



**MINUTES OF THE MEETING OF
THE CABINET**

**TUESDAY 12 MARCH 2013
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor S Akhtar
Councillor T Day
Councillor D Grant
Councillor N Hampshire
Councillor W Innes (Convener)
Councillor J McMillan

Other Councillors Present:

Councillor D Berry
Provost L Broun-Lindsay
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor J Goodfellow
Councillor P MacKenzie
Councillor F McAllister
Councillor K McLeod
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Mr A McCrorie, Executive Director (Support Services)
Ms M Patterson, Executive Director (Services for Communities)
Dr R Jennings, Head of Housing & Environment
Mr J Lamond, Head of Council Resources
Mr T Shearer, Head of Policy & Partnerships
Mr S Baxter, Senior Transportation Officer
Ms S Cormack, HR Manager, Operational Services
Ms R Gertz, Data Protection/FoI Compliance Officer
Mr I Glen, Policy & Projects Manager, Planning
Mrs K MacNeill, Corporate Legal Adviser
Ms E Morrison, Customer Services Manager
Mr P Ritchie, HR Business Partner
Mr D Russell, Corporate Communications Manager
Ms E Wilson, Housing Strategy and Development Service Manager
Mr P Zochowski, Principal Planner (Policy & Projects)

Clerk:

Mrs L Gillingwater

Apologies:

Councillor M Veitch

Visitors:

Ms Gayle Boag, BT

Prior to the commencement of business, the Provost made an announcement in respect of East Lothian's Strive Group Volunteering Project, which had recently won the category 'Care and Support of People with Dementia' at the Mental Welfare Commission Principles in Practice conference. He informed the meeting that this project involved young volunteers taking part in activities with older people in local care homes, sheltered housing and day centres, and that the scheme motivated and encouraged young people to be part of their community. He described the initiative as a great example of good intergenerational working and building community capacity. Members joined the Provost in congratulating those involved in the project.

Order of Business

Councillor Hampshire requested that Item 12 as noted on the agenda – Council House Allocation Targets for 2013/14 – be continued for further discussion. The Cabinet agreed to continue this item to a future Cabinet meeting.

1. SUMMARY OF CONTRACTS AWARDED BY EAST LOTHIAN COUNCIL, 1 JANUARY – 27 FEBRUARY 2013

A report was submitted by the Executive Director (Support Services) advising Members of all contracts awarded by the Council from 1 January – 27 February 2013, with a value of over £150,000.

Decision

The Cabinet agreed to note the award of contracts with a value of over £150,000 from 1 January – 27 February 2013, as listed in Appendix 1 to the report.

2. MANAGING THE WORKFORCE – VOLUNTARY EARLY RELEASE SCHEME

A report was submitted by the Executive Director (Support Services) providing Cabinet with information in support of the introduction of a Voluntary Early Release Scheme (VERS) that would enable some employees to be released from Council employment by means of voluntary redundancy.

The Head of Council Resources, Jim Lamond, presented the report, advising of the process involved in assessing applications to the scheme. He reminded Members that the Council was planning to save at least £6 million from its staffing budget over the next two years, with the VER Scheme accounting for £3 million of this figure and the remaining £3 million being achieved through the Efficient Workforce Management Programme and other elements of the Transformation Programme. He estimated that in excess of 100 employees would be released through VERS.

Councillor Currie asked if there was any indication as to when the savings would start to be realised. Mr Lamond anticipated that the scheme would be launched no later than 18 March, with the outcome of applications being determined in mid-June. He expected that approximately 60-70 staff would then be released between then and the end of 2013.

In response to questions from Councillor Berry, Mr Lamond explained that an equalities impact assessment had already been carried out and that there were no negative impacts. He also provided information on the financial test used to assess the financial strain on the pension fund and advised that the Council would be liable for meeting the additional costs.

Councillor Currie welcomed the report and the introduction of the scheme, but highlighted the challenges in relation to administering the scheme and managing the morale of staff whose applications may not be approved.

Decision

The Cabinet agreed to approve the proposed Voluntary Early Release Scheme (attached as Appendix 1 to the report).

