



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

**THURSDAY 20 JUNE 2013  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

**2**

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**Committee Members Present:**

Councillor J McMillan (Chair)  
Councillor W Innes  
Councillor D Berry  
Councillor J Gillies

**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 K Dingwall, Principal Planner  
Ms S Greaves, Planner  
Ms C Molloy, Senior Solicitor  
Mr W Middlemass, Applicant (Item 1)  
Mr C Miles, Agent (Item 1)  
Mr T Thomas, Agent (Item 2)  
Mr M Andrews, Representing applicant, Wemyss and March Estate (Item 2)  
Ms J Melville, Applicant (Item 3)  
Ms S Melville, Applicant (Item 3)  
Mr B Porteous, Applicant (Item 4)  
Mr C Porteous, Applicant (Item 4)  
Mr G Turnbull (Item 4)

**Committee Clerk:**

Mrs F Stewart

**Declarations of Interest**

None

The Chair welcomed all present to today's East Lothian Local Review Body (ELLRB) meeting and introduced Members, the Legal Adviser and the Planning Adviser. The Chair also advised that, for procedural reasons, Item 3 on the agenda would be heard after Item 4.

The Legal Adviser outlined the procedure for today's meeting, advising that Item 1 would be a preliminary procedure for Members to consider before reviewing the Appointed Officer Decisions on the three planning applications in Items 2, 3 and 4. After hearing a statement from the Planning Adviser summarising the planning issues on each of these applications, Members would have to decide if they had sufficient information to reach a decision on each application today. If they did not, the matter would be adjourned for further written representations or for a hearing session. Should Members decide they had sufficient information before them, the matter would be discussed and a decision reached on whether to uphold or overturn the decision of the Appointed Officer in respect of each application. If any applications were granted, Members had the right to attach Conditions to the consent. Site visits had been carried out prior to the meeting on all three applications to be determined. Councillor Berry was unable to attend the site visit for Item 3 and would therefore not take part in consideration of this Item.

## **PRELIMINARY PROCEDURE**

### **1. REVIEW AGAINST DECISION (REFUSAL) PLANNING APPLICATION No: 11/00234/P – Erection of wind turbine on land at Markle Mains Farm.**

The Legal Adviser stated that the documents that accompanied the Notice of Review in respect of the above application contained new information on a number of issues, which information was not before the Appointed Officer when this application was originally determined. The three items of new material were 2 Zone of Theoretical Visibility Diagrams, the Noise Assessment and photomontages. She advised Members that the guidance under which Local Review Bodies are to be held states that *'New material will only be permitted where the party can demonstrate that it could not have been introduced earlier in the process, or that it arises as a consequence of exceptional circumstances.'* As the applicant had not demonstrated either of these tests had been satisfied in this case, her advice, therefore, as Legal Adviser to the LRB, was that this new material should not be admitted. The applicant's agent had argued that this information did not fall foul of this rule as it was new material but did not relate to a new matter. In an effort to move matters forward, the parties had agreed to submit this issue to the LRB for a preliminary decision only on the issue of whether the LRB wished to consider the material in question. The Papers before Members included correspondence between the parties and copies of the relevant legislation and guidance. It was open to Members to decide today if they wished to admit the new information.

Councillor Innes stated that he was most comfortable accepting the advice of the Legal Adviser.

Councillor Berry requested further clarification on the reason why the new information had not been accepted and the Legal Adviser responded, saying that the aforesaid documents did not meet the tests set out in the legislation and guidance. She stated that, in an email from the LRB clerk to the agent on 20 December 2012, each of the documents constituting new information was assessed in turn and she summarised

the agent's response for Members. However, she made it clear that she was not stating that Members could not accept the new material. It was open to the LRB to accept the new material if it considered that it would assist in the determination of this matter.

Councillor Berry commented that the Local Review Body proceedings were still relatively new and therefore he was minded not to make a decision strictly on legal terms. He was in favour of accepting the documents and argued for leniency and flexibility in the interpretation of the legislation.

Councillor Goodfellow was also in favour of accepting the new material on the basis that Local Review Body legislation is relatively new.

The Chair, Councillor McMillan, considered that the Council had a duty, under good practice, to conduct all reviews fairly and effectively and felt there was no prejudice in erring on the side of caution here. He was therefore in favour of the new material being admitted as part of the Review Documents.

## **Decision**

The ELLRB agreed by a majority of votes that the new material submitted with the Notice of Review dated 6 December 2012 in respect of the above application should be accepted and placed before the LRB on a future date to assist Members in determining this appeal. The Legal Adviser stated that proceedings would now commence and a subsequent meeting and site visit would be arranged.

## **REVIEWS**

### **2. REVIEW AGAINST DECISION (REFUSAL) PLANNING APPLICATION 12/00810/P – Change of use of hotel/guest house and land (class 7) to form 1 house with ancillary residential accommodation and domestic garden ground at Greencraig, Aberlady.**

The Clerk introduced the application and the Chair invited the Planning Adviser to present a summary of the issues relating to this application.

The Planning Adviser stated that the site was in a countryside location one mile west of Aberlady and that the application was seeking approval for a change of use; no physical alterations or works in the grounds were proposed. The site was within an area designated as countryside under Local Plan policy DC1. This policy, together with Structure Plan policy ENV3, seeks to restrict development in the countryside to protect its character, while allowing some limited forms of appropriate development. The Local Plan contains a policy specifically on the loss of hotel accommodation, policy TOUR4, which seeks to avoid the loss of hotel accommodation, unless it has been demonstrated that reasonable efforts have been made to retain the property in use as a hotel.

The Planning Adviser summarised relevant transport and parking policies and advised that the site was within a designated Area of Great Landscape Value and was a listed wildlife site, and close to a Special Protection Area and Site of Special Scientific Interest. In terms of planning history, two previous applications for a change of use of the property to a house had been refused in 2003 and 2005. Today's application had been refused by the appointed officer on the basis that it had not been demonstrated that reasonable efforts had been made to retain the property

in use as a hotel and therefore proposals were considered to be contrary to Local Plan policy TOUR4.

The Planning Adviser advised that the applicant's request for a review argued that reasonable efforts had been made to retain the building in use as a hotel, and that this was no longer practical. Information in support of this position was included in the applicant's submission before Members. The applicant also claimed that the building was originally built as a house and its design was most suited to that use. In respect of Consultation responses, the Council's Economic Development Manager had objected to the application on the basis of the importance of tourism and golf to the local economy, which the existing use of the property supports, and the lack of marketing of the site. The Council's Transportation service raised no objections and no other consultations were carried out. No public representations had been received.

The Chair advised that it was now for Members to decide if they had sufficient information to determine the application. After discussion, Members agreed unanimously that they had sufficient information to proceed with the application today.

Councillor Berry stated that it was a matter of regret that this application was before the LRB today as he considered that Green Craig had been an asset to East Lothian. In his view, it was important to retain accommodation of this high standard to attract visitors to East Lothian, especially as a number of hotels in the county had closed in recent years. He requested further information concerning the financial performance of Green Craig presented in the applicant's Review Statement and the Planning Adviser confirmed that, although figures showed the business had operated at a loss, the Appointed Officer had considered that that in itself was not sufficient reason to approve the application. Councillor Berry considered that the site was too important a location to lose for a hotel, especially one as unique as Green Craig, and could not accept that all options had been exhausted. He was therefore minded to support the Appointed Officer's decision to refuse the application.

Councillor Innes took the opposing view to Councillor Berry, stating that he was sympathetic towards the application. He considered that the applicant had amply demonstrated his commitment to the hotel operation by running the business at a loss since 2002. The applicant had not indicated that they intended to sell the property and so it would still be available for accommodation. A number of other hotels in the county had closed and become derelict; that would not be the case with Green Craig. He also accepted that the owners had tried to achieve their operational goals. He was therefore minded to overturn the decision of the Appointed Officer.

Councillor Goodfellow was also sympathetic towards the application, stating it was clear that the business was no longer profitable in the present economic climate.

The Chair referred to East Lothian Council's Economic Development report which stated that *'Council policy was to retain visitor accommodation and only to permit change where it is no longer feasible.'* He considered that, in this case, the word 'viable' may be more appropriate than 'feasible'. He also pointed out that the applicant's Review Statement stated that the applicant had no wish to sell the property and that a change of use would allow the property to be let on a medium to long term basis. He was therefore minded to overturn the decision of the Appointed Officer.

## **Decision**

The ELLRB agreed, by a majority of 3 to 1, to reject the original decision and grant planning permission for the change of use of hotel/guest house and land (class 7) to form 1 house with ancillary residential accommodation and domestic garden ground at Green Craig, Aberlady.

