

REPORT TO: East Lothian Council

MEETING DATE: 22 October 2013

BY: Depute Chief Executive (Partnerships and Services for Communities)

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SUBJECT: Planning Application No. 11/01109/PPM – Planning permission in principle for employment land, drainage works and enabling residential development at Fenton Barns, North Berwick

1 PURPOSE

- 1.1 As the area of the application site is greater than 2 hectares and the principle of development is for more than 50 houses, the proposed development is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development. Furthermore the proposed development is significantly contrary to Policy DC1 of the adopted East Lothian Local Plan 2008.
- 1.2 Members will recall that a Pre-Determination Hearing for this application was held at the Planning Committee meeting of 01 October 2013. A Pre-Determination Hearing is mandatory where a planning application is made for a major development that is significantly contrary to the development plan.
- 1.3 As amended by Section 14(2) of the Planning etc. (Scotland) Act 2006, the Local Government (Scotland) Act 1973 requires that in cases where a Pre-Determination Hearing is mandatory then the application must be decided by a meeting of the Council. Thus this application is now brought before the Council for a determination.

2 RECOMMENDATION

- 2.1 That planning permission in principle be refused for the following reasons:
 1. As enabling development for a new build infrastructure development in the countryside the proposed new build housing development is not

supported by Part 1(a) of Policy DC1 of the adopted East Lothian Local Plan 2008.

2. As the proposed new build housing development is not to enable a form of new build development in the countryside of an employment, tourism or leisure use the proposed housing development is contrary to Part 1(c) of Policy DC1 of the adopted East Lothian Local Plan 2008.

3. In not being a direct operational requirement of an agricultural, horticultural, forestry or other employment use in the countryside the proposed new build housing development is contrary to Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008.

4. In the absence of any justifiable need for additional employment land at Fenton Barns, as it would not be of an appropriate scale and character for its countryside location, as it would result in the loss of some 12.47 hectares of prime agricultural land, and as the site identified for employment use is not well located in terms of proximity to a range of modes of transport, the proposed employment land is contrary to Policies DC1, BUS9 and T1 of the adopted East Lothian Local Plan 2008.

3 BACKGROUND

3.1 Planning Assessment

The application site consists of several areas of land that are mostly in the locality of Fenton Barns but also at West Fenton. The areas of land are in the countryside to the north of Drem, to the south of Dirleton and to the southeast of Gullane. There are a number of residential and commercial properties in the wider locality.

In February 2010, planning permission (Ref: 09/00054/FUL) was granted in detail for the formation of a proposed new foul and surface water drainage system at Fenton Barns. The approved development has not been implemented and planning permission 09/00054/FUL lapsed on the 03 February 2013.

In January 2009 planning permission was sought by DC Watson & Sons for drainage works and for a residential development on the application site. The proposal was for a maximum of 150,000 square feet of housing rather than a specified number of houses. In April 2010 planning permission in principle 09/00053/OUT was refused for the following reasons:

“1. As enabling development for a new build infrastructure development in the countryside the proposed new build housing development is not supported by Part 1(a) of Policy DC1 of the adopted East Lothian Local Plan 2008.

2. As the proposed new build housing development is not to enable a form of new build development in the countryside of an employment,

tourism or leisure use the proposed housing development is contrary to Part 1(c) of Policy DC1 of the adopted East Lothian Local Plan 2008.

3. In not being a direct operational requirement of an agricultural, horticultural, forestry or other employment use in the countryside the proposed new build housing development is contrary to Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008 and Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.

4. As the proposed new build housing development would be on greenfield land not allocated for housing development it is contrary to Policy HOU8 of the approved Edinburgh and the Lothians Structure Plan 2015.

5. There is not, and there would not be sufficient capacity at Dirleton Primary School to accommodate children that could arise from the occupancy of the proposed new build housing development”.

The applicant appealed to the Scottish Ministers against the Council's decision to refuse planning permission in principle 09/00053/OUT. That appeal was subsequently dismissed by the Reporter appointed to determine the appeal. In dismissing the appeal, the Reporter concluded that “the scale of the departure from the development plan is so significant that it requires exceptional circumstances to override it. In this case whilst a strong argument has been put forward to support the need for enabling development, on the basis of the information before me, I am not persuaded, at the time of my determination, that every potential option for raising finance has been explored. In these circumstances I attach greater weight to the integrity of the development plan, and consider that an exceptional case of sufficient weight has not been provided. Other material considerations do not therefore justify a departure on the scale proposed”. In making this conclusion the Reporter added that “the development of around 75 houses, as a likely minimum based on my own assessment above from the figures provided, would be a major departure. It would double the residential size of Fenton Barnes and effectively create a significant new settlement in the East Lothian countryside. It could act as a precedent and make it more difficult for the council to refuse similar applications in the future”.

Planning permission in principle is now sought for employment land, for drainage works and for a residential development on the application site.

The drainage works for which planning permission in principle is now sought are identical to the proposed new foul and surface water drainage system that were approved in detail by the grant of planning permission 09/00054/FUL and which were the subject of previous planning permission in principle application 09/00053/OUT.

The new foul drainage system would replace the existing private foul drainage systems for the Fenton Barnes area, and would involve foul waste being discharged into existing public drainage infrastructure and ultimately into the existing waste water treatment works at Gullane. It is

the applicant's intention that it would be a public system to be maintained by Scottish Water. The principal component of the proposed foul drainage system would be a new waste water pumping station. It is indicatively shown to be located in the southern edge of a field that is immediately to the south of Fenton Barns, in a position some 110 metres to the west of the B1345 road that passes through Fenton Barns. It is further indicated that the compound would be some 14.5 metres in length and 5 metres wide, with most of its equipment being contained in an underground chamber, although a metal crane type structure, some 2.5 metres in height is shown to be erected above ground level. The new waste water pumping station is intended to replace the existing privately owned sewage treatment works, located approximately 1km to the south of Fenton Barns. The applicant advises that the existing sewage treatment works would be demolished on the new pumping station becoming operational. In support of the operation of the new waste water pumping station and to enable foul waste to be taken to the existing public drainage infrastructure and waste water treatment works that the proposed new foul drainage system is to be connected to, it is proposed that a network of new drainage pipes and rising mains could be installed underground.

The proposed surface water drainage system is indicatively shown to include the formation of two attenuation ponds and the laying of new field drainage channels. One of the attenuation ponds is shown to be located to the east of the proposed waste water pumping station, with the other attenuation pond shown to be located on agricultural land to the north of the residential properties of Fenton Barns Farm Cottages.

A masterplan originally submitted with this application indicates the land at Fenton Barns that is proposed for future employment use. It has an area of some 12.47 hectares. It consists of land to the south and east of Fenton Steading as well as most of the field that is immediately to the south of Fenton Barns and to the west of the B1345 road. In a further submission to the Council, the applicant estimates that of the 12.47 hectares, the net developable area may be between 7.5 and 8.75 hectares. The remainder of the 12.47 hectares would be used for landscaping and infrastructure such as access roads.

The masterplan indicates how the housing could be developed on two areas of land on the eastern part of the application site that have a combined area of some 9 hectares. The easternmost of the two areas of land is bounded to the north by Dairy Cottages, to the east by farmland, to the south by Fenton Barns Farm Cottages and Fenton Barns Farm steading, and to the west by the public road which serves that part of Fenton Barns. The other area of land is situated to the west of that road and is bounded to the south by a small group of buildings, to the west by a length of the B1345 road and to the north by another small group of buildings. This westernmost area of land was previously used as a mini-golf course (approved by planning permission P/0496/93 granted in January 1994). However that use has ceased and the land is now mainly laid to grass. The easternmost area of land was, in part, previously used

as a golf driving range (approved by planning permission P/0496/93 granted in January 1994). That use has ceased and the land has been returned to a field. The other part of the easternmost area of land is part of the same field. The former golf driving range buildings are now used for storage and as a retail unit. The masterplan indicates how some lower density housing surrounded by green space might be accommodated on the easternmost area of land. It is indicated that the westernmost area of land could contain a mix of lower and higher density housing. The masterplan indicates that the existing tree planting along the western boundary of the westernmost area of land and along the southern boundary of the easternmost area of land would be retained. It is further indicated that a pedestrian link could be provided for pedestrian access from the proposed housing to the business units at Fenton Barns that are to the southwest of the two proposed areas of housing land and also to part of the proposed new area of employment land.

A brochure submitted with this application indicates possible designs for the proposed housing.

The principle of the housing is being promoted by the applicant as a necessary provision of enabling development to cover the primary cost of the new employment land and to fund, complete and vest in Scottish Water the development of the proposed drainage works. The planning statement informed that 100 residential units are required to enable the proposal.

In May 2013 the applicant submitted an indicative site layout plan showing how 80 houses could be laid out within the part of the application site proposed by the masterplan for housing. Of these 80 houses, it is indicatively shown that 30 of them could be positioned on the easternmost area of land and the other 50 could be positioned on the westernmost area of land. It is further indicated that the 80 houses would have a total floor area of 176, 643 square feet.

In a subsequent email from the planning agent acting on behalf of the applicant, confirmation is given that a development of 80 residential units would be sufficient to generate the floorspace (and from that the financial receipt) to pay for the proposed new drainage system.

It is therefore on the basis of an 80 house development, and not a 100 house development as originally proposed, that this planning application stands to be determined.

In a planning statement submitted with the application, the applicant informs that land under his ownership was acquired by the War Office in both world wars for use as an airfield and hangar facility. The land was returned to the applicant's family in 1947 along with various airfield buildings and a private sewage treatment works that had been established at that time. Since then, Fenton Barns has been subject to development with some new residential properties and with small businesses. The private sewage treatment works still services the business and residential uses within the Fenton Barns area. However the

applicant states that it is no longer fit for purpose. The evolution of the area as a business location in particular has exacerbated the problems experienced at the existing private treatment works. The existing private drainage system is incapable of meeting the rising discharge standards imposed by the Scottish Environment Protection Agency license. The combined system in place (foul and surface water) in times of heavy rainfall is unable to deal with the flows through the system and the private sewage treatment works regularly discharges into the Peffer Burn leading to pollution of Aberlady Bay. Despite the best efforts of the landowner in maintaining the works, it and the associated pipework are no longer suitable or reliable. Several pollution incidents have occurred, including very recent incidents, which raise questions over the whole future of Fenton Barns as one of the key important employment centres in East Lothian. The applicant advises that the modern and effective drainage system proposed would benefit both residential and commercial properties within the Fenton Barns area. However such a system comes at considerable expense. The applicant considers that the enabling housing development is fundamental in order to cover the primary costs of the drainage upgrade and can only be met by the sale of the land proposed for housing development. The new drainage works would protect the 500 jobs that the applicant states are provided by local businesses at Fenton Barns and would allow for new jobs to be provided.

The applicant advises that the proposal that forms this application is materially different to that which was previously refused and dismissed on appeal in that the current application promotes new employment land as well as drainage works for the existing and proposed employment land.

A separate economic report submitted with the application seeks to justify the inclusion of the housing as enabling development. The applicant has suggested that a legal agreement should be entered into by the applicant and the Council to ensure an appropriate linkage between the provision of the new drainage works and the enabling housing development.

In the economic report, it is stated that the applicant cannot afford to renew the drainage system. Moreover, there is insufficient residual value to obtain a loan to cover the cost of the new drainage system. It is also stated that businesses at Fenton Barns are not willing to contribute towards these costs. It is the applicant's view that the proposed enabling housing development is the only way that sufficient funding can be made available to fund these works.

The applicant has provided a copy of a letter from SEPA, in which support is given for the proposed new drainage system.

The applicant argues that East Lothian has failed to provide a continuous and effective housing land supply, and the proposed housing component of the development would make a useful contribution in meeting this shortfall.

The applicant also argues that the new employment land would provide a major increase in the marketable land supply, which they contend is clearly lacking in East Lothian at this time.

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

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policy IB (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), ENV3 (Listed Buildings), BUS9 (Proposals on Unallocated Land), INF1 (Pipeline Consultation Zone), INF3 (Infrastructure and Facilities Provision), DP17 (Art Works- Percent for Art), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Ministers' policy on development affecting the setting of a listed building as given in the Scottish Historic Environment Policy: July 2009, and Scottish Ministers' policy given in Scottish Planning Policy: February 2010.

Also material to the determination of this application is the appeal decision in respect of previous planning application 09/00053/OUT.

A total of 43 written representations have been received in respect of this application, all of which make objection to the principle of the proposed development.

The main grounds of objection are summarised as follows:

- * The principle of the proposed housing and employment land is contrary to the development plan;
- * Proposal would be harmful to the privacy and amenity of neighbouring residential properties;
- * Increased traffic generated by the proposal would create significant road safety issues;
- * The applicant has acted irresponsibly by not ensuring that adequate funds have been put aside to ensure that the existing drainage system was adequately maintained;
- * Any infrastructure works and associated costs should lie firmly with the landlord/ owner of the commercial premises;
- * No other system appears to have been considered for improving or repairing the existing drainage system;
- * The application form is inaccurate, as the land of the application site is in agricultural use;
- * Lack of local services and public transport to serve the proposed housing;
- * Loss of prime agricultural land;
- * Proposed development would devalue the objector's property;
- * Proposed housing and employment land would not be in keeping with the rural visual appearance of the area;
- * Applicant has failed to notify all owners of land within the application site.

The concerns about land owner notification of the planning application relate to the existing pumping station at West Fenton Court, which is claimed forms part of the application site. On this basis, the objector claims that the residents of West Fenton Court, who the objector states own the pumping station, should have been notified of the planning application as land owners. The pumping station is however outwith the application site. Consequently, there is no requirement for the owners of West Fenton Court to have been so notified.

A perceived devaluation of an objector's property is not a material consideration in the determination of a planning application.

Gullane Area Community Council object to the principle of the proposed development, advising that insufficient attention has been paid to the local infrastructure in terms of roads, accessibility, schools and the impact that such a large scale economic development would have on leisure and tourism in the area. They also note that the employment land is in breach of the Local Plan. The Community Council are not satisfied that the applicant has explored fully various alternatives in the terms of the sewerage system.

In a further consultation response, the Community Council advise that both the proposed employment land and the proposed housing development constitute significant and unacceptable departures from the Local Plan. They advise that the background to the application is the applicant's failure to invest appropriately over time in what has consequently become a haphazard drainage system subject to repeated failure. The applicant's proposed solution is a misuse of the planning system. Moreover, the Community Council advise that the scale of development is unacceptable and will inevitably lead to increased traffic levels and associated greenhouse gas emissions and will impact on school capacity.

Through the determination of planning application 09/00054/FUL and that grant of planning permission it has already been decided that the drainage works proposed for Fenton Barns are acceptable, not only in principle but also in detail. Thus, there is no good planning reason for the Council in their determination of this application to now oppose the principle of the proposed drainage works.

If the Council were to be of a mind to grant planning permission in principle for the proposed housing development, the Council's Senior Environmental Protection Manager, who has concerns that the occupants of existing residential properties and the proposed enabling houses may be affected by noise emanating from any non-domestic premises that may be developed on the proposed employment land, recommends that it be conditional on the submission of a noise assessment to be submitted to and approved by the Planning Authority.

The proposed housing and employment land components of the proposed development by their scale would have a significant impact on the local environment and thus in accordance with Policy DP17 of the adopted East Lothian Local Plan 2008 there would be a need to provide artwork either as an integral part of the overall design of it or as a related commission.

A National Gas Transmission Pipeline is located to the east of the proposed housing site. The Health & Safety Executive does not advise, on safety grounds, against the granting of planning permission in principle for the proposed housing development.

The indicative site layout plan submitted in May 2013 shows how access to the 80 houses could be taken from the road that presently gives access to that part of Fenton Barns from the B1345 road. It also shows how three access points could be formed from that access road, two to serve the easternmost part of the housing development land and one to serve the westernmost part.

The Council's Transportation service are satisfied that in principle the proposed housing development could be safely accessed and that sufficient off street car parking could be provided. Were planning permission in principle to be granted for the proposed housing development, then the detailed arrangements for site access and car parking would thereafter have to be submitted to and approved by the Planning Authority.

In respect of the employment land, the Transportation service advise that they would normally require a Transport Assessment to be submitted in support of a proposal for an employment site of the size proposed. However they note that no details have been submitted of the type or size of employment units that would be developed on the site. They therefore recommend that a Transport Assessment should accompany any detailed proposals for the development of the proposed employment land. The Transport Assessment should include details of measures to improve public transportation infrastructure at Fenton Barns.

The Transportation service are satisfied that in principle the proposed housing and employment land would not result in the local road network being put under excessive pressure.

Based on the advice of the Transportation service the principle of the proposed development does not conflict with Policy T2 of the adopted East Lothian Local Plan 2008.

The masterplan indicates that the existing tree planting along the western boundary of the westernmost area of land and along the southern boundary of the easternmost area of land proposed for housing development would be retained. The landscape advice given by the Council's Policy and Projects Manager is that any new development should be set back an appropriate distance from those trees to ensure their well-being and, in addition, new landscaping should be used to better integrate the proposed development into its surroundings. Detailed landscaping proposals should also be submitted in respect of the proposed SUDS ponds to ensure that they make a positive contribution to the amenity and wildlife value of the application site.

The Council's Biodiversity Officer raises no objection to the principle of the proposed development.

As the housing development indicatively shown to be located to the north of Fenton Barns Farm Cottages would be positioned to the north of the

existing tree belt, the presence of it would not harm the setting of Fenton Barns Farm Cottages, which are located to the south of the tree belt and which are listed as being of special architectural or historic interest (Category B & C). As the housing development is indicatively shown to be located some 30 metres to the southeast of Fenbar Garage, the presence of it would not harm the setting of the Garage, which is listed as being of special architectural or historic interest (Category B). On this matter the principle of the proposed development does not conflict with the statutory requirement of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building's setting. Neither does it conflict with Policy IB of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV3 of the adopted East Lothian Local Plan 2008 or the Scottish Historic Environment Policy: July 2009.

The Council's Executive Director of Services for People informs that the application site is within the primary school catchment area of Dirleton Primary School and the secondary school catchment area of North Berwick High School. He advises that Dirleton Primary School would have capacity to accommodate children that could arise from the proposed 80 houses, based on the phasing of completion of those 80 houses being controlled.

The Executive Director of Services for People also advises that North Berwick High School would not have capacity to accommodate children that could arise from the proposed 80 houses. Thus the Executive Director (Services for People) objects to the application. However, he confirms that he will withdraw this objection if the applicant is required to make a financial contribution to the Council of £382,800 (£4,785 per house) towards the provision of additional accommodation at North Berwick High School. This could be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Agreements. Subject to the Council securing the appropriate developer contribution the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where the developer makes appropriate provision for infrastructure required as a consequence of their development. This will include funding necessary school capacity. A legal agreement will be used to secure this provision.

The Council's Assistant Archaeology Officer advises that the proposed development site is within an area regarded as having good potential for archaeological remains to survive. Accordingly she recommends that there should not be any commencement of development of it unless a programme of archaeological works (Archive Assessment, Watching Brief and Monitored Strip) has been carried out by a professional

archaeologist to evaluate the land for any potential archaeological remains. This stated position is consistent with Scottish Ministers' policy given in Scottish Planning Policy: February 2010 and Government advice given in Planning Advice Note 2/2011: Planning and Archaeology. It is also consistent with Policy ENV7 of the adopted East Lothian Local Plan 2008.

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

Notwithstanding these considerations, the principal material considerations in the determination of this application is whether or not the proposed employment land and housing development are consistent with development plan policy, and if not whether other material considerations justify approving the application contrary to the development plan.

The part of the application site proposed for employment land is not allocated in the adopted East Lothian Local Plan 2008 for development. Rather it forms part of the East Lothian countryside, as defined by Policy DC1 of the adopted East Lothian Local Plan 2008.

Policy BUS9 of the adopted East Lothian Local Plan 2008 relates to proposals for business and industrial developments on land not allocated for this purpose, including sites within the East Lothian countryside. It states that such proposals will not normally be permitted unless, amongst other things, no alternative allocated and marketable site is available in the area and the proposal does not conflict with other Local Plan policies.

In respect of alternative allocated and marketable sites, the Council's Policy and Projects Manager does not agree with the applicant's claim that there is a clear lack of marketable employment land supply in East Lothian at this time. The Policy and Projects Manager advises that sufficient land has been allocated by the adopted East Lothian Local Plan 2008 to meet both the strategic employment land requirements and the strategic requirement for land to be identified for small-scale business development. Some of these allocated sites, including land at Macmerry Business Park, Old Craighall Junction, Spott Road, Dunbar and Mid Road, Prestonpans are both marketable and effective. Given the relatively limited annual take-up of employment land, the Policy and Projects Manager advises that there is a sufficient supply of effective and marketable employment sites in East Lothian. On this basis, he advises that there is no need at the present time to increase the supply of employment land in East Lothian. In her consultation response, the Council's Economic Development Manager does not argue that there is any need at this present time to increase the supply of employment land at Fenton Barns or elsewhere in East Lothian.

The matter of employment land supply in East Lothian was considered in two recent appeals, one at Spott Road, Dunbar (Ref: PPA-210-2015) and

one at Barbachlaw, Wallyford (Ref: PPA-210-2018). In both of those appeals, it was concluded by the respective Reporters that there is an adequate supply of land allocated for business and industry in East Lothian. These conclusions are consistent with the advice given by the Policy and Projects Manager in respect of this planning application.

As there is alternative allocated and marketable sites available in the area the employment land component of the proposed development is contrary to Part 1 of Policy BUS9 of the adopted East Lothian Local Plan 2008.

Policy DC1 states that business use, other than where it is directly related to agriculture, horticulture, forestry and countryside recreation, will be acceptable where it is of an appropriate scale and character for its proposed location in the countryside. The proposed employment land, which would have an area of 12.47 hectares, would not be of an appropriate scale for its countryside location. Moreover, the land of the application site is mostly prime quality agricultural land. Policy DC1 (Part 5) of the adopted East Lothian Local Plan 2008 requires that all developments in the countryside minimise the loss of agricultural land. An employment development of the land would result in the loss of some 12.47 hectares of prime agricultural land. On these considerations, the proposed employment land is contrary to Policy DC1 of the adopted East Lothian Local Plan 2008.

Policy T1 of the adopted East Lothian Local Plan 2008 requires new developments to be located on sites that are capable of being conveniently and safely accessed by public transport, on foot and by cycle, as well as by private vehicle. Exceptions to this general policy will only be considered where there is a specific operational requirement for a location that does not meet the terms of this policy, or where there are overall planning benefits to be gained. The site proposed for employment use is not well located in terms of proximity to a range of modes of transport, and is remote from any settlement. Given that there is no need at the present time to increase the supply of additional land at this countryside location, there is no specific operational requirement for the proposed employment land at Fenton Barns. Consequently, the principle of the proposed employment land is contrary to Policy T1 of the adopted East Lothian Local Plan 2008.

By being contrary to Policies DC1 and T1, the principle of the proposed employment land is also contrary to Part 4 of Policy BUS9 of the adopted East Lothian Local Plan 2008.

It is stated in paragraph 84 of Scottish Planning Policy: February 2010 that the majority of housing land requirements will be met within or adjacent to existing settlements and this approach will help to minimise servicing costs and sustain local schools, shops and services. Authorities should also set out the circumstances in which new housing outwith settlements may be appropriate, particularly in rural areas.

The adopted East Lothian Local Plan 2008 does not allocate any land at Fenton Barns for residential development. Neither does the Local Plan define any part of Fenton Barns as being a settlement.

Rather, the areas of land proposed in this application for housing development are defined by Policy DC1 of the adopted East Lothian Local Plan 2008 as being part of the countryside of East Lothian.

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

The housing development proposed in this application is not to meet a direct operational requirement of an agricultural, horticultural, forestry or other employment use in the countryside at Fenton Barns. Therefore, it is not supported by Part 1(b) of Policy DC1.

Under the provisions of Part 1(c), an element of new build housing development may be acceptable to enable a proposed form of new build development of an employment, tourism or leisure use where the Council is satisfied that (i) the wider public benefits of securing the primary use outweigh the normal policy presumption against new build housing in the countryside, and (ii) the enabling development is essential, it is the minimum necessary to achieve the primary use and it is not a substitute for normal development funding, including borrowing.

At the Planning Authority's request the District Valuer has carried out an independent appraisal of the applicant's case for the proposed houses as enabling development. His appraisal has taken into account the financial contribution towards additional education provision recommended by the Council's Executive Director (Support Services). The District Valuer is satisfied that his calculations back up the information contained in the applicant's economic report that the minimum amount of enabling housing development necessary to enable the funding of the proposed drainage works would be 80 residential units.

In their supporting statement, the applicant states that the enabling housing proposed would enable the proposed employment land.

However, the applicant has subsequently clarified that enabling the proposed employment land would consist of the part servicing of that land. The enabling housing would, in part, fund provision of a first drainage connection for the new employment land assuming standard employment uses. The applicant has further confirmed that other servicing of the proposed employment land e.g. mains gas and electricity supply would be an abnormal cost not funded by enabling housing but, instead, by a future third party developer. The applicant is not proposing to install other infrastructure, such as roads, nor does he propose to erect

any buildings on the proposed employment land.

The housing development proposed in this application is not therefore to enable a form of new build development of an employment, tourism or leisure use being proposed at Fenton Barns. The enabling housing required to fund provision of the first drainage connection for the new employment land is not therefore supported by Part 1(c) of Policy DC1.

The proposed new foul and surface water drainage system, including the first drainage connection for the new employment land, would be new build development in the countryside at Fenton Barns. It would not be new build development of an employment use. It would be in the form of an infrastructure development with the intended purpose of replacing the existing private drainage system at Fenton Barns and thus of serving the existing residential uses and the existing and proposed employment uses there.

Part 1(a) of Policy DC1 supports, in principle new build leisure, tourism or infrastructure developments provided they have a clear operational requirement for a countryside location that cannot reasonably be accommodated within an existing urban or allocated area.

As a form of new build infrastructure development the proposed new foul and surface water drainage system, with its connection to the proposed new employment land, is consistent with Part 1(a) of Policy DC1. However, the proposed housing development is not. Part 1(a) does not allow for any element of new build housing development to enable new build infrastructure development in the countryside of East Lothian. The proposed enabling housing development is therefore contrary to Part 1(a) of Policy DC1 of the adopted East Lothian Local Plan 2008.

For the reasons set out above, the principle of the employment land and housing development does not accord with the development plan.

It is now necessary to consider whether or not there are any material considerations that outweigh the scale of the departure from the development plan.

