receive the required level of training in order for them to carry out their duties, needs to be maintained. This is a challenge that needs to be addressed.

There does not appear to be a preferred option in relation to this.

Is there potential for existing organisations such as Scottish Social Services Council, Institute for Research and Innovation in Social Services and knowledge portal Social Services Knowledge in Scotland to take on a greater role in supporting and developing the skills and expertise of professionals working with offenders?

They contribute at the moment and this needs to be encouraged.

What do you think are the equalities impact of the proposals presented in this paper, and the effect they may have on different sectors of the population?

A significant percentage of criminal justice clients are from marginalised parts of society, with poverty being a significant factor. There are high numbers who have alcohol and/or drug issues, mental health problems, etc who require input from various partners. Links need to be in place between agencies to enable appropriate treatment. Priority groups include young people, women (specifically those subject to domestic abuse) and vulnerable adults. East Lothian's stated vision and aim of 'One Council', is to ensure that we all work together in partnerships to address needs within the local community.

What are your views regarding the impact that the proposals presented in this paper may have on the important contribution to be made by businesses and the third sector?

Business input is currently minimal and is one area that we would like to increase involvement with. Opportunities exist within the Council for schemes such as apprenticeships as well as voluntary work placements.

Within East Lothian Council, young people leaving school are a priority group for accessing employment and/or training. Links with local businesses and enterprises are being built. This area could potentially contribute to preventative work for avoiding offending within this age group and is something that we want to build on.

Within the voluntary sector, we currently utilise projects and placements for unpaid work. However, this is another area that we need to develop so that offenders are introduced to new skills and opportunities which may contribute to a reduction of offending.

Are there other options, or permutations of the options presented in this paper, which should be considered? Please provide details.

No: option B is the preferred option.

Option A: Enhanced Community Justice Authority (CJA) model

What are your overall views on retaining CJAs but changing their membership and functions?

CJAs do not appear to have been effective in solving difficulties or issues that have arisen financially, operationally or politically. Further, CJAs could be viewed as adding bureaucracy to the criminal justice arena. To change and adapt their functions would involve much time and energy which could be used more productively and constructively if focussed on developing services instead.

Will appointing a chair and expanding the membership of the CJA Board to include the Health Board help remove any potential conflict of interest and promote collective responsibility for reducing reoffending?

Unsure how or why the appointment of a chair would remove any conflict of interest or promote collective responsibility

What do you think of the alternative proposal for all Board members to be recruited through the public appointments system based on skills, knowledge and experience?

Rather than improving skills, knowledge and experience, building the links with local authorities and local partners would seem much more significant and appropriate.

Do the proposals under Option A give CJAs sufficient levers and powers to reduce reoffending efficiently and effectively?

CJAs cannot reduce reoffending. It is local authorities and partners working together through agreed and identified local arrangements (particularly the development of Community Planning Partnerships, and the introduction of the Integration of Health and Social Care), that are best placed to tackle and reduce reoffending.

Do you think CJA's should be given operational responsibility for the delivery of criminal justice social work services? Do CJAs currently have the skills, expertise and knowledge to take on these functions?

No. The majority of offenders have complex and inter-connected issues which require input from a variety of different organisations and agencies. Further, high incidencies of child and adult protection issues, substance misuse, mental health, poverty and deprivation, domestic abuse, etc require clear and robust procedures and pathways for individuals to follow. Whilst these have been developed within local authorities and partner agencies, they need to be developed within CPPs to ensure local need is identified and addressed.

Should CJAs geographical boundaries remain the same? If not how should they be redrawn?

No comment due to not supporting this option.

Do you agree that the Scottish Government should retain the current arrangements for training and development? Should they be reviewed for effectiveness?

The use of a training and development officer within the Lothian and Borders area pre-dates CJAs. Through this, a strong commitment to learning has been clearly established. Further, this culture of learning has focussed on professional development. This type of arrangement needs to be continued.

What could be done differently to build expertise, capacity and resilience in the community justice sector and ensure evidence based good practice is shared widely?

Having a varied staff mix can significantly enhance the service available. However, it is vital that all staff receive training appropriate to their job role and task. Utilising skills and knowledge 'in-house' to share good practice also helps to break down potential working barriers.