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

#### **4. REVIEW AGAINST DECISION (REFUSAL) PLANNING APPLICATION 12/00955/P – Replacement windows (Retrospective) at 4 Colvin Street, Dunbar**

The Clerk introduced the application and the Chair invited the Planning Adviser to present a summary of the issues relating to this application.

The Planning Adviser stated that the application site was a two storey terraced house and that the application was seeking retrospective permission for the installation of ten new tilt and turn PVC windows, replacing the timber sash and case windows previously installed. He also advised Members that roof windows that had been observed on the site visit had been approved in an earlier application along with a rear extension.

The Planning Adviser stated that the site was within a predominantly residential area, designated under Local Plan policy ENV1, and within the Dunbar Conservation Area although the building was not listed. He advised that the Development Plan seeks to preserve or enhance the character of Conservation Areas, and generally to promote a high quality of design in all development. The key policies in relation to these matters were Structure Plan policy ENV1D and Local Plan policy ENV4. In addition, Local Plan policy DP8 which relates specifically to replacement windows, states that *'replacement windows in a Conservation Area must preserve or enhance the area's special architectural or historic character'*. The full text of all policies was provided with the submission papers. Also relevant to the application were national policy documents, including Scottish Planning Policy and Scottish Historic Environment Policy.

The Planning Adviser stated that the application had been refused by the Appointed Officer on the basis that 9 of the 10 PVC windows did not preserve the positive contribution that the previous 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 request for a review had stated that the new windows were more energy efficient, more in keeping than any other property in the area and that other properties in the area had PVC windows or doors not in keeping. There had been no consultations carried out by the Appointed Officer and only one representation had been received from a neighbouring resident. In response to the Notice of Review, one further representation had been received from the neighbouring resident.

The Chair advised that it was now for Members to decide if they had sufficient information to determine the application. After discussion, Members agreed unanimously to proceed with the application today.

Councillor Innes had noted from the site visit and from the applicant's submission that a number of properties in the locality had PVC windows. He enquired if any

other permissions for PVC windows had been granted for properties in the area and the Planning Adviser replied that he was not aware of any; PVC windows installed in these properties were presumably not authorised. Councillor Innes observed that, clearly, a number of properties did not comply with planning regulations, but this did not justify other home owners disregarding planning regulations. In his view, the building was in an attractive part of Dunbar where the front elevation of the building was important. He was therefore unable to agree to the installation of PVC windows to the front of the house.

Councillor Goodfellow had sympathy with the applicant but planning policies clearly state that PVC is not acceptable in this property. He therefore would vote to uphold the Appointed Officer's decision.

Councillor Berry also had sympathy with the applicant as, in his view, PVC windows were a more practical solution for properties close to the sea and, visually, he considered that there was little difference. He would therefore be in favour of overturning the Appointed Officer's decision and supporting the application.

Councillor Innes strongly disagreed with Councillor Berry. He stated that people living in Conservation Areas enjoyed a different status but that there were responsibilities which came with that. He would therefore be supporting the Appointed Officer's decision.

The Chair stated that, while he had sympathy for the applicant, he was concerned that they should observe the Council's position on replacement windows clearly outlined in policy DP8.

The Planning Adviser advised Members that it was open to them to grant permission for the installation of PVC windows to the rear and side of the building but not the front.

### **Decision**

The ELLRB agreed by a majority decision to overturn the refusal of the application subject to permission not being granted for the windows to the front of the building. The Clerk advised that a formal Decision Notice would be issued within 21 days.

*Sederunt: Councillor Berry left the meeting*

### **3. REVIEW AGAINST DECISION (REFUSAL) PLANNING APPLICATION 08/00578/FUL – Change of use of agricultural land for the siting of a mobile home including formation of domestic garden and hardstanding area (retrospective) at Thornfield, Thornton Loch.**

The Clerk introduced the application and the Chair invited the Planning Adviser to present a summary of the issues relating to this application.

The Planning Adviser stated that the application was seeking retrospective approval for a change of use of agricultural land in a countryside location at Thorntonloch, 2.5 miles east of Innerwick. He advised that the site was within an area designated as countryside under Local Plan policy DC1 which, together with Structure Plan policy ENV3, seeks to restrict development in the countryside to protect its character, while allowing some limited forms of appropriate development. Development directly related to agriculture and horticulture was acceptable in principle while other

business use was acceptable in principle where it was of an appropriate scale and character. In all cases, a number of criteria had to be satisfied in terms of visual and landscape impact. Structure Plan ENV1G and Local Plan policy DP2, which seek to ensure a high quality of design in new development, were also relevant to this application.

The Planning Adviser advised that the application had been refused by the Appointed Officer on the basis that there was no demonstrable need for the development, which constituted sporadic development in the countryside, contrary to relevant development plan policies. The applicant's request for a review had argued that refusal of the application would make her homeless and end her attempts to establish a sheep rearing unit. The mobile home was argued to be essential during lambing periods and its visual impact was argued to be minimal.

In respect of the Consultation responses, the Council's rural development consultant had advised that there was no viable business conducted from the site but rather a hobby interest and therefore did not support the application. The Council's Policy and Projects Manager had also recommended refusal while SEPA did not object on the basis of the application being for temporary accommodation. A further four consultees raised no objection. One representation had been received from a member of the public which raised issues of pollution into the Thornton Burn and deliberate flouting of planning laws.

The Chair advised that it was now for Members to decide if they had sufficient information to determine the application. After discussion, Members agreed unanimously to proceed with the application today.

Councillor Goodfellow, having visited the location and taken into account the arguments in the submissions, could not approve the siting of a caravan as requested by the applicant. He would therefore be upholding the decision of the Appointed Officer.

Councillor Innes stated that the test was to establish if there was a viable business proposal demonstrated in this application. Given the evaluation by an independent consultant, and on the evidence of what could be seen on the site visit, he was not convinced that there was. Planning policy did allow for a business opportunity to be developed, but to succeed on that basis, it was his view that a much stronger business case would have to be put forward. He would therefore not be supporting the application.

Councillor McMillan had found the site visit very interesting. However, having given the matter serious consideration, he would be supporting the decision of the Appointed Officer due to the weakness of the business case, and the siting and temporary nature of the mobile home.

### **Decision**

Members of the ELLRB unanimously agreed to uphold the decision to refuse planning permission for the reasons set out in the Decision Notice dated 7 March 2013:

*'There is no demonstrable need for the siting of a mobile home including the formation of a domestic garden and hardstanding area on the site. The development results in sporadic development in the countryside, which is not integrated into and appears visually intrusive, incongruous and exposed within its landscape setting and is harmful to the character and appearance of the landscape of the area. The siting*

*of a mobile home including the formation of a domestic garden and hardstanding area on the site is therefore, 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.'*

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



**REPORT TO:** East Lothian Council  
**MEETING DATE:** 27 August 2013  
**BY:** Depute Chief Executive (Resources and People Services)  
**SUBJECT:** Summer Recess Business 2013

**3**

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**1 PURPOSE**

- 1.1 To inform the Council of the urgent business undertaken over the Summer Recess period in terms of the procedures set out in Standing Order 43 and in line with the decision taken at its meeting of 25 June 2013.
- 1.2 It should be noted that full copies of the undernoted reports have been lodged in the Members' Library (July 2013 Bulletin).

**2 RECOMMENDATIONS**

- 2.1 The Council is requested to note the business undertaken over the Summer Recess period.

**3 BACKGROUND**

- 3.1 **Employee Business Travel – Collective Agreement** (Members' Library Reference 152/13)

A report submitted by Executive Director (Support Services) sought approval to adopt new employee business travel arrangements, through collective agreement with the Trades Unions, for implementation on 1 July 2013. This report was approved by the Council Leader and Depute Leader.

- 3.2 **Sale of 0.05 Ha of Land at Loch Road, Tranent** (Members' Library Reference 162/13)

A private report submitted by the Executive Director (Services for Communities) sought approval to sell 0.05 Ha of land adjacent to the Health Centre at Loch Road, Tranent. This report was approved by the Depute Leader and Depute Provost.