In their planning statement, the applicant refers to general support from the Scottish Planning Policy: February 2010, particularly in relation to supporting economic growth, taking a positive approach to development, and supporting it in all areas. However, as the Reporter in the previous Fenton Barns appeal noted, Scottish Planning Policy does not support general disregard for the development plan, or proposals that may have a damaging impact on the environment, unless there are exceptional circumstances.

The Council's Economic Development Manager informs that the economic activity present at Fenton Barns derives from the operation of some 80 businesses there, with some 500 employees. The businesses

vary in their size and nature. These range from businesses employing one member of staff to more nationally known companies like Brown Brothers and Monaghan Mushrooms. These businesses make a significant contribution to the economy of East Lothian, both in terms of employment value and direct output of turnover.

The Economic Development Manager is keen to safeguard all the jobs at Fenton Barns given the current economic climate, as well as provide a conducive environment for new businesses to form and grow. Moreover, from her perspective, provision of any additional employment land is to be welcomed.

The applicant advises that the new drainage works would protect the 500 jobs that are provided by local businesses at Fenton Barns and would allow for new jobs to be provided. They consider that the enabling housing development is fundamental in order to cover the primary costs of the drainage upgrade and can only be met by the sale of the land proposed for housing development. They note that in terms of the previous planning appeal at Fenton Barns, the Reporter concluded that it was for the Council and the applicant to work together to find a way forward. The applicant advises that to date, no alternative source of funding has emerged.

The Scottish Environment Protection Agency (SEPA) advise that the current drainage arrangements at Fenton Barns consist of a sewage treatment works (STW) which was built around the time of the Second World War to serve the former RAF air base. The STW now treats the foul drainage for the Fenton Barns development. They advise that it has a poor track record of compliance with its licence conditions and the responsible person, Keith Chalmers-Watson has been prosecuted on two separate occasions for breaching his licence. The works exerts a chronic long term pollution pressure on the West Peffer Burn which is classified as having Poor Overall Ecological Status in their 2011 classification scheme. It also takes in two trade effluent discharges from Brown Brothers (meat processing) and Monaghan Mushrooms. SEPA have no statutory control over those businesses and it is the operator's responsibility to control what goes into the sewer. According to SEPA, it is highly likely that the works is operating at full or over capacity. SEPA support the principle of the proposed development. They do however recommend that the new drainage system be provided prior to development of the housing commencing.

SEPA could not take any action directly against the businesses at Fenton Barns as they have no statutory control over those businesses. The only action SEPA can take is against the responsible person, Keith Chalmers-Watson.

Gullane Area Community Council and a number of the objectors are not satisfied that the applicant has explored fully various alternatives in terms of the sewerage system. In other words, they suggest that there may be

other, less expensive, solutions to the current drainage problems at Fenton Barns.

This matter has been taken up with SEPA, who advise that “it would be up to the applicant to approach SEPA with alternative drainage proposals which we would assess on a case by case basis, it is impossible to say if we would object or not (to an alternative drainage solution)... SEPA do not act as technical consultants with the onus being on the operator to demonstrate how they intend to meet current and future standards”. Thus, SEPA are not in a position to consider the proposals other than on their technical merit. On the basis of this response, it cannot be concluded that the drainage system now proposed by the applicant is the only viable solution to the current drainage problems at Fenton Barns.

Drawing these matters together, the proposed employment land and up to 80 houses constitute a significant departure from the development plan. The proposed new housing would more than double the residential size of Fenton Barns and would effectively create a significant new settlement in the East Lothian countryside. As the Reporter in the previous Fenton Barns appeals concluded, it could act as a precedent and make it more difficult for the Council to refuse similar applications in the future. There is no justifiable need for the proposed new employment land, which, if developed, would result in a significant loss of prime agricultural land.

Against this, it is clear that the existing drainage system at Fenton Barns requires upgrading. SEPA are satisfied that the proposed new system would result in an acceptable drainage solution for Fenton Barns. On the other hand, it cannot be concluded that the drainage system now proposed by the applicant is the only viable solution to the current drainage problems at Fenton Barns.

In conclusion, the proposed housing and employment land are significantly contrary to the development plan. It cannot be concluded that the drainage system now proposed by the applicant is the only viable solution to the current drainage problems at Fenton Barns.

Even if it were, the benefits of the proposed new drainage scheme do not outweigh the provisions of the development plan. Other material considerations, including the contribution that the 80 houses would make towards the shortfall in the effective housing land supply of East Lothian, do not justify a departure of the scale proposed. It is therefore recommended that planning permission in principle be refused for the reasons set out in section 2 of this report.

4 POLICY IMPLICATIONS

4.1 None.

5 EQUALITIES IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None
6.2 Personnel - None
6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Planning application 11/01109/PPM– Planning permission in principle for employment land, drainage works and enabling residential development at Fenton Barns, North Berwick
7.2 Adopted East Lothian Local Plan 2008
7.3 Approved South East Scotland Strategic Development Plan (SESplan)
7.4 Scottish Planning Policy: February 2010
7.5 Appeal Decision Notice Ref: P-PPA-210-2014

AUTHOR'S NAME	Iain McFarlane/Keith Dingwall
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DATE	03 September 2013

**NOTE TO COUNCIL OF PRESENTATIONS MADE TO THE
PLANNING COMMITTEE ON 1 OCTOBER 2013 IN RESPECT
OF THE PRE-DETERMINATION HEARING**

Planning Application No. 11/01109/PPM: Planning permission in principle for employment land, drainage works and enabling residential development at Fenton Barns North Berwick

PRESENTATION BY ROBIN MATTHEW OF PPCA LTD (AGENT)

Planning permission in principle sought for employment land, drainage works and residential development.

Key issues

The enabling housing development is essential to cover primary costs of the drainage upgrade and can only be met by the sale of the land proposed for housing development. The new drainage works would protect the 500 jobs provided by local businesses and allow for new jobs. New employment land could be passed over to the Council in recognition of the shortfall of employment land in this area. This proposal is materially different to the earlier application; this application promotes new employment land as well as drainage works for the new and existing employment land. The new drainage system would cost £6 million. Stated that following detailed discussions with the Council and the District Valuer 80 dwellings were now regarded sufficient, this is a significant reduction from 100 units proposed in 2011. Scale of development proposed is minimum required to fund the new sewage treatment works. Discussions had already taken place with various developers.

Sewage treatment works

Stated that the consequence of refusal of the application would be serious repercussions for the sewage treatment works. SEPA test the system against various criteria, consistent failings since beginning of 2012. He outlined the technical tests and outcomes. He presented photographs showing the scale of the problem. Stated that given the age and condition of the existing system the treatment works had to be closed. SEPA had the option to prosecute the applicant, who is the licence holder. The applicant indicated he would not appeal a refusal of planning permission; however if the application is refused he intends to take legal action against the owners of Monaghan Mushrooms and Browns Food Group to stop them discharging into the system.

Conclusion

He would argue that the application was not contrary to Policy DCI. This was an unique circumstance, there was no precedent in planning law. This application has to be looked at as a solution for Fenton Barns and on that basis he would request that planning permission in principle is granted.

Questions from Members

- Q Are Monaghan Mushrooms and Browns Food Group the main polluters? Percentages? What measures taken?
- A Yes, main polluters, no percentage breakdown available. Highlighted those businesses because they have points on site that allows them to be more closely monitored.
- Q Should planning permission be refused would all users be disconnected from the drainage system?
- A Staged approach. Monaghan Mushrooms and Browns Food Group main problem, licence holder would disconnect them first and then look, with SEPA, at a way to protect the other businesses and residents.

Q Separation of ground water and foul waste not possible? Heavy rainfall, should surface water drainage be routed to a SUDS pond, would this prevent the drainage system from being overloaded?

A No. There is no technical solution that would meet SEPA's legislative standards, no way of redirecting outputs. The treatment works were not built to take industrial effluent.

Q Suggesting that SEPA's limits have been exceeded but also linking this to flooding – 2 issues or same issue?

A SEPA tests the system every 3/4 months, their limits exceeded every time. Flooding only makes it worse but even in a dry climate levels would still be exceeded.

Q Enabling development has no provision for affordable housing, is this correct?

A Yes. Minimum number of dwellings proposed means exempt from obligation to provide affordable housing.

Q Since 2009 have owners stopped new customers coming on to the drainage system?

A There are limitations on the system but the licence holder has not prevented new businesses from occupying properties at Fenton Barns.

Q Re the above point, isn't there a new business now in operation at Fenton Barns?

A The only new business development at Fenton Barns since 2009 has been a nursery, which, at SEPA's insistence, has a septic tank.

Q Has the applicant identified a local separate answer for the waste produced by Monaghan Mushrooms and Browns Food Group?

A There has been additional equipment put in to both their businesses to reduce the effluent produced. The licence holder has no legal obligation to force unit holders to make such improvements.

Post meeting note

The information on this page has been supplied by the applicant (Keith Chalmers-Watson) in response to questions raised at the Pre-determination Hearing and is provided as further information for Members

1. The rainfall in 2012 was 36 inches against an average of 24 inches. This exacerbated the flooding of the STW. Undoubtedly, part of the drainage plan is to remove as much surface water as possible prior to a DIA being carried out. This will however have the effect of increasing the concentration of effluent rather than diluting it. The flooding element of the problem would be immediately reduced if the surface water was piped directly to the West Peffer.
2. Brown Brothers have installed a DAF unit which is capable of reducing BOD to 500 (human level) and easily handled at the STW. I have just had the result of a sample taken from the Brown Brothers factory on 24th September which had a BOD of 1466. The DAF unit is being incorrectly managed and I am unable to take any action against BB.
3. Monaghan Mushrooms are presently installing a filter unit which will reduce the suspended solid fraction to a level which the STW can handle. If it is managed properly.
4. The new build referred to was the Nursery and this was only approved provided it had a completely separate septic tank / soak-away system installed. The warehouse under construction is a replacement of an existing building on the same footprint, and largely funded by insurance.
5. Up until March 1996, the STW was administered by FRPB, a benign organisation. In 1990 nine samples failed. After 1996, SEPA became responsible and had considerably more powers to prosecute.
6. Alternatives to the proposal were fully considered 5 years ago:
 - a. Pump effluent to North Berwick - would cost 3 times the cost of pumping to the Gullane STW and was discarded.
 - b. Replace the existing works which would cost millions of pounds and SEPA would reduce the discharge consent levels.
 - c. No other alternative.
7. I resented enormously the claim that the FB Estate has been mismanaged. We have more than 100 business tenants and 400 jobs in the catchment area.

PRESENTATIONS AGAINST THE APPLICATION

MARTIN WHITE (Resident of West Fenton)

Main points

- 2007 applicant signed joint marketing agreement with Edinmore, property speculators
- 2008 URS on board, one of the world's leading energy companies, not appointed to look at sewage issue but to assist in enabling new development
- 2009 first planning application lodged, would have expected SEPAs measurements of downstream water to show decline but did not
- Businesses would have to pay full Scottish Water charges if new system adopted, not surprising little interest from these businesses
- If URS been given an open brief other options may have been available, e.g. other mushroom farms recycle 100% of their waste water

Summary

This proposal is the wrong answer for the area and is at odds with planning policies. The area is rural and agricultural.

DAVE HOLLOWAY (Dirleton Village Association)

DVA objects to this proposal on the grounds that it contravenes the development plan and the development, if granted, has no local infrastructure to support it.

Focus on sewage proposal

(Informed Members previously employed by SEPA & Forth River Purification Board)

- As SEPA's former manager for the Lothians he is well aware of the sewage treatment works at Fenton Barns and its past discharges
- Drainage Strategy report (DSR) focused on most expensive option and does not consider other available options
- All costs and benefits not outlined in DSR
- Mr Holloway has reviewed the last 5 years of water quality
- Current plant capable of meeting SEPA's requirements, in dry weather
- As mentioned in DSR plant is directly affected by wet weather
- DSR correctly identified separation of flows as first step – would contend that this is the only step required, with this, SEPA's licence requirements could be met
- Other options available, all significantly cheaper than the new pump system proposed
- Once a pump system is adopted by Scottish Water all businesses and households would be liable for charges, there could be huge cost implications for the 2 largest businesses

Summary

Proposal inappropriate – wrong scale, wrong place, unnecessary, significant change to development plan and culpable threat to employment.

Questions from Members

- Q If the treatment works could be adapted to the levels required, would new businesses still be possible at Fenton Barns?
- A Businesses currently on site are 1/2 man businesses mainly and only have dry processes so adding in another business like these would not be an issue. Problem only if new businesses had to process waters into the system. All businesses subject to trade effluent controls.
-

TOM DRYSDALE (Gullane Area Community Council)

This application represents inappropriate use of the planning system. Background to the application was applicant's failure to invest appropriately over time in what has consequently become a haphazard drainage system subject to repeated failure.

Employment land

- If jobs are created will not be from the local area
- Vast majority of available land is in the Musselburgh area and A1 corridor – no shortage of available space there, businesses should be encouraged where there is available space and accessible workforce
- If application is approved a full economic impact analysis would be required

Residential element of application

- Reasons given by Reporter in dismissing previous application at appeal apply equally to this application
- Application for housing premature
- Already significant flow of new housing sites in this coastal ward
 - 120 at Gilsland
 - 420 at Mains Farm (potentially, next agenda item)
 - 140 at Ferrygate (now refused on appeal by Scottish Ministers)
 - 60 at Archerfield
- Concerns about the scale and market position of the proposed housing – large houses, not affordable houses, not meeting local housing needs

Transport issues

- Junction on coast road at Dirleton Toll is hazardous, surprised no objection by the Council's Transportation service
- No footpath or cycle path
- Minimum public transport provision on this route
- No mention of any of these factors in proposals
- Parking available at Drem station is insufficient for current needs

Education

- Present schools at capacity
- Extension to Dirleton Primary School will increase the roll from 75 to 100 but this will only deal with demand already in the system

Summary

The main economic drivers in the coastal ward are agriculture, culture and tourism. This application could strike at the heart of this; to allow this application would be a serious mistake. The Council's Policy and Projects Manager recommends refusal of this application; the Community Council agree.

DAVID CAMPBELL (AHSS East Lothian Cases Panel)

AHSS objects in principle to this application.

Focus on heritage aspect

- Very interesting site, containing some remaining airfield buildings from WW2
- The 3 conservation villages of Dirleton, Drem and Athelstaneford and the nearby battlefield would be compromised by these proposals
- Proposal would change the character of this very sensitive area
- The proposal would in effect create a new village

Summary

AHSS not simply opposed to any development in principle. The Society sympathises with the pressure the Council is under from the Scottish Government and others to bring forward employment and housing land but the Council has policies in place regarding future development and should adhere to these. AHSS objects to this application and urges refusal.



**MINUTES OF THE MEETING OF
EAST LoTHIAN COUNCIL**

**TUESDAY 27 AUGUST 2013
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

2

Committee Members Present:

Provost L Broun-Lindsay (Convener)	Councillor N Hampshire
Councillor S Akhtar	Councillor W Innes
Councillor D Berry	Councillor M Libberton
Councillor S Brown	Councillor P MacKenzie
Councillor J Caldwell	Councillor F McAllister
Councillor S Currie	Councillor P McLennan
Councillor T Day	Councillor K McLeod
Councillor A Forrest	Councillor J McMillan
Councillor J Gillies	Councillor J McNeil
Councillor J Goodfellow	Councillor M Veitch
Councillor D Grant	Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive (from Item 4)
Mr A McCrorie, Depute Chief Executive (Resources and People Services)
Ms M Patterson, Depute Chief Executive (Partnership and Services for Communities)
and Monitoring Officer
Mr D Small, Director of East Lothian Health & Social Care Partnership
Mr J Lamond, Head of Council Resources
Ms M Ferguson, Corporate Legal Adviser
Mr K Dingwall, Principal Planner (for Items 1-2)
Ms M O'Connor, Cultural Services Manager
Mr D Russell, Corporate Communications Manager

Visitors Present:

None

Clerk:

Mrs L Gillingwater

Apologies:

Councillor T Trotter

Prior to the commencement of business, the Provost, on behalf of the Councillors, welcomed Mr David Small to the Council. Mr Small had recently taken up his position as Director of the East Lothian Health and Social Care Partnership.

1. COUNCIL AND COMMITTEE MINUTES FOR APPROVAL

The Minutes of the Council and Committee meetings specified below were submitted and approved:

Cabinet – 11 June 2013

Matter arising – Item 3: Information and Records Management Policy – Councillor Berry requested that Members be kept informed of developments as regards records management systems. His request was noted.

Audit & Governance Committee – 11 June 2013

Planning Committee – 18 June 2013

Policy & Performance Review Committee – 18 June 2013

East Lothian Council – 26 June 2013

Audit & Governance Committee – 23 July 2013

Matter arising – Item 1: Draft Statements of Accounts 2012/13 – Referring to the letter from Audit Scotland which Councillor McLeod produced at the meeting, concerned with the Council's financial liability in relation to the Musselburgh Joint Racing Committee (MJRC), Councillor Innes asked Councillor McLeod if he had raised his concerns with Council officers prior to writing to Audit Scotland on this matter. Councillor McLeod explained that he and other Members had previously asked officers for clarification as to the status of MJRC and about its liabilities, but as no satisfactory explanation had been given by officers he had taken the decision to seek advice from Audit Scotland.

Councillor Innes expressed his concern that the letter had been produced at the meeting without officers having assessed it, and questioned the appropriateness of such an action. Councillor McLeod noted that he had made the letter available to officers after the meeting. His actions were supported by Councillor Berry, who commented that he had also raised this question several years ago and had not been satisfied with the response of officers at that time.

The Depute Chief Executive (Resources and People Services) confirmed that the Councillor members of MJRC were covered by the Council's insurance as long as they were engaged in approved work. He stated that the racecourse was not deemed an arms-length external organisation (ALEO), but was an un-incorporated association. He further explained that, as the racecourse used Council assets, it had to be included in the Group Accounts but was audited separately before being incorporated into the Joint Accounts. He added that he would work with Councillor McLeod and officers in Law & Licensing to produce a response to Audit Scotland's letter.

2. COUNCIL AND COMMITTEE MINUTES FOR NOTING

The Minutes of the Council and Committee meetings specified below were noted:

Local Review Body (Planning) – 20 June 2013

3. SUMMER RECESS BUSINESS 2013

A report was submitted by the Depute Chief Executive (Resources and People Services) informing 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.

The Clerk advised that two items of business had been approved in accordance with Summer Recess procedures and that both were available to view in the Members' Library.

Decision

The Council agreed to note the business undertaken during the Summer Recess period.

4. 2012/13 YEAR-END FINANCIAL REVIEW

A report was submitted by the Depute Chief Executive (Resources and People Services) informing the Council of the unaudited financial position for the financial year 2012/13, and finalising the arrangements for the carry-forward of funds into 2013/14.

The Head of Council Resources, Jim Lamond, presented the report, advising that although the work of the external auditors was largely completed, the report and accompanying financial statements were based upon the draft statements and were still subject to change through the audit process. He expected the final audit report to be presented to the Council in October.

Mr Lamond drew attention to the salient points of the report, focusing on the performance as regards General Services, Reserves, Statutory Trading Activities and the Housing Revenue Account.

In response to a question from Councillor MacKenzie about financial risk assessments, Mr Lamond advised that full details on those services assessed as high risk would normally be provided in the quarterly finance reports to Cabinet. He also noted that there was a requirement on managers to intervene and take action should their services be given a high risk rating. He offered to provide further information should Members request it.

With reference to Adult Wellbeing and Children's Wellbeing, Councillor McLennan asked how projected cuts to these budgets would impact on their risk ratings. Mr Lamond advised that in the case of Children's Wellbeing, funding had been allocated to address a number of issues, that service re-provisioning work was ongoing and that a staffing review was underway.

Councillor Berry raised concerns in relation to the deficits in the Facility Support and Community Partnerships business units. Mr Lamond reported that Facility Support was a trading activity that had not performed in accordance with expectations in year 3, but that he still expected significant savings to be achieved in this area in the current financial year. As regards Community Partnerships, Mr Lamond indicated that the provision of grant funding to voluntary and other organisations accounted for the overspend of this budget, and that the Head of Policy & Partnerships was now working to address this situation.

Councillor Currie asked why Adult Wellbeing had been given a high risk rating despite being £333,000 under-spent. Mr Lamond explained that the volatility of demand on this service, particularly with demographic challenges, meant that Adult Wellbeing would always have a high risk rating.

On the reductions to the capital programme, Councillor Currie asked if specific projects had contributed to the surplus by being halted or delayed. Mr Lamond advised that he did not have the details to hand, but that this information was now made available to the public. He did point out, however, that some projects had been postponed beyond the 3-year capital planning period and that others had had their costs refined. Mr Lamond also reported that there had been a significant reduction on loan charges for both the General Services Account and Housing Revenue Account, largely due to the reduction in capital spending. He offered to brief Members in more detail outwith the meeting.

Councillor Currie remarked upon the costs of the PPP contract, and asked if these costs would remain at the current levels for the life of the contract. He also asked if consideration had been given to withdrawing from the contract and about the financial arrangements for future secondary school extensions. Mr Lamond advised that the costs would continue largely at their current levels for the life of the agreement. He added that the Council had explored the possibility of ending the agreement in the past but at that time the contractor was not willing to do so and the Council had no powers to enforce this.

Councillor Berry welcomed the ongoing investment in housing, but questioned the continuation of the Council's open market acquisition policy. He also expressed concern that pension liabilities would not be sustainable going forward and that this would have to be addressed at a national level.

Councillor Innes thanked Mr Lamond and his team for the report, reminding Members that it was based on a budget set by the previous Administration. He commented that the control mechanisms put in place in 2012 had resulted in £3m of reserves not being spent as planned and also a significant reduction in debt charges. He expressed concern at comments made by the Opposition about the Council's financial position and called on Members to promote the financial credibility of the Council.

In relation to capital spending, Councillor Currie argued that there was always the potential for project slippage but that the money would still have to be spent. He did not support the reduction in capital spending limits and believed that accelerating capital projects was the right approach. Councillor Currie also voiced his concern in relation to the Council's decision to halt a housing development and the costs associated with this.

Responding to a question from Councillor McLennan as regards the Adult Wellbeing and Children's Wellbeing budgets, Councillor Grant insisted that the budgets set for these services in February 2013 were sustainable, adding that services would have to be provided less expensively in future in order to meet the significant challenges facing the Council. Councillor Akhtar added that Council departments were working together to provide the best possible services.

Councillor Veitch welcomed the lower than planned use of reserves and the under-spends across most revenue budgets. However, he voiced concern about supported bus services, particularly in relation to the allocation of funding for services that were re-tendered in 2012. He stated that the Administration was committed to ensuring that the Council lived within its means and that it was now on track to deliver on that goal.

Decision

The Council agreed:

- i. to note the financial results for 2012/13, their impact on both reserves and the Council's Financial Strategy;

- ii. to approve the addition of brought forward Devolved School Management (DSM) surpluses to and deduction of brought forward DSM deficits from the 2012/13 individual school budgets; and
- iii. to approve the final budget adjustments for the 2012/13 financial year, as outlined in Sections 3.26-3.28 of the report).

5. COMMUNITY USE OF THE BRUNTON

A report was submitted by the Depute Chief Executive (Partnership and Services for Communities) advising the Council of ongoing work to support community use of The Brunton venues in Musselburgh.

The Cultural Services Manager, Margaret O'Connor, presented the report, advising that a review of charges for community and voluntary groups had been undertaken and drawing attention to the proposed new charging schedule, as outlined in Section 3.21 of the report. She also reported that the options in relation to catering provision had been increased. She noted that the new rates would be advertised and that community and voluntary groups would be contacted to discuss the arrangements for their events.

Referring to comments made recently by Councillor Currie in social and local media, Councillor Day claimed that the previous Administration had reduced funding to The Brunton significantly between 2007 and 2012, whereas the current Administration had made only a 4% cut to that budget in 2013/14. He called on Members to support the proposals in the report, which he believed offered the best solution for community and voluntary groups whilst remaining commercially competitive. He also mentioned that the catering contracts had been renegotiated and that the bar area had been redesigned to offer more flexible catering options.

Councillor Currie, who had presented a motion to the Council on this issue in April 2013, welcomed the proposed changes to the charging regime for community and voluntary groups and to the catering arrangements. However, he criticised the Administration for not taking action sooner, and hoped that users would return to The Brunton for events in the future.

Councillor McAllister commented that the proposed prices were still too high for some local groups, but welcomed the proposed flexible approach. He asked if a review of the charges could be undertaken after a year. Councillor Grant drew his attention to Section 4.1 of the report which advised that work was ongoing to develop the criteria under which organisations would qualify for the reduced rate.

Decision

The Council agreed:

- i. to approve the proposal to amend the scale of charges previously reported through a Members' Library report (Ref: 265/12, dated 15 November 2012), noting that a summary of proposed charges showing comparison with the 50% discount charge currently being used for community and voluntary groups and the commercial rate was provided within the report; and
- ii. that, in addition to the options for professional catering services associated with venue bookings, 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.

6. REVISIONS TO EAST LOTHIAN COUNCIL STANDING ORDERS

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the revised Standing Orders and associated appendices.

The Head of Council Resources, Jim Lamond, presented the report, reminding Members that the Standing Orders revisions had been included in the Council's Improvement Plan for 2012/13, and advising of the work done to date. He noted that there were further amendments proposed as regards the Scheme of Delegation (approved in June 2013).

Councillor Berry claimed that he had not been consulted on the proposed changes to the Standing Orders and highlighted a number of aspects that concerned him. He registered his dissent in relation to the report and its recommendations.

Mr Lamond advised that the draft Standing Orders, Scheme of Delegation and Scheme of Administration had been issued to all Elected Members for consultation purposes in April 2013. He added that the Standing Orders could be reviewed on an ongoing basis and indicated that he would be happy to engage further with Councillor Berry.

Councillor Currie thanked the officers involved in preparing the documents and urged Members to raise matters of concern with officers.

Decision

The Council, noting Councillor Berry's dissent, agreed:

- i. to approve the revised East Lothian Council Standing Orders;
- ii. to approve the revised Scheme of Administration;
- iii. to approve further proposed amendments to the Scheme of Delegation, as outlined in Appendix 1 to the report;
- iv. to approve the inclusion of the existing role descriptions for Statutory and Chief Officers as an appendix to Standing Orders;
- v. to delegate to the Chief Executive the incorporation of any further changes into the documents specified above, as agreed by the Council at the meeting; and
- vi. to note that the new Standing Orders and associated appendices would be published on the Council website as soon as practicable.

7. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of a number of additions/amendments to the list of appointments of representatives to Outside Bodies.

The Clerk presented the report, which sought approval of the appointment of Councillor McMillan to the Board of Scotland Excel (replacing Councillor Hampshire) and of the appointment of Councillor Day as a representative on SESplan (replacing Councillor Veitch). She also advised that Children's Hearings Scotland had requested an additional Council representative on the Area Support Team and that the Administration had nominated Councillor Grant for this position.

Decision

The Council agreed to make appointments to Outside Bodies, as outlined below:

- i. Scotland Excel – Councillor McMillan (replacing Councillor Hampshire)
- ii. SESplan – Councillor Day (replacing Councillor Veitch)
- iii. Children’s Hearing Scotland Area Support Team – Councillor Grant

8. SUBMISSIONS TO THE MEMBERS’ LIBRARY, 13 JUNE – 15 AUGUST 2013

A report was submitted by the Depute Chief Executive (Resources and People Services) advising of the reports submitted to the Members’ Library Service since the last meeting of the Council, as listed in Appendix 1 to the report, into the Council’s business.

Decision

The Council agreed to record the reports submitted to the Members’ Library Service between 13 June and 15 August 2013, as listed in Appendix 1 to the report, into the Council’s business.

Signed

Provost Ludovic Broun-Lindsay
Convener of the Council

MINUTES OF THE MEETING OF THE EAST LoTHIAN PARTNERSHIP

WEDNESDAY 21 AUGUST 2013
EAST LoTHIAN COUNCIL, SALTIRE ROOM 2,
JOHN MuIR HOUSE, HADDINGTON

3a

Members Present:

Councillor W Innes, East Lothian Council (Chair) (WI)
Councillor S Currie, East Lothian Council (SC)
Mrs A Leitch, East Lothian Council (AL)
Superintendent A Allan, Police Scotland (AA)
Mr P Heath, Scottish Fire and Rescue Service (PH)
Mr G Archibald, East and Midlothian Chamber of Commerce (GA)
Mr G Henderson, Federation of Small Businesses-East Lothian (GH)
Mr D Leven, Scottish Enterprise (DL)
Professor A Gilloran, Queen Margaret University (AG)
Mr G Warner, NHS Lothian Board (GW)
Councillor D Grant, Health and Social Care Partnership (DG)
Ms Z Inglis, Association of East Lothian Community Councils (ZI)
Mr M Ormiston, East Lothian Tenants and Residents Panel (MO)

Officials Present:

Mr P Vestri, Corporate Policy & Improvement Manager, ELC (PV)
Ms V Campanile, Policy Officer, ELC (VC)
Mr A Strickland, Policy Officer, ELC (item 6) (AS)
Ms S Saunders, Head of Children's Wellbeing, ELC (item 8) (SS)
Ms A Smith, ELC (clerk)
Ms P King, Development Officer, ELTRP

Apologies:

Councillor M Veitch, ELC
Mr M Ash, HSCP
Mr E Stark, VAEL
Ms L McNeill, VAEL

1. WELCOME

Willie Innes, Leader of East Lothian Council and Chair, welcomed everyone to the first meeting of the East Lothian Partnership. He outlined the aim of the Partnership, to deliver the best possible services to make real benefits to communities in East Lothian. He referred to the 3 supporting partnerships, stating these would be the perfect vehicles to deliver outcomes.

2. ROUND TABLE ON EACH MEMBER ORGANISATION'S CONTRIBUTION TO THE PARTNERSHIP

East Lothian Council (ELC)

Angela Leitch, Chief Executive, ELC, remarked that it was good that all organisations were represented at this first meeting of the Partnership; this was the first time that a broader cross section of organisations had met together. She made reference to progress with the Single Outcome Agreement (SOA), which would be discussed later in the agenda. She stated that this Partnership had to be the powerhouse, to show collaborative leadership, to drive performance to achieve the aim and vision for East Lothian. There were ambitious plans for East Lothian. She stressed the need for the Partnership to focus on 2/3 key issues and leave the 3 supporting partnerships to carry out the other work within their particular remits.

Stuart Currie, Elected Member, ELC, referred to the huge challenges facing East Lothian, challenges affecting all stakeholders, which had to be addressed. He stressed that communities needed to see delivery of outcomes.

Scottish Fire and Rescue Service (SFRS)

Peter Heath, Local Senior Officer, SFRS, informed partners that service staff had significant experience and talents that could be utilised in relation to the work of this Partnership. He advised that the service, as part of this group, would be promoting the Partnership agenda, not the SFRS agenda. He stated that partners needed to challenge each other, to add value to the debate and take action as required.

Association of East Lothian Community Councils (AELCC)

Zoe Inglis, Chair, AELCC, indicated that this was an excellent opportunity for communities and community councils.

Federation of Small Businesses-East Lothian (FSB)

Gordon Henderson, Senior Development Manager for Scotland, FSB (EL), informed partners that the Federation's members were predominately self employed or small businesses, with under 10 staff. The Federation was a representative body/lobbying group, not a service delivering group. His role would be to encourage his members to submit feedback, which he would then bring to this forum.

East Lothian Tenants and Residents Panel (ELTRP)

Mark Ormiston, Chair, ELTRP, stated that they were the umbrella group in East Lothian for all Tenants and Residents panels. ELTRP worked closely with ELC and looked forward to working with this Partnership. He gave further details on ELTRP.

Queen Margaret University (QMU)

Alan Gilloran, Deputy Principal, QMU, indicated that QMU was an employer as well as an educational provider and had access to a wealth of skills, training and knowledge; there was a significant amount that QMU could contribute to the Partnership. He drew attention to QMU's 3 flagship areas; health and rehabilitation, sustainable business and culture and creativity. He also referred to QMU's significant experience in the food and drink sector, tourism, entrepreneurship, health and social care and the creative industries. He added that he would like to see the untapped resource of QMU students involved in the Partnership.

NHS Lothian Board (NHSLB)

Graeme Warner, Non Executive Board Member, NHSLB, informed partners that the Health Board looked at every aspect relating to health in East Lothian. He stated that one of Board's greatest concerns was the inequalities that existed; he stressed that this was a problem that needed to be addressed.

East and Midlothian Chamber of Commerce (EMCC)

George Archibald, Chief Executive, EMCC, informed partners that the aim of the Chamber of Commerce was to help businesses perform, grow, prosper and survive. The EMCC also provided a range of initiatives which were available to both members and non-members.

Scottish Enterprise

David Leven, Head of Energy Infrastructure and Location Director for East Lothian, advised that Scottish Enterprise was part of the Scottish Government. Their remit was to promote sustainable economic growth; the main objective was to deliver the Scottish Government's economic strategy. The focus was primarily on economic factors in East Lothian; tourism, food and drink. There was also a focus on the business environment. Scottish Enterprise's role was not one of service delivery, but rather to influence local service delivery by bringing a wider view of East Lothian within the city region and linked to Scotland and the global economy.

Health and Social Care Partnership (HSCP)

Donald Grant, Vice Chair, HSCP, remarked that this new Partnership presented huge opportunities for the health arena. He made reference to the challenges facing East Lothian, in particular the rising population.

Police Scotland (PS)

Andrew Allan, Superintendent, PS, informed partners that Police Scotland currently had 4 priority areas - anti social behaviour, domestic violence, early intervention and road casualties. He gave further details in relation to these priorities. He also drew attention to the introduction of ward level plans.

3. APPOINTMENT OF VICE CHAIR

Willie Innes proposed Alan Gilloran as Vice Chair; George Archibald seconded this proposal.

Decision

The Partnership agreed the appointment of Alan Gilloran as Vice Chair.

Willie Innes left the meeting; Alan Gilloran took the Chair

4. APPOINTMENT OF CHAIRS OF THE SUPPORTING PARTNERSHIPS

Angela Leitch indicated that the opportunity to chair the supporting partnerships had been extended to all partners. She outlined the proposals put forward regarding the appointments. She advised that the supporting partnerships would appoint their own Vice Chairs.

Sustainable Economy Partnership – David Leven, Head of Energy Infrastructure and Location Director for East Lothian for Scottish Enterprise – to be appointed on a fixed term basis.

Resilient People Partnership – Mike Ash, Chair of the Shadow Health and Social Care Partnership and also Chair of East Lothian CHP.

Safe and Vibrant Communities Partnership – Monica Patterson, Depute Chief Executive, ELC – to be appointed as an interim measure until membership of this partnership was finalised.

Decision

The Partnership agreed the proposed appointments:

- Chair of the Sustainable Economy Partnership – David Leven
- Chair of the Resilient People Partnership – Mike Ash
- Chair of the Safe and Vibrant Communities Partnership – Monica Patterson

5. EAST LOTHIAN PARTNERSHIP INAUGURAL EVENT

Paolo Vestri indicated that this report was presented for information primarily. It provided a summary of the discussion from the East Lothian Partnership inaugural event held on 19 June 2013. He advised that some of the points raised had been included in the latest draft SOA. He asked partners to email him if they had any further comments.

Comments

- AL stated that developing community arrangements was key. ELC was putting in area co-ordinating arrangements which needed to tie in with other organisations and their work.
- ZI indicated that communities were ready to submit their ideas.

- PV referred partners to page 21 of the papers, specifically points 5 and 8. He advised that work was progressing on the 6 ward profiles and these would be passed over to the new area partnerships; by next summer the 6 areas would be up and running - they would then take forward the agenda for each of the 6 areas. Details would be fed through to the 3 supporting partnerships and to this Partnership.
- SC remarked that it would be useful for this Partnership to be aware of more detail, i.e. pace of change/decisions/budgets. He stressed the need to focus on areas that were achievable.
- AL indicated there was no new finance available; any finance required would have to come from current budgets. Options may include recycling current finances, looking at different ways of working and considering how partners used the collective resource and accessing new finding streams.
- AG stated that partners had to identify priorities and also needed to manage expectations.
- In response to a question from PH, PV advised that the process would come through the ward plans, each area would be tasked, these would then be fed into the supporting partnerships and then to this Partnership.
- AL referred partners to page 168 of the papers which outlined the process/structure. The intention was that local communities would set out their priorities, if an area wanted to carry out a specific task then they would take the lead on this, look at resources, etc.

Decision

The Partnership agreed to take into account the content of the report when considering amendments for the SOA.

6. EAST LOTHIAN PROFILE

Paolo Vestri introduced the report. He informed partners that the Profile was still in draft form, it contained a huge amount of information; the key source of which had been the 2011 census. He emphasised that it was not a public document. It would be a live document, continually updated.

Andrew Strickland gave a detailed presentation on the draft East Lothian Profile. He took partners through the Profile drawing attention to the key aspects and providing an analysis of the main issues. The Profile contained information from national data sets, compared East Lothian to the rest of Scotland and analysed data zones/trends. He reported that the most recent census data was not included yet; the latest data would however be available in the next few months.

Key points

- Household projections - East Lothian forecast to be the fastest growing area in Scotland over the next 20 years. Highest growth anticipated in the 65+ age group, number of people aged 75+ set to double, main component increase in number of single adult households.

- Deprivation - lower levels than most areas in Scotland however a concentration in the west of the county (Musselburgh, Prestonpans, Tranent) that falls within the most deprived 20% of areas in Scotland.
- JSA Claimants - below national average, however proportion in 18-24 age group double the average.
- Primary 1 Standard Assessment - scores across East Lothian consistently higher than national average.
- Early Mortality - rates lower than the Scottish average.
- Housing Completions - demand exceeds supply, number of completions has fallen considerably.

Paolo Vestri circulated a draft strategic assessment paper, which detailed trends and issues, challenges and opportunities structured around a life stages approach and the 3 themes of the supporting partnerships. He advised partners that this paper would be going to each of the 3 supporting partnerships in the next few weeks, asking for 3/4 priorities for action to be identified.

Discussion took place regarding forming an East Lothian Citizen's Panel. Partners expressed considerable interest in this proposal.

Decision

The Partnership agreed the key priorities arising from the Profile.

Action

Members to consider the strategic assessment with particular reference to their own areas of expertise and send comments to PV or VC by 18 September 2013.

7. DRAFT SINGLE OUTCOME AGREEMENT 2013

Paolo Vestri presented the latest draft East Lothian SOA 2013, which included the Development Plan. He reported that the new Partnership had discussed an advanced draft of the SOA at the inaugural meeting on 19 June. A Quality Assurance meeting had taken place on 24 June with Partnership representatives and the Quality Assurance Team appointed by the Scottish Government and CoSLA. Comments from this team had been incorporated into the latest draft and formed the basis of the Development Plan. The SOA 2013, along with the Development Plan, had been signed off by the Scottish Government.

Key points

- Draft SOA 2013 being developed at same time as new partnership structure, not possible therefore to finalise key aspects of the SOA and delivery framework.
- A Development Plan covering the next 12 months was being put in place to address these gaps.
- Key elements of this Development Plan and timescales outlined.

- An action plan/timescales would be brought forward following approval of the Development Plan.
- 70 indicators, some very detailed - need to identify 15/20 strategic outcome indicators.
- This Partnership and the 3 supporting partnerships then needed to identify a smaller number of priority actions to be delivered in the first year.
- A further report would be brought to a future meeting.

Comments

- SC queried the process if an outcome was not achieved within the set timescale.
- PV advised that in relation to achieving outcomes the 3 supporting partnerships would do the required work and report back to this forum. The role of this Partnership would be to monitor progress, to ensure that tasks were on target. He added that most will be long term outcomes and appropriate mechanisms will be in place.
- AL referred to earlier discussions and reiterated that each of the supporting partnerships would look at the key issues they wished to progress.
- AG referred to point 2.3 of the recommendations and asked if other partners had to take this document through the appropriate governance body of their own organisation for approval.
- PH indicated he had the authority to approve issues at this forum however he did make his organisation aware of what was happening at this Partnership.
- AA echoed that position.
- DL also echoed that position.
- AG noted the comments from partners. He indicated that he would take this back to QMU for noting rather than for approval.
- AL noted that Health would probably be an exception and the SOA would need to go to the appropriate body for approval.

Decision

The Partnership agreed to:

- Approve the Development Plan
- Note that the final East Lothian Single Outcome Agreement 2013, accompanied by a suite of key indicators, would be presented for endorsement at a future meeting of the Partnership

8. INSPECTION OF SERVICES FOR CHILDREN

Sharon Saunders, the Head of Children's Wellbeing, ELC, circulated a briefing paper and gave a presentation on the Inspection of Services for Children. She informed partners that the Care Inspectorate would be leading a joint inspection of the provision of services for children and young people in East Lothian beginning on 28 October 2013. The inspection team would be multi-disciplinary and made up of inspectors from Healthcare Improvement Scotland, Education Scotland, Her

Majesty's Inspectorate of Constabulary for Scotland and the Care Inspectorate. The inspection would be exploring all the agencies that play a significant role in ensuring the safety and wellbeing of East Lothian's children and young people, particularly focusing on Children's Wellbeing, Education, Health and the Police, but also including Community Learning and Development, Housing, Third Sector organisations and the Scottish Children's Reporter's administration.

She gave details of the focus of the inspection and how the inspection would be carried out. She outlined preparation for the inspection, including preparation by community planning partners.

9. ROUND TABLE FROM MEMBER ORGANISATIONS ON STRATEGIC ISSUES

The Chair proposed that this agenda item should not be taken, due to time limitations. This was agreed.

10. EAST LOTHIAN PARTNERSHIP BUDGET 2013/14

The Partnership's budget allocations for 2013/14 were presented.

Decision

The Partnership approved the proposed budget.

11. ANY OTHER BUSINESS

There was no other business.

12. EAST LOTHIAN PARTNERSHIP MEETING SCHEDULE

The schedule of meetings for the Partnership for 2013/14 was presented and discussed.

Decision

Monday 30 September 2013 (10am) – date and time confirmed/venue tbc

Tuesday 21 January 2014 (2pm) – date/time/venue tbc

Tuesday 13 May 2014 (2pm) – date/time/venue tbc

13. NEXT MEETING

The next meeting of the Partnership will take place on Monday 30 September 2013, at 10am, venue tbc.

Post meeting note QMU will host the September meeting



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

**THURSDAY 29 AUGUST 2013
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

3b

Committee Members Present:

Councillor J Goodfellow (Chair)
Councillor J McNeil
Councillor J McMillan
Councillor J Williamson

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 N Millar, Planning Officer

Committee Clerk:

Mrs F Stewart

Declarations of Interest

None

The Legal Adviser introduced the Members on today's East Lothian Local Review Body (ELLRB) and advised that they would be reviewing the decision of the Appointed Officer on one planning application.

The Legal Adviser then addressed the Members and enquired if there were any Declarations of Interest. Councillor McNeil replied that he resided in Stoneybank Grove, Musselburgh, the same street as the application site. He requested the advice of the Legal Adviser on this matter and was advised that he could continue if his personal circumstances did not render him biased in any way in respect of the application. Councillor McNeil replied that it did not and confirmed he would proceed to take part in the Review.

A site visit had been carried out by all Members prior to today's meeting.

**1. REVIEW AGAINST DECISION (REFUSAL)
PLANNING APPLICATION No: 13/00207/P – Alteration, formation of
dormers and extension to roof at 11 Stoneybank Grove, Musselburgh**

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

The Planning Adviser stated that the application site was an upper floor flat in a two-storey 'four-in-a-block' style building and that the application was seeking permission for an extension to the hipped and pitched roof of the property to form a gable end and the formation of dormer windows to front and back.

The Planning Adviser advised that the Planning Act required decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicated otherwise and advised Members that there had been a change to the development plan since the delegated decision was taken on 7 May 2013: the Strategic Development Plan for South East Scotland (SESPlan) was approved on 27 June 2013, replacing the Edinburgh and the Lothians Structure Plan. He advised that the site was in a predominantly residential area, designated under Local Plan policy ENV1, which seeks to safeguard residential character and amenity. Local Plan policy DP6 related to extensions and alterations to existing buildings and required them to be well integrated into their surroundings and in keeping with the original building.

The Planning Adviser stated that the application was refused by the Appointed Officer on the basis that the roof extension and dormers would be harmful to the character and appearance of the building, the surrounding streetscape and the local area. The Officer's report argued that the hipped end form was a distinctive characteristic of the two-storey flatted buildings in the area and the proposals would radically alter this. They were therefore considered contrary to relevant development plan policy. It was also considered that approval would set a precedent for similar extensions. The applicant's request for a review stated that there were only two such buildings in the cul-de-sac, with the other buildings having gable ends already. The proposed design was argued not to be harmful to the appearance of the building and attention was drawn to other examples of extensions that were said to be similar. In terms of precedent, it was argued that any precedent would not be a harmful one. The Case Officer had submitted an additional statement in response to the applicant's review statement stating that the photographs supplied by the applicant did not include addresses and therefore he could not determine whether planning permission had been granted for these examples.

The Planning Adviser added that no consultations had been carried out on the application by the Case Officer and no representations were received on the original application or in response to the Notice of Review.

The Chair invited questions from Members and Councillor McNeil enquired if the three photographs of homes with extensions submitted by the applicant were relevant to the Review when no addresses had been provided for the properties. The Planning Adviser replied that he could identify the locations of two of the properties and understood that planning permission had been granted in those cases. He pointed out that these decisions would have been based on the policies contained in previous Local Plans. It was therefore for Members to decide if this information was relevant to their decision on this application and how much weight to attach to it.

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 McMillan stated that, in his view, the applicant's proposals were not similar in nature or extent to the altered properties illustrated in the applicant's Appeal Statement. He therefore fully supported the decision of the Appointed Officer.

Councillor Williamson stated that he was familiar with the locality as the subject of this application was in his Ward. He did not concur with the Case Officer that the proposals would be harmful to the streetscape, nor did he agree that the extension would be intrusive and dominant. He therefore found no reason to reject this application.

Councillor McNeil, another Ward Member, stated that a precedent had already been set for a change in the streetscape, as the house at the end of the cul-de-sac now had an extension. Consequently, he did not accept the Case Officer's argument that the proposals would be harmful to the streetscape and set a harmful precedent. Stoneybank Grove was also only accessed by residents and was not in a prominent location so there was only limited view of the property in question. In Councillor McNeil's view, the applicant had also demonstrated in his Appeal Statement that other homes in East Lothian had undergone similar alterations and he was aware that planning permission had been granted to other homes in the area. He would therefore vote to overturn the decision of the Appointed Officer.

Councillor McMillan stated that he considered the other examples were for different styles and streetscapes and that he did not consider that they were a 'like for like' comparison with this application.

The Chair stated that he was inclined towards the view that the proposals would not be *'disproportionate, dominant and have incongruous features harmful to the character of the building and streetscape'* as stated in the original Decision Notice. It was also the case that one of the proposed dormer windows would not be visible from the front of the building. However, although it was a difficult decision to make, he had been convinced by the arguments of the two local Members and would therefore vote to overturn the decision of the Appointed Officer.

Decision

The ELLRB agreed, by 3 votes to 1, to overturn the original decision and grant permission for the alteration, formation of dormers and extension to roof at 11 Stoneybank Grove, Musselburgh. No Conditions were attached to the consent.

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



**MINUTES OF THE MEETING OF
THE PETITIONS COMMITTEE**

**THURSDAY 12 SEPTEMBER 2013
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

3c

Committee Members Present:

Councillor L Broun-Lindsay (Convenor)
Councillor W Innes
Councillor S Currie
Councillor M Veitch

Other Councillors Present:

Councillor J Goodfellow
Councillor S Akhtar

Council Officials Present:

Mr D Nightingale, Head of Education
Ms F Brown, Principal Officer, Pupil Support
Mr C Murray, Schools Support Services
Ms J Totney, Democratic Services Manager

Petitioner(s) Present:

Ms N Simpson Co-director, Fenton Barns Nursery (Lead Petitioner)

Clerk:

Miss F Currie, Committees Assistant

Others Present:

Ms C Freeman, Co-director, Fenton Barns Nursery
Ms I Adamson, Manager, Fenton Barns Nursery

Apologies:

None

Declarations of Interest:

None

1. PETITION PRESENTED TO THE COMMITTEE FOR CONSIDERATION

TO CALL ON EAST LOTHIAN COUNCIL TO REVERSE THE DECISION NOT TO ACCEPT FENTON BANS NURSERY AS A PRE-SCHOOL PARTNER PROVIDER

Councillor Broun-Lindsay welcomed everyone to the meeting, invited the Committee members to introduce themselves and outlined the procedure that would be followed. He invited Ms Nicola Simpson to speak first regarding the petition.

Ms Simpson thanked Members for hearing her petition. She explained that Fenton Barns Nursery was a modern facility providing day care for pre-school children 52 weeks per year. Its emphasis was on high quality education, outdoor learning and healthy eating. The nursery employed 12 staff – all from East Lothian – and over the past 3 years had exceeded expectations in both demand for services and feedback from parents. She reminded Members that, currently, children aged 3 years were entitled to 475 hours of free pre-school education. Although, Ms Simpson acknowledged that there were Council funded nursery places available in the North Berwick area, she argued that the hours offered by these nurseries were more limited than those offered by Fenton Barns and did not suit all parents, especially those in full-time employment. This could lead to children having to be ferried between ‘wrap around’ care and nursery each day and the change in environment could have a detrimental effect on the child. She estimated that around 20 children in their area were eligible for free nursery places but were missing out because the times offered were not suitable. She cited several examples of the difficulties faced by parents and the potential impact on individual children.

Ms Simpson indicated that following discussions with the Education Authority she had been given the impression that if the nursery met the criteria for pre-school partner provider status, which it did, it was likely that this would be granted. However, their subsequent application was refused. Ms Simpson concluded that the Authority’s decision was not in the best interests of local children or the rights of their parents and she urged Members to reconsider.

Members asked questions about the facilities, demand for places and the effect that not receiving partner provider status may have on the longer term viability of the business. Ms Simpson explained that the nursery offered a better staff-to-child ratio than many other nurseries which meant that they could focus more on the individual needs of each child – especially those with additional support needs. She explained that at present the nursery had a waiting list but should partnership status be granted they could increase the number of places they offer and this would put them in a good position to provide the additional hours required by the Scottish Government (600 per year) from 2014. However, without this status, she did have concerns for the viability of the business in the mid to longer term.

Mr Darrin Nightingale, Head of Education, explained that there were currently 16 partnership nurseries in East Lothian supplementing the nursery provision offered by Council-run nurseries. At present, there were 27 vacant Council Nursery places available in the North Berwick area and the Education Authority had no plans to seek additional partnership nurseries at this time. However, he acknowledged that demand for places was expected to increase from August 2014 and the Authority had proposals in place to approach current and potential partners about additional places. Mr Nightingale stated that there was no bias against the Fenton Barns Nursery.

In response to questions, Mr Nightingale confirmed that none of the 16 partnership nurseries were in the North Berwick area. Ms Fiona Brown, Principal Officer Pupil Support, confirmed that there were one or two areas where partnership nurseries existed and where there were also vacant Council funded places. Nursery provision was not catchment-based but equally the Council did not expect parents to have to travel unacceptable distances to secure a

funded nursery place for their child. Ms Brown indicated that, while the criteria for partnership providers remained the same, budgetary constraints meant that this year the Education Authority had found it necessary to review the way they allocated funding and place more emphasis on schools nursery provision.

Following further questions, Mr Nightingale indicated that partnership nursery staff were able to access paid training for continuing professional development and that the Council employed 2 full-time staff to visit partnership nurseries to support staff. It was requested that Mr Nightingale also investigate offering training to staff in Fenton Barns Nursery. He also acknowledged that the Education Authority was looking at how best to meet the planned increase to 600 hours of free pre-school education in 2014. Consultations had begun involving local groups and via the Council's website, and appointing more partnership nurseries would be likely to form part of any strategy.

In their debate, Members acknowledged that a number of factors were involved in deciding how to allocate funded nursery places but felt strongly that the primary consideration must always be what is in the best interests of the child. They accepted that the Education Authority had to take decisions within budgetary constraints while at the same time ensuring that there was a reasonable spread of available funded nursery places throughout the area. However, they also accepted the view that children and parents should not be disadvantaged because they may require childcare out with normal local authority nursery opening hours and that they should have a choice of where they go to access their statutory entitlement. Finally, Members expressed their concern over the possibility that staff at Fenton Barns might have difficulty accessing training without partnership status.

Decision

The Committee agreed that the matter should be referred to the Education Committee for them to review the decision taken by the Education Authority not to grant partnership provider status to Fenton Barns Nursery.