Option B: Local authority model

What do you think of the proposal to abolish CJAs and give the strategic and operational duties for reducing reoffending to local authorities?

The local authority model would build on current structures. Further, this would enable integration with local partners and agencies to be developed to the full, thus focussing on local needs.

Strong structures and partnerships already exist within local authorities (ie Multi Agency Public Protection Arrangements; Whole Systems Approach; Girfec; Alcohol and Drug partnerships, etc) all of which are helping to reduce re-offending and monitor risk. It would seem logical to build on these.

What do you think will be the impact on consistency of service provision, good practice and the potential to plan and commission services across boundaries (and hence value for money) of moving from eight CJAs to 32 local authorities?

The Scottish Government has established clear standards and guidelines expected within criminal justice. These, linked to data collection, provide evidence of what is being done nationally, and to what standard. This is something that should be built on.

Within Lothian and Borders, there has been a strong commitment to cross-councils working. Whilst East Lothian is a relatively small council in terms of resources, it has a history of utilising services and agencies in neighbouring areas thus ensuring that client need is addressed. Future commissioning of services will require innovative thinking and work practices – flexibility in working practice is key to this.

Do you think there is still a requirement for a regional partnership, provision or co-ordination role (formally or informally) in this model? If so, how would it work?

There would appear to be no need for a formal regional partnership. Each local authority has a local strategic plan that clearly details priority areas. Further, how this is to be achieved is also identified. Working across council boundaries and in partnership with other agencies has, and will continue to be, crucial to the success of this.

What do you think would be the impact of reducing reoffending being subsumed within community planning, or other local authority planning structures?

Community planning partnerships offer the potential for developing services which will lead to reducing re-offending, due to an increased awareness of, and working towards, integration in the community. East Lothian's vision of 'One Council' is a commitment to us all working together in partnerships, sharing resources and services, to help address local need. This will increase flexibility and enable resources and skills to be used to their full potential.

Do you agree that functions such as programme accreditation, development of good practice, performance management and workforce development should be devolved from the Government to an organisation with the appropriate skills and experience?

Whilst networks are firmly in place to share good practice, an organisation with this specific role would ensure that information and examples of good practice are shared nationally and in a co-ordinated way. The internet has enhanced the sharing of knowledge and practice. However, excessive quantities, and sometimes dubious qualities of what is available, require to be dissected.

Performance management/key performance indicators need to have more consistency. Too many different tools are currently used – many of which have different parameters. This is confusing and often unnecessary.

What are your views on the proposal to expand the functions of the Risk Management Authority to take responsibility for improving performance?

The RMAs knowledge and expertise in areas such as identifying, assessing and working with high risk offenders has been a welcome addition to CJ social work. However, accountability for improving performance should remain firmly with local authorities so any issues can be addressed effectively and efficiently.

What are your views on the proposal to set up a national Scottish Government/ Convention of Scottish Local Authorities Leadership Group to provide national leadership and direction?

This would be welcomed as it could provide a clear identity as well as direction and leadership.

Option C: Single service model

What are your views on the proposal to abolish the eight CJAs and establish a new single social work led service for community justice?

It would remove local networks. Due to the complexity of offending behaviour, no one agency can reduce offending itself. Consequently, close links need to be in place between criminal justice, housing, employability, drug and alcohol services, etc. There is nothing to suggest that establishing a single agency would contribute to this. Rather, a national agency would remove itself from the local community it serves.

What do you think of the proposal to incorporate the functions of the Risk Management Authority into a new single service?

If Option C was chosen, this would appear to be a sensible proposal.

What do you think about grouping local delivery around the three Federation model currently employed by the Crown Office and Procurator Fiscal Service and police?

Whilst it would seem to make sense to share administrative boundaries, the large geographical areas would not enhance cultural or local identities. There is no evidence to show that this model would improve outcomes for people.

Does the approach to strategic commissioning and procurement provide a good balance between local and national service priorities and needs?

This proposal appears to be complex and potentially confusing. It appears further removed for local level, thus potentially losing sight of what the local priorities and needs actually are.