#### **4 POLICY IMPLICATIONS**

4.1 As outlined in each of the submitted reports specified in Section 3.

#### **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 in each of the submitted reports specified in Section 3.

6.2 Personnel – none.

6.3 Other – As outlined in each of the submitted reports specified in Section 3.

#### **7 BACKGROUND PAPERS**

7.1 East Lothian Standing Orders

7.2 East Lothian Council, 25 June 2013, “Summer Recess Arrangements 2013”

7.3 Reports lodged in the Members’ Library as specified in Section 3.

7.4 Background papers as detailed in each of the submitted reports specified in Section 3.

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**REPORT TO:** East Lothian Council  
**MEETING DATE:** 27 August 2013  
**BY:** Depute Chief Executive (Resources and People Services)  
**SUBJECT:** 2012/13 Financial Review

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**4**

## **1 PURPOSE**

- 1.1 To inform Council of the unaudited financial position for the financial year 2012/13, and to finalise arrangements for the carry-forward of funds into 2013/14.

## **2 RECOMMENDATIONS**

The Council is recommended to:

- 2.1 Note the financial results for 2012/13, their impact on both reserves and the Council's Financial Strategy.
- 2.2 Approve the addition of brought forward Devolved School Management (DSM) surpluses to and deduction of brought forward DSM deficits from the 2012/13 individual schools budgets.
- 2.3 Approve the final budget adjustments for the 2012/13 financial year (Section 3.26 – 3.28).

## **3 BACKGROUND**

### **Overall Summary**

- 3.1 The draft accounts for 2012/13 were submitted for audit on 27 June, which is within the deadline set by the Accounts Commission. Audit work is well advanced and will be completed by the end of September. The figures reported on below and in the subsequent appendices, are unaudited and these could change as a result of discussions with our external auditors.

- 3.2 The draft accounts were presented to and discussed at the meeting of the Audit & Governance Committee held on 23<sup>rd</sup> July and prior to that, a full copy of the draft accounts was submitted to the Members Library.
- 3.3 The key highlights from the 2012/13 closure of accounts are as follows;
- Usable Reserves decreased by £2.517 million. This reduction comprises a decrease of £1.157 million in the HRA and a General Services decrease of £1.36 million.
  - Capital spending totalled £52.2 million.
  - To support this, external borrowing increased by £30.3 million (10%). The difference between capital spending and external borrowing has been funded either from capital grants and external contributions or from the Council's own cash resources.
  - Pension liabilities as measured by the actuary increased by £16.8 million to £110.8 million.
- 3.4 The results for the year have a number of implications for the Council's financial strategy. In particular;
- For both General Services and the Housing Revenue Accounts the actual use of reserves was less than that planned as part of setting the 2012/13 budgets. In the case of General Services the planned use of reserves was approximately £4.1 million against an actual use of £1.36 million. In the case of the Housing Revenue Account the planned use of reserves was £1.3 million while the actual use was £1.157 million.
  - The Council enters the 2013/14 financial year with the reserves broadly expected and required as part of setting the 2013-2016 budgets in February 2013.
  - The Council remains on track with its current financial strategy of balancing income and expenditure by 2015/16. However, it is also clear that, even as it improves its immediate financial position, new risks develop – not least the emergence of new cost pressures and the likelihood of an extended period of financial austerity.
- 3.5 In line with the Financial Strategy for 2013/14-2015/16, agreed by Council at its meeting of 12<sup>th</sup> February 2013, any unplanned, additional reserves and the balance on the Property Renewals Reserve will now be transferred to the Cost Reduction Fund.

### **General Services Summary**

- 3.6 The final results for the various General Services revenue budgets was generally in line with expectations and as reported in the various quarterly reports during the year. A summary of the financial position across each of the Business Groups at the end of March 2013 is attached at Appendix A.

- 3.7 In overall terms there were under-spends across most Council revenue budgets – leading to less use of reserves as noted above. However, all the Groups, except Schools Support, who had been rated as a ‘High’ financial risk as part of the Quarter 3 report to Cabinet overspent their approved budgets.
- 3.8 Within the Services for People Department, there was the expected large overspend on Children’s Wellbeing activities (£1.12 million). By contrast, the Primary Group, again as expected, was well under-spent (£618,000) – as a result of the slower than expected increase in roll numbers. The over-spend on the Secondary Group of £194,000 relates to the ‘one-off’ costs of management restructuring, which took place in 2012/13, alongside some planned overspends by individual schools – with these over-spends being funded from their school DSM balances. When the effect of central support recharges and the MELDAP reserves transfer are taken into account, the Adult Wellbeing service ended the year with an over-spend of £11,000 or 0.02% of its core budget.
- 3.9 The Services for Communities Department (excluding the Housing Revenue Account) also ended the year broadly in line with expectations and under-spent its approved budget by almost £1.3 million. The largest contributors to the overall positive position for this department were under-spends within the Community Housing Group and the surpluses produced by the Property Services trading activity. The year-end deficit for the Facility Services Group is covered in more detail in the section dealing with Trading Operations.
- 3.10 The Transport & Waste Group over-spent its allocation by £175,000 – but not for the reasons expected as part of the Quarter 3 finance report. The Roads budget – which was expected to be the biggest pressure point – ended the year broadly in balance with some under-spends within the budget set aside for Flood Prevention/Coastal Protection. The over-spend within this Group is attributable to;
- Reduced levels of trade waste income;
  - Higher than budgeted fuel costs across within Waste Services;
  - Higher than budgeted spending on Supported Bus Contracts and Concessionary Fares.
- 3.11 The majority of Support Services under-spent their budgets. However, as expected there was significant over-spending within Community Partnerships as a result of additional, unplanned grant payments to community groups. This will continue to be an ongoing issue for the 2013/14 financial year.
- 3.12 The remaining reasons for the improved year-end position relate to the final results for Corporate Income, debt charges and payments to the Joint Boards. In particular;

- Members will be aware that the current Police and Fire Boards are in the process of being wound up with their responsibilities now transferred to new national bodies. Agreement has been reached on how the remaining reserves of both Fire and Police Boards will be split and allowance has been made for this income, which is estimated to total £531,000, in the 2012/13 accounts;
- Unbudgeted income of £318,000 in relation to a Scottish Government non-domestic rates incentivisation scheme;
- Debt charges were £845,000 less than budgeted levels as a combined result of a reduced level of capital spending during the year and effective treasury management which meant that the Council paid, on average, an interest rate of 3.46%;
- Council tax income at the end of 2012/13 was more than budgeted by £61,000 - even though a slightly higher provision for bad debt had to be made.

### **Reserves**

- 3.13 During 2012/13 the Council used £1.36 million of its usable General Services reserves. An analysis of the movement and the current balances on each of the different reserves is included at Appendix B.
- 3.14 In line with the Financial Strategy for 2013/14-2015/16, agreed by the Council at its meeting of 12<sup>th</sup> February 2013, the favourable movement in reserves and the balance on the Property Renewals Reserve will now be transferred to the Cost Reduction Fund. The amounts within this fund have been allocated to meet the costs arising from the Voluntary Early Release Scheme (VERS) and the earlier restructuring of management within the Council's secondary schools. Moving forward, the balance of the fund will be used to meet the costs associated with the various Efficient Workforce Management Plan reviews taking place across various parts of the Council.
- 3.15 As part of its General Services usable reserves, the Council maintains an Insurance Fund. The balance on this Fund should approximate to the value of the total outstanding liabilities against which the Council self-insures. During 2012/13 the Council commissioned a valuation of the Fund. This examined the current level on the Fund alongside the future likely liabilities and recommended a gradual increase in the Fund over the next five years. The first steps in this have been taken in 2012/13, with a higher charge to services during the year and an increase in the year-end balance of the Fund to £1.145 million. This position will be kept under review to ensure that an appropriate balance is retained within the Fund over the following years.
- 3.16 Appendix B highlights two elements of General Services reserves that have been earmarked to support particular purposes. The first is £601,000 which is earmarked as carry-forwards for the schools under the Devolved School Management scheme. The second is £274,000 for Mid

& East Lothian Drugs & Alcohol Project (MELDAP). This is a project that has been funded by a range of partners over an extended period of time.

- 3.17 Under the DSM scheme, the old year surplus or deficit for each school is added to or deducted from the current year budget for that school, all of which is funded by this earmarked element of the General Services reserve. Going into 2013/14 all primary and secondary schools have positive DSM carry-forwards.
- 3.18 At the end of 2012/13 the Council retains £13.385 million of usable General Services Reserves, all of which are earmarked for specific purposes. There are currently no 'spare' General Services reserves.