3. FINANCIAL REVIEW 2012/13, QUARTER 3

A report was submitted by the Executive Director (Support Services) recording the financial position at the end of the 3rd Quarter of the financial year 2012/13.

The Head of Council Resources, Jim Lamond, presented the report, informing Members that as of the end of December, the Council had spent £0.75 million less than planned. He also reported an improvement in the forecast year-end position on the General Services budget, and anticipated that the Council may be in a position to draw down less than the planned £4.073 from reserves. He summarised the position as regards capital spending and the Housing Revenue Account.

Mr Lamond answered a number of questions from Councillor Berry in relation to spending in schools and the capital investment programme.

Making reference to the financial risk assessment within the revenue budget, Councillor Currie commented that the Council was in a healthy financial position. On the capital investment programme, he remarked that it was not unusual to have contract slippage and an under spend during the course of a project.

Councillor Innes disagreed with Councillor Currie's view, but added that the control measures put in place in 2012 were beginning to have a positive impact on the Council's finances.

Decision

The Cabinet agreed:

- i. to note the financial performance of services at the end of December 2012 and, in particular, the implications this may have for the year-end reserves position and the recently updated Financial Strategy; and
- ii. to approve the 2012/13 budget adjustments as outlined at Section 3.19 of the report.

4. REGULATION OF INVESTIGATORY POWERS (RIPSA) POLICY

A report was submitted by the Executive Director (Support Services) seeking approval of the Regulation of Investigatory Powers (RIPSA) Policy.

The Corporate Legal Adviser, Kirstie MacNeill, presented the report, advising that Trades Unions and the workforce had been consulted on the Policy and that training had been provided to the relevant officers. She noted that the Council would undergo an inspection in June 2013.

Decision

The Cabinet agreed to approve the attached Regulation of Investigatory Powers (RIPSA) Policy and adopt it as Council policy.

5. INVESTING IN OUR COMMUNITIES – SUPPORT TO COMMUNITY COUNCILS

A report was submitted by the Executive Director (Support Services) advising of the proposed levels of funding made available to Community Councils in East Lothian for the financial year 2013/14.

The Head of Council Resources, Jim Lamond, presented the report, advising of the proposed funding for Community Councils, as set out in Appendices 1 and 3 of the report. He also drew attention to the activities undertaken in 2012/13 which had been funded by the Local Priorities Scheme (LPS). He noted that Community Councils were able to use LPS funding to attract additional external funding.

A number of Members welcomed the report and the continued funding, particularly during the challenging economic climate. Attention was drawn to the breadth of projects undertaken by Community Councils during 2012/13 and the achievements of Community Councils in attracting external funding. The positive working relationship between the Council and the Community Councils was highlighted. Tributes were paid to the volunteers involved, and also Lilian Pryde, Democratic Services Officer, for her work in supporting Community Councils. There was cross-party support for the continuation of the Local Priorities Scheme.

Decision

The Cabinet agreed to approve the allocation of Community Council Administration Grants and Local Priorities Scheme Budgets for 2013/14, as detailed in Appendices 1 and 3 of the report.

6. 2013/14 PARTNERSHIP FUNDING FROM FAIRER EAST Lothian FUND, SAFER EAST Lothian FUND AND MISCELLANEOUS GRANTS

A report was submitted by the Executive Director (Support Services) making recommendations on awards to external organisations from partnership funds held within the Corporate Policy and Improvement budget.

The Head of Policy & Partnerships, Tom Shearer, summarised the salient points of the report, drawing particular attention to proposed funding for the Citizens Advice Bureaux, the Safer East Lothian Fund and the Fairer East Lothian Fund. He also advised that a number of officers from across the Council, who were involved in managing grant funding, were currently exploring ways of co-ordinating grant awards more effectively.

Councillor Currie welcomed the report and emphasised the importance of providing such funding to the voluntary sector. In particular, he welcomed the continuation of funding to the Safer East Lothian Fund and the Fairer East Lothian Fund. In relation to the Citizens Advice Bureaux, he highlighted the importance of the services provided, and indicated that he would not be prepared to support any change to the current arrangements on the grounds that both

the Musselburgh and Haddington offices required to be retained. His comments were shared by Councillor Berry, who commented that in the current financial climate it was important to keep both offices operating.