2. PETITION SUBMITTED DEEMED TO BE OUT WITH THE REMIT OF THE PETITIONS COMMITTEE

TO CALL ON EAST LOTHIAN COUNCIL TO DESIGNATE THE LAKE AT LAFARGE QUARRY IN DUNBAR TO PERMIT PUBLIC ACCESS TO INCLUDE COMMUNITY GROUPS ACCESS

The Convenor presented the report, informing Committee Members of petition 2(b) which had been rejected on the grounds that it did not meet the criteria for consideration by the Committee. He indicated that as the land and quarry was owned by Lafarge there was nothing that the Council could do about granting access to the lake.

Decision

The Committee noted that the petition did not meet the criteria and would therefore not be considered by the Committee.

Signed

Councillor Ludovic Broun-Lindsay
Convener of the Petitions Committee



cutting through complexity

4

East Lothian Council

Annual audit report to the Members of East Lothian Council
and the Controller of Audit

Audit: year ended 31 March 2013

27 September 2013

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About this report

This report has been prepared in accordance with the responsibilities set out within the Audit Scotland's *Code of Audit Practice* ("the Code").

This report is for the benefit of East Lothian Council ("ELC") and is made available to Audit Scotland and the Accounts Commission (together "the beneficiaries"), and has been released to the beneficiaries on the basis that wider disclosure is permitted for information purposes, but that we have not taken account of the wider requirements or circumstances of anyone other than the beneficiaries.

Nothing in this report constitutes an opinion on a valuation or legal advice.

We have not verified the reliability or accuracy of any information obtained in the course of our work, other than in the limited circumstances set out in the scope and objectives section of this report.

This report is not suitable to be relied on by any party wishing to acquire rights against KPMG LLP (other than the beneficiaries) for any purpose or in any context. Any party other than the beneficiaries that obtains access to this report or a copy and chooses to rely on this report (or any part of it) does so at its own risk. To the fullest extent permitted by law, KPMG LLP does not assume any responsibility and will not accept any liability in respect of this report to any party other than the beneficiaries.

This annual audit report summarises our findings in relation to the audit for the year ended 31 March 2013. Our audit work is undertaken in accordance with Audit Scotland's Code of Audit Practice ("the Code").

This report also sets out those matters specified by ISA (UK and Ireland) 260: *Communication with those charged with governance* in relation to the financial statements for the year ended 31 March 2013.

We wish to record our appreciation of the continued co-operation and assistance extended to us by Council staff during the course of our work.

Area	Summary observations	Analysis
Strategic overview and use of resources		
Key issues and challenges	Management undertake regular analysis of the key areas of public reform, which should support achievement of strategic priorities in a changing environment; there are a number of service challenges emerging, with demand and resource pressures growing against a backdrop of reform in public services.	Pages 6-7
Financial position	The Council recorded a statutory deficit of £2.5 million in 2012-13 (2011-12: £7.5 million), less than originally budgeted. This gave rise to a decrease in the general fund reserves of £1.4 million and housing revenue account and capital fund reserves of £1.1 million. Total capital expenditure was £52.2 million, lower than the revised approved capital plan of £60.3 million. The investment represents a 27% decrease from 2011-12, resulting from management's half year review and the approval of the reduced capital expenditure limit. Audit Scotland's analysis of the 32 local authorities continues to show that the Council has the highest level of net external debt as a proportion of revenue spend of all Scottish local authorities, representing a financing challenge to future revenue budgets.	Pages 8 – 11
Financial planning	The 2013-14 budget forecasts a breakeven position, incorporating a further £2.2 million utilisation of reserves. The Council is planning to utilise most usable un-earmarked general reserves by 31 March 2015. In 2015-16 the Council is budgeting a break-even position.	Pages 12-14
Financial statements and accounting		
Accounting policies	There have been no significant changes to accounting policies in 2012-13. The impact of adopted IAS 19 (revised), effective next year, has been disclosed in the financial statements and the impact is not material, being a £3 million increase in finance costs compared to the current IAS 19. No other newly effective accounting standards are expected to have a material impact on next year's financial statements.	Page 16
Key judgement areas	Our audit approach reflected our assessment of financial statement level risks and consideration of key judgement areas. Our conclusion on these areas is set out on pages 19 - 20, in respect of: <ul style="list-style-type: none"> ■ valuation of property plant and equipment; ■ provisions; and ■ pensions. <p>Although not assessed as a financial statement level risk, we also set out our consideration of the Council's bad debt provision.</p>	Pages 19-20

Financial statements and accounting (continued)		
Audit conclusions	We [have issued] an unqualified audit opinion on the 2012-13 financial statements. One unadjusted audit difference has been identified in relation to the provision of costs for the voluntary early release scheme, which we consider should have been recognised in 2012-13. There are no adjusted audit differences.	Page 17
Year end process	The draft financial statements, explanatory foreword, annual governance statement and remuneration report were received by the agreed date and were supported by good quality working papers. Management has developed the process from the previous year, with improved quality and timeliness in the provision of information for audit. There are opportunities for further improvement in the financial statement process to achieve sector leading practice.	Page 18
Performance management arrangements		
Performance management	The Council has developed an improvement framework which supports management's ongoing assessment of the extent to which the Council is achieving Best Value and underpin the Council's drive for continuous improvement. Best Value and performance management arrangements have continued to be enhanced.	Pages 22 – 24
National reports	<p>We have considered the Council's arrangements in responding to Audit Scotland and Accounts Commission national studies, preparing short returns to Audit Scotland as appropriate. Management has implemented a review process for future national studies, following a recommendation we made in 2011-12.</p> <p>We completed our work on the follow up of Audit Scotland's <i>Scotland's public finances: Addressing the challenges</i> report. Overall, we identified that there is a maturing financial strategy which should support achievement of financial sustainability.</p>	Page 23
Governance and narrative reporting		
Governance arrangements	Over-arching and supporting corporate governance arrangements provide a sound framework for organisational decision-making. During 2012-13, the management structure and committee membership changed and risk management documentation has been revised.	Pages 26 – 30
Systems of internal control	We have noted improvements in the governance and controls framework from the prior year. Changes to policies and procedures have been made during a time of senior staff restructuring, changes to the administration as a result of the May 2012 elections and ongoing efficiency rationalisation. While management has acted on a number of the recommendations made in our 2011-12 audit reports, which demonstrates a commitment to continuous improvement, areas remain which require attention.	Page 28

Purpose of this report

Our annual audit report is designed to summarise our opinion and conclusions on significant issues arising from our audit of the Council's financial statements for 2012-13. It is addressed to both those charged with governance at the Council and the Controller of Audit. The scope and nature of our audit were set out in our audit strategy document which was presented to the audit and governance committee at the outset of our audit.

Responsibilities

It is the responsibility of the Council and the head of council resources to prepare the financial statements in accordance with the proper practices set out in the Code of Practice on Local Authority Accounting in the United Kingdom 2012-13 ("the Code"). An audit of the financial statements is not designed to identify all matters that may be relevant to those charged with governance. Weaknesses or risks identified are only those which have come to our attention during our normal audit work in accordance with the Code, and may not be all that exist. Communication by auditors of matters arising from the audit of the financial statements or of risks or weaknesses does not absolve management from its responsibility to address the issues raised and to maintain an adequate system of control.

Under the requirements of International Standard on Auditing (UK and Ireland) ('ISA') 260 *Communication with those charged with governance*, we are required to communicate audit matters arising from the audit of financial statements to those charged with governance of an entity. This annual audit report to members and our presentation to the audit and governance committee, together with previous reports to the audit and governance committee throughout the year, discharges the requirements of ISA 260.

Context of the audit

A local area network ("LAN") of local audit and inspection representatives undertake a shared risk assessment for each local authority in Scotland, to identify targeted, risk-based scrutiny. This results in each council receiving an annual Assurance and Improvement Plan.

The Council's Assurance and Improvement Plan ("AIP") assessed two areas as being areas of 'scrutiny required', 15 as areas of 'further information required' and the remaining 21 as 'no scrutiny required'. The two areas of 'scrutiny required' are education and children's services and 'we have improved the life chances for children, young people and families at risk'.

Both were assessed as 'no scrutiny required' in the previous AIP. 13 areas changed from 'no scrutiny required' in the previous AIP to 'further information required'. No improvements in assessments were noted from the previous AIP. A requirement for a Best Value audit was identified in 2010, however following improvements identified by the LAN a Best Value audit has not yet been required. If the LAN concludes that insufficient progress is being made in the two above areas, a Best Value Audit may be scheduled in 2014-15.

The AIP concluded that *"Overall, East Lothian Council continues to perform well in most areas. However, it is entering a period of significant change in financial and organisational terms as a Council. The Chief Executive, appointed in August 2011, has established a clear vision and direction for the Council. She has ensured that there continues to be areas of strong performance and a number of improvement activities have progressed well, for example around using How Good is Our Council to support and extend self-evaluation and in Corporate Services. She is now seeking to extend this work into new areas in the Council."*

There are seven areas of focus for our audit work, being asset management, planning and resource alignment, governance and accountability, risk management, use of resources – competitiveness, financial management and procurement.

Strategic overview and use of resources

Our perspective on the Council's approach to key issues affecting the local government sector, and its use of resources

There are a number of service challenges emerging, with demand and resource pressures continuing to build, against a backdrop of reform in public services.

Management undertake regular analysis of the key areas of public reform, which should support achievement of strategic priorities in a changing environment.

Sector overview

Audit Scotland's report *Responding to challenges and change: An overview of local government in Scotland 2013* highlighted service challenges, with demand and resource pressures building against a backdrop of public service reform.

Management prepared a detailed analysis of the contents of the report, considering the Council's position against each report recommendation. As an example of best practice, this has allowed management to identify improvements for inclusion within the Council improvement plan.

Quarterly reports to Cabinet or Council outline the financial position, forecast position and a financial risk assessment of the overall Council and individual departments. The Council continues to utilise reserves to balance budgets, although at a slower rate than budgeted in 2012-13. Continued monitoring against the financial strategy and planned use of reserves is needed to support achievement of financial sustainability.

Management undertake regular analysis of the key areas of public reform, which should support achievement of strategic priorities in a changing environment.

Community planning

Community Planning Partnerships ("CPPs") offer part of the solution to the pressures on resources and will play a crucial role in public service reform. The Scottish Government expects CPPs to take the lead in improving outcomes with reduced budgets.

A review of governance arrangements of the East Lothian Partnership demonstrates action in response to the Audit Scotland report '*Improving Community Planning in Scotland*', helping to prepare the partnership for the future required actions. A revised structure of three strategic partnerships; sustainable economy, resilient people and safe and vibrant communities, was approved by members in April 2013. Their remits are in line with the strategic objectives of the Council plan.

This should enable alignment of priorities, delivery of outcomes and contribute towards governance best practice.

Partnership working

Management view partnership working as important in delivering further value through shared resources. With the departure of the executive director of services for people, the Council ceased to share the director of education position with Midlothian Council. Management expect collaborative working with Midlothian Council to continue. The six month pilot of a shared health and safety team will be reviewed by management in autumn 2013; the costs of the health and safety manager were evenly shared between the two councils, capitalising on managerial and technical skills at each council and drawing on the benefit of shared training.

Management are in the initial stages of considering collaborative working arrangements for risk management, internal audit and emergency planning, with a similar model to health and safety expected. Integration and collaboration of services will enable good practice to be shared as well as supporting the achievement of efficiencies.

Integrated health and social care bill

The Scottish Government has introduced legislation to create Health and Social Care Partnerships ("HSCPs"). The purpose of HSCPs is to bring together a range of existing NHS and local authority services within a formal partnership, to focus their combined resources on supporting more people in their own homes and communities than is currently the case, thereby shifting the balance of care and improving service outcomes.

Management report that a shadow board has been formed, with the first meeting scheduled for October 2013 and a non-executive chairman has been appointed. A jointly accountable officer took up post on 1 August 2013, working in adult wellbeing services with responsibility for NHS services in East Lothian. This position is jointly accountable to the chief

executive of the Council and Lothian NHS Board. The success of the shadow board and meeting the requirements of the bill will require integrated and collaborative working. A number of workstreams have been developed to progress arrangements.

Welfare reform

As a result of the Welfare Reform Act 2012, there are a number of significant changes in how councils deliver benefit services. The most significant change is the introduction of 'universal credits', which is an integrated working age benefit which will replace existing benefits, including housing benefit. Universal credits will be administered by the Department of Work and Pensions ("DWP").

Regular updates from management on the impact of welfare reform are considered by members and a welfare reform task group has been formed. The task group considered the service implications of the welfare reforms and in response has drafted a welfare reform action plan. Management has expressed their view that the Council is well placed to manage the changes. The social welfare fund was implemented on 1 April 2013, some teething problems were identified and management consider them to now be resolved. Although management do not expect applicants and benefits unit staff to see changes from the Council Tax Reduction Scheme, the funding shortfall from legislative changes may lead to further amendments during 2013-14. Further updates to members providing both resource and service impact analysis will drive actions to mitigate emerging risks.

Police and fire reform

The Police and Fire & Rescue Reform (Scotland) Act 2012 created a national police force and fire and rescue service from 1 April 2013. It replaced local authorities' role as police authorities and fire and rescue authorities through the creation of the Scottish Police Authority ("SPA") and the Scottish Fire & Rescue Service ("SFRS"). The Act includes a framework for the delivery of local scrutiny and engagement arrangements.

During 2012-13, three options for permanent scrutiny and engagement arrangements were identified and considered by the shadow board. A division of responsibilities between the council and the East Lothian Partnership were recommended and approved by members in April 2013. Management note a consistency in service level following the formation of the single bodies. Close monitoring of the new arrangements will be needed to ensure they are embedded and derive high quality service and value.

Workforce planning

A voluntary early release scheme was approved by Cabinet on 12 March 2013. 96 members of staff will leave the Council through this scheme at a cost of £3.1 million. Other workforce planning, including vacancy management has been in place since 2010.

The use of the voluntary early release scheme was to achieve savings in the approved three year budget for 2013-14 to 2015-16. The scheme closed to applications on 5 April 2013, thereafter management considered the applications in respect of affordability and business impact prior to finalising leavers. Staff will leave during 2013-14 with related costs recognised in the 2013-14 budget. We consider that the Council had a constructive obligation as at 31 March 2013 and a provision should have been recognised at that date.

Management recognise the pressure on remaining staff and have identified actions to address services with lower self assessment scores. This includes a review of the people strategy and forming a workforce development plan, which should support workforce transformation, in order to deliver services and achieve savings.

Several equal pay claims in the United Kingdom have concluded in court with rulings against councils, requiring them to pay settlements. Management has assessed the low number of claims against the Council related to the equal pay claims and reflected this within the financial statements. We consider that appropriate action is being taken to recognise obligations.

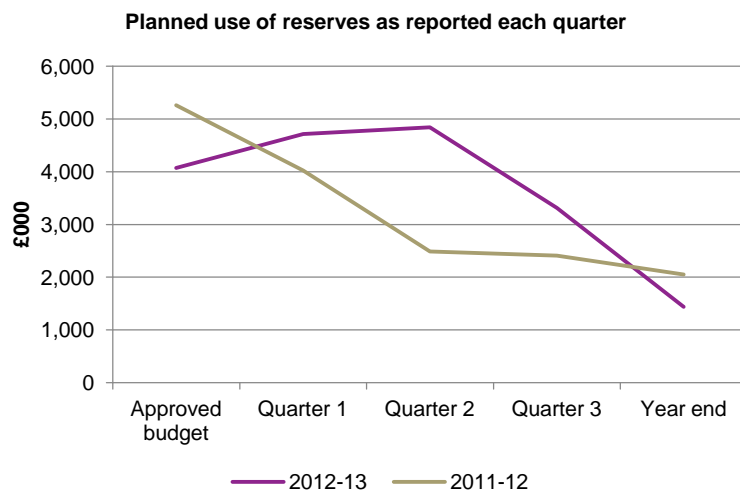
The Council recorded a statutory deficit of £2.5 million in 2012-13 (2011-12: £7.5 million). This resulted in a decrease in the general fund reserves of £1.4 million and in the housing revenue account and capital fund reserves of £1.1 million.

Financial position

The Council recorded a statutory deficit of £2.5 million in 2012-13 (2011-12: £7.5 million). This resulted in a decrease in the general fund reserves of £1.4 million and in the housing revenue account and capital fund reserves of £1.1 million.

Use of reserves – general fund

A three-year budget was approved on 14 February 2012, which assumed a £4.1 million utilisation of reserves in 2012-13. Management's forecast, prepared in quarter three, projected a reduced utilisation of £3.3 million would be required. The final outturn utilisation was £1.4 million (2011-12: £2.1 million), representing 11% of opening useable reserves (2011-12: 24%). In line with the Council's financial strategy, the lower than budgeted utilisation has been earmarked in the cost reduction fund. The movement in the planned use of reserves over the year is summarised below.



Source: East Lothian Council

The factors behind the lower than budgeted utilisation are set out in the table below. The analysis includes the benefit of one-off events; the return of police, fire and rescue reserves due to the formation of new national bodies and unbudgeted income in relation to a government non-domestic rates incentive scheme.

	£m
Budgeted use of reserves	4.1
Return of police, fire and rescue reserves	(0.5)
Unbudgeted income	(0.3)
Department and service budget variances	(1.2)
Lower interest on borrowing	(0.8)
Other movements	0.1
Actual use of reserves	1.4

Source: East Lothian Council

The key variances to budget related to the department and services are:

- services for people overspend (£0.3 million) due primarily to £1.1 million children's wellbeing overspend, offset by £0.6 million under spend in respect of primary schools, arising from slower than expected increase in roll numbers;
- services for communities under spend (£1.3 million) due to under spends within the community housing group of £0.5 million and the surpluses produced by the property services trading activity of £0.6 million; and
- support services under spend (£0.2 million), reflecting the majority of services being under their budget, notwithstanding over spends within community partnerships of £0.4 million.

A robust budget setting process is applied and the financial strategy is maturing.

There are risks to financial sustainability if efficiency savings cannot be achieved.

Lower interest on borrowing arises from new borrowing being lower than expected, primarily driven by the reduction in in capital expenditure limits following management's half year review, completed in October 2012, as well as effective treasury management.

Management presented the salient features of the financial statements to the audit and governance committee in July 2013. This facilitated an early discussion by members of the financial position reflected within the unaudited financial statements. We consider this to be an example of good practice in the governance of council resources.

Financial management

We considered the Council's response to the Audit Scotland's report *Scotland's public finances: Addressing the challenges* and presented our findings in our interim management report. Our review identified that management are implementing a maturing financial strategy which covers 2013-14 to 2015-16, supported by a detailed three-year budget. Strategic risks and mitigating actions are explained, which should enable management to respond to risks as they materialise.

Management apply a robust budget setting process, recognising identified corporate commitments and costs pressures. Each business group has undergone, or will undergo, a service review and is required to submit savings proposals.

Budget change and efficiency measures or savings are identified in the budget proposals, with a brief explanation. Uncertainty remains over the extent and precise nature of changes that will be required. There are risks to financial sustainability if efficiency savings cannot be achieved. The utilisation of reserves to cover deficits is only viable in the short-term.

A transformation board supported by a transformation programme manager has been set up, to facilitate implementation, monitor savings programs and review the impact of the programs on service delivery. This should help to mitigate the identified risks.

Quarterly financial position reports are presented to council or cabinet which show high level financial performance against budget for each business group. This is a development on the prior year and supports further scrutiny of financial performance. In our interim management report we reported opportunities to further strengthen the financial management process, in respect of consistency and detail of variance explanations included within quarterly reports and reporting progress against specific efficiency savings.

Housing revenue account ("HRA")

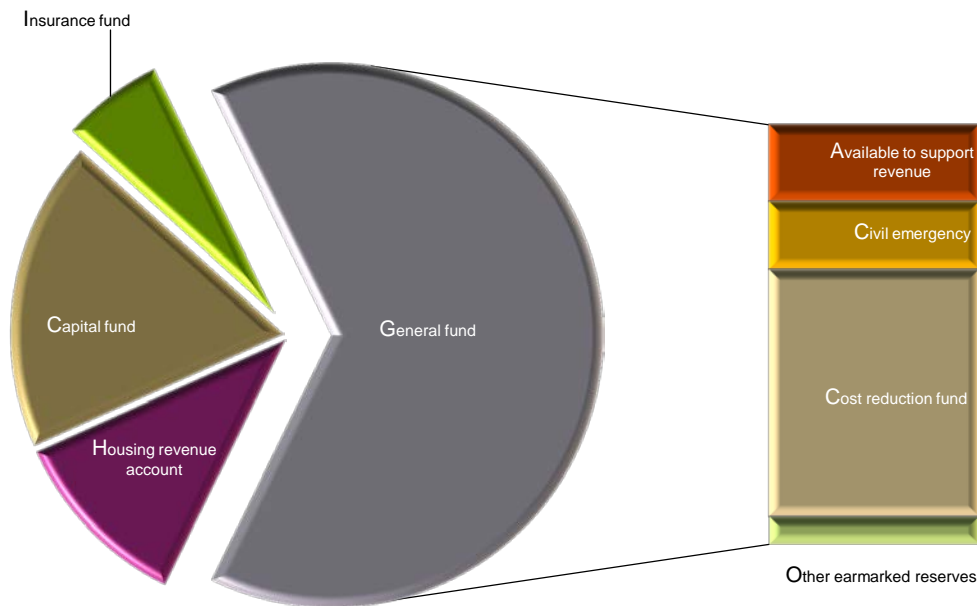
The outturn on the HRA is a deficit of £4.9 million. After making adjustments between the accounting basis and funding basis under statute (credit of £3.5 million) and recognising a transfer from the capital fund (£1.8 million), netted against a transfer (£1 million) to the general fund, the decrease in the year was £0.7 million. The carry forward balance at 31 March 2013 is £2.1 million. The use of reserve including the housing capital fund in 2012-13 is £1.2 million, against a budget of £1.3 million.

Rental income was below budget, reflecting slower delivery of affordable homes. Repair costs were £0.6 million more than budgeted, incorporating costs relating to the council's decision to cease with certain housing development sites and additional costs to bring some of the open market acquisition and mortgage to rent properties to the appropriate standard. These costs are net against compensating variations in the budget such as staffing costs and debt charges.

Composition of reserves

As at 31 March 2013, the Council had usable reserves of £19 million. These consisted of the general fund (£12.2 million), the housing revenue account (£2.1 million), the capital fund (£3.5 million) and the insurance fund (£1.1 million). The capital fund is used to fund capital expenditure within the housing revenue account.

The funds are illustrated in the diagram below.



Source: East Lothian Council

Total capital expenditure in 2012-13 was £52.2 million, below the revised approved capital plan of £60.3 million. This level of capital investment represented a 27% decrease over 2011-12 levels and reflects the lower limits approved in October 2012.

Capital programme

Total capital expenditure in 2012-13 was £52.2 million, below the original revised capital plan of £60.3 million. This level of capital investment represented a 27% (£19.3 million) decrease from 2011-12. The table below provides analysis across general services and the housing revenue account, comparing actual capital expenditure to budget and the prior year.

Year	Total (£m)	HRA (£m)	General services (£m)
2012-13 original budget	69.4	32.1	37.3
2012-13 revised budget	60.3	29.1	31.2
2012-13 actual spend	52.2	23.7	28.5
(Under)/overspend	(8.4)	(5.7)	(2.7)
<i>Financed by</i>			
Grant	14.1		
Asset sales	1.2		
Borrowing	34.3		
Direct revenue contributions	2.6		
Total	52.2		

Source: East Lothian Council

Following management's half year review of the capital programme in October 2012, the capital expenditure limits were reduced. This was to respond to the pressures of affordability of debt charges on the revenue account and realise benefits of longer term capital limits on asset management.

In respect of the housing revenue account the largest element of the capital under spend (£2.4 million) was in respect of the Council's approved open market acquisition strategy and mortgage to rent scheme.

Actual capital expenditure on general services was £28.5 million and the largest projects are shown below, including significant HRA projects. An under spend of £2.7 million was achieved, against the revised budget. This related to a number of small under spends, the more significant of which were projects experiencing delays, including the North Berwick museum, replacement of Peppercraig depot and the Gullane day centre.

Analysis of ongoing projects is being undertaken by the corporate asset group, to identify those where final costs are projected to be in excess of the approved budgets. Management are working to understand the reasons and extent of overspends, as well as the steps needed to bring the capital programme back into balance.

Summary of key capital projects: 2012-13

Project	Expenditure £m
New affordable homes (HRA)	13.1
Modernisation (HRA)	10.6
Haddington joint school	6.7
Roads	5.7
Brunton Hall refurbishment	2.3

Source: East Lothian Council analysis

The lower capital limits approved in October 2012 gave rise to lower than budgeted borrowing requirement and consequently a reduced interest cost.

The Council's level of debt places significant pressure on future revenue funding as debt and associated interest is paid. Robust monitoring will continue to be required.

Borrowing

The Council's capital expenditure is largely funded through borrowing, which inherently increases the level of indebtedness which the Council must repay, with interest, from future revenue budgets. East Lothian has one of the fastest growing populations in Scotland and this gives rise to higher demand for investment in new and refurbished service facilities, such as schools.

Additional in year borrowing, excluding loans to housing associations, decreased in 2012-13 by £13.3 million (33%) from 2011-12, compared to the 27% decrease in capital expenditure. This is due to the impact of increased capital grants and project income. The table below shows the split between HRA and general services capital expenditure and borrowing in 2012-13.

Source of funding	HRA £m		General Services £m	
	Budget	Actual	Budget	Actual
Borrowing	24.1	18.5	22.4	15.7
Grants	3.9	3.9	6.5	6.5
Project income	-	-	4.2	5.3
Asset sales	1.2	1.3	0.9	0.9
Developer contrib.	-	-	0.2	0.1
Total	29.1	23.7	31.2	28.5

Source: East Lothian Council

The proportion of capital expenditure funded from borrowing is higher for HRA projects (78%) than general services projects (55%). Management expect borrowing for HRA projects to be fully repaid from associated rental income generated.

Interest payable and similar charges have increased from 2011-12, although at a slower than budgeted rate. The lower capital limits approved in October 2013 gave rise to lower than budgeted borrowing requirement and consequently a reduced interest cost. Management note that

effective treasury management also supported the lower interest cost, with an average interest rate of 3.46%.

In benchmarking undertaken by Audit Scotland from analysis of the 2012-13 unaudited financial statements of Scotland's 32 local authorities, the Council continues to have the highest level of net external debt when taken as a proportion of revenue expenditure (171%; 2011-12:166%) and second highest per head of population (£3,700 per head; 2011-12: £3,500). However it is recognised that this benchmarking does not differentiate between demographic differences or the split between general services and housing related borrowing.