### **Trading Activities**

- 3.19 East Lothian Council has set up three trading activities. Every trading operation has the statutory financial target of breaking even over a cumulative three period. This is seen as an important indicator of whether Best Value has been achieved in these services.
- 3.20 Two of the Council's trading activities (Property Maintenance and Roads Services) produced a surplus during 2012/13 and have healthy three year cumulative surpluses. However, Facility Services ended the year with an annual deficit of £211,000. This deficit relates primarily to the delayed review of janitorial services and therefore the non-achievement of planned efficiency targets agreed as part of the 2012/13 budget.
- 3.21 Although the Facility Services trading operation has a cumulative three year surplus at the end of 2012/13 – and thus meets the statutory financial target – the unit faces a significant challenge in meeting its financial target for the 2013/14 financial year. Relevant service officers in both Facilities Management and Education have been made fully aware of the situation and the high risk of failing to meet the statutory target and all are working towards a solution.

<b>Trading Activities – Revenue Budget Performance for 2012/13 financial year</b>		
<b>Name of Trading Activity</b>	<b>(Surplus)/Deficit for the period £000</b>	<b>Cumulative (Surplus)/Deficit over past three years</b>
Property Maintenance	(573)	(1,677)
Facility Services	211	(383)
Roads Services	(673)	(1,329)

## **Housing Revenue Account**

- 3.22 In overall terms, the financial results for the Housing Revenue Account were broadly in line with expectations. Although rental income was under-budget - due to the slower delivery of affordable homes - there were compensating variations in other lines in the budget such as staffing costs and debt charges.
- 3.23 However, there are two further matters that merit specific mention. Firstly, 2012/13 has seen an increase in the total housing income debt from £2.387 million to £2.629 million. One of the financial effects of this was to require an increase in the bad debt provision totalling £420,000. The budgeted amount for 2012/13 was £327,000.
- 3.24 Secondly, repair costs were almost £600,000 more than the budgeted figure. A large element of this is due to the “one-offs” relating to;
- the write off of costs totalling £136,000 relating to housing sites not progressed; and
  - expenditure of approximately £425,000 in additional repair costs incurred bringing many of the Open Market Acquisition and Mortgage to Rent properties up to an East Lothian standard. The majority of those costs apply to Mortgage to Rent properties and therefore attract funding support through the scheme.

There are also pressures that relate to the increasing cost of the gas maintenance contract and other standard repairs and this will need to be a focus for management attention during 2013/14.

- 3.25 The HRA reserves of £5.576 million are split between general reserves of £2.086 million and a Capital Fund of £3.49 million. The later can be used in the future to either finance capital expenditure or allow for the redemption of debt. The advantage of this reserve is that it can be used flexibly in the coming years to manage the effect of rising debt costs particularly those associated with the new build programme.

## **Budget Adjustments**

- 3.26 As part of the year-end “closedown” we are required by relevant statutory provisions to process a number of accounting adjustments in order that the statements we submit are in the approved format. The most significant adjustments are as follows;
- Central Support Reallocations – to ensure that we report the total cost of each service provision we are required to reallocate the costs and budgets for central support services such as Finance/IT/Human Resources to ‘service’ accounts such as Social Work & Education;
  - IAS19 Pension Adjustments/Credits – for the majority of staff the Council made under statutory arrangements an employer’s pension contribution of 17.5% of salary plus an amount to fund the interest on previous years’ deficits. In accounting terms, this charge is too high



since it covers the necessary charge for the financial year plus a charge for pension contributions relating to previous years. An accounting adjustment needs to be undertaken at the end of the financial year to reflect this.

- Depreciation – in order that the Council follows generally accepted accounting practice we are also required to allow for depreciation in our annual accounts preparation.

3.27 The requirement to carry out these adjustments results in the final year-end figures being reported on a different basis compared to the budget reports issued to management during the year. To minimise any uncertainty that may arise from this, where possible, budgets are entered for depreciation and the majority of pension credits. We also adjust for central support costs and reserves transfers as appropriate.

3.28 In addition to the above the following Groups had their budgets adjusted to reflect the receipt of additional Revenue Support Grant ;

- Children’s Wellbeing – increase of £25,000 relating to Looked After Children;
- Revenues & Benefits - £187,000 relating to Scottish Welfare Fund and Council Tax Reduction scheme set-up costs;
- Adult Wellbeing - £15,000 relating to additional grant for Free Personal and Nursing Care;
- Democratic Services – an additional ‘one-off’ £94,000 relating to election administration.

### **Capital Investment and Borrowing**

3.29 The Table below shows the amount spent on capital assets during 2012/13 and the two preceding years.

<b>Year</b>	<b>Gross Capital Spend (£m)</b>	<b>HRA Capital Spend (£m)</b>	<b>General Services Capital Spend (£m)</b>
2012/13	£52.2m	£23.7m	£28.5m
2011/12	£71.5m	£33.2m	£38.3m
2010/11	£56.8m	£30.1m	£26.7m

3.30 The total capital spend in 2012/13 was £52.2 million - with the HRA accounting for £23.7 million of this total. The HRA capital spend and financing over the year has been detailed at Appendix C and can be summarised as follows;

- £7.354 million was spent on Affordable Homes projects such as Kilwinning Street, Lochbridge Road and High Street, Prestonpans. 26 new build properties were added during the year.
  - Almost £5.7 million was spent on Open Market Acquisition and the Mortgage to Rent Scheme. There was a significant increase in demand and therefore spend on Mortgage to Rent properties with 21 properties being purchased under this scheme.
  - £10.6 million was spent on Modernisation and Upgrade work.
  - In overall terms, capital expenditure was £5.4 million less than that expected and this – alongside other changes in expected capital receipts – resulted in the increase in HRA borrowing being £5.5 million less than planned.
- 3.31 During the year gross capital expenditure within General Services was £28.526 million which was less than the revised budget figure of £31.213 million. Full detail of the expenditure on the adjusted Capital Plan can be seen at Appendix D.
- 3.32 Projects that spent less than planned in the year, typically as a result of delays, included the new Gullane Medical/Day Centre, the North Berwick Museum/Library refurbishment and work on a replacement for Peppercraig Depot.
- 3.33 2012/13 has also seen some overspends on specific capital projects such as Pavilions (£157,000 or 5%) and Ormiston Community Facility (£94,000 or 9%). In addition, analysis of the current ongoing projects has identified a number whose final costs are likely to be in excess of the approved budgets for 2013/14 and beyond. These capital projects include the Brunton Hall refurbishment, the Dunbar Community facility, the John Gray Centre, the work on Meadowmill and the 3G pitches. Work is ongoing to identify the extent of these overspends, the reasons for these and the steps to be taken to bring the capital programme back into balance.
- 3.34 The main grant income from the Scottish Government and other funders was in line with expectations. Full detail on the capital income received/used in the year can be found at Appendix E. All capital income has been used to defray the cost of borrowing.
- 3.35 Borrowing has increased in line with capital investment. During 2012/13 long-term and short term borrowing increased to £323.2 million, an increase from £292.5 million in 2011/12. We estimate that approximately 60% of this increase relates to borrowing for the HRA programme of affordable homes, modernisation and house acquisition.

#### **4 POLICY IMPLICATIONS**

There are no direct policy implications associated with the recommendations contained in this report although the report does illustrate both the relevance of the Council's Financial Strategy and the impact of financial performance for 2012/13.

#### **5 EQUALITIES IMPACT ASSESSMENT**

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 – as described above
- 6.2 Personnel - none
- 6.3 Other – none

#### **7 BACKGROUND PAPERS**

- 7.1 Member's Library May 2012 (116/12) – “Capital Investment & Treasury Management Strategy 2012/13 to 2014/15”
- 7.2 Cabinet 11 September 2012 – “Financial Review 2012/13 – Quarter 1”
- 7.3 Council 23 October 2012 – Item 4 – Financial Strategy 2012-2015 Mid Year Review.
- 7.4 Cabinet 11 December 2012 – Item 2 - Financial Review 2012/13 - Quarter 2
- 7.5 Cabinet 12 March 2013 – Item 3 - Financial Review 2012/13 - Quarter 3
- 7.6 Council 12 February 2013 – Item 1 – Council Financial Strategy 2013/14 – 2015/16
- 7.7 Audit & Governance Committee 23 July 2013 – All papers