Councillor McMillan drew attention to the Tackling Poverty Plan, advising that a multi-agency employment hub would be established within East Lothian.

Concluding the debate, Councillor Innes highlighted the need to target areas where the greatest benefits would be achieved. He believed that in the past the Council had not always been successful in making improvements to those areas most in need and suggested that further consideration should be given as to how funds could be used more effectively in the future.

Decision

The Cabinet agreed:

- i. to approve the proposed allocation of funding from the Miscellaneous Grants budget (as outlined in Sections 3.6, 3.8, 3.10 and 3.13 of the report);
- ii. to approve the proposed allocation of funding from the Safer East Lothian Fund (as outlined in Section 3.17 of the report);
- iii. to approve the process for distributing the Fairer East Lothian Fund (as outlined in Sections 3.26, 3.27 and 3.32 of the report); and
- iv. to delegate authority to the Council Leader and Depute Leader, in consultation with the Head of Policy & Partnerships (in accordance with Standing Order 44) to make final decisions regarding the distribution of Fairer East Lothian Fund within the allocation detailed in Sections 3.26, 3.27 and 3.31 of the report.

7. REVIEW OF LEISURE PASS PLUS SCHEME

A report was submitted by the Executive Director (Support Services) advising of the review of the Leisure Pass Plus Scheme and seeking approval of a new Access to Leisure Scheme to replace Leisure Pass Plus.

The Head of Policy & Partnerships, Tom Shearer, presented the report, advising that up until 2012 there had been no review of the Leisure Pass Plus Scheme since its inception in 2002. He provided details of the issues considered as part of the review. Mr Shearer proposed increasing the off peak charge from 50p to £1 and retaining the scale of charges for peak time use of the facilities. He also proposed that the name of the Scheme should be changed to Access to Leisure. It was noted that eligibility to the Scheme would be widened to include looked after children and kinship carers, with immediate effect.

Councillor Day welcomed the review and thanked the staff involved for their work. He commented that in spite of the increase in charges, the Council's Scheme would remain one of the most generous in comparison to similar schemes in other local authority areas. He also advised that widening access to looked after children and kinship carers would support the Council's role as a Corporate Parent.

Councillor Currie suggested that the charges for the Scheme should be reviewed every three years and that use of the Scheme should be reviewed annually.

Decision

The Cabinet agreed to approve a new Access to Leisure Scheme to replace the current Leisure Pass Plus Scheme.

8. CONSULTATION ON MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

A report was submitted by the Executive Director (Support Services) seeking approval of the Council's response to the Consultation issued by the Scottish Government on the proposed Marriage and Civil Partnership (Scotland) Bill.

The Customer Services Manager, Eileen Morrison, presented the report, advising that the new Bill would address anomalies identified in the existing legislation. She highlighted the salient aspects of the Bill and the Council's responses to the consultation, and advised that the new legislation would not have a significant impact on the Council's Registration Service.

In response to a question from Councillor McAllister, Ms Morrison reported that in 2011 there had been 9 civil partnership registrations in East Lothian, which accounted for 3.6% of civil marriage registrations overall.

Decision

The Cabinet agreed to approve the proposed Council response to the Marriage and Civil Partnership (Scotland) Bill consultation and submit the response to the Scottish Government by 20 March 2013.

9. DRAFT MUSSELBURGH TOWN CENTRE STRATEGY

A report was submitted by the Executive Director (Services for Communities) seeking approval of the draft Musselburgh Town Centre Strategy for the purposes of public consultation.

The Principal Planner, Paul Zochowski, presented the report, advising that over 1200 people had been involved in a community engagement exercise as regards the future of Musselburgh town centre. He explained that the draft Strategy had been designed to maintain the vibrancy of and enhance the town centre. It was noted that following the consultation a further report would be presented to Cabinet.

Councillor Williamson asked for further details as to how the consultation would be carried out. Mr Zochowski explained that copies of the Strategy would be issued to community groups, including the Community Council and the Tenants & Residents Panel, as well as being available on the Council's website. He undertook to provide a leaflet publicising the Strategy, which would summarise its main points and include a questionnaire. He also agreed to look at other ways of publicising the consultation, including through local radio stations and to consider extending the consultation period to 6 weeks.