Do you think that placing a statutory duty on local partners and a strong Chief Executive negotiating on behalf of the new single service will help facilitate access to mainstream non-justice services?

No. The implementation of a national service would require significant time, resources and cost. Building on the current partnerships and community links would seem to be a more logical approach which ultimately, would seem more effective and achievable.

What do you think of the proposal to establish a dedicated community justice unit as part of the new service?

Under the current structure, training and best practice are already delivered through the training and development officer. Further, staff are encouraged to access websites such as Social Services Knowledge in Scotland; Edinburgh University Criminal Justice Development Centre for Scotland; etc as these actively promote examples of good practice as well as highlight the most up-to-date research topics and findings.

Any additional comments

We strongly support **option B** - the local authority model.

The Christie Commission stressed the need for services to grow within local communities, with emphasis on prevention. In order to achieve this, we need to be in partnership with other agencies creating services that are required and needed within the community. By reducing bureaucracy and encouraging community justice services to be innovative and responsive to need, we would be actively working towards positive outcomes for people.

East Lothian Council is committed, via the Single Outcome Agreement, to reduce re-offending and make the community a safer place to live.

An electronic copy of this document is also available on request to Consultation.RedesignCommunityJustice@scotland.gsi.gov.uk

Motion to East Lothian Council 23 April 2013 *SC*

Bedroom Tax in East Lothian

- 1) Council wishes to express its concern regarding the impact that the range of Welfare Reform measures is having on people in East Lothian.
- 2) Specifically the Council is concerned that, from April 2013, measures to reduce housing benefit for tenants of local authorities and housing associations (Bedroom Tax) have not taken account of the acute shortage of one bedroom homes. This will lead to significant hardship for the tenants affected and increase the risk of homelessness.
- 3) Council is further concerned that these measures may have an adverse impact on Council and Housing Association landlords' rental income and their ability to invest in improving their own stock and in building new, affordable to heat, homes.
- 4) Council agrees:
 - (a) That where council officers are satisfied that tenants who are subject to the under-occupancy charge have done all they reasonably could to avoid falling in to arrears, then all legitimate means to collect rent arrears should be utilised except eviction.
 - (b) To establish a joint working group that will include elected members, officials from Housing and Revenues and Benefits, Registered Social Landlords and tenants representatives. The role of the working group shall be to monitor the implementation and impact of various benefits changes and to contribute to consideration of further measures to support tenants.
 - (c) To support calls by campaign groups to scrap the Bedroom Tax.

12

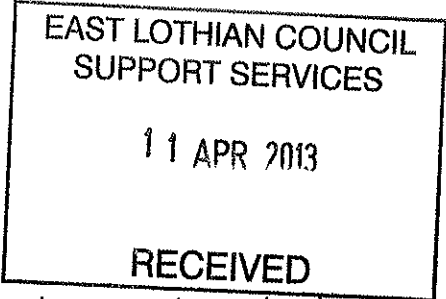
Proposed: *Stuart Currie* 11/4/13
Cllr. Stuart Currie

Seconded: *John Williamson* 11/4/13
Cllr. John Williamson

EAST LOTHIAN COUNCIL
SUPPORT SERVICES
11 APR 2013
RECEIVED

Motion to East Lothian Council – 23 April 2013

Community Use of the Brunton




13

- 1) Council wishes to recognise the valuable role the many local community and voluntary organisations play in the life of Musselburgh. Many of these organisations have in the past made use of the Brunton Hall to run events, both social and fundraising.
- 2) Council recognised that the new charging regime for use of the facilities at the Brunton (the Main Hall and Supper Room), even with the discount applied is such that these organisations are no longer able to afford to use the new Brunton. The increased charges, coupled with the restriction on being able to use the new kitchen facilities for their events mean that community and voluntary organisations are to all intents and purposes being prevented from using the Brunton.
- 3) Council is concerned about the effects of the charges on the bodies affected and acknowledges the problems caused.