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<b>DATE</b>	15/08/2013



## REVENUE BUDGET PERFORMANCE at 31 March 2013

	Budget for the year £000	Actual to 31/03/13 £000	Budget for the period £000	(Surplus) / Deficit for period £000	(Surplus) / Deficit %	Financial Risk Assessment	Change since last assessment	Notes
<b>Services for People</b>								
Children's Wellbeing	12,361	13,489	12,361	1,128	9.1%	High	No change	
Pre-school Education & Childcare	5,677	5,550	5,677	(127)	(2.2%)	Low	No change	
Additional Support for Learning	8,040	8,196	8,040	156	1.9%	High	No change	
Schools - Primary	34,666	34,048	34,666	(618)	(1.8%)	Low	No change	
Schools - Secondary	35,727	35,921	35,727	194	0.5%	Medium	No change	
Schools Support Services	3,394	3,269	3,394	(125)	(3.7%)	Medium	Reduction	
Adult Wellbeing	48,700	48,367	48,700	(333)	(0.7%)	High	No change	
	148,565	148,840	148,565	275	0.2%			
<b>Services for Communities</b>								
Community Housing	3,808	3,319	3,808	(489)	(12.8%)	Low	No change	
Housing Revenue Account	0	2,437	0	2,437	0.0%	Low	No change	See Notes below relating to use of reserves
Planning & Environmental Services	3,304	2,923	3,304	(381)	(11.5%)	Low	No change	
Property Services	3,886	3,321	3,886	(565)	(14.5%)	Low	No change	
Facility Support	470	696	470	226	48.1%	High	No change	
Landscape & Countryside Mgt	6,536	6,271	6,536	(265)	(4.1%)	Medium	No change	
Transport & Waste Services	17,180	17,355	17,180	175	1.0%	High	No change	
	35,184	36,322	35,184	1,138	3.2%			
<b>Support Services</b>								
Communications & Marketing	16	8	16	(8)	(50.0%)	Low	No change	
Corporate Policy	1,004	976	1,004	(28)	(2.8%)	Low	No change	
Community Partnerships	1,006	1,401	1,006	395	39.3%	High	No change	
Cultural Services	5,106	5,168	5,106	62	1.2%	High	No change	
Community Development	6,061	5,928	6,061	(133)	(2.2%)	Medium	No change	
Healthy Living	5,913	6,072	5,913	159	2.7%	Medium	No change	
Economic Development	1,087	946	1,087	(141)	(13.0%)	Low	No change	
Customer Services	477	415	477	(62)	(13.0%)	Low	No change	
Financial Services	238	219	238	(19)	(8.0%)	Low	No change	
Revenues & Benefits	1,557	1,255	1,557	(302)	(19.4%)	Low	No change	
IT Services	0	0	0	0	0.0%	Low	No change	
Law & Licensing	10	(18)	10	(28)	(280.0%)	Low	No change	
Human Resources	0	0	0	0	0.0%	Low	No change	
Governance/Internal Audit	2,348	2,274	2,348	(74)	(3.2%)	Low	No change	
	24,823	24,644	24,823	(179)	(0.7%)			
<b>Total All Departments</b>	<b>208,572</b>	<b>209,806</b>	<b>208,572</b>	<b>1,234</b>	<b>0.6%</b>			
<b>Corporate Management</b>								
Revenue Support Grant (inc. NNDR)	(171,031)	(171,031)	(171,031)	0	0.0%	Low	No change	
Asset Management	425	425	425	0	0.0%	Low	No change	
Council Tax	(46,390)	(46,451)	(46,390)	(61)	0.1%	Low	No change	

				Appendix A		
Joint Board Requisitions	10,561	10,027	10,561	(534)	(5.1%)	Low No change
Other	2,931	2,842	2,931	(89)	(3.0%)	Low No change
HRA Transfer	(995)	(995)	(995)	0	0.0%	Low No change
Use of Reserves	(4,073)	(4,623)	(4,073)	(550)	0.0%	Low No change
	<u>(208,572)</u>	<u>(209,806)</u>	<u>(208,572)</u>	<u>(1,234)</u>	<u>0.6%</u>	
<b>Total All Council</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		

**Notes**

Use of Reserves included above	4,623
<b>Of Which</b>	
HRA Capital Receipts/Reserves	(1,281)
General Services Capital Receipts/Reserves	(825)
Usable Reserves decrease	2,517

	Opening Position	Change	Current Position Updated -12/13 Closedown
<b>General Services Reserves</b>			
Required to support future budgets	6.357	-4.147	2.210
Civil Emergency	2.000	0.000	2.000
Property Renewals	0.932	-0.932	0.000
Cost Reduction Fund	3.753	3.402	7.155
Earmarked Reserves			
• DSM (Devolved School Management)	0.573	0.028	0.601
• MELDAP/DAAT	0.062	0.212	0.274
Insurance Fund	0.973	0.172	1.145
Capital Receipts Reserve	0.095	-0.095	0.000
<b>Sub-total General Services Reserves</b>	<b>14.745</b>	<b>-1.360</b>	<b>13.385</b>





## HOUSING CAPITAL SPEND &amp; FINANCING 2012/13

	Budgeted (£000s)	Actual (£000s)	Over/(Under) (£000s)
<b>House Purchases</b>			
Open Market Acquisitions		3,284	
Mortgage to Rent		2,413	
<b>Total Gross House Purchase spend</b>	<b>8,100</b>	<b>5,697</b>	<b>(2,403)</b>
<b>Modernisation Spend</b>			
Fees		600	
Disabled Adaptations		659	
Central Heating/Leasing Purchases		2,601	
Extractor Fans/Electrical Re-wiring		1,675	
Environmental Improvements		182	
Fencing Programme		53	
Energy Efficiency		20	
Kitchen Replacement Prog.		1,676	
External Maintenance Painterwork		0	
Re-roofing Programme		31	
Dry Dash Roughcast Repair Prog.		0	
Stair Improvement Programme		9	
Mod Projects/Structural Surveys/Shelt. Hous		534	
Play Areas		0	
Dispersed Alarm System		13	
Local Initiatives:Projects		57	
Window & Door Replacement Prog.		356	

	Budgeted (£000s)	Actual (£000s)	Over/(Under) (£000s)
Bathroom Replacement		1,155	
Extensions		0	
Lead Water Pipes		214	
Asbestos Works		806	
<b>Total Modernisation spend</b>	<b>10,911</b>	<b>10,639</b>	<b>(272)</b>
<b>Gross Affordable Homes spend</b>	<b>10,093</b>	<b>7,354</b>	<b>(2,739)</b>
<b>Gross Total Housing Capital Spend</b>	<b>29,104</b>	<b>23,690</b>	<b>(5,414)</b>
<b>Financed By;</b>			
Grants	3,860	3,864	4
Assets Sales/Capital Reserves	1,169	1,280	111
Borrowing	24,075	18,546	(5,529)
	<b>29,104</b>	<b>23,690</b>	<b>(5,414)</b>

## GENERAL SERVICES CAPITAL EXPENDITURE 2012/13

Name of Project	Budgeted Spend	Actual Spend	Over/(Under)	Notes
	2012/13	2012/13	(£000s)	
	£000	£000	£000	
New Day Centre - Gullane	926	564	(362)	
Fa'side Tranent - New residential home and day centre	250	393	143	Project spending quicker than planned
Musselburgh Care Home	1,150	1,199	49	
Mobile Working	11	-	(11)	
PV installations in public buildings	265	256	(9)	
Property Renewals	1,200	1,031	(169)	
Property Fees/Internal Architect etc fees	1,605	1,350	(255)	
Brunton Hall - Theatre and Main Hall refurbishment	2,235	2,300	65	Some additional grant income received
Dunbar - new Community facility	724	699	(25)	
Dunbar Town House Museum	48	2	(46)	
John Gray Centre Haddington	570	521	(49)	
Community Facility - Musselburgh	-	2	2	Additional costs/Final certificate payments
Prestongrange Museum	-	-	-	
Port Seton Sports Hall	-	-	-	
Whitecraig Community Centre	50	-	(50)	
Ormiston Community Centre	166	263	97	
Musselburgh Museum	-	5	5	Additional costs/Final certificate payments
Village Halls - Matched Funding	-	-	-	
Tranent Library	922	867	(55)	
North Berwick Museum - refurbishment	1,454	727	(727)	
Community Intervention	200	-	(200)	
Red School Prestonpans	100	-	(100)	
Racecourse Spend	-	769	769	Fully funded by service
Support for Business - Land Acquisition/Infrastructure/Broadband	100	-	(100)	
Support for Business - Town Centre Regeneration	100	-	(100)	
Dunbar New Primary School	300	98	(202)	
Haddington IS / St Mary's RCPS - New shared Campus	6,700	6,682	(18)	Matched by some additional grant income
Sandersons Wynd PS - additional Classrooms	17	24	7	