The Council has the fifth highest level of debt as a proportion of fixed assets, with a ratio of 0.5 (2011-12: 0.75). Borrowing continues to rise to fund the Council's capital programme, although the active reduction in capital expenditure limits to support no new borrowing from 2013-14 should support a longer term decrease in borrowing levels.

Interest payable and similar charges as a proportion of net revenue spend is 6.6% (2011-12: 7%), being the twelfth highest percentage of the 32 other local authorities. This is an improvement on 2011-12 and indicates improved treasury management and we also note that 3.46% is a competitive average interest rate.

The Council is forecasting a slower increase in debt repayments over the next three years. These will be paid from the general services and housing revenue account budgets and have been included in the next three years' budgets.

The Council's level of debt places pressure on future available revenue funding as debt and associated interest is repaid. Management's half year review in October 2012 facilitated action to amend the capital expenditure limits and related capital programme. The impact on the debt charges and borrowing levels is evident in the 2012-13 financial position. Robust monitoring will continue to be required to ensure the capital programme remains on track and enable a sustainable financial position to be achieved over the medium to long-term.

The 2013-14 budget forecasts a breakeven position, incorporating a further £2.2 million utilisation of reserves.

Management estimate that they have secured 20% of the expenditure reduction which will be needed by the end of 2015-16, the majority of which will come from £9.9 million savings from the cessation of the police and fire requisitions.

Background

Over the next three years the amount of funding available for Council services is forecast to drop from £195.7 million to £191.4 million. During this period there is an ambitious five year Council plan to deliver, new cost pressures to be managed and a range of 'unknowns'. Management estimate that they have secured 20% of the expenditure reduction which will be needed by the end of 2015-16, the majority of which will come from £9.9 million savings from the cessation of the police and fire requisitions. They recognise that in the medium term the deficit will need to be met through cost containment.

Revenue budget

A three year revenue budget was approved by council in February 2013. This used the 2012-13 budget as a base and reflected changes for known items of income and expenditure in future years. The 2013-14 budget forecasts a breakeven position, incorporating a further £2.2 million utilisation of reserves. This budget has been set on the assumption that council tax will remain frozen in 2013-14.

The main changes over the period to 2015-16, by service, are summarised below. These are based on the previous structure, which has now changed following the executive director restructuring exercise. The changes detailed below are incorporated in the approved budgets and comprise of both known changes and agreed efficiency savings / measures.

The changes have been projected across each of the three years, to obtain the budget figures to 2015-16, which will be the first year when reserves are forecast not be used to meet recurring expenditure. The cessation of the police and fire requisitions represents the largest movements within corporate commitments in 2013-14 (£9.9 million decrease), combined with savings from the voluntary early release scheme (£2 million decrease) and offset by increased debt charges (£1.5 million increase). Debt charges are expected to increase over the three year period, but at lower levels consequent to the reduced capital expenditure limits.

Department	Budget 2012-13 £000	Changes 2013-14 £000	Changes 2014-15 £000	Changes 2015-16 £000	Cumulative 2016 £000
Services for people	138,738	235	(197)	(365)	138,411
Services for community	30,741	(693)	(66)	117	30,099
Support services	26,233	323	(727)	126	25,955
Net expenditure	195,712	(135)	(990)	(122)	194,465
Corporate income	(218,098)	8,405	(1,027)	(377)	(211,097)
Transfer to/(from) reserves	(4,073)	1,907	2,121	194	149
Corporate commitments	26,459	(10,177)	(104)	305	16,483
(Surplus) / deficit	-	-	-	-	-

Source: East Lothian Council budget

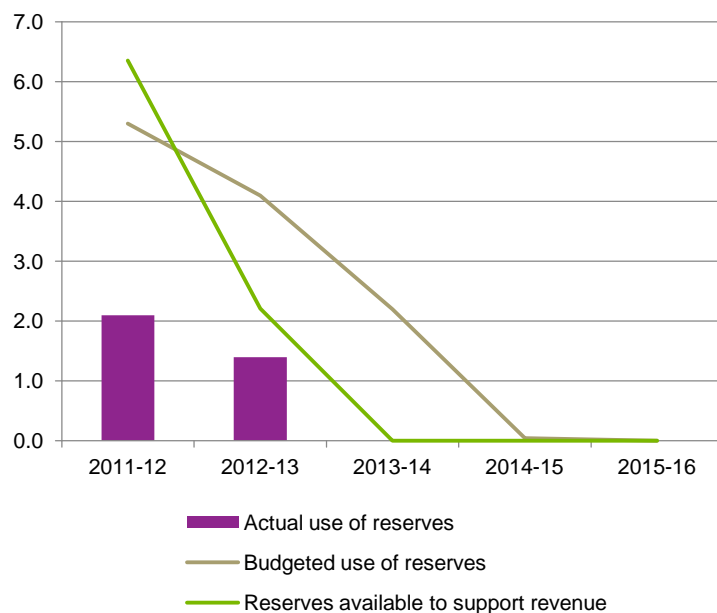
The Council is planning to utilise most usable un-earmarked general reserves by 31 March 2015. In 2015-16 the Council is budgeting a break-even position.

A transformation programme has been established to implement change projects which reduce costs and support delivery of the Council plan. A clear strategy and allocation of the cost reduction fund will be needed to support this programme.

Use of reserves

The Council is planning to utilise most usable un-earmarked general reserves by 31 March 2015. In 2015-16 the Council is budgeting for a break-even position. While reserves are not planned to be required in 2015-16, there is risk for the Council in requiring it to achieve budget in each of the next two financial years to achieve a recurring financial balance from 2015-16.

The chart below illustrates the use of reserves over a five year period, in accordance with the approved council budget for 2013-14 to 2015-16, against reserves available.



Source: East Lothian Council budget

While as at 31 March 2013, management confirmed that the Council remains on track with its financial strategy, significant financial risks continue to emerge, including the new cost pressures and the likelihood of an extended period of financial austerity.

Transformation programme

Management has recognised the requirement to make changes to how the Council is organised and operate within available resources. A transformation programme has been established to implement change projects which reduce costs and support delivery of the Council plan. Management expect a transformation programme manager to be appointed with responsibility to instigate and oversee projects, reporting plans and progress to the management team.

Many of the change projects are in progress, including the voluntary early release scheme, the procurement improvement panel, efficient workforce management planning, strategic asset management and shared / integrated services with Midlothian Council. These are reflected in the budget changes to 2015-16. The success of the transformation programme and change projects will influence the achievability of the financial strategy.

Cost reduction fund

The Council's cost reduction fund was £3.8 million as at 1 April 2012, being available to cover the cost of further service reviews and other potential efficiency savings. The financial strategy 2013-14 to 2015-16 makes provision for any unutilised reserves that were budgeted to be utilised and the property renewals reserve at 31 March 2013 to be transferred to the cost reduction fund. The £2.7 million unutilised reserves in 2012-13 have been transferred to this fund. A clear strategy and allocation of this fund will be needed to best utilise these reserves to support the transformation programme.

Capital expenditure limits have been set to limit additional borrowing after 2013-14. The capital programme will require ongoing monitoring and review to ensure it continues to meet the financial strategy.

Capital expenditure

Under statutory regulation the Council sets an annual limit on the maximum amount it can afford to allocate to capital expenditure. The financial strategy's capital limits, as set out below, seek to limit additional borrowing after 2013-14.

Year	Capital expenditure limits (£m)	Capital projects budget (£m)
2012-13 (actual)	33.0	28.5
2013-14	28.0	28.4
2014-15	20.0	20.5
2015-16	21.0	23.7
Totals	102.0	101.1

Source: East Lothian Council

The cumulative budget over the four year period is within the cumulative capital limit. Management recognise the need for these limits to be applied flexibly to incorporate project slippage, inter-year transfers and additional capital income. Elimination of additional borrowing, leading to reduced debt costs will support management's achievement of a sustainable financial position.

The three year capital projects budget is being reviewed by management, taking account of slippage and overruns. An imbalance in future years, due primarily to pressure points in education, may improve as a result of the flexible application of the capital limits. Ongoing monitoring and review of capital projects will be needed to meet the financial strategy.

Capital limits for 2016-17 (£18 million) and 2017-18 (£18 million) have been agreed, demonstrating management's long term capital planning process. Formal budgets for these years have not yet been formed.

Due to a number of recent capital projects exceeding the allocated capital sum, management undertook a review of capital programme management. This review incorporated the findings of the Audit Scotland report *Major capital investment in councils*. The key recommendations are:

- an outline business case is produced at the project's initial approval stage supported by full business case project description and brief;
- an ICT asset plan is developed;
- a process map is formed, linking the management of the process and role of the corporate asset group; and
- lead project officers have responsibility to monitor expenditure and highlight risks, with reports forming the building blocks for quarterly reports to members with similar high/medium/low risk assessments carried out as financial reports.

These recommendations will support improvements in the asset management processes and enable management to make capital programme decisions.

The action plan was reported to the audit and governance committee as part of management's response to the Audit Scotland report.

Financial statements and accounting

Our perspective on the preparation of the
financial statements and key accounting
judgements made by management

There have been no substantive changes to the financial reporting framework as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom 2012-13* (“the Code of Practice”).

There have been no changes to accounting policies in 2012-13. All accounting policies have been applied consistently.

Disclosure has been included in respect of the impact of revisions to IAS 19 *Employee benefits*.

The financial statements have been prepared on a going concern basis.

Accounting framework and application of accounting policies	
Area	KPMG comment
Code of Practice on Local Authority Accounting in the United Kingdom 2012-13 (“the Code”)	<p>The 2012-13 financial statements have been prepared in accordance with the Code of Practice which is based upon International Financial Reporting Standards (“IFRS”).</p> <p>During the year there have been no substantive changes in financial reporting requirements, and consequently there are no material changes to the Council’s accounting policies.</p> <p>We are satisfied that the accounting policies adopted remain appropriate to the business.</p>
Impact of revised accounting standards	<ul style="list-style-type: none"> ■ Disclosure has been included in the financial statements highlighting that the impact of revisions to IAS 19 <i>Employee benefits</i> if the standard had been adopted early in 2012-13 the impact would not have been material, with the estimated change to finance costs being £3 million. ■ No other newly effective accounting standards are considered to have a material impact on the Council’s financial statements.
Going concern	<ul style="list-style-type: none"> ■ The Council has net assets at the balance sheet date, although reduced by £25.6 million in the year; due primarily to increases in borrowing (£30.7 million) and increase in pension liability (£16.8 million), offset by the increase to property, plant and equipment (net £16 million effect of £52 million additions, £5 million disposals, £28 million depreciation and £3 million of impairments). ■ Management has considered the funding available to the Council, which is approved for 2013-14, combined with longer term funding indications and the fact that the net liability obligations do not fall due within one year. Management consider it appropriate to adopt a going concern basis for the preparation of these financial statements, and disclosed these circumstances within the financial statements. We are satisfied that this disclosure remains appropriate, noting that the pension deficit and long term borrowing does not become due in the next 12 months.

We have issued an unqualified audit opinion on the financial statements.

Audit conclusions

Our audit work is substantially complete, pending receipt of management representations and update of our subsequent events work to the date of signing of the financial statements. We have issued an unqualified opinion on the truth and fairness of the state of the Council's affairs as at 31 March 2013, and of the Council's deficit for the year then ended. There are no matters identified on which we are required to report by exception.

In gathering the evidence for our opinion we have:

- performed a mixture of substantive and controls testing to ensure an efficient approach that covers all the key risks;
- liaised with internal audit and reviewed their reports to ensure all key risk areas having a potential financial statements impact have been considered;
- reviewed assumptions and judgements made by management and considered these for appropriateness;
- considered if the financial statements may be affected by fraud through discussions with senior management and internal audit to gain a better understanding of their work in relation to prevention and detection of fraud with the potential to impact on the financial statements; and
- attended the audit and governance committee to communicate our findings to those charged with governance, but also to update our understanding of the key governance processes and obtain key stakeholder insights.

The financial statements and draft governance statement were made available on a timely basis. Improvements from 2011-12 in the preparation of the financial statements were observed.

There are further opportunities for continuous improvement in the financial statements preparation.

Financial statements preparation

- Management provided full draft financial statements on 27 June 2013, in line with the agreed timetable. This included the explanatory foreword, remuneration report and governance statement. A prepared by client audit file, including a completed disclosure checklist, was made available at the start of the final audit fieldwork on 9 July 2013.
- Improvements to the financial statements preparation were observed from recommendations raised in 2011-12. The majority of supporting documentation was received in a timely basis, and queries were answered promptly. Supported by improvements to the control framework, this has enabled the audit to progress without significant issue and be concluded within the agreed timescales.
- We provided feedback to management on the content of the financial statements, annual report and governance statement, and we are pleased to report that these were consequently prepared appropriately. A number of presentational adjustments were needed to the draft financial statements, which would benefit from a more robust review prior to release.
- The audit clearance meeting was held on 7 August 2013, three weeks earlier than in 2011-12. This demonstrates management's commitment to continuous improvement. There is further opportunity to achieve a faster close of the financial statements from 2013-14, to become sector leading. For example in the preparation of pro-forma financial statements in advance of the year end and in determining the approach to key judgements prior to the year end.
- The Council has four common good funds and around 40 trust funds. From 2013-14, all charitable trust funds registered with the Office of the Scottish Charity Regulator will require an audit. Management is reviewing the Council's funds, and progressing with reorganisation to minimise the administrative process in 2013-14.
- There is one unadjusted audit difference of £3.1 million in relation to a provision for the voluntary early release scheme (page 34).
- There are no significant matters in respect of (i) auditor independence and non-audit fees and (ii) management representation letter content, as reported in appendix one.

We have considered key accounting issues, in relation to valuation of property, plant and equipment and provisions.

We concur with management's judgements regarding pensions and valuation of property, plant and equipment.

There is an unadjusted audit difference in relation to a difference of interpretation of IAS 37 provisions, contingent liabilities and contingent assets.

Key accounting judgements	
Area	KPMG comment
Valuation of property, plant and equipment	<ul style="list-style-type: none"> There were no revaluations of whole asset classes in 2012-13. Revaluations of individual assets were performed by an internal valuer. They also produced a paper which considered the overall valuation of the Council's property, plant and equipment assets, concluding that <i>"the stated values for buildings and land remain valid for the 2012-13 financial statement"</i>. This supports the impairment review by considering changes due to market value. Our interim management report commented on the improvements to the valuation policy. We concur with management's valuation conclusion, there being no identified significant factors which would give rise to a material impairment. Following our recommendations in 2011-12, improvements have been made to the annual impairment review. This covers changes in condition of assets; the majority of staff submitted a return. There is opportunity to further enhance the impairment review by tracking all manager reviews, potential impairments identified and conclusions in an overall document. <p style="text-align: right;">Recommendation one</p> <ul style="list-style-type: none"> In 2013-14, a revaluation of Council dwellings will be performed. The tender to appoint the valuer is in progress and management expect this to be concluded in September. Initial valuations will be received in December and updated to 31 March 2014. Management is considering the most appropriate way to incorporate these valuations within the asset register, which is not straightforward, due to council dwellings being presented as a single line item, and total improvements being presented separately.
Provisions – voluntary early release scheme	<ul style="list-style-type: none"> A voluntary early release scheme was approved by cabinet on 12 March 2013 and opened to applications from staff from 18 March 2013, with a closure date of 5 April 2013. Of 289 applications received, the Council management team approved 96 applications in June 2013 at the budgeted cost of £3.1 million. IAS 37 provisions, contingent liabilities and contingent assets requires a provision to be raised if there is a present obligation (legal or constructive), an outflow of resource is probable and a reliable estimate can be made of the amount of the obligation. Management has not recognised a provision in the financial statements as they do not consider a constructive obligation to be present as at 31 March 2013 and a reliable estimate was not possible at that date. In our view a provision should be recognised. A constructive obligation was present at 31 March 2013 due to the scheme having been approved by cabinet and was open to applications and management had consulted with the unions and the department for business, innovation and skills. As a result, the outflow of resources was probable and a reliable estimate of the cost for each applicant was available. An unadjusted audit difference has been presented on page 33. This would have resulted in a net decrease on the general fund balance carried forward of £3.1 million, had this been incorporated.

We have considered key accounting issues, in relation to pensions and bad debt provisions.

We have raised a recommendation to enhance the basis of the bad debt provision calculation.

Other accounting and audit matters	
Area	KPMG comment
Provisions - other	<ul style="list-style-type: none"> Management has considered equal pay claims, following court rulings in respect of other councils. This is not considered to be a significant matter for the Council given its contractual arrangements; a small accrual has been recognised. No landfill provision has been recognised as the Council do not own any landfill sites.
Pensions	<ul style="list-style-type: none"> In line with our established practice and in advance of the audit fieldwork, our actuarial specialists reviewed the approach and methodology of the actuarial assumptions used in the IAS 19 pension scheme valuation. We have reviewed the assumptions used by the actuary in calculating the pension deficit. We consider the assumptions to be within the acceptable range of the guideline assumptions. Overall, the assumptions are considered to represent a balanced approach to valuation of the net pension deficit. The closing deficit increased by £16.8 million from 2011-12, primarily due to the application of an updated discount rate.
Bad debt provision	<ul style="list-style-type: none"> The bad debt provision is calculated separately for council tax, housing rents, housing benefit and general bad debt. The council tax, housing rents and housing benefit provisions are calculated on a historic basis, meaning they may not accurately reflect the bad debt the Council will face. Overall, the Council provides for 66.29% of its debtors. We have reviewed the provision policy and compared to other authorities, we consider that council tax, rents and housing benefit provisions are prudent. Our view is that the calculation methods used should be revised to more accurately reflect debtor payment trends.

Recommendation two

Performance management

Our perspective on the performance management arrangements, including follow up work on Audit Scotland reports

Our work has identified that the Council's Best Value and performance management arrangements are best practice.

<p>Best Value</p>	<p>In accordance with the principles of Best Value, the Council seeks to pursue 'continuous improvement'. The Council has developed an improvement framework, approved on 27 March 2012, which sets out five inter-related elements:</p> <ul style="list-style-type: none"> ■ setting clear outcomes and priorities; ■ self-evaluation; ■ service and improvement planning and management; ■ performance management, monitoring and reporting; and ■ external assessment and accreditation. <p>This is good practice and should support management's ongoing assessment of the extent to which the Council is achieving Best Value and the Council's drive for continuous improvement. The Council continues to use a well established approach to self-evaluation through the use of the How Good is our Council ("HGIOC") model, which is being extended across more Council departments. Management's analysis of the 2013 scores indicates a significant improvement from 2012. Management intend for three year service plans to be developed, aligning with the three year budgets, this will help deliver alignment of priorities within the challenging financial context.</p>
<p>Performance management arrangements</p>	<p>A new Single Outcome Agreement ("SOA") has been developed by the Council and related partners. Management is awaiting final approval from the Scottish Government.</p> <p>A Council improvement plan is developed annually, which identifies actions from a range of sources, including the HGIOC reviews, corporate governance self-evaluation, audit reports, Audit Scotland's <i>Overview of Local Government in Scotland</i> and any outstanding actions carried over from the prior year improvement plan. Management review progress against the improvement plan after six months, no year end analysis is performed.</p> <p>Together with the focus on self-evaluation, the main element of performance management takes place through monitoring service performance against agreed performance indicators. Elected member scrutiny is primarily performed by the policy and performance review committee and the audit and governance committee. In addition, the corporate management team reviews performance on a continuous basis.</p> <p>Management has assessed their arrangements against the characteristics of an effective performance management and improvement process as detailed in Audit Scotland's report <i>Managing performance: are you getting it right?</i> This has instigated a review of key performance indicators and adoption of a framework of Best Value reviews that will assist services in the continuous improvement journey from improvement to excellence.</p>

The AIP states that overall the Council continues to perform well in most areas. The Local Area Network will work in partnership with the Council in its self evaluation and corporate scrutiny activity in 2013-14.

During 2012-13 we have prepared returns on national studies.

<p>Shared risk assessment</p>	<p>The Council considered the updated AIP on 25 June 2013. This is used as a source of action points for the Council improvement plan, which was discussed and approved by members on the same date. The LAN recognises the Council's ongoing commitment to continuous improvement and self-evaluation.</p> <p>There will be focused scrutiny activity of the education service in 2013-14 and the Local Area Network will support the Council in its self evaluation activities and support the consistency of corporate scrutiny in 2013-14. The results of this work will determine the need for a Best Value audit in 2014-15.</p>
<p>Local response to national studies</p>	<p>We have considered the Council's response to the following national reports:</p> <ul style="list-style-type: none"> ▪ commissioning social care. <p>The report was published on 1 March 2012 and was considered by the adult wellbeing senior management team in April 2012. No formal self-assessment was carried out and no action produced, although the recommendations were used as part of the review of the care services commissioning strategy. We prepared a short return to Audit Scotland in relation to the report.</p> <p>A recommendation was raised in our 2011-12 interim management report for management to ensure all relevant national reports are considered and self-assessments performed. Management has implemented a review process for future Audit Scotland national studies.</p>

Performance against statutory performance indicators and other local government bodies is measured by the Council and our responsibilities as external auditors extend to understanding the arrangements and systems in place for this.

<p>Statutory performance indicators</p>	<p>The Council reports on the 25 SPIs and also has a range of other performance indicators which it has developed to demonstrate progress to the outcomes contained in the Council plan and the Single Outcome Agreement.</p> <p>The Council uses the Aspireview system to input, manage, interrogate and present data. For each indicator a performance indicator verification certificate is produced. Management consider that there are adequate checks and controls to provide comfort over the completeness and accuracy of data. Internal audit completed a review of the SPI arrangements and sample testing on the completeness and accuracy of data used. A number of areas with scope for improvement were identified in relation to statutory performance indicators for sickness absence, asset management, home care / home helps and managing tenancy changes.</p> <p>Performance against the Council's performance indicators is reported in an annual performance report, publically available and discussed at the policy and performance review committee. The 2012-13 performance report highlighted that the Council's performance improved for 41% of the performance indicators, with 36% showing little or no change and 23% deteriorating. In 2011-12, 61% of indicators showed an improvement in performance.</p>
<p>Benchmarking</p>	<p>The Local Government Benchmarking Framework has been developed to help councils compare their performance using a standard set of indicators. The indicators in the framework replace the specified Statutory Performance Indicators ("SPI's") from 2013-14 onwards.</p> <p>Management reviewed the available 2011-12 results, and reported these to the policy and performance review committee in April 2013. Indicators in the upper and lower quartile were analysed. Management consider that the results are in line with their expectations and plan a review as part of the overall review of the Council's performance indicators. We consider that this will support continuous improvement in performance reporting.</p>

Governance and narrative reporting

Update on your governance arrangements

Our overall perspective on your narrative reporting, including the remuneration report and annual governance statement

Over-arching and supporting corporate governance arrangements provide a framework for organisational decision-making.

<p>Corporate governance</p>	<p>The Council has overarching and supporting governance arrangements which provide a framework for organisational decision-making. The Council operates a committee based structure and at the beginning of 2012-13, Council elections resulted in a change to the composition of the Council and the membership of its committees. During 2012-13 the arrangements have continued to develop, with the appointment new convenor of the audit and governance committee.</p> <p>Councillors are subject to a Code of Conduct instituted by the Ethical Standards in Public Life etc. (Scotland) Act 2000 and enforced by the Standards Commission for Scotland. The 2013 Council improvement plan contains actions related to maintaining the standard of elected member conduct, including training sessions for elected members on the new Standing Orders and the Code of Conduct. The updates to the Standing Orders were approved by Council on 25 June 2013 and include a revised scheme of delegation and new procurement procedures.</p> <p>The 2012 review of chief officers resulted in a reduction in the number of heads of service and a shift in this role to a more strategic position. A further change in the management structure occurred with effect from 1 April 2013, with the number of executive directors reducing from three to two.</p> <p>A structured learning programme has been established in order to increase the skills and capacity of managers to lead change in the Council. The 2013 Council improvement plan also confirms a commitment to senior officers' continuing professional development. Heads of service are part of the corporate management team, along with the executive directors and the chief executive. Collectively they have responsibility to deliver the Council's agreed objectives.</p> <p>As part of the Code of Corporate Good Governance a task group comprising senior officers of the Council was given responsibility for developing, monitoring and reviewing corporate governance. A self-evaluation of arrangements was carried out for 2012-13 and while some improvements were identified, it concluded that there were generally good governance and control arrangements. This annual review of corporate governance demonstrates good practice.</p>
<p>Risk management</p>	<p>Management are continuing to review risk management arrangements to provide assurance to elected members over the mitigation of identified risks. The risk management strategy and supporting documentation demonstrate a commitment to good practice and were initially implemented in December 2009. A corporate risk register is in place and is supported by departmental risk registers. Both the corporate risk register and risk management strategy have been reviewed and updated during 2012-13.</p> <p>The updated corporate risk register was approved by cabinet and the audit and governance committee in January 2013. It included changes as a result of new controls and mitigation measures introduced in 2012. This ensures that the Council has an up to date register and that measures are in place to mitigate the likelihood and impact of significant risks. Risk appetite is briefly mentioned in the strategy, which suggests that training can help staff to understand this in relation to the Council. However, it does not give any more information. This would be useful for users of the strategy to be aware of the Council's overall risk appetite.</p>

Our reporting through the year identified improvements in the governance and controls framework from the prior year.

<p>Annual governance statement</p>	<p>The governance statement provides details of the purpose of the framework of internal control, along with an analysis of its effectiveness. It describes a number of sources of assurance for the accountable officer and identifies areas for improvements to be focussed on in the future. The statement also highlights the annual self-evaluation exercise carried out by the Council, which is based on the SOLACE/CIPFA good governance framework. Improvement points from this exercise are included within the statement and in the corporate improvement plan.</p> <p>We reviewed the governance statement and requested a number of amendments to ensure compliance with guidance and our understanding of the Council. We requested a change to the annual governance statement to include reference to mediating actions taken over the exceptions reported and to enhance the accuracy of the content of the report. In response to our suggestion management has amended the positioning of the statement within the financial statements.</p>
<p>Remuneration report</p>	<p>Since 2011-12, regulations place a requirement for local authority bodies to prepare a remuneration report. The Local Government Finance Circular number 8/2011, issued by the Scottish Government, provides guidance that the remuneration report is a statement in its own right and not a note to the financial statements. While there is no statutory prescription on its placement in the financial statements, it suggests a suitable placement would be after the governance statement. The remuneration report follows the annual governance statement.</p> <p>There were some incorrect figures stated in the draft remuneration report and presentational changes required to ensure that it complied with guidance. It would have been beneficial for the report to have been more fully reviewed prior to its inclusion in the financial statements.</p> <p>In addition to the minor errors and modifications, it was also noted that the senior officers disclosure was incomplete in the draft provided for audit. The management structure was reviewed by Council and the role of head of service was modified, with changes coming into effect on 1 April 2012. This resulted in a more strategic role for these members of staff which meets the criteria to be considered as a senior employee in line with the Local Authority Accounts (Scotland) Amendment Regulations 2011.</p> <p style="text-align: right;">Recommendation three</p>
<p>Related parties</p>	<p>Testing of relationships disclosed in councillors' and senior officers' register of interests resulted in the identification of undisclosed related party transactions. These payments related to Community Wellbeing Partnership Funding grants approved by cabinet. As various councillors and senior councillors have an interest in some of the organisations receiving funding, these should have been disclosed in the note to the financial statements for completeness. This disclosure was enhanced by management in the final version of the financial statements.</p>

While management have demonstrated a commitment to continuous improvement, a number of areas continue to require attention, including in respect of procurement and journal authorisation processes.