Council agrees:

- 1) That a review of charges levied on community and voluntary organisations be undertaken with the intention of reducing these to a cost recovery basis only;
- 2) That the use of the kitchen facilities should be made available for community use and that a refundable deposit system be considered whereby use of the kitchens will be permitted with the deposit retained if kitchens are not left in a clean state;
- 3) That a list of community and voluntary organisations which, prior to the refurbishment, had traditionally used the Brunton for events be compiled along with the dates they require to use the Brunton; and that such dates where they are fixed are guaranteed for those organisations' use. Examples would be for Musselburgh Festival events, community council events and the Musselburgh Horticultural Society.

Proposed:  Date 11/4/13
Cllr. Stuart Currie

Seconded:  Date 11/4/13
Cllr Peter MacKenzie

REPORT TO: East Lothian Council
MEETING DATE: 23 April 2013
BY: Executive Director (Support Services)
SUBJECT: Submissions to the Members' Library Service
19 February – 10 April 2013

14

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 19 February and 10 April 2013 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

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Democratic Services Manager
CONTACT INFO	lgillingwater@eastlothian.gov.uk
DATE	10 April 2013

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD
19 February – 10 April 2013**

Reference	Originator	Document Title	Committee	Access
35/13	SPPA (per HR)	Scottish Teachers' Superannuation Scheme – 03/2013 Automatic Enrolment	Cabinet	Public
36/13	Executive Director (Services for People)	Service Review Report – Information System Administrator Posts	Cabinet	Private
37/13	Executive Director (Services for Communities)	Contaminated Land Strategy 2012	Council	Public
38/13	Executive Director (Services for Communities)	Proposals to Increase Council House Rents – Consultation Exercise	Cabinet	Public
39/13	Executive Director (Support Services)	Service Review Report – Scottish Welfare Fund Resources	Council	Private
40/13	Executive Director (Services for Communities)	Mortgage to Rent Scheme – Purchase of House in Cockenzie	Cabinet	Private
41/13	Executive Director (Services for Communities)	Service Review Report – Deletion of Post of Laboratory Assistant and Creation of Post of Audio Visual Technician	Council	Private
42/13	Executive Director (Support Services)	Supporting Business/ Promoting Growth - Response to Scottish Government Consultation	Cabinet	Public
43/13	Executive Director (Services for Communities)	Service Review Report – Standby Provision within Facilities Management	Council	Private
44/13	Executive Director (Services for Communities)	Draft Musselburgh Town Centre Strategy	Cabinet	Public
45/13	Executive Director (Services for People)	Service Review Report – Pathway to Education, Training and Employment (PETE) Project Closure Arrangements	Cabinet	Private
46/13	Executive Director (Services for Communities)	142 nd Open Golf Championship 2013 Muirfield – Temporary Traffic Regulation Order (TTRO) Update	Cabinet	Public
47/13	Executive Director (Services for Communities)	Building Warrants Issued Under Delegated Powers between 1 st and 28 th February 2013	Planning	Public

48/13	Executive Director (Services for Communities)	Mortgage to Rent Scheme – Purchase of House in Tranent	Cabinet	Private
49/13	Executive Director (Services for Communities)	Mortgage to Rent Scheme – Purchase of House in Ormiston	Cabinet	Private
50/13	Executive Director (Services for Communities)	Local Air Quality Management Annual Report 2011/12	Council	Public
51/13	Scottish Public Pensions Agency (HR)	Scottish Teachers' Superannuation Scheme 04/2013 Change to Contribution Rates effective from 1 April 2013	Cabinet	Public
52/13	Executive Director (Support Services)	Tourism Development Plan	Cabinet	Public
53/13	Executive Director (Support Services)	Sports Award Subsidy – Level 1 Coaching Awards	Council	Public
54/13	Executive Director (Support Services)	Service Review Report – Revenues Service Review	Cabinet	Private
55/13	Chief Executive	National Applicability of Licences – Consultation Response	Council	Public
56/13	Executive Director (Services for Communities)	Environment Report on Guidance for Windfarms of Over 12MW	Cabinet	Public
57/13	Scottish Public Pensions Agency (HR)	Scottish Teachers' Superannuation Scheme 05/2013 Submission of 2013 Summer Retirement Application Forms	Cabinet	Public
58/13	Executive Director (Services for People)	Domiciliary Care Changes in Working Agreement	Council	Public
59/13	Executive Director (Services for Communities)	SCOT/CSSW Asset Management Project Agreement 2013-17	Cabinet	Public
60/13	Executive Director (Services for Communities)	Proposed Extension to Dirleton Primary School, Dirleton	Cabinet	Public
61/13	Head of Policy & Partnerships	Civil Marriage and Civil Partnership Charges 2013/14 Citizenship Ceremony Charges 2013/14 Associated Non-Statutory Income Charges 2013/14	Council	Public
62/13	Executive Director (Services for Communities)	Environmental Report – Proposed Modification to Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian	Cabinet	Public