Dirleton Classroom Extension	200	-	(200)	
Macmerry PS Extension	100	63	(37)	
Pinkie St Peter's PS Extension/Levenhall Nursery reprovision	100	73	(27)	
Windygoul PS additional Classrooms	-	18	18	Additional costs/Final Certificate for extension
Windygoul PS - Temp Units Rental	12	-	(12)	
Replacement Vehicles	1,203	721	(482)	
Pavilions	-	122	122	
East Lothian Legacy Project - Meadowmill Alterations	1,186	1,187	1	
Sports Centres - refurbishment & Equipment	200	121	(79)	
Expansion of 3G pitch provision	50	21	(29)	
CCTV	-	6	6	Fully funded by service
Call Centre Management	-	52	52	Fully funded by service
Schools IT	1,120	1,084	(36)	
Corporate IT Program	290	278	(12)	
Landscape Depot - The Heugh	-	37	37	Additional costs/Final certificate
Core Path Plan Implementation	18	41	23	Funded from additional grant
Polson Park restoration	2	2	-	
John Muir Country Park Play Area	80	78	(2)	
Cuthill Park	100	33	(67)	
Amenity Services Machinery & Equipment - replacement	72	-	(72)	
Cemeteries - Extensions	30	-	(30)	
Coastal Car Parks/Toilets	552	422	(130)	
Peppercraig Depot Haddington	325	7	(318)	
Coastal Protection/Flood	194	98	(96)	
Roads/CWSS/Hotspot Safety Improvements	5,707	5,742	35	Balanced by additional CWSS grant
New Salt Barn	454	477	23	Additional costs
Dolphinstone - Recycling/Transfer Station	5	5	-	
Purchase of New Bins	120	86	(34)	
	<b>31,213</b>	<b>28,526</b>	<b>(2,687)</b>	

## GENERAL SERVICES CAPITAL INCOME 2012/13

155

	Budgeted Income 2012/13	Actual Income 2012/13	Over/(Under) (£000s)	Notes
<b>Developer Contributions</b>				
Dirleton PS Classroom Extension	-200	0	200	Contribution now to be credited when work done in 13/14
Dunbar Primary School	0	-31	(31)	
Cuthill Park	0	-20	(20)	Related to Landscape work
Muirpark Wynd	0	0	-	
	<b>-200</b>	<b>-51</b>	<b>149</b>	
<b>Asset Sales</b>				
	2012/13 Budget £000	2012/13 Actual £000	2012/13 Difference £000	
Carlyle House	-120	0	120	Sale complete April 2013
Lochbridge Road	-483	-484	(1)	
St Gabriels/Janitors House	-145	-145	-	
Pinkie St Peters Servitude	-50	-50	-	
Glenorchy Road	0	-50	(50)	Element of sale proceeds paid early
East Linton PS Servitude	-50	0	50	
Yester School	-50	0	50	
Minor Asset Sales	0	-13	(13)	
Previous Year Capital Receipts	0	-95	(95)	Application of previous years capital receipts
Vehicle Sales	-10	-83	(73)	
	<b>-908</b>	<b>-920</b>	<b>(12)</b>	
<b>Specific Project Income</b>				
	2012/13 Budget £000	2012/13 Actual £000	2012/13 Difference £000	
John Gray Centre - HLF	-86	0	86	To be claimed/received in 13/14
John Gray Centre - Historic Scotland	-19	0	19	To be claimed/received in 13/14

Brunton Hall - Creative Scotland	-50	0	<b>50</b>	To be claimed/received in 13/14
New Haddington School - SFT	-2,632	-2,633	<b>(1)</b>	
CWSS Grant	-113	-132	<b>(19)</b>	More grant received than expected for 11/12
SUSTRANS Grant	0	-5	<b>(5)</b>	
Gullane Day Centre - NHS Contribution	-387	-387	-	
Gullane Day Centre - SFT Grant	-512	-512	-	
Meadowmill - Sports Scotland	-400	-400	-	
CCTV Systems	0	-5	<b>(5)</b>	Funded by the service from their revenue budget
West Barns Paths/Tyne Walkway	0	-36	<b>(36)</b>	
Corporate CFCR/Vehicles	0	-342	<b>(342)</b>	Funded by the service from their revenue budget
Racecourse	0	-769	<b>(769)</b>	Funded by the service from their revenue budget
Call Centre Management System	0	-52	<b>(52)</b>	Funded by the service from their revenue budget
	<b>-4,199</b>	<b>-5,273</b>	<b>(1,074)</b>	
<b>General Capital Grant</b>	<b>2012/13 Budget £000</b>	<b>2012/13 Actual £000</b>	<b>2012/13 Difference £000</b>	
General Capital Grant from SG	-6,502	-6,525	<b>(23)</b>	Additional Grant Released by Scottish Government
	<b>-6,502</b>	<b>-6,525</b>	<b>(23)</b>	
<b>Total Income</b>	<b>-11,809</b>	<b>-12,769</b>	<b>(960)</b>	

**REPORT TO:** East Lothian Council

**MEETING DATE:** 27 August 2013

**BY:** Depute Chief Executive (Partnership and Services for Communities)

**SUBJECT:** Community Use of the Brunton

---

**5**

## **1 PURPOSE**

- 1.1 To advise the Council of ongoing work to support community use of the Brunton venues in Musselburgh.

## **2 RECOMMENDATIONS**

- 2.1 Council is asked to approve the proposal to amend the scale of charges previously reported through a Members' Library report, Ref: 265/12, dated 15 November 2012. A summary of the proposed charges showing comparison with the 50% discount charge currently being used for community and voluntary groups and the commercial rate is provided at 3.21.
- 2.2 In addition to the options for professional catering services associated with venue bookings, Council is asked to approve the proposal to allow community access to the bar servery area in venue 2 to make teas and coffees for small scale community events.

## **3 BACKGROUND**

- 3.1 Council approved funding to refurbish the Brunton as part of the capital plan and a tender report to appoint the main contractor was approved by Cabinet on 8 March 2011.
- 3.2 Members' Library Report, Ref: 265/12, dated 15 November 2012, advised the proposed scale of hire charges for the refurbished facility which was available for lets from November 2012.

- 3.3 This report was based on research undertaken by consultants appointed to advise on the re-launch of the facility following its full refurbishment.
- 3.4 Following concerns expressed about the scale of charges introduced from November 2012, officers undertook a review which has included a change to the percentage discount for community and voluntary groups from the proposed 20% to 50%.
- 3.5 A motion on the community use of the Brunton was presented to the Council at its meeting 23 April 2013.
- 3.6 Following a tendering process in July 2012 to award the concession, Appetite Direct was identified as the preferred contractor for the main catered events contract.
- 3.7 The Brunton Bistro was identified as the preferred contractor for the supply of teas and coffees and light refreshments for smaller scale events at the Brunton.
- 3.8 Following discussion with Appetite Direct and the Bistro, the contracts for each company are being amended to allow the Bistro to offer a service for local events where Appetite Direct agrees that the catering needs of the client are more suited to the Bistro offer.
- 3.9 The refurbished kitchen at the Brunton is available for use by the professional caterers only (currently Appetite Direct and the Bistro) with responsibility for managing the kitchen and covering the cost of annual maintenance and repairs to be covered through the contracts with Appetite Direct and the Bistro.
- 3.10 To further support community and voluntary events, officers have explored the proposal to enable teas and coffees to be provided by local groups for their own events using the bar servery facilities in venue 2 (formerly the supper room). The costs associated with re-design of the servery area to support this proposal have been assessed by Property Services and are in the region of £5,000. The bar areas currently have secure access as licensed premises and re-design is required to restrict access to optics, etc. when event organisers enter the bar area.
- 3.11 Following a review of the Brunton charges undertaken by officers between October 2012 and June 2013, a revised charging model is now presented for approval.
- 3.12 The following is a summary of the pricing factors impacting for event bookings at the Brunton:
- Venue hire charge: hour rates / day rates
  - Technical requirements: use of equipment
  - Technical requirements: staff time
  - Stewarding
  - Security
  - Access to licensed bar



- Catering requirements
  - Overhead costs (electricity, maintenance, administrative)
- 3.13 Where previously a discount of 50% on the commercial rate was applied for community and voluntary groups, it is now proposed to introduce a basic community and voluntary group rate.
- 3.14 Where charging rates have previously been based on the need for technical support and stewarding, this cost will be removed from the basic hire charge for community and voluntary groups and will only be added where the particular needs of the event make this necessary.
- 3.15 A summary of the proposed scale of charges is contained at 3.21.
- 3.16 The capital investment of circa £4 million has resulted in a first class facility capable of hosting a wide range of events with professional level retractable seating, banqueting facilities, sound, lighting and AV equipment. Where community and voluntary organisations wish to make use of these facilities there will be an additional charge to reflect the additional costs to the Council of providing this.
- 3.17 For community and voluntary organisation events requiring only minimal technical support (e.g. use of a microphone), it is proposed that these events can be provided with basic technical equipment without the need for a technician to be in attendance. However, any technical needs in addition to this would be recharged.
- 3.18 For large scale community and voluntary organisation events requiring a licensed bar there is scope to offset some of the bar income against the costs of these events where officers deem this to be appropriate.
- 3.19 Risk assessment for a large scale public event may require event organisers to meet the cost of security staff in addition to stewarding staff and costs of this would be met by the event organisers.
- 3.20 The figures at section 3.21 show the commercial rate, the community & voluntary group 50% discount rate currently in use and the proposed new basic rate for community & voluntary groups for comparison.
- 3.21 Table of charges showing commercial rate, current community & voluntary rate (50%) and proposed community & voluntary rate for approval.