Councillor Berry declared that he disagreed with the evaluation of Musselburgh town centre, suggesting that it had lost a number of high quality shops, there was too much traffic congestion, and that the proposed civic square would not help to revitalise the High Street. He recommended that the area around the river should be given greater consideration as part of the Strategy.

Responding to a question by Councillor Hampshire in relation to partnership working, Mr Zochowski advised that discussions had taken place on this issue with the Council's Economic Development Manager, but that no funding sources had been identified. He noted

that the Heritage Lottery Fund may be able to provide some assistance towards the educational aspects of the proposal but that it was unlikely this would offset the capital costs of construction.

Councillor Caldwell spoke in support of the comments made by Councillor Berry. He believed that shoppers were not using the High Street due to the location of the Tesco store, parking issues and a poor variety of shops. He also disagreed with the proposal of a civic square, and argued that the report outlined ambitions for a historic town rather than a vibrant town.

Councillor Currie disagreed with the comments made by Councillor Caldwell, remarking that Musselburgh could be both historic and vibrant. He reminded Members that 1200 people had been involved in the community engagement exercise and urged the Council to proceed with the consultation as soon as possible.

Councillor McMillan suggested that the consultation should follow the same model used for Haddington Community Development Trust. He highlighted the need for a shared vision among the Local Members.

Councillor Williamson thanked Kaela Scott for her work on the community engagement exercise. He pointed out that national chain stores were no longer likely to open on high streets and that smaller, specialist shops should be targeted. He supported the idea of a town square and noted that it had been suggested by a number of people in the community engagement exercise.

Responding to a suggestion from the Provost to extend the consultation period and for the Local Members to hold a public debate, Councillor Innes stated that he did not see the merit in such a debate. He also pointed out that there had been no cuts to the budget to regenerate town centres.

Councillor McAllister agreed with the proposed strategy and claimed that the current economic climate, increasing levels of poverty, and the arrival of Tesco in Musselburgh had had a significant impact on the High Street, and that this situation had worsened with the new larger 24-hour Tesco store.

Decision

The Cabinet agreed:

- i. to approve the draft Musselburgh Town Centre Strategy for a period of public consultation and to receive and consider a report back on the consultation process thereafter;
- ii. that a leaflet publicising the Strategy, which would summarise its main points and include a questionnaire, should be produced as part of the consultation.

10. PRIVATE SECTOR HOUSING BUDGET – MANDATORY AND DISCRETIONARY FINANCIAL ASSISTANCE 2013/14

A report was submitted by the Executive Director (Services for Communities) informing Cabinet of the Council's detailed policy and budget in relation to the financial assistance provided as part of the Council's Scheme of Assistance.

The Housing Strategy and Service Development Manager, Esther Wilson, presented the report, proposing that all grants other than those for disabled adaptations be abolished in 2013/14. She drew Members' attention to the key aspects of the policy.

Decision

The Cabinet agreed to approve the Financial Assistance Policy for 2013/14, as set out in Section 3 of the report.

11. HOUSING SERVICE EXTERNAL GRANT AWARDS 2013/14

A report was submitted by the Executive Director (Services for Communities) seeking approval of the External Grant Awards, as detailed in Appendix 1 to the report.

The Housing Strategy and Service Development Manager, Esther Wilson, presented the report, informing Members that work was underway within the Council to develop a corporate approach to grant funding. She advised that £550,000 of grant funding would be allocated by the Housing Service in 2013/14, and pointed out that a competitive procurement process would be utilised where appropriate. She drew Members' attention to Appendix 1 to the report, which set out the various awards made.

Responding to questions by Councillor Currie, Ms Wilson advised that, in general terms, award funding had been reduced by 5% in the last 2-3 years. This had been achieved by the Council working with those organisations to develop more efficient ways of delivering services. She advised that if those organisations could not deliver services, advice would be sought from Procurement with a view to procuring the services at the amount equivalent to the grant award. She indicated that there would be no reduction in funding through competitive procurement. Ms Wilson also provided an explanation as to the joint funding arrangement with Midlothian Council for the Shelter Gypsy/Traveller Outreach Service.