63/13	Executive Director (Support Services)	Service Review Report – Staffing Report – A Three Month Extension to Temp Post of Fa’side Family Outreach Worker	Cabinet	Private
64/13	Executive Director (Services for People)	Lothian Independent Advocacy Plan 2012-16	Council	Public
65/13	Executive Director (Support Services)	Financial Support to Leuchie House	Council	Private
66/13	Scottish Public Pensions Agency (HR)	Scottish Teachers’ Superannuation Scheme 06/2013 – STSS Technical Working Group	Cabinet	Public
67/13	Scottish Public Pensions Agency (HR)	Scottish Teachers’ Superannuation Scheme 07/2013 and Annex – Annual Return Data and Tax Charges	Cabinet	Public
68/13	Executive Director (Support Services)	Arrangements for the Award of the Freedom of East Lothian to The Royal Regiment of Scotland	Council	Public
69/13	Scottish Public Pensions Agency (HR)	Scottish Teachers’ Superannuation Scheme 08/2013 – The Pensions Increase (Review) Order 2013	Cabinet	Public
70/13	Executive Director (Services for People)	Service Review Report – P.E Development Officer Secondment	Cabinet	Private
71/13	Executive Director (Services for Communities)	Sale of a Property in North Berwick	Cabinet	Private
72/13	Executive Director (Services for Communities)	Proposed Alterations and Extension (Stair Enclosure and Lift) at Macmerry Primary School, Macmerry	Cabinet	Public
73/13	Executive Director (Services for Communities)	Sale of Old Yester School, Gifford	Cabinet	Private
74/13	Executive Director (Services for Communities)	Proposed Open Market Acquisition of Five Properties in Musselburgh	Cabinet	Private
75/13	Executive Director (Services for People)	Service Review Report - Staffing Report – Creation of Modern Apprentice Post at Knox Academy	Cabinet	Private
76/13	Head of Policy & Partnerships	CL&DS - Rationalisation of Photocopying Charges	Cabinet	Public
77/13	Executive Director (Services for People)	Service Review Report - Modernisation of Home Care and Home Help Services	Cabinet	Private
78/13	Executive Director (Services for Communities)	Carbon Management Update Report 2012	Cabinet	Public
79/13	Executive Director (Services for Communities)	Proposed Additional Car Park Sites, North Berwick - Consultancy Report	Cabinet	Public

80/13	Executive Director (Services for Communities)	Proposed Demolition of Deantown Bowling Clubhouse, Whitecraig Avenue, Whitecraig	Cabinet	Public
81/13	Executive Director (Services for People)	Continuation Of Team Teach Training Officer Post	Cabinet	Private
82/13	Executive Director (Services for People)	Feedback and actions form East Lothian Corporate Parenting Event	Cabinet	Public
83/13	Executive Director (Support Services)	Reconfiguration of Staffing – Business Finance Team	Cabinet	Private
84/13	Executive Director (Services for Communities)	Building Warrants Issued under Delegated Powers between 1 March 2013 and	Planning	Public
85/13	Executive Director (Services for Communities)	Sports Award Scheme - Special Awards	PPRC	Public
86/13	Executive Director (Services for People)	Consideration of Petition PE1470	Council	Public
87/13	Executive Director (Services for People)	Principal Officer (MIS) and Information Officer change of remit for business needs.	Cabinet	Private
88/13	Executive Director (Support Services)	Twinning Association Grant Allocation 2013/2014	Cabinet	Public
89/13	Executive Director (Support Services)	Business Gateway Adviser – Additional Hours	Cabinet	Private

10 April 2013