Room	Off peak hire with technical support (Mon to Thurs)	Off peak hire without technical support (Mon to Thurs)	Peak hire with technical support (Fri, Sat, Sun.)	Peak hire without technical support (Fri, Sat, Sun.)	Added charge per hour after midnight	Proposed Community/ Voluntary rate ( without addition of staff, equipment as required)
<b>Main Hall (venue 1) half day</b>	£576 50% £288	£476 50% £238	£676 50% £338	£576 50% £288		£188
<b>Main Hall (venue 1) full day</b>	£975 50% £487.50	£775 50% £387.50	£1100 50% £550	£900 50% £450	£150 Proposed Community/ Voluntary £75	£376
<b>Supper Room (venue 2) half day</b>	£345 50% £172.50	£285 50% £142.50	£445 50% £222.50	£385 50%£192.50		£94
<b>Supper Room (venue 2) full day</b>	£470 50% £235	£395 50% £197.50	£570 50% £285	£495 50% £247.50	£117 Proposed Community/ Voluntary £58	£188
<b>Main Hall (venue 1) 4 hour hire</b>	£305 50% £152.50	£ 245 50% £122.50	£380 50% £190	£320 50% £160		£94
<b>Supper Room (venue 2) 2 hour hire</b>	£105 50% £52.50	£75 50% £37.50	£155 (£65) 50% £77.50	£125 50% £62.50		£47

3.22 The table below indicates the impact of the charges on a variety of community and voluntary groups.

3.23 Total costs for a sample range of community and voluntary events

Event	Total cost using current 50% discount rate	Total cost using proposed new discount rate incl technical, stewarding and security staff costs as required	Total inclusive charge pre-refurbishment
Youth Groups (venue 1)	£463	£410.60	£277 without technical recharge

Community Council (venue 2)/Citizen of the Year Awards	£183.30	£158.80	£154
Local Societies display	£626	£590.80	£359 (no stewards recharged)
Community Council gala dinner	£367 (Plus security staff )	£339 (Plus security staff )	£337 (no security staff)

3.24 It should be noted that health and safety is a priority for all events at the Brunton. Risk assessment post-refurbishment has assessed the needs for staffing to ensure safe use of the building (fire evacuation, security, technical support, etc.) at a higher level than was the case prior to refurbishment.

3.25 It is envisaged that these actions would provide continued support to the local and voluntary sector whilst recognising the need to remain within budget.

#### **4 POLICY IMPLICATIONS**

4.1 The proposals will result in additional grant funding in kind for local community and voluntary groups.

The scale of charges for The Brunton will be available online and included in future versions of the Council's annual hall letting charges.

Further work is ongoing as part of the partnership approach to develop the criteria under which organisations would qualify for the reduced rate.

#### **5 EQUALITIES IMPACT ASSESSMENT**

5.1 An equalities impact assessment has been undertaken but no negative impacts have been found.

#### **6 RESOURCE IMPLICATIONS**

6.1 Financial – The proposals will result in a loss of income to the Council. It is anticipated that this can be accommodated within the existing budget. However, it should be noted there is a risk that this may not be possible if anticipated activity levels change significantly.

The £5,000 required to meet the costs of re-designing the servery area to introduce tea/coffee facilities in venue 2 will be contained within the current budget for the Brunton.

6.2 Personnel - There are no personnel implications.

6.3 Other – There are no other implications.

## **7 BACKGROUND PAPERS**

7.1 Cabinet report for the main project and AKP's tender (approved 8 March 2011).

7.2 Members Library Report on proposed charges, 15 November 2012

<b>AUTHOR'S NAME</b>	Lesley Smith / Margaret O'Connor
<b>DESIGNATION</b>	Principal Arts Officer / Cultural Services Manager
<b>CONTACT INFO</b>	0131 653 5240 / 01620 827576
<b>DATE</b>	15 August 2013

**REPORT TO:** East Lothian Council  
**MEETING DATE:** 27 August 2013  
**BY:** Depute Chief Executive (Resources and People Services)  
**SUBJECT:** Revisions to East Lothian Council Standing Orders

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**6**

## **1 PURPOSE**

- 1.1 To seek approval of the revised Standing Orders and associated appendices.

## **2 RECOMMENDATIONS**

- 2.1 The Council is asked:
- 2.1.1 to approve the revised East Lothian Council Standing Orders;
  - 2.1.2 to approve the revised Scheme of Administration;
  - 2.1.3 to approve further proposed amendments to the Scheme of Delegation (which was approved by the Council in June 2013) (attached as Appendix 1 to this report);
  - 2.1.4 to approve the inclusion of the existing role descriptions for Statutory and Chief Officers as an appendix to Standing Orders;
  - 2.1.5 to delegate to the Chief Executive the incorporation of any further changes into the documents specified above, as agreed by the Council at this meeting; and
  - 2.1.6 to note that the new Standing Orders and associated appendices will be published on the Council website as soon as practicable.

## **3 BACKGROUND**

- 3.1 As reported in June 2013, the Council's Standing Orders and associated appendices have been under review for a number of months. The revised Scheme of Delegation and the inclusion of a new appendix (Procurement Procedures) were approved by the Council on 25 June

2013. It was noted at that meeting that, as a result of consultation with the Council Management Team and Elected Members, further work was required in relation to the main text of Standing Orders and Scheme of Administration – these documents are now presented to the Council for approval.

- 3.2 As a result of the changes to the Chief Officer structure (also approved at the Council meeting on 25 June), the Scheme of Delegation will be amended to reflect these changes. Members are asked to approve further amendments to the Scheme of Delegation, as outlined in Appendix 1 to this report.
- 3.3 Members are also asked to approve the inclusion of the Role Descriptions of Statutory and Chief Officers as an appendix to Standing Orders.
- 3.4 Due to their size, the revised Standing Orders and Scheme of Administration have been issued only to Members and Chief Officers. Other interested parties may access the documents via the following link on the Council's website:  
  
[http://www.eastlothian.gov.uk/meetings/meeting/5379/east\\_lothian\\_council](http://www.eastlothian.gov.uk/meetings/meeting/5379/east_lothian_council)
- 3.5 Members are asked to note that a number of appendices remain unchanged and these will therefore not be issued as part of the Standing Orders pack for approval (Appendix 3a – Financial Regulations; Appendix 3b – Council's Procurement Procedures; Appendix 4 – Councillors' Code of Conduct; Appendix 5 – Role Descriptions for Statutory Officers and Chief Officers; Appendix 6 – Code of Recommended Practice on Local Authority Publicity; and Appendix 7 – Local Government (Scotland) Act 1973, Schedule 7A – Exempt Information).
- 3.6 Members are asked to note that, if the report recommendations are approved by Council, there will no longer be *ex officio* positions on the Education Committee or Planning Committee. Current *ex officio* members will therefore assume ordinary membership of these committees until such time as committee membership is reviewed. The list of committee membership will be updated and published accordingly.
- 3.7 If approved, the revised Standing Orders and revised appendices will become effective as of 28 August 2013 and will be made available on the Council website.

#### **4 POLICY IMPLICATIONS**

- 4.1 None.

## **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – none  
6.2 Personnel – none  
6.3 Other – none

## **7 BACKGROUND PAPERS**

- 7.1 Report to Council, 25 June 2013 – Review of East Lothian Council Standing Orders  
7.2 East Lothian Council Standing Orders

<b>AUTHOR'S NAME</b>	Lel Gillingwater
<b>DESIGNATION</b>	Democratic Services Manager
<b>CONTACT INFO</b>	lgillingwater@eastlothian.gov.uk x7225
<b>DATE</b>	13 August 2013





Members are requested to approve that the following duties should be added to the Scheme of Delegation: Specific Duties and Responsibilities Delegated to the Head of Housing and Environment

- Agreeing terms for the disposal of small areas of open space ground on the Housing Revenue Account or managed by Landscape & Countryside, where such areas are not advertised for sale
- Declaring property surplus to requirements and placing on the market for sale
- Agreeing terms for the transfer of properties to and from the Housing Revenue Account
- Agreeing terms for an excambion of land required for any of the Council's functions where this action is within the approved capital programme.