In response to a question from Councillor Berry concerning the grant award to Shelter East Lothian, Ms Wilson reported that there was a legal requirement for the Council to provide independent advice for homelessness applicants, and added that the level of funding for this service would be reviewed at the end of the current contract.

Ms Wilson also provided information on quality standards of services being provided.

Decision

The Cabinet agreed:

- i. to approve the External Grant Awards totalling £551,549 as detailed in Appendix 1 to the report; and
- ii. to approve the continued approach to fund services currently in receipt of grants, in line with the Council's Corporate Review.

12. CONSULTATION ON PLANNING GUIDANCE FOR WIND FARMS OVER 12 MEGAWATTS

A report was submitted by the Executive Director (Services for Communities) advising Cabinet of the preparation of draft planning guidance intended to provide a spatial framework against which proposals for wind farms of 12 MW output and more would be assessed and seeking Cabinet approval to take the draft Guidance on Wind Turbines over 12 MW appended to the report to public consultation.

The Policy & Projects Manager, Ian Glen, presented the report, drawing attention to the key areas of planning policy in relation to windfarms, and to the duties of planning authorities in

the identification of suitable locations for windfarms. He informed Members that the one Area of Search identified in the draft Guidance at Monynut, which had been the subject of an application for a windfarm at Wester Dod, had now been given consent by Ministers, with 19 of the 22 3.6 MW wind turbines being approved. Consequently, he advised that on the basis of the draft Guidance it was unlikely that there would be any further capacity for a windfarm of over 12 MW output within East Lothian. Mr Glen undertook to report back to Cabinet with the responses to the consultation.

Councillor Innes welcomed the report and the consultation exercise. His views were shared by Councillor Hampshire, who expressed disappointment that Council policies in relation to renewable energy had been disregarded by the Scottish Government in the past.

Councillor Berry reported that he had written to the Minister responsible for planning requesting a review of the Scottish Government's approach to windfarm applications.

Decision

The Cabinet agreed to approve the *Guidance on Windfarms over 12MW* for public consultation.

13. LINKS ROAD AND ELCHO ROAD, LONGNIDDRY – PROHIBITION OF WAITING, LOADING AND UNLOADING – TRAFFIC REGULATION ORDER

A report was submitted by the Executive Director (Services for Communities) seeking Cabinet approval to commence the statutory procedure necessary to introduce a Traffic Regulation Order that would prohibit waiting, loading and unloading on sections of Links Road and Elcho Road, Longniddry.

The Senior Transportation Officer, Stuart Baxter, pointed out that this proposal was aimed at preventing indiscriminate parking in this area of Longniddry.

Decision

The Cabinet agreed to approve the initiation of the statutory procedure necessary to introduce a Traffic Regulation Order in accordance with The Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999 as per the location plan and schedule attached to the report.

14. AMENDED SPEED LIMITS – B6471 WEST ROAD AND A199 HALDANE AVENUE, HADDINGTON

A report was submitted by the Executive Director (Services for Communities) seeking Cabinet approval to commence the statutory procedure necessary to introduce a Traffic Regulation Order to amend speed limits at the locations listed in Appendix A of the report;

The Senior Transportation Officer explained that the proposals would facilitate access to the new Sainsburys supermarket as well as enhancing road safety.

Decision

The Cabinet agreed to approve the initiation of the statutory procedure necessary to introduce a Traffic Regulation Order in accordance with The Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999, as per Appendix A of the report and location plans.

15. PUBLIC MINUTE OF THE MEETING OF THE LICENSING SUB-COMMITTEE HELD ON 14 FEBRUARY 2013

The public minute of the meeting of the Licensing Sub-Committee held on 14 February 2013 was approved.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

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

Planning Matters

A private report on a Section 19 Agreement to Define a Common Boundary on the Foreshore at Thorntonloch, Dunbar, was approved.

Sub-Committee Minutes

The private minute of the meeting of the Employee Appeals Sub-Committee held on 10 January 2013 was approved.

The private minute of the meeting of the Licensing Sub-Committee held on 14 February 2013 was approved.

The private minute of the meeting of the Tenancy Sub-Committee held on 21 February 2013 was approved.