<p>Systems of internal control</p>	<p>We have noted improvements in the governance and controls framework from the prior year. Changes to policies and procedures have been made against a backdrop of senior staff restructuring and ongoing efficiency rationalisation. While management has acted on a number of the recommendations made in our 2011-12 audit reports, a number of areas continue to require attention, as reported in our interim management report. We note one area below where further testing was performed during our final audit work.</p> <table border="1" data-bbox="716 396 1976 868"> <thead> <tr> <th data-bbox="716 396 882 444">Audit area</th> <th data-bbox="882 396 1168 444">Key controls considered</th> <th data-bbox="1168 396 1976 444">Findings</th> </tr> </thead> <tbody> <tr> <td data-bbox="716 444 882 868">Journals</td> <td data-bbox="882 444 1168 868"> <ul style="list-style-type: none"> Journal authorisation </td> <td data-bbox="1168 444 1976 868"> <ul style="list-style-type: none"> We noted in our 2011-12 annual audit report that there was an increased risk of fraudulent or erroneous journals not being identified on a timely basis due to a lack of controls over the authorisation of journals. Management recognised the need to review journals and the finance manager has considered the authorisation process as a result of our recommendation. In each folder of manual journals, he reviews the first, last and some in-between. We consider that this is not a risk based manner in which to review journals and the approach should be enhanced to give greater coverage of the journal postings. Our controls testing identified one out of 13 folders had no evidence of the review being performed. <p style="text-align: right;">Recommendation four</p> <ul style="list-style-type: none"> Substantive testing of significant journal entries in 2012-13 did not identify any fraudulent or erroneous journals. </td> </tr> </tbody> </table>	Audit area	Key controls considered	Findings	Journals	<ul style="list-style-type: none"> Journal authorisation 	<ul style="list-style-type: none"> We noted in our 2011-12 annual audit report that there was an increased risk of fraudulent or erroneous journals not being identified on a timely basis due to a lack of controls over the authorisation of journals. Management recognised the need to review journals and the finance manager has considered the authorisation process as a result of our recommendation. In each folder of manual journals, he reviews the first, last and some in-between. We consider that this is not a risk based manner in which to review journals and the approach should be enhanced to give greater coverage of the journal postings. Our controls testing identified one out of 13 folders had no evidence of the review being performed. <p style="text-align: right;">Recommendation four</p> <ul style="list-style-type: none"> Substantive testing of significant journal entries in 2012-13 did not identify any fraudulent or erroneous journals.
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<p>Procurement</p>	<p>Overall, controls over procurement were found to be operating effectively. However, we identified that staff failed to follow the correct procedure with regards to submitting the documentation to ensure suppliers are checked and authorised before being added to the Council system. Our testing identified that there was no supplier authorisation form completed for 13 of the 25 items in our sample. Some had acceptable alternative evidence or reason for this, but there was no form of any background check or authorisation for 5 of the 25 sampled items. Therefore the control regarding new suppliers that the Council has had no previous dealings with was ineffective for 2012-13.</p> <p>The corporate procurement procedures manual has been updated and added to the Council's revised Standing Orders as an appendix, and these were approved by Council on 25 June 2013. The addition of the manual to this core document demonstrates a commitment to the improvement of procurement and purchasing arrangements at the Council.</p>						

<p>Prevention and detection of fraud</p>	<p>A key mechanism in the allocation of authority, accountability and responsibility and the prevention and detection of fraud is the existence and maintenance of strategic and financial documentation. The Council has appropriate policies and codes of conduct for staff and councillors including a whistle blowing policy. Management has identified no significant fraud or irregularities, other than issues that were already brought to our attention by internal audit.</p> <p>The absence of a number of controls identified by us as part of the audit process, does, in our view increase the risk of fraud or other irregularity not being prevented or detected on a timely basis.</p>
<p>Maintaining standards of conduct and the prevention and detection of corruption</p>	<p>The Council has recently reviewed and updated its Standing Orders and supporting Schemes of Administration and Delegation. Role descriptors for councillors will be presented to Council for approval in October. New councillors and new employees are required to agree to their respective Codes of Conduct on commencement of office or employment, and management is required to communicate any changes in the Code of Conduct to employees. This reinforcement of values will contribute to the effective prevention and detection of corruption at the Council. Internal audit reviewed the gifts and hospitality policy and noted that there is a need to review the adequacy and effectiveness of the arrangements.</p>
<p>National fraud initiative</p>	<p>The National Fraud Initiative (“NFI”) is a data matching exercise which compares electronic data within and between participating bodies in Scotland to prevent and detect fraud. This exercise runs every two years and provides a secure website for bodies and auditors to use for uploading data and monitoring matches. NFI helps participating bodies to identify possible cases of fraud and to detect and correct under or overpayments. NFI also helps auditors to satisfy their duties to assess bodies’ arrangements for preventing, deterring and detecting fraud.</p> <p>The Council has an established process for investigating cases of potential fraud highlighted by the NFI, falling largely under the control of internal audit. Management has expressed their commitment to NFI and the value of investigating all NFI matches, however resourcing issues in some departments mean low priority matches may not always be investigated. NFI and related investigations are embedded within the internal audit annual plan and are regularly reported to the audit and governance committee. This is beneficial to demonstrate internal audit’s commitment to NFI and the prevention and detection of fraud.</p>

We are able to place reliance, where relevant, on the work of internal audit.

Internal audit

As set out in our audit plan and strategy, we have evaluated the work of internal audit. In 2011-12 we recommended internal audit implement a methodology to determine sample sizes on a robust and consistent basis. In 2012-13 a standard sample size basis is used for financial system audits and samples are selected to provide coverage of the full financial year. This enabled us to conclude that we can rely, where relevant, on their work. The content of the internal audit plan is in line with our expectations. We relied on:

- council tax revenue;
- income collection;
- payroll;
- purchase cards; and
- statutory performance indicators.

Internal audit reported that “*subject to the weaknesses outlined in the controls assurance statements, that reasonable assurance can be placed on the adequacy and effectiveness of the Council’s internal control systems for the year to 31 March 2013.*” The most significant areas where internal audit identified weaknesses in the design or operation of internal controls included adherence to the Council’s standing orders, procurement arrangements, rent deposits, purchase cards, compliance with the payment card industry data security standard, the effects of organisational culture on internal financial controls, lack of statements of current working method, common repairs projects, operating arrangements within the community care finance unit and bank reconciliations.

The IASAB produced a common set of public sector internal audit standards (“PSIAS”), which require to be applied to the public sector from 1 April 2013. We recommended in our interim management report that internal audit should perform a self assessment against them. This is ongoing and is expected to be complete by the end of September 2013.

Appendices

There were no changes to the core financial statement, no adjusted audit differences and one unadjusted audit difference.

Area	Key content	Reference
Adjusted audit differences Adjustments made as a result of our audit	There were no audit adjustments required to the draft financial statements which impacted on the net assets or the surplus and deficit for the year.	Appendix 2
Unadjusted audit differences	<p>We are required by ISA (UK and Ireland) 260 to communicate all uncorrected misstatements, other than those which are trivial, to you.</p> <p>There is one unadjusted audit difference for the recognition of a provision for the voluntary early release scheme's one off cost. If recognised, the decrease in general fund movement on reserves would increase by £3.1 million to £4.5 million, and the balance on general fund reserves carried forward would be £9.1 million.</p>	Appendix 2
Confirmation of Independence Letter issued by KPMG LLP to the Audit Committee	We have considered and confirmed our independence as auditor and our quality procedures, together with the objectivity of our Audit Director and audit staff. There are no non-audit fees for the year.	Appendix 3
Draft management representation letter Proposed draft of letter to be issued by the Company to KPMG prior to audit sign-off	There are no changes to the representations required for our audit from last year.	-

There are no adjusted audited differences and one unadjusted audit difference to the financial statements.

Adjusted and unadjusted audit differences

We are required by ISA (UK and Ireland) 260 to communicate all corrected and uncorrected misstatements, other than those which are trivial, to you. There are no adjusted audit differences and one unadjusted audit difference.

Unadjusted caption	Nature of difference	Balance Sheet (£'000)	Comprehensive Income and Expenditure Statement (£'000)
Comprehensive income and expenditure statement – cost of services	The recognition of a provision for the voluntary early release scheme's one off cost, and debited to service expenditure.	3,097	
Balance sheet - provisions			3,097
Net impact		3,097	3,097

A number of numerical and presentational adjustments were required to some of the financial statements notes, to add extra disclosures or to include additional information to aid the reader of the financial statements. The most significant of which were:

- remuneration report – inclusion of all heads of service as senior officers and improvements to narrative to meet best practice.
- changes to the amounts disclosed in the remuneration report to accurately reflect officer and councillor remuneration.
- related parties note – inclusion of transactions with trusts that received Community Wellbeing Partnership Funding grants and have a Council member on their board.

Auditing standards require us to consider and confirm formally our independence and related matters in our dealings with the Council.

We have appropriate procedures and safeguards in place to enable us to make the formal confirmation in our letter included opposite.

Auditor independence

Professional ethical standards require us to provide to you at the conclusion of an audit a written disclosure of relationships (including the provision of non-audit services) that bear on KPMG LLP's objectivity and independence, the threats to KPMG LLP's independence that these create, any safeguards that have been put in place and why they address such threats, together with any other information necessary to enable KPMG LLP's objectivity and independence to be assessed. This letter is intended to comply with this requirement and facilitate a subsequent discussion with you on audit independence.

We have considered the fees paid to us by the Council and its related entities for professional services provided by us during the reporting period. We are satisfied that our general procedures support our independence and objectivity.

General procedures to safeguard independence and objectivity

KPMG LLP is committed to being and being seen to be independent. As part of our ethics and independence policies, all KPMG LLP Audit Directors and staff annually confirm their compliance with our ethics and independence policies and procedures including in particular that they have no prohibited shareholdings. Our ethics and independence policies and procedures are fully consistent with the requirements of the APB Ethical Standards. As a result we have underlying safeguards in place to maintain independence through:

- Instilling professional values
- Regular communications
- Internal accountability
- Risk management
- Independent reviews

Please inform us if you would like to discuss any of these aspects of our procedures in more detail.

There are no other matters that, in our professional judgement, bear on our independence which need to be disclosed to the Council.

Confirmation of audit independence

We confirm that as of 27 September 2013, in our professional judgement, KPMG LLP is independent within the meaning of regulatory and professional requirements and the objectivity of the Audit Director and audit staff is not impaired.

This report is intended solely for the information of the audit and governance committee and should not be used for any other purpose.

Yours faithfully

KPMG LLP

The action plan summarises specific recommendations arising from our work, together with related risks and management's responses.

Priority rating for recommendations

Grade one (significant) observations are those relating to business issues, high level or other important internal controls. These are significant matters relating to factors critical to the success of the organisation or systems under consideration. The weaknesses may therefore give rise to loss or error.

Grade two (material) observations are those on less important control systems, one-off items subsequently corrected, improvements to the efficiency and effectiveness of controls and items which may be significant in the future. The weakness is not necessarily great, but the risk of error would be significantly reduced if it were rectified.

Grade three (minor) observations are those recommendations to improve the efficiency and effectiveness of controls and recommendations which would assist us as auditors. The weakness does not appear to affect the availability of the control to meet their objectives in any significant way. These are less significant observations than grades one or two, but we still consider they merit attention.

Finding(s) and risk(s)	Recommendation(s)	Agreed management actions
<p>1 Impairment review</p> <p>There is opportunity to further enhance the impairment review by tracking all manager reviews, potential impairments identified and conclusions in one document.</p>	<p>A stronger audit trail of impairment reviews tracking manager reviews, potential impairments identified and conclusions , summarised in one document, will help to support impairments recognised in the financial statements.</p>	<p align="center">Grade three</p> <p>Agreed</p> <p>Responsible officer: Finance manager</p> <p>Implementation date: June 2014</p>
<p>2 Bad debt provision</p> <p>The bad debt provision is calculated separately for council tax, housing rents, housing benefit and general bad debt. The council tax, housing rents and housing benefit provisions are calculated on a historic basis, meaning they may not accurately reflect the bad debt the Council will face.</p> <p>Overall, the Council provides for 66.29% of its debtors. We have reviewed this compared to other authorities and consider that council tax, rents and housing benefit provisions are prudent.</p>	<p>Calculation methods should be revised to more accurately reflect debtor payment profiles.</p>	<p align="center">Grade three</p> <p>We agree to review the calculation noting that historical data will only be one of a number of factors considered.</p> <p>Responsible officer: Finance manager</p> <p>Implementation date: June 2014</p>

The action plan summarises specific recommendations arising from our work, together with related risks and management's responses.

Finding(s) and risk(s)	Recommendation(s)	Agreed management actions
3 Remuneration report		
Grade three		
A number of corrections and presentational adjustments were required to ensure that the remuneration report was accurate and complied with guidance.	The report should be reviewed more thoroughly prior to its inclusion in the financial statements to identify errors and inconsistencies.	Agreed Responsible officer: Finance manager Implementation date: June 2014
4 Journals		
Grade two		
We noted in our 2011-12 annual audit report that there was an increased risk of fraudulent or erroneous journals not being identified on a timely basis due to a lack of controls over the authorisation of journals. Management recognised the need to review journals and the finance manager has considered the authorisation process as a result of our recommendation. In each folder of manual journals, he reviews the first, last and some in-between. We consider that a more visible approach to journal review, with greater coverage, would decrease the risk of fraudulent or erroneous journals and encourage a culture of propriety.	Management should implement an enhanced review and authorisation process for journal entries and ensure this is completed on a timely basis during the financial year.	Agreed Responsible officer: Finance manager Implementation date: September 2013



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REPORT TO: East Lothian Council

MEETING DATE: 22 October 2013

BY: Ch Supt Jeanette McDiarmid, Police Scotland

SUBJECT: East Lothian Police Performance Report,
1 April – 30 September 2013

5

1 PURPOSE

- 1.1 To present the East Lothian Police Performance report.

2 RECOMMENDATIONS

- 2.1 Members are asked to note the content of the report.

3 BACKGROUND

- 3.1 The East Lothian Performance report has been developed through data recorded from the following police systems:
- The Scottish Office Management Information System (SCOMIS) between 1 April and 30 September 2013
 - Police Intranet applications/pronto
 - Road Traffic Collision (RTC) casualty report
 - Divisional Intelligence Unit Proceeds of Crime Act Report

4 POLICY IMPLICATIONS

- 4.1 The Performance report will be Police Scotland's key structured and standardised document for reporting performance to Local Authority partnerships.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 SCOMIS data and subsequent Partnership performance reports have gone through the EIA process.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None
6.2 Personnel - None
6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 East Lothian Local Policing Plan 2013-2014 (attached)

AUTHOR'S NAME	Colin Brown
DESIGNATION	Local Area Commander for East Lothian Chief Inspector – Police Scotland
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DATE	8 th October 2013



East Lothian Police – Performance Report

Reporting Period: 1st April – 30th September 2013

Performance Update 01/04/13 – 29/09/2013					
		YTD 2013/14	YTD 2012/13	Source	% Change
1	Detection Rate: Groups 1 to 5 crimes	44.8%	48.3%	SCOMIS	-3.5%
Priority 1 – Protecting People					
2	Increase detection rates for crimes of domestic abuse	66.7%	50.0%	SCOMIS	+ 16.7%
3	Increase the detection rate for sexual offences (Group 2 crime)	55.3%	66.7%	SCOMIS	- 11.4%
Priority 2 – Reducing Antisocial behaviour					
4	Reduce the number of antisocial behaviour incidents	2994	3022	SCOMIS	- 28
5	Increase the detection rate for hate crime	82.7%	64.3%	SCOMIS	+ 14.6%
Priority 3 – Reducing Violence					
6	Reduce the level of violent crime	38	51	SCOMIS	- 13
7	Increase the proportion of positive stop and searches for offensive weapons	4.8%	3.1%	Intranet / Pronto	1.7%
Priority 4 – Tackling Substance Misuse					
10	Increase the proportion of positive stop and searches for drugs	13.3%	9.5%	Intranet / Pronto	3.8%
11	Increase the number of licensed premises visits	464	361	Licensing	+103
Priority 5 – Making Our Roads Safer					
12	Reduce the number of people killed or seriously injured on our roads	10	11	RTC Casualty Report August Data	- 1
	Fatal	0	0	RTC Casualty Report August Data	NA
	Seriously Injured	10	11	RTC Casualty Report August Data	- 1
	Slightly Injured	80	93	RTC Casualty Report August Data	- 13
	Children (aged <16) killed	0	0	RTC Casualty Report August Data	NA
	Children (aged<16) seriously injured	2	0	RTC Casualty Report August Data	+ 2
13	Increase the number of people detected for drink/drug driving offences	48	45	SCOMIS	+ 3
Priority 6 – Tackling Serious Organised Crime					
16	Increase the number of cash seizures and restraints through the Proceeds of Crime Act	£242,261.44	Data Not available	DIU POCA 4 th October Report	
17	Increase the number of people detected for supplying drugs	23	37	SCOMIS weekly	- 14

**Context Report
Performance Update
01/04/13 – 29/09/2013**

1	Detection Rate: Groups 1 to 5 crimes	2013/14	2012/13
	Group 1 – Homicide/attempt murder/serious Assault /Robbery	81.5%	70.5%
	Group 2 – Sexual Offences	55.3%	66.7%
	Group 3 – Housebreaking, Theft & Fraud Offences	32.6%	38.6%
	Group 4 – Vandalism, Fireraising & Reckless conduct	23.6%	26.7%
	Group 5 – Drugs, Bail & Resisting Arrest Offences	99.9%	97.2%
	<ul style="list-style-type: none"> ➤ The fall in the combined detection rate for Group 1-5 crime in East Lothian is attributable to a pronounced fall in solvency of Group 2 and 3 offences. ➤ Whilst the detection rate for group 2 offences has dropped, it is interesting to note that the number of crimes recorded has decreased by 13% compared to same period last year. Additionally, there have been a higher number of historic sexual offences reported to police this year, and these crimes tend to be more difficult to detect. ➤ This fall in the Group 3 detection rate is a result of above average performance last year rather than below average levels this year. ➤ This year's Group 3 performance overall is reasonable, with a lower number of offences and a slightly higher detection rate than has been the case in two out of the past three years (2011/12 & 2010/11) 		
2	Increase detection rates for crimes of domestic abuse		
	On target.		
3	Increase the detection rate for sexual offences (Group 2 crime).		
	As described in context 1 above.		
4	Reduce the number of antisocial behaviour incidents		
	On target		
5	Increase the detection rate for hate crime		
	A significant rise in the detection rate, that highlights the amount of good work police and partners have dedicated to this area, especially in the retail sector, where shopkeepers are more confident in reporting such crime in the knowledge that robust action against offenders will be taken.		
6	Reduce the level of violent crime		
	Overall violent crime in East Lothian continues to fall and new processes such as the Violence multi-agency tactical & coordinating (MATAC) meeting will ensure we remain proactive in identifying and dealing with repeat offenders.		
7	Increase the proportion of positive stop and searches for offensive weapons		
	On target		
10	Increase the proportion of positive stop and searches for drugs		
	On target		
11	Increase the number of licensed premises visits		
	On target		
12	Reduce the number of people killed or seriously injured on our roads		

	<p>Whilst we are achieving the target, a significant road traffic collision (RTC) in September, (passenger service vehicle crashing into cottage at Belhaven), resulted in multiple casualties. Whilst no one was killed, the incident was declared a critical incident, and Fire, Police, Ambulance and East Lothian Council successfully undertook a multi-agency operation.</p>
13	<p>Increase the number of people detected for drink/drug driving offences</p> <p>On target</p>
16	<p>Increase the number of cash seizures and restraints through the Proceeds of Crime Act</p> <p>On target</p>
17	<p>Increase the number of people detected for supplying drugs</p> <p>In 2012/13 reporting period (Feb/March 2013) there was a dedicated 2-month drugs operation in East Lothian that yielded a higher than average number of detections. It is normal that after a period of high enforcement and disruption activity, detections in this area become more difficult to achieve. Despite this fact, local policing teams continue to act on intelligence and carryout initiatives to disrupt and deter offenders.</p>



POLICE
SCOTLAND

East Lothian

Local Policing Plan 2013-2014



Contents

1. Introduction and purpose of plan
2. Foreword
3. Priorities and Objectives
4. How we identified our priorities
5. Local Policing arrangements
6. National Outcomes
7. Performance and Accountability
8. Local Scrutiny and Engagement
9. Contact Us

Appendix A – Community Planning SOA Outcomes

Appendix B – Local Consultation Results

Policing Plan for 2013-2014

1. Introduction

This plan sets out the local policing priorities and objectives for East Lothian for 2013-2014 and is a statutory requirement of the Police and Fire Reform (Scotland) Act 2012. It is produced as part of a planning process which takes account of the Scottish Government's overarching vision for public services, the Strategic Police Priorities set by Scottish Ministers, the Scottish Police Authority's Strategic Police Plan and the Chief Constable of Scotland's Annual Police Plan.

The Local Policing Plan for East Lothian represents a critical part of the delivery process for the new service, demonstrating our commitment to local policing within the national planning framework and enabling us to respond effectively to the concerns of local communities as well as meet and tackle nationwide demands. This local authority plan will be supported by seven community policing plans, which respond directly to local needs and demands.

2. Foreword by:

Chief Constable Stephen House QPM

This plan is the first under the new policing arrangements for Scotland. Local Policing will be the focus of the Police Service of Scotland and will deliver real improvements to the way services are delivered to local communities. Reform offers us the opportunity to improve accountability and increase scrutiny. This plan sets out our continuing commitment to 'Keeping People Safe'. It establishes the issues we believe are important to communities across Scotland. By delivering a local policing service that drives improvements against our priorities we can make a real difference in the quality of life for people in Scotland.

Vic Emery, Chair of the Scottish Police Authority

When it comes to local police services, one size doesn't fit all. Different communities across Scotland want access to the best expertise and services in policing - but they quite rightly expect police services to meet their area's needs and priorities. Your Local Policing Plan is a key part of making sure this happens, and keeping this local focus at the heart of community policing.

These plans are linked to national priorities, but are based on local issues and what people say matters to them. They are also a very public commitment by Police Scotland on what it will deliver to make our communities safer. The Scottish Police Authority will be working with Police Scotland, partners and communities to ensure we all receive the best policing possible.

Councillor Willie Innes, Leader of East Lothian Council

With the unprecedented move to a single police service for Scotland, this will be a unique year for Scottish policing. There are new challenges and there are new opportunities, but what remains constant is the desire not only to maintain, but also continue to improve, police service delivery to East Lothian.

The East Lothian Local Policing Plan sets out objectives and priorities and explains how the excellent policing performance, which has seen a reduction in crime over previous years, will be maintained. For the first time, local consultation is shaping police priorities.

At a time when it is increasingly important to ensure that we are working together, local partnerships will continue to be forged and strengthened to deliver an effective and efficient policing service for the greater benefit of our local communities.

Chief Superintendent Jeanette McDiarmid, Local Police Commander

As the Local Police Commander for East Lothian I am delighted to provide you with the first Local Policing Plan, as part of my statutory duty under the Police and Fire Reform (Scotland) Act 2012.

The Local Policing Plan for East Lothian sets out the key strategic priorities for policing and has been developed in collaboration with local communities and our partners, whilst taking national policing priorities and crime analysis into consideration. It prioritises the issues that really matter to local people. Police officers will focus on these identified priorities in order to reduce crime whilst robustly pursuing those responsible for committing such crimes.

I am committed to delivering the highest possible service to the people of East Lothian in order to improve safety and wellbeing whilst increasing the public confidence and satisfaction.

3. Priorities and Objectives

Priority 1 – Protecting People

Our officers are committed to protecting victims of serious sexual crime and vulnerable groups, including adults, children and people experiencing domestic abuse.

Public protection activities in East Lothian ensure the most vulnerable members of our community are identified and given the support they need. It is vital that children and adults at risk, victims of serious sexual crime, domestic abuse or other vulnerable individuals are identified and offered the appropriate assistance to prevent an escalation of abuse or an increase in offending behaviour.

We will:

- Work in partnership to identify and protect those at risk through effective early intervention, education and enforcement;
- Proactively share information and intelligence to task and coordinate resources and change trends;
- Work together to deliver intelligence-led initiatives and reassure those individuals, groups and communities affected;
- Support victims and their families and support, manage and rehabilitate offenders.

Objectives:

- Increase detection rates for crimes of domestic abuse
- Increase the detection rate for sexual offences

The focus of police activity will be to ensure that the most vulnerable people within our communities are protected and feel safe. This will be achieved by identifying victims of crime and ensuring support mechanisms are in place for them.

The Domestic Abuse Investigation Unit will target the perpetrators of serious and complex domestic abuse cases and provide early and effective support to victims and their families. The Rape Investigation Unit will continue to deliver a victim-centred approach in partnership and place victim welfare and support at the forefront of the investigation.

Priority 2 – Reducing Antisocial Behaviour

Our priority is to reduce antisocial behaviour and hate crime within our communities.

Antisocial behaviour and hate crime covers a range of activity that can have a detrimental impact upon the quality of life of individuals and communities. As well as making life unpleasant, it can hold back the regeneration of areas and create an environment where more serious crime can take hold. Both are also known to have an impact upon community cohesion.

We will:

- Work in partnership to prevent and reduce antisocial behaviour and hate crime through effective early intervention, enforcement and education;
- Proactively share information and intelligence to task and coordinate resources and change trends;
- Work together to deliver intelligence-led initiatives, reassure affected communities, support victims and support and rehabilitate offenders.

Objectives:

- Reduce the number of antisocial behaviour incidents
- Increase the detection rate for hate crime
- Reduce the number of youth disorder incidents

The antisocial behaviour picture in East Lothian is positive, with proactive tasking and a preventative philosophy adopted throughout the partnership. There have been consistent decreases since the introduction of partnership Community Policing Teams as well as the introduction of Community Wardens. Youth disorder has decreased even more dramatically.

Hate crime prevention activity has focused on building stronger links within our communities, which has increased public confidence in reporting such crimes. There has also been greater engagement with secondary schools, with community officers delivering bespoke educational inputs and police officers supporting external speakers.

Priority 3 – Reducing Violence

Violence in our communities will not be tolerated and our officers are dedicated to making East Lothian a safer place.

Violent crime impacts on all members of society and is not limited by age, sex or ethnic origin. It causes fear among people such as the vulnerable and elderly and has a damaging impact on communities.

We will:

- Work in partnership to prevent and reduce instances of violence through effective early intervention, enforcement and education;
- Proactively share information and intelligence to task and coordinate resources and change trends;
- Work together to deliver intelligence-led initiatives, reassure communities, support victims of violent crime and support, manage and rehabilitate offenders.

Objectives:

- Reduce the level of violent crime
- Increase the proportion of positive stops and searches for offensive weapons

The impact and consequences of a violent incident to all concerned are long term, sometimes permanent. Weapon related crime and public space violence will be tackled through effective tasking and patrolling of identified hot spots.

Prevention activity will focus on an increase in stops and searches for weapons and the continued support of the 'No Knives Better Lives' campaign and the Best Bar None licensed venues initiative.

Priority 4 – Tackling Substance Misuse

Tackling the community and social harm caused by drug and alcohol misuse is imperative in East Lothian.

Substance misuse is a complex problem that impacts upon all our communities. It has far-ranging and harmful implications for individuals, families and neighbourhoods. The link between substance misuse and crime and disorder is well known and by tackling the harm caused to public safety we will improve the quality of life for many people in East Lothian and reduce the negative effect on local communities.

We will:

- Work in partnership with health, social work, education and the voluntary sector to prevent drug and alcohol misuse through effective early intervention, education and enforcement;
- Proactively share information and intelligence to task and coordinate resources and change trends;
- Work together within this partnership to deliver intelligence-led initiatives and reassure those communities affected;
- Support victims of crime who are victimised as a result of drug and alcohol misuse and support, manage and rehabilitate offenders.

Objectives:

- Increase the proportion of positive stops and searches for drugs
- Increase the number of licensed premises visits (on/off sales premises)

Experience in East Lothian has shown that stop/searches are a positive method of detecting those who carry and supply drugs. We will continue to use this method to detect and deter drug suppliers.

We will focus on the needs of the most persistent offenders in East Lothian whose crimes are committed in order to sustain their dependency on drugs and alcohol and reduce their level of offending.

Priority 5 – Making our Roads Safer

We are dedicated to keeping people safe on our roads and enhancing and improving the safety of the community by reducing the number of incidents and casualties from road traffic collisions.

Road safety affects everyone who lives, works or visits East Lothian. Most people use the roads every day in some capacity and it is therefore essential to ensure we can all use the roads safely.

We will:

- Work in partnership with national government, local authority and road safety organisations to improve the safety on our roads through enforcement, engineering, education and effective early intervention;
- Proactively share information and intelligence to task and coordinate resources and change trends;
- Work together to deliver intelligence-led initiatives, reassure communities affected by serious road traffic collisions;
- Support victims of serious road traffic conditions and support and rehabilitate offenders.

Objectives:

- Reduce the number of people killed or seriously injured on our roads
- Increase the number of people detected for drink/drug driving offences

A number of major arterial routes run through East Lothian, linking the south with Edinburgh and the north of Scotland. This, along with numerous rural routes linking towns and villages, make the county a risk location for road traffic collisions.

Young drivers remain a concern and prevention activity is delivered through 'Road 2 L', a rolling intervention taken in schools and targeted at parents and guardians of S5 and S6 students in East Lothian. '2MRO's DRIVER' is an annual intervention targeted at S6 students.

Priority 6 – Tackling Serious Organised Crime

Our officers are committed to tackling serious organised crime and reducing the impact and harm it has on our communities.

Serious organised crime impacts negatively on all aspects of community life. It can fuel street crime, increase the fear of crime and have a detrimental financial effect on local economies.

We will:

- Work in partnership to prevent serious organised crime and target, disrupt and deter those involved;
- Proactively share information and intelligence to task and coordinate resources;
- Work together to deliver intelligence-led initiatives and reassure communities and businesses affected;
- Educate, support, divert and deter those at risk of becoming involved in organised crime and support victims.

Objectives:

- Increase the number of cash seizures and restraints through the Proceeds of Crime Act (POCA) legislation
- Increase the number of people detected for supplying drugs

Criminals involved in serious organised crime have an impact on society as a whole by negatively affecting local economies and targeting individuals in our communities. These criminals can generate substantial income to the detriment of genuine businesses by using apparently legitimate businesses as a cover for their activities.

We will strive to develop a wider intelligence picture of organised crime groups in East Lothian and provide additional opportunities to implement Detect, Divert, Disrupt and Deter tactics under the national Serious Organised Crime Strategy.

4. How we identified our Priorities and Objectives

The Scottish Policing Assessment sets out the priorities for the Police Service of Scotland to the year 2015. It is a key document for the police in the continuous process of meeting future policing challenges and ensuring that the service the police provides to the communities of Scotland is of a high standard.

The Assessment draws on information and intelligence provided by all the Scottish forces and law enforcement agencies as well as information from key partner agencies including the Scottish Government, local authorities and the public. It is through this assessment that risk in relation to crime and disorder is prioritised.

The priorities identified in this plan have been identified through assessment of current trends in community planning, emerging issues and priority areas of concern. Appendix A lists the outcomes of the East Lothian Community Planning Partnership Single Outcome Agreement, which relate to community safety. These are issues that need a high-level multi-agency response to ensure the maximum benefit to communities and individuals.

By April 2013 East Lothian will have a completed Strategic Assessment looking forward to projected policing and partner demands in the near future.

Throughout 2012 we consulted with people from across East Lothian about the issues of greatest concern to them. These consultation results made a critical contribution to identifying issues for local communities and these have been translated into the key policing priorities for East Lothian. Appendix B shows the results of our consultation.

We recognise that effective and fair policing is about reflecting the needs and expectations of individuals and local communities. Survey results show that different communities have differing expectations and contrasting experiences of the service provided by the police. Our aim is to ensure that our service to all is fair and consistent, keeping those who are most vulnerable safe and enhancing their quality of life.

The Equality Act 2010 creates a requirement for all public bodies to achieve equality outcomes and this is reflected in this plan. It is essential that we respond appropriately to the needs of the communities of East Lothian and ensure that our policies, procedures and practices recognise their diverse nature. All of our work is underpinned by our commitment to equality and diversity, in both our dealings with the public we serve and our own staff.

Measures of satisfaction from public perception surveys will be used when examining performance and all policies, procedures and practices will be Equality Impact Assessed.

To further this aim, and satisfy our statutory duties under The Equality Act 2010, we are developing national equality and diversity outcomes for 30 April 2013. In our 2014 three-year plan we will identify local priorities and objectives aligned to them.

5. Local Policing Arrangements

Our mission is to keep people safe. We aim to deliver policing that is visible, accessible and responsive to the needs of the communities across East Lothian.

From 1 April 2013 a single Local Police Commander has been appointed for East Lothian who will direct a Local Area Commander in order to deliver an effective policing service that delivers against our key priorities.

We will continue to respond quickly and effectively to public demand by answering all calls and operational requests made of us.

We have six local Community Policing Teams based within seven electoral wards to tackle local problems and issues.

In addition to the Local Policing Plan for East Lothian, each ward will have an individual plan which will address the priorities specific to that ward and neighbourhood and also link closely with the plan for East Lothian.

These plans will be delivered by identifiable officers located in each geographic community, continuing engagement with the communities and adopting a shared partnership problem-solving approach to dealing with issues, primarily through Community and Police Partnership (CAPP) public meetings.

Individual Multi Member Ward community policing plans are available at www.scotland.police.uk

Local policing arrangements are aligned to the Community Planning Partnership working towards joint community priorities.

Uniformed officers are engaged in community policing and response roles, additional funded officers form part of joint partnership East Lothian Community Policing Teams, working closely with officers from the local authority and third sector. Response resources comprise five response policing teams, each with an identified Inspector. Local Community Policing Teams are managed through two community-based Inspectors and two community sergeants. A Criminal Investigation Department and other specialist units support these resources.

The local Community Policing Team will make sure you know who they are and how you can contact them. They will be visible and accessible in your communities, working first and foremost on community priorities. They will arrange regular community meetings, work with you to identify local concerns and work with others to solve these problems. They will regularly update you with progress made.

This blend of preventative policing set within the community planning context is targeted at providing an effective and efficient police service whose aim is community reassurance and increasing community well being.

6. Local Contribution to National Outcomes and National Policing Priorities

The Scottish Government has 16 National Outcomes, which demonstrate a commitment to creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth. Policing in East Lothian can make a significant contribution to improving these outcomes by contributing to the Community Planning arrangements across the area.

Scottish Ministers have also established Strategic Policing Priorities and these reflect the contribution that policing can make to achieve the National Outcomes.

Our local priorities align to the Strategic Policing Priorities and the Scottish Government's National Outcomes as follows:

Priority	Strategic Policing Priorities	National Outcomes
Protecting People	1, 2, 3, 4	5, 7, 8, 9, 11, 13, 16
Reducing Antisocial Behaviour	1, 2, 4	5, 8, 9, 11, 13
Reducing Violence	1, 2, 4	5, 7, 8, 9, 11
Tackling Substance Misuse	1, 2, 4	7, 8, 9, 11
Making our Roads Safer	1, 2, 4	9, 11
Tackling Serious Organised Crime	1, 2, 4	9, 11, 13

Further information on National Outcomes and Strategic Policing Priorities can be accessed at www.scotland.gov.uk

7. Performance and Accountability

To support this plan Police Scotland will develop a national performance framework which allows the service to measure progress, monitor activity, identify key areas where resources need to be focused and demonstrate how successful we are in meeting our key priorities and objectives as set out in this plan.

We are committed to publishing our performance information and will use this as the foundation for reporting to East Lothian Council and local communities. This information is available upon request or at www.eastlothian.gov.uk.

8. Local Scrutiny and Engagement

The Police and Fire Reform (Scotland) Act 2012 includes a framework for local scrutiny and engagement arrangements between local authorities and the police service.

In East Lothian local scrutiny and engagement will ensure that the locally set objectives will deliver the statutory purposes of improving the safety and wellbeing of the people. It will ensure that local conditions are understood and that community concerns are reflected. It will promote joint working to secure better outcomes and best value and will provide strategic leadership in order to influence service delivery and support continuous improvement by providing constructive challenge.

Robust monitoring and reporting processes are instrumental in ensuring that the East Lothian Local Policing Area remains on track to deliver against local objectives within the resources available.

Scrutiny and engagement regarding the East Lothian Local Policing Area falls under the governance of the East Lothian Police and Fire & Rescue Board.

9. Local Contact Details

Contact details

Haddington Police Station,
39-41 Court Street,
Haddington,
EH41 3AE

Telephone number

Single Non Emergency Number
101

Email

For all non-emergency issues or enquiries relating to Police business, you can contact us via:

EastLothianLPP@scotland.pnn.police.uk

This group email address is provided for you to discuss non-urgent local policing issues. It should not be used to report a crime or incident.

For information about your local Community Policing Team and other services that Police Scotland provides, please refer to the Force website at:

www.scotland.police.uk

We are here to help

We will continue to keep in touch with you to keep you updated on the ongoing work being carried out to tackle the issues that are affecting life for you in East Lothian.

- If you have any concerns or issues you wish to discuss, contact your local Community Policing Team.
- Dial 999 for an emergency that requires urgent police attention.
- For non-emergency contact, call 101, the single non-emergency number.
- If you have information about crime in your area and wish to provide it anonymously, call:

CRIMESTOPPERS on
0800 555 111
- Service users who are deaf or have a hearing impairment can contact Police Scotland via TextRelay in an emergency on 18000 or non emergency on 18001 101.

Appendix A - East Lothian Community Planning Partnership Single Outcome Agreement themes

- **Fewer people experience antisocial behaviour in East Lothian**
- **Fewer people are the victim of crime, disorder or abuse in East Lothian**
- **Improve safety on roads and in homes**

Appendix B - Local Consultation Results

The priorities for the seven Multi Member Wards were identified during our most recent consultation.

Ward 1 - Musselburgh West

Priority 1 - Antisocial Behaviour

Priority 2 - Substance Misuse

Priority 3 - Road Safety

Ward 2 - Musselburgh East

Priority 1 - Antisocial Behaviour

Priority 2 - Substance Misuse

Priority 3 - Road Safety

Ward 3 - Fa'side

Priority 1 - Antisocial Behaviour

Priority 2 - Substance Misuse

Priority 3 - Road Safety

Ward 4 - Preston/Seton/Gosford

Priority 1 - Antisocial Behaviour

Priority 2 - Substance Misuse

Priority 3 - Road Safety

Ward 5 - Haddington and Lammermuir

Priority 1 - Antisocial Behaviour

Priority 2 - Substance Misuse

Priority 3 - Road Safety

Ward 6 - North Berwick Coastal

Priority 1 - Antisocial Behaviour

Priority 2 - Substance Misuse

Priority 3 - Road Safety

Ward 7 - Dunbar and East Linton

Priority 1 - Antisocial Behaviour

Priority 2 - Substance Misuse

Priority 3 - Road Safety

REPORT TO: East Lothian Council
MEETING DATE: 22 October 2013
BY: Chief Executive
SUBJECT: East Lothian Council Annual Performance Report 2012/13

6

1 PURPOSE

- 1.1 To provide Council with the Annual Performance Report for 2012/13

2 RECOMMENDATIONS

- 2.1 Council is asked to approve the Annual Performance Report 2012/13.

3 BACKGROUND

- 3.1 The Annual Performance Report is a summary of the Council's performance in relation to its commitments in the Council Plan and the Single Outcome Agreement. The information contained within the report generally relates to the financial year 2012/13 (April 2012 – March 2013). In some cases where data for 2012/13 is not yet available the latest available data is provided.
- 3.2 Information contained within the report has been drawn from the Council's set of performance indicators that are reported to the Policy and Performance Review Committee, the Single Outcome Agreement, from audit and inspection reports and from other reports to Council committees.
- 3.3 The report shows performance against the four objectives of the Council Plan 2012-17. Also this year the report provides a progress report on the key commitments made in the Council Plan.
- 3.4 As in previous years the Annual Performance Report will be made available to the general public via the Council's website, although hard copies will be available for anyone that does not have access to the internet.

4 POLICY IMPLICATIONS

- 4.1 The measurement, target setting and reporting of performance indicators is essential if the Council is to demonstrate Best Value. Reporting these indicators will help the Council to display openness, transparency and accountability. Best Value places a duty upon the Council to report performance to the public in order to enhance accountability.

5 EQUALITIES IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

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

7 BACKGROUND PAPERS

- 7.1 Appendix 1: East Lothian Council Annual Performance Report 2012/13

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DATE	11 th October 2013

How Good is Your Council?

East Lothian Council's Annual Performance Report 2012/13

Welcome

Welcome to 'How Good is Your Council?' East Lothian Council's Annual Performance Report for 2012/13.

We think it is very important to let the citizens of East Lothian know how the Council is doing. Therefore in this Report we provide information on the Council's performance during the financial year 2012/13. Further detail on the Council's performance can be found on the performance pages of the Council website: www.eastlothian.gov.uk/performance.

In August 2012 the Council adopted a new five-year strategic plan – Working Together for a Better East Lothian; the East Lothian Council Plan 2012-2017. Our ambition is that East Lothian should be a prosperous, safe and sustainable place with a dynamic and thriving economy that will allow our people and communities to flourish. The plan sets out how we intend to achieve that ambition and the commitments we make to bring the real differences that will improve the quality of life of East Lothian's residents.

In this year's performance report we are pleased to be able to explain how far the Council has progressed towards achieving the commitments set out in the Council Plan. We are proud of the progress that has been made on these commitments. However, we are aware that the Council Plan is 'work in progress', and much more can, and should, be done to improve council services and create the conditions to allow our people and communities to flourish.

We look forward to working with council staff, our public sector partners and East Lothian's communities over the coming year to make further progress.

Angela Leitch
Chief Executive

Councillor Willie Innes
Council Leader

East Lothian in numbers

99,717 people live in East Lothian

18,628 people are aged 0-15

63,326 people are aged 16-64

17,763 people are aged 65 or over

13,166 people live in the Dunbar & East Linton Ward

19,091 people live in the Fa'side Ward

12,916 people live in the Haddington & Lammermuir Ward

14,012 people live in the Musselburgh East & Carberry Ward

10,107 people live in the Musselburgh West Ward

12,468 people live in the North Berwick Coastal Ward

16,410 people live in the Preston-Seton-Gosford Ward

In **one year** East Lothian Council:

Spends **£221,810,000** on providing services

Educates **13,466** children in primary and secondary schools

Provides **1,600** older people with home care

Looked after **272** vulnerable children

Determined **747** planning applications

Manages **931km** of roads

In **one day** East Lothian Council: (on average)

Completes **11** Community Care Assessments

Receives **1,140** visits to swimming pools

Receives **675** visits to recycling centres

Conducts **83** repairs on Council houses

In **one hour** East Lothian Council: (on average)

Receives **123** calls via the contact team at the customer contact centre

Outcomes and priorities

This is the first Annual Performance Report for the period covered by the *East Lothian Council Plan 2012-17*.

It is structured around the Council Plan's four Objectives:

- **Growing our Economy** - to increase sustainable economic growth as the basis for a more prosperous East Lothian
- **Growing our Communities** - to give people a real say in the decisions that matter most and provide communities with the housing, transport links, community facilities and environment that will allow them to flourish
- **Growing our People** - to give our children the best start in life and protect vulnerable and older people
- **Growing the Capacity of the Council** - to deliver excellent services as effectively and efficiently as possible within our limited resources

Also the report also reflects the 14 outcomes of the Single Outcome Agreement 2011:

1. East Lothian has a sustainable and successful local economy through developing key local sectors and enhancing business performance
2. All of East Lothian's young people are successful learners, confident individuals, effective contributors and responsible citizens
3. East Lothian's children have the best start in life and are ready to succeed
4. The life chances for children, young people and families at risk or with disability in East Lothian are improved
5. In East Lothian we live healthier, more active and independent lives
6. Fewer people experience poverty in East Lothian

7. Fewer people are the victim of crime, disorder or abuse in East Lothian
8. Fewer people experience antisocial behaviour in East Lothian
9. East Lothian's homes and roads are safer
10. In East Lothian people in housing need have access to an appropriate type, tenure and standard of housing and are prevented from becoming homeless
11. East Lothian has high quality natural and built environments that enhance the well-being of the local community
12. East Lothian is less dependent on finite resources by moving to a more localised, low-carbon economy and reducing its ecological and carbon footprints by 80% by 2050
13. East Lothian has well connected communities with increased use of sustainable forms of transport
14. East Lothian has strong, vibrant communities where residents are responsible and empowered with a positive sense of well-being

The report concludes with a brief summary of the Council's finances and financial position, highlighting 'where the money goes'.

Performance indicators


The Council monitors how well it delivers its services using a range of performance indicators. Some of the indicators, known as Statutory Performance Indicators (SPIs), are set by the Accounts Commission and are used by every council in Scotland. However, most of the indicators are chosen by the Council or the East Lothian Community Planning Partnership to reflect local priorities that are detailed in the Council Plan and Single Outcome Agreement.

Our indicators are generally reported on a quarterly basis (once every three months) or on an annual basis. Most of the indicators have a target that helps to provide context on how well the Council is performing. Comparisons with other areas in Scotland are also available for some indicators.

Performance indicators are reported in the Annual Report to help show the progress towards each of the Council's objectives. Further information regarding each indicator can be found on the Council's performance website: <http://www.eastlothian.gov.uk/performance/>


Key:


Each indicator is presented in the following format:


Indicator	Result	Target	
% of new businesses surviving after 12 months	79%	85%	

Result: The result refers to the year 2012/13 (April 2012 – March 2013) unless otherwise stated. 'Q4 12/13' would refer to the 4th quarter of 2011/12 (January – March).

Target: The target refers to the same period as the result.

Red:  Performance is significantly worse than target.

Amber:  Performance is slightly worse than target.

Green:  Performance is better than the target.



Performance is improving in comparison to the previous period.



Performance is getting worse in comparison to the previous period.



Performance has stayed the same.

Growing our Economy – to increase sustainable economic growth as the basis for a more prosperous East Lothian

Related outcomes from the Single Outcome Agreement:

1. East Lothian has a sustainable and successful local economy through developing key local sectors and enhancing business performance

Strengthening East Lothian’s economic base through supporting the creation of more local jobs is the key priority for the Council. Currently a sizable proportion of our working population commutes to Edinburgh for employment. This has an impact on community cohesion and also means potential loss of trade for local businesses.

East Lothian Council provides support and advice for local businesses. Examples of the work that the Council does to support economic development include the provision of grants and loans to assist business start-ups and growth, the provision of business advice, and the promotion of tourism through Visit East Lothian.

The East Lothian Economic Development Strategy 2012-2022

The vision for the East Lothian Economic Development Strategy is:

In 2020 East Lothian will have a dynamic and flourishing economy with our citizens proud to live, learn, work and play in East Lothian.

To achieve this strategic vision, East Lothian must deliver against two strategic goals:

- To increase the number of businesses in East Lothian with growth potential
- To increase the proportion of East Lothian residents working in and contributing to East Lothian’s economy

Key Actions

What we said we would do:	What we have done during 2012/13:
Implement the East Lothian Economic Development Strategy 2012-2022 and its action plan to achieve the two strategic goals	<ul style="list-style-type: none"> • Approved by Council and Community Planning partners, Autumn 2012. Implementation Plans developed and monitored and reported through the Sustainable Economy Partnership
Establish an Economic Forum with business and farming community representatives and further education institutions and engage with local businesses and potential investors in East Lothian to identify how the Council can further support business growth	<ul style="list-style-type: none"> • Sustainable Economy Partnership established. Ongoing engagement with individual businesses, with sectors, with the Federation of Small Businesses and with the Chamber of Commerce
Continue to support the county’s farmers and fishing communities through the food and drink and other initiatives and funding programmes	<ul style="list-style-type: none"> • Delivery of Tyne/Esk Leader Programme and Axis 4 Fisheries Programme. Food & Drink initiatives delivered – Trade Shows, Producer and Supplier engagement
Provide high quality employment pathways for East Lothian’s workforce which will support those furthest from the labour market to develop work ready skills and give every young person the opportunity to undertake training, take up an apprenticeship, work experience or a job	<ul style="list-style-type: none"> • Opening of East Lothian Works, March 2013. Central point of contact for individuals and businesses for employability guidance and support. Focus on young people through Skill Centre, bespoke Activity Agreements and Work Experience programmes. Working in partnership with key employability agencies to provide more targeted and efficient joined-up service

Case Study – East Lothian Works

East Lothian Works brings together a range of employability-related services within East Lothian. Services represented at East Lothian Works include:

- East Lothian Skill Centre, Guideline, ELVOS, and the Adult Learning Service
- Job Centre Plus
- Skills Development Scotland
- Queen Margaret University, The Edinburgh College, Social Enterprise in East Lothian, MiEnterprise, Cornerstone and Community Care Forum - which have desk space in the building
- Business Gateway

Locating all of these services within East Lothian Works has allowed for greater sharing of information and collaboration between organisations. The establishment of East Lothian Works has helped to provide a better and more joined-up service to clients avoiding duplication and overlap.

Case Study – Apprenticeships

East Lothian Council was awarded almost £280,000 from the Coastal Communities Fund to provide 12 apprenticeships for unemployed young people as well as providing volunteering experiences for young people, through schools.

The two year project involves improving and upgrading coastal paths and cycle routes and the apprentices will gain accredited qualifications as part of the project.

Work mainly focuses on the John Muir Way, much of which is owned and maintained by the council. However, private landowners will also be involved. The scheme is delivered by the Council's Landscape and Countryside, Economic Development and Community Learning and Development teams in partnership with Volunteer Development East Lothian and The Conservation Volunteers.

What we said we would do:	What we have done during 2012/13:
Use the Council's purchasing power through the use of community benefit clauses to provide opportunities for work experience, training and apprenticeships	<ul style="list-style-type: none"> • Embedding community benefits in procurement (CBIP) into all appropriate procurement contracts. East Lothian Works leading on engagement with employers and their offer, monitoring and ensuring successful outcomes in provision. Several businesses now involved in this growing programme.
Support investment in business start ups and growing businesses, including the construction industry and other key sectors, through interest free loans and other local and national support programmes	<ul style="list-style-type: none"> • Number of schemes operated to support business growth: <ul style="list-style-type: none"> ➢ East Lothian investments Interest-Free Loans and signposting to other forms of grant and loan funding ➢ High Value Recruitment Grant ➢ Business Development Grant ➢ ELI Ltd £10,000 start-up and £25,000 established Business Loans ➢ New "Invest in East Lothian" marketing material at Draft stage
Identify areas for business opportunities in the East Lothian Local Development Plan and reduce the time taken to determine commercial planning applications through a more efficient and streamlined approach to dealing with all planning applications	<ul style="list-style-type: none"> • Applications from business are low; however, the Planning service has a good record in determining commercial planning applications within set deadlines. Tthe recent experience with Sainsbury's demonstrates the high level of performance by the planning service
Support and encourage the development of land allocated for business; where appropriate, fund infrastructure to enable sites to be developed to support new jobs and opportunities for strong sustainable economic growth through working with the business sector and agencies such as Scottish Development International to attract inward investment	<ul style="list-style-type: none"> • Through developer negotiations several sites are being brought forward for mixed use, accelerating the development of business land • Ongoing engagement with SDI with particular attention to QMU site at Oldcraighall

Case Study – East Lothian Investments

East Lothian Investments established an instrument for the development of the business base in East Lothian that took the form of providing interest free loans to any company based within the county of East Lothian. Initially this was funded from investment income inherited from Lothian Enterprise Board but was then continued through the loan facility made available by the Council.

The loans typically offered are unsecured funding up to a ceiling of £10,000 repayable over a maximum period of 36 months. The Board of East Lothian Investments award loans based on due diligence of each application by the fund manager and subsequent detailed board debate. All companies applying for a loan must provide a detailed business plan, cash flow and at least 2 years of accounts.

The East Lothian Council loans have supplemented the funds of East Lothian Investments and the scheme has been highly successful. Since April 2008 and the start of the credit crisis East Lothian Investments has:

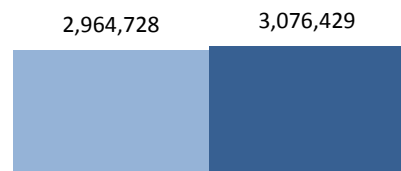
- Awarded £1,275,504 of loans to 138 companies
- Received 238 loan applications
- Created 180 jobs and protected 575
- Levered in private sector funding of £5,481,214

What we said we would do:	What we have done during 2012/13:
Work with partners and providers to explore how we can improve connectivity, including the roll out of faster broadband and mobile communications across the county to support and encourage local businesses and home working	<ul style="list-style-type: none"> • Procurement process for consultancy support underway • Proceeding with test site for Haddington Town Centre and Stage 1 ESF related bid submitted • Project run by Scottish Government underway with contract award to BT in July – expect to know East Lothian impact in the autumn together with rollout timescales
Support local companies and build their capacity to ensure they have the opportunity to compete for Council and other public sector contracts	<ul style="list-style-type: none"> • Procurement seminars and 1:1 consultancy advice available to local businesses • New targeted programme of support in conjunction with ELC procurement in relation to tendering for Council frameworks from local small businesses
Work with East Lothian's tourism sector to support appropriate tourism opportunities including sports and cultural events that attract visitors to East Lothian	<ul style="list-style-type: none"> • Working with emerging East Lothian Festivals' Group to develop offering and ensure East Lothian positioned as 'events county' • Grant and sponsorship support to new and existing events generating economic impact. John Muir Festival is one of the signature events for Homecoming 2014 and his legacy to be incorporated where appropriate into 2014 East Lothian events • Brunton refurbishment is providing additional opportunities for increasing number and range of cultural events
Work with the voluntary sector to create and develop social enterprises using the Social Investment Fund and other sources of funding and support	<ul style="list-style-type: none"> • Dedicated Business Adviser for Social Enterprise support working with Social Enterprise in East Lothian based in East Lothian Works. Grant and other support, as well as signposting to other forms of funding • Work underway with 3rd Sector to develop local community based early intervention and prevention initiatives

Case Study – East Lothian Investments (cont.)

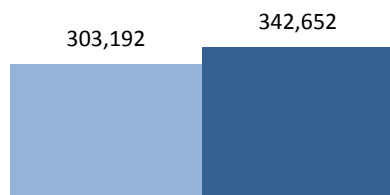
11 companies that were in receipt of grants or loans from East Lothian Investments were monitored during 2012:

Change in turnover of companies receiving loans from East Lothian Investments, 2012



■ Total turnover prior to application for loan
■ Total turnover after receiving loan

Change in net profit of companies receiving loans from East Lothian Investments, 2012



■ Total net profit prior to application for loan
■ Total net profit after receiving loan

What we said we would do:	What we have done during 2012/13:
Regenerate East Lothian's town centres through: ensuring that planning decisions made by the Council are sympathetic to preserving the vitality and viability of our town centres; supporting "Shop Local" promotional activity and initiatives that will support the re-opening of empty shops; reducing congestion and improving town centre parking	<ul style="list-style-type: none"> Musselburgh Town Centre Strategy has been consulted on a final report will be published in the Autumn of 2013 Christmas Shop Local each year, growing year-on-year, in terms of retailers and purchases made. Open Retail Competition, Summer 2013. Working with town business and trade organisations to support footfall and regeneration
Develop a new Culture and Heritage Plan that maintains the success of community initiatives, tourism opportunities and recent Council investment in infrastructure to support the economic development strategy	<ul style="list-style-type: none"> 1st Draft completed. Wider consultation on Plan now required with a view to refining and finalising.
Support Fair Trade County status for East Lothian	<ul style="list-style-type: none"> Several East Lothian towns have Fair Trade status

Key Indicators:

Indicator	Result	Target	
% of new businesses surviving after 12 months	80.6%	85%	↑
Total number of new business start-ups	141	100	↑

Growing our People – to give our children the best start in life and protect vulnerable and older people

Related outcomes from the Single Outcome Agreement:

2. All of East Lothian’s young people are successful learners, confident individuals, effective contributors and responsible citizens
3. East Lothian’s children have the best start in life and are ready to succeed
4. The life chances for children, young people and families at risk or with disability in East Lothian are improved
5. In East Lothian we live healthier, more active and independent lives
6. Fewer people experience poverty in East Lothian
7. Fewer people are the victim of crime, disorder or abuse in East Lothian

Children & Young People

East Lothian Council is responsible for the education of approximately 13,300 children in its 6 secondary schools and 35 primary and infant schools.

Continuous improvement in examinations, coupled with a wide variety of other school activities, is necessary to enable all children and young people to have the best start in their life after school.

The term ‘looked after children’ refers to children and young people who are in care. East Lothian Council looks after approximately 200 children. East Lothian Council and its partner agencies are ‘corporate parents’, meaning that everyone in our organisations has a responsibility to try and promote the wellbeing of our looked after children. The Council also assists families in caring for children with disabilities through, for example, support for carers and the provision of respite care.

Key Actions

What we said we would do:	What we have done during 2012/13:
Implement the Integrated Children’s Service Plan	<ul style="list-style-type: none"> • ICSP 2011-13 completed • ICSP 2013-2017 finalised
Continue to increase educational attainment and ensure that the Council has a resource strategy to implement the Curriculum for Excellence, protect school budgets, reduce the number of composite classes and protect rural schools	<ul style="list-style-type: none"> • Education Service and schools are focussed on increasing educational attainment and implementing Curriculum for Excellence. • School budgets have been protected in the three-year budget
Take advantage of technological opportunities for pupils to access a wider range of subjects at their own school	<ul style="list-style-type: none"> • Work is ongoing on improving schools access to broadband and wifi
Develop the partnership with Queen Margaret University and the Further Education colleges to develop the Academy model and provide vocational training spaces in all secondary schools	<ul style="list-style-type: none"> • The Tourism and Hospitality Academy has been successful and is now being used as a model for rolling out to other areas and other subjects
Implement the agreed approach to kinship care	<ul style="list-style-type: none"> • Children’s Wellbeing Kinship Care and Fostering Strategy: Payments to Foster Carers and Kinship Carers agreed by April Cabinet • Policy and Guidance in draft
Ensure women and children who experience domestic violence have access to specialist services and support	<ul style="list-style-type: none"> • East and Mid Lothian Women’s Aid now one organisation. Exploring how they will link into the Multi-Agency Screening Group and offer support to women and children who have been victims of Domestic Violence

Integrated Children's Services Plan

East Lothian Council, NHS Lothian, East Lothian Child Protection Committee, Lothian & Borders Police and the Scottish Children's Reporter Administration have developed the Integrated Children's Services Plan.

The partners aim to 'deliver well-integrated, seamless services for children and young people, which result in positive outcomes for children, young people and their families'.

The Plan is based around the following themes:

- Early Years & Early Intervention
- Curriculum for Excellence and Positive Destinations
- Corporate Parenting
- Child Protection
- Additional Support Need and Disability




What our auditors say:

The council continues to be strongly committed to the protection and welfare of vulnerable people. However, there are a number of worsening outcomes for vulnerable young people who are looked after and adults who are homeless or using temporary accommodation.

One of the current challenges faced by Children's Wellbeing relates to an ongoing trend of disappointing figures for the educational attainment of looked after children and exclusions of looked after children. ([East Lothian Council Assurance and Improvement Plan Update 2013-16](#))

What we said we would do:	What we have done during 2012/13:
Fully support the development of early intervention, including: delivering family interventions that strengthen families so that children can safely stay with them; rolling out the Support from the Start model across East Lothian through cluster based engagement with local people and groups; and, beginning an ambitious programme to develop children and families services in the community across East Lothian	<ul style="list-style-type: none"> • Early Development Instrument (EDI) Analysis of data completed, ongoing dissemination of background, process, function and results, determining local cluster based improvement priorities through Support from the Start and School Cluster groupings • We are developing an Early Years and Early Intervention Strategy built on the work of the Support from the Start Plan, the Early Years Collaborative, the National Parenting Strategy, and the Early Years Framework
Develop equitable early years and nursery services to provide nursery places for all 3 and 4 year olds and work towards meeting parental choice	<ul style="list-style-type: none"> • Education Service rolling out universal early learning and childcare provision as provided for in the Children and Young People Bill. As part of this we plan to increase resources for 2 year olds • Proposal to transfer the targeted Early Years and Childcare Olivebank service and resources from Education Services to Children's Wellbeing, in the light of the developing focus of this service on the most vulnerable families with very young children

Key Indicators:

Indicator	Result	Target	
Percentage of school leavers entering positive post-school destinations	86.7% (2012)	83.6%	
% of pupils gaining 5+ Level 5 or better by the end of S4	38% (2012)	41%	
% of pupils gaining 5+ Level 4 or better by the end of S4	82% (2012)	83%	

We asked, you said, we did...

Listen and Learn Youth Summit

We asked...

The Listen and Learn Youth Summit provided an opportunity for young people to identify their priorities for action. The topic young people chose to explore was employment, which has also been identified as a key issue for our Corporate Parenting agenda.



You said...

1. Young people should be more engaged with the Council's Economic Development Strategy and East Lothian Works initiative
2. Greater links should be made between young people and VDEL
3. A dedicated job opportunity/work experience/volunteering opportunity web site should be investigated/developed
4. An open wifi access policy for schools should be investigated
5. Develop a strategy for communicating with young people, including effective use of texting and social media. This should be developed in conjunction with young people
6. The impact of transport costs/availability for young people wishing to access employment, further and higher education and training should be addressed
7. Councillors should have a greater presence in school, for example, holding surgeries, attending assemblies and making themselves available/contactable
8. Make greater use of East Coast FM in future events

We did...

These matters are now being taken forward with various council departments and with partner organisations. Progress will be reported in the 'Listen more, assume less' magazine

Kings Meadow and Haddington Infant School – Planning for the Future

We asked...

The Council conducted a consultation to gather views on whether to merge King's Meadow Primary School and Haddington Infant School.

Three possible options were consulted upon:

1. The status quo - both schools remain separate with their own Head Teachers, management structures, policies and development plans, etc
2. The schools remain separate as described above but with a shared Head Teacher leading and managing both schools.
3. Both schools become one school under a new name with one Head Teacher, management structure, policies and development plan, etc



You said...

Parents and carers voted for both schools to remain separate with their own head teachers, management structures, policies and development plans. 65.6% of the 628 respondents to the consultation chose the status quo.

We did...

As the majority of respondents were against any change the schools remain as they are.

Older People

East Lothian Council provides social care for a growing number of adults. The number of older people in East Lothian requiring care is forecast to grow significantly. The overall population of East Lothian is expected to increase by 77.4% between 2010 and 2035. This represents another 13,561 people aged over 65 living in East Lothian by 2035.

Some older people are cared for in care homes, although the Council is increasingly trying to care for older people in their own homes. The Council also provides care for vulnerable adults that have mental health problems, learning disabilities and physical disabilities.

The Scottish Government plans to integrate health and social care services in order to be able to deal with the anticipated future demand. This means that a joint Health and Social Care Partnership will be created, which will be the joint responsibility of the Council and NHS. Budgets and the plans for spending the budget will be integrated and a higher proportion of the available resources will be spent on providing community care.



East Lothian Older People's Strategy

The Older People's Strategy aims to achieve four outcomes:

- Services will meet the needs of East Lothian's growing and ageing population
- Services will enable older people to live independently, with support whenever necessary
- Older people and their carers will be healthier and more active and feel included in their community
- We will raise standards of service to deliver effective and efficient services in a challenging financial climate.

What we said we would do:	What we have done during 2012/13:
<p>Update the Older People's Strategy and develop a new integrated early intervention services model to build on the success of our response and rehabilitation service to continue to shift the balance of care through developing community based options and maximising opportunities to live independently for as long as possible</p>	<ul style="list-style-type: none"> • Health & Social Care Integration will continue to inform and support the development of the Older People's Strategy. The appointment of the Jointly Accountable Officer and a Shadow Board will provide the Governance and support for the update. • Council continues to maintain an excellent balance of care ensuring that people remain in their own home and communities for as long as possible. We have developed an emergency care service which provides a rapid response to people who may have had issues in their own homes. This service was anticipated to see 60-80 people per month but is now providing interventions for nearly three hundred people per month • Community Response and Community Access Teams continue to support people staying in their own homes with telephone response to Community Alarm/Telecare activations and requests for aids and adaptations
<p>To meet the growing demand for home care services we will work with the voluntary sector and encourage the creation of social enterprises to work together with commercial home care services to enhance the quality, standards and choice and capacity of care available to East Lothian residents</p>	<ul style="list-style-type: none"> • We work with the voluntary sector to support start up social enterprise organisations. We have created a partnership approach with Cornerstone and CASA to introduce a franchised social enterprise in 2013 • We have developed a procurement exercise which will deliver on outcome focused support for people who require help to live at home and ensure increased capacity within East Lothian's care at home services
<p>Modernise adult day services led by users and guarantee personal development plans for all vulnerable adults</p>	<ul style="list-style-type: none"> • We have created the hub for people with a range of needs in Fisherrow, Musselburgh. This has allowed the closure of Mansfield Road, a traditional day centre for people with learning disabilities. The Hub provides increased opportunities for access to education, training, employment and social activity • We have worked closely with service users to provide personal development plans and support and engaged specifically with external providers to look at how that these can be provided. We are introducing individual plans as part of the self directed support assessment

Key Indicators:

Indicator	Result	Target	
% of homecare clients receiving a service during the evening / overnight	51.6%	40%	
% of homecare clients receiving a service at weekends	86.2%	80%	

Welfare Reform

Welfare reform presents a number of challenges for East Lothian Council. It has been estimated that the welfare reforms will result in an annual loss of over £9m in welfare benefits received by residents of East Lothian. The reforms will have direct impacts on the Council such as increased demand for services for vulnerable families, increases in homelessness and higher levels of rent arrears.

The Council has established a Welfare Reform Task Group which is taking action to mitigate the impact of welfare reform.

What we said we would do:	What we have done during 2012/13:
Provide high quality respite opportunities for carers and users of care services	<ul style="list-style-type: none"> We have enhanced respite services for older people by continuing to purchase places within the private sector thereby offering different choices for support and care. A new respite unit (Potters Path) for people with a disability has been opened up as a replacement for a service that could no longer be sustained. We have produced a strategy and action plan for delivery of respite services which will introduce a respite bureau which will allow people to “book” their choice of respite through one central position
Promote opportunities for healthy living throughout East Lothian	<ul style="list-style-type: none"> We are working closely with health colleagues to look at the opportunities for healthy living through East Lothian. In particular we have supported the development of the Ageing Well service, including part-funding a post to provide this service
Continue to plan for the introduction of a Health and Social Care Partnership and further develop opportunities with NHS Lothian for integrated service provision, to protect existing local health care services and ensure East Lothian residents have access to local health facilities	<ul style="list-style-type: none"> The establishment of the Shadow Board for the Health & Social Care Partnership and the appointment of the Jointly Accountable Officer has progressed the integration agenda with NHS Lothian. We will be working with our colleagues in Health to provide an Integration Plan
Implement the Tackling Poverty Strategic Plan, increase access to welfare and money advice and to Credit Unions in East Lothian and seek to minimise any potentially negative impacts from the UK Government's welfare reforms	<ul style="list-style-type: none"> Tackling Poverty Strategy to be approved by the Community Planning Partnership and Council Ongoing work on the Welfare Reform Action Plan to mitigate the impact of welfare reform
Oppose any plans to close Haddington Sheriff Court	<ul style="list-style-type: none"> The Council played a leading role in opposing the proposals to close Haddington Court

Growing our Communities – to give people a real say in the decisions that matter most and provide communities with the housing, transport links, community facilities and environment that will allow them to flourish

Related outcomes from the Single Outcome Agreement:

8. Fewer people experience antisocial behaviour in East Lothian
9. East Lothian's homes and roads are safer
10. In East Lothian people in housing need have access to an appropriate type, tenure and standard of housing and are prevented from becoming homeless
11. East Lothian has high quality natural and built environments that enhance the well-being of the local community
12. East Lothian is less dependent on finite resources by moving to a more localised, low-carbon economy and reducing its ecological and carbon footprints by 80% by 2050
13. East Lothian has well connected communities with increased use of sustainable forms of transport
14. East Lothian has strong, vibrant communities where residents are responsible and empowered with a positive sense of well-being

Housing

East Lothian's attractive environment along with its proximity to Edinburgh makes it a desirable place to live. Unfortunately the demand for housing in East Lothian makes it one of the most expensive areas for housing in Scotland. Housing costs, coupled with a reduction in the number of houses being built as a result of the recession, make it difficult for many people to access suitable housing.

The Council helps to increase the supply of affordable housing using a range of methods. Examples of the Council's work include building new Council houses, working with local housing associations to provide new social rented housing, and requesting that private developers make a contribution to affordable housing as part of larger developments.

Key Actions

What we said we would do:	What we have done during 2012/13:
Implement the East Lothian Local Housing Strategy 2012-2017	<ul style="list-style-type: none"> • Housing Strategy being implemented • Opportunities are being explored with Adult Wellbeing to develop core and cluster models of housing for older people • Commitments to explore and develop appropriate housing options for ex-Looked After Children in our communities
Identify sites for house building through the Local Development Plan	<ul style="list-style-type: none"> • The Main Issues Report call for sites has led to a significant number of sites being brought forward that will be assessed and consulted upon. In the short term a process for bringing forward sites that are deliverable, outwith the plan, is being developed
Re-introduce and review the provision of loft conversions and extensions	<ul style="list-style-type: none"> • Provision for loft conversions has been re-instated
Introduce sustainable, fair allocation policies to support balanced communities	<ul style="list-style-type: none"> • The allocations review is currently at the consultation stage

East Lothian Local Housing Strategy 2012-2017

The East Lothian Local Housing Strategy outlines the nature of the housing system in East Lothian, including key trends, local pressures and challenges.

The Local Housing Strategy aims to deliver five outcomes:

1. Increase housing supply and improve access to appropriate housing including affordable housing;
2. Improve the condition and energy efficiency, and where appropriate the management, of existing housing stock;
3. Fewer people become homeless;
4. People with particular needs are able to access and sustain their choice of housing including independent living,
5. Fewer people live in fuel poverty.

Case Study - Modernisation/Extensions (Existing Stock) Programme




£10.135m has been allocated to the delivery of the Council's Modernisation/Extensions Programme. The majority of this programme delivers improvements to the Council's stock to meet the Scottish Housing Quality Standard (SHQS). This programme includes the following:

- kitchen, bathroom, central heating, window and door replacements
- re-roofing
- roughcast repair programme
- energy efficiency works (mainly in the form of insulation)
- dry dash
- stair improvement programme

It is anticipated that the programme will deliver in the region of 550 kitchen replacements, 250 bathroom replacements and 450 replacement heating systems

What we said we would do:	What we have done during 2012/13:
Use planning and other powers to ensure that new housing developments have the community infrastructure they need to create and support viable, balanced and sustainable communities	<ul style="list-style-type: none"> • Significant improvements to community infrastructure has been and will continue to be delivered through new developments
Support affordable housing initiatives, prioritising the building of sustainable new homes to provide affordable housing of all tenures (social rent, mid-market rent, shared ownership, shared equity and sale) and help first time buyers and young people to enter the housing market	<ul style="list-style-type: none"> • The New Build programme has continued to deliver a significant number of completions. Working with RSLs mid-market rent opportunities have been developed and are proving to be very popular
Provide additional supported tenancies for young and vulnerable people	<ul style="list-style-type: none"> • Housing and Children's Wellbeing teams are working together to develop suitable housing options, with some important test cases in the pipeline • Commitment to explore and develop appropriate housing options for ex- Looked After Children in our communities

Key Indicators:

Indicator	Result	Target	
% of households meeting the Scottish Housing Quality Standard	76.7%	80%	
% of homelessness cases reassessed within 12 months (those in permanent accommodation)	2.3%	5%	
% of current tenants owing more than 13 weeks rent, excluding those owing less than £250	9.5%	9.0%	



Transport

The major east coast Anglo-Scottish transport corridor of the A1 Trunk Road and East Coast Main railway Line passes through the county and acts as a major passenger and freight artery for national, regional & local traffic. East Lothian's proximity to the major employment opportunities in Edinburgh, its road and rail accessibility and its environmental quality continue to make it an attractive area in which to live. However, the relative lack of local employment opportunities results in 47% of the East Lothian working population commuting out on a daily basis (2001 census).

East Lothian Council is developing a sustainable transport plan for East Lothian in association with South East Scotland Transport Partnership. The Plan aims to reduce the number of private car journeys, support the development of the bus network, enhance rail provision and increase the use of cycling and walking.

Local Transport Strategy




The draft Local Transport Strategy is currently in preparation. The objectives of the draft Strategy are:

- to deliver a more attractive and safer environment for pedestrians and cyclists;
- to reduce the overall dependence on the car and the environmental impact of traffic;
- to promote the availability and use of more sustainable means of travel;
- to locate new development to reduce the need to travel;
- to maximise accessibility for all and reduce social exclusion; and
- to promote integration and interchange between different means of travel

Key Actions

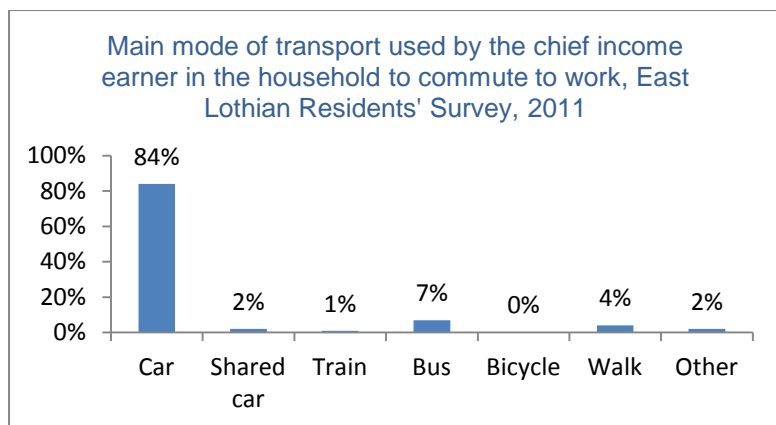
What we said we would do:	What we have done during 2012/13:
Implement the East Lothian Local Transport Strategy and lobby public transport providers and the Scottish Government to improve the quality and accessibility of road, rail and bus links and services across East Lothian, and to support community transport initiatives	<ul style="list-style-type: none"> • A draft Transport Strategy is to be produced and will include consideration of support for community transport and the feedback from young people about the need for improved access and availability to transport services • First Rail and Network Rail are increasing car parking provision at Drem and Longniddry stations
Work with local bus operators to improve services across the county and aim to use the Council's share in Lothian Buses to help secure an expanded service	<ul style="list-style-type: none"> • A Bus Forum has been established to support dialogue between the Council and bus operators which has led to improvements in bus services
Actively support improvements to rail services in East Lothian, including: a better service between Edinburgh and Dunbar/Berwick; the re-opening of East Linton station; a rail halt at Blindwells; and, better car parking at stations	<ul style="list-style-type: none"> • The RAGES rails study has been submitted to Transport Scotland for comment. It seeks to build a case for two new stations, at East Linton and Reston.
Lobby for dualing of the A1 east of Innerwick and junction safety improvements south of Haddington	<ul style="list-style-type: none"> • A cross council group to press for improvements to the A1 has been established
Introduce measures to reduce speeding, including 20mph speed limits where these are supported by residents	<ul style="list-style-type: none"> • 20mph speed limit areas are being piloted
Protect the roads maintenance budget to ensure that all local roads are maintained to a very high standard, and surface water drainage is improved to help prevent flooding	<ul style="list-style-type: none"> • The roads maintenance budget in the Capital Programme has been protected within the Capital programme - £16m over three years 2013/14 – 2015/16

Key indicators:

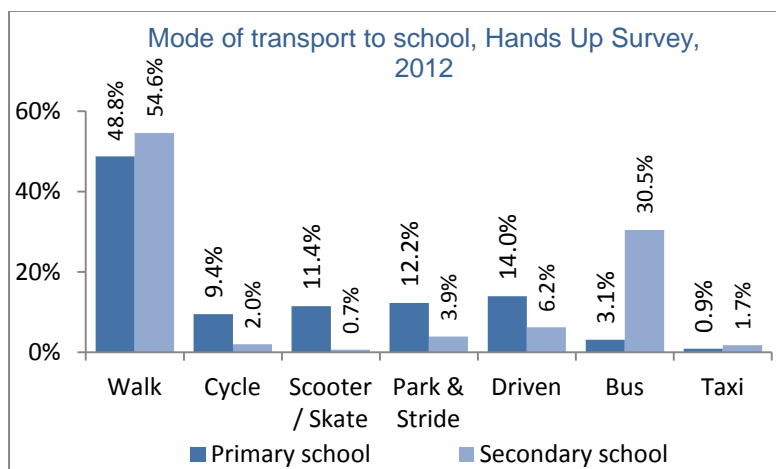
Indicator	Result	Target	
% of the road network that should be considered for maintenance	31.6%	35%	
% of road re-surfaced by top dressing	3.6%	5%	
% of road re-surfaced by surface renewal	1.4%	2.6%	

Transport (cont)

The graph below shows that the car is by far the most used means of transport for travel to work. 84% of people responding to the East Lothian Residents' Survey 2011 used a car to travel to work.



Despite the high level of car use for commuting, a far smaller proportion of children are driven to school each morning. 48.8% of Primary School pupils and 54.6% of Secondary School pupils walk to school.

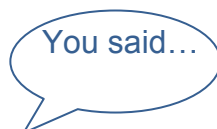


We asked, you said, we did...

Pencaitland Footpath Proposal

We asked...

During November and December 2012 the Council consulted on plans to build a wider footpath in Pencaitland running parallel to the main road from the bridge, through the church grounds and directly into the school, thus avoiding the main road pavement. The original plans were agreed by a range of community groups and Council transportation officers. It was anticipated that the plans would be passed by the Planning Committee at its meeting in September 2012. However, the Committee delayed its decision, saying it wanted to ensure locals had another chance to review the plans.



The outcome of the