**REPORT TO:** East Lothian Council

**MEETING DATE:** 27 August 2013

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** Appointment of Appropriate Representatives to Outside Bodies

7

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**1 PURPOSE**

- 1.1 To seek Council approval of a number of additions/amendments to the list of appointments of representatives to Outside Bodies.

**2 RECOMMENDATIONS**

- 2.1 That the Council makes appointments to the Outside Bodies, as outlined in Section 3.2 of the report.

**3 BACKGROUND**

- 3.1 At its meetings of 15 May and 26 June 2012, the Council proposed and approved Elected Member nominations to a number of outside bodies. The Administration is now proposing a number of changes to the representation on outside bodies.

- 3.2 Members are asked to approve the following nominations:

- Scotland Excel – Councillor McMillan (replacing Councillor Hampshire)
- SESplan – Councillor Day (replacing Councillor Veitch)
- Children’s Panel Area Support Team – Councillor Grant (additional appointment)

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

#### **4 POLICY IMPLICATIONS**

4.1 None.

#### **5 EQUALITIES IMPACT ASSESSMENT**

5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

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

6.2 Personnel – none.

6.3 Other – none.

#### **7 BACKGROUND PAPERS**

7.1 None.

<b>AUTHOR'S NAME</b>	Lel Gillingwater
<b>DESIGNATION</b>	Democratic Services Manager
<b>CONTACT INFO</b>	<a href="mailto:lgillingwater@eastlothian.gov.uk">lgillingwater@eastlothian.gov.uk</a> x7225
<b>DATE</b>	6 August 2013

**REPORT TO:** East Lothian Council

**MEETING DATE:** 27 August 2013

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** Submissions to the Members' Library Service  
13 June – 15 August 2013

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**8**

## **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 13 June and 15 August 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 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

<b>AUTHOR'S NAME</b>	Lel Gillingwater
<b>DESIGNATION</b>	Democratic Services Manager
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<b>DATE</b>	15 August 2013

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD  
13 June – 15 August 2013**

<b>Reference</b>	<b>Originator</b>	<b>Document Title</b>	<b>Committee</b>	<b>Access</b>
137/13	Executive Director (Services for Communities)	Proposed Synthetic Grass Pitches and Associated Works at Prestonpans, Dunbar and North Berwick	Cabinet	Public
138/13	Executive Director (Services for People)	Service Review Report – Telecare Posts within Adult Wellbeing – Revised Report	Cabinet	Private
139/13	Executive Director (Services for People)	Adult Wellbeing Service Redesign	Cabinet	Private
140/13	Executive Director (Services for Communities)	Footway Dropped Kerb Crossings – Award of Contract	Cabinet	Public
141/13	Executive Director (Services for Communities)	Footway Slurry Surfacing	Cabinet	Public
142/13	Head of Council Resources	Council's Procurement Procedure	Council	Public
143/13	Executive Director (Services for Communities)	Design and Build Contract for a New Play Area at Lochend Road, Dunbar	Cabinet	Public
144/13	Executive Director (Support Services)	Consultations on European Funding Proposals 2014-2020	Cabinet	Public
145/13	Executive Director (Support Services)	Future Arrangements for Administering Partnership Funding to External Organisations and Projects	Cabinet	Public
146/13	Executive Director (Services for Communities)	Sale of Property, Haddington	Cabinet	Private
147/13	Executive Director (Support Services)	Service Review Report – Extension of Temporary Post of Family Outreach Worker	Cabinet	Private
148/13	Executive Director (Services for People)	Service Review Report – On Track with Learning Support Teacher (Secondment)	Cabinet	Private
149/13	Executive Director (Support Services)	Twinning Visit – Germany	Cabinet	Public
150/13	Head of Council Resources	ELC Draft Statement of Accounts 2012-13	Council	Public
151/13	Executive Director (Services for	Draft Guidance on the Operation of a Housing	Council	Public

	Communities)	Revenue Account (HRA) in Scotland - consultation response		
152/13	Head of Council Resources	Recess Arrangements – S43 of Standing Orders: Employee Business Travel – Collective Agreement	Cabinet	Public
153/13	Executive Director (Services for People)	Service Review Report – Self Directed Support Officer	Cabinet	Private
154/13	Head of Policy and Partnerships	ELC Museums Service Policies	Cabinet	Public
155/13	Head of Policy and Partnerships	Coastal Communities Museum	Cabinet	Public
156/13	Head of Policy and Partnerships	Dunbar Town House Museum and Gallery	Cabinet	Public
157/13	Executive Director (Services for Communities)	Food & Safety Team Performance Review 2012/13	Cabinet	Public
158/13	Chief Executive	Letters to Justice Secretary	Council	Public
159/13	Head of Housing & Environment	Proposed Extension Enabling Works at Pinkie St Peter's Primary School, Musselburgh	Cabinet	Public
160/13	Head of Policy & Partnerships	Sports Awards Scheme – Special Awards	Cabinet	Public
161/13	Executive Director (Services for Communities)	Classroom Layout Alterations at Musselburgh Burgh Primary School, Musselburgh	Cabinet	Public
162/13	Executive Director (Services for Communities)	Recess Arrangements – S43 of Standing Orders: Sale of 0.05 Hectares of Land at Loch Road, Tranent	Cabinet	Private
163/13	Executive Director (Services for Communities)	Approval to Grant a Lease of Land in Tranent or the Provision of an Electricity Substation for the Proposed New Tranent Joint Care Facility	Cabinet	Private
164/13	Executive Director (Services for Communities)	Review of Management Structure (Property Maintenance Section)	Cabinet	Private
165/13	Executive Director (Services for Communities)	Proposed Work Notice Repair Works at 76 & 78 High Street, North Berwick	Cabinet	Public
166/13	Executive Director (Services for Communities)	Proposed Synthetic Grass Pitches & Associated Works at Prestonpans, Dunbar and North Berwick	Cabinet	Public
167/13	Executive Director (Services for Communities)	Building Warrants Issued under Delegated Powers between 1 June 2013 and 30 June 2013	Planning	Public



168/13	Head of Policy and Partnerships	Sports Award Scheme - Special Awards	Cabinet	Public
169/13	Chief Executive	Response to Joint Consultation on the Historic Environment Strategy for Scotland and Proposed Merger between Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland.	Council	Public
170/13	Head of Council Resources	Office of Surveillance Commissioners' Inspection Report: Compliance with the Regulation of Investigatory Powers (Scotland) Act 2000	Cabinet	Public
171/13	Head of Council Resources	Statutory Review of Polling Districts and Places	Council	Public
172/13	Executive Director (Support Services)	Service Review Report: Risk Officer Staffing Review	Cabinet	Private
173/13	Head of Housing & Environment	Proposed Temporary Modular Accommodation and Associated Works at Windygoul Primary School, Tranent	Cabinet	Public
174/13	Depute Chief Executive – Partnership and Services for Communities	Design and Build Contract for a New Play Area at Rigley Terrace, Prestonpans	Cabinet	Public
175/13	Depute Chief Executive – Partnership and Services for Communities	Building Warrants Issued Under Delegated Powers between 1 and 31 July 2013	Planning	Public
176/13	Depute Chief Executive – Partnership and Services for Communities	Service Review Report – Post VERS Staffing Report, Waste Services	Cabinet	Private
177/13	Depute Chief Executive – Partnership and Services for Communities	Sale of Property, Haddington	Cabinet	Private
178/13	Depute Chief Executive – Partnership and Services for Communities	East Lothian Yacht Club – Civic Hospitality	Cabinet	Public
179/13	Head of Adult Wellbeing	Community Care Finance Unit – Transfer to Adult Wellbeing Service	Cabinet	Private
180/13	Head of Council Resources	Adult Social Care/Benefits Unit Financial Assessment	Cabinet	Private

181/13	Depute Chief Executive (Resources and People Services)	Post-VERS Staffing Report – Council Resources	Cabinet	Private
182/13	Depute Chief Executive (Resources and People Services)	Public Bodies (Joint Working) (Scotland) Bill Response from East Lothian Council	Council	Public

15 August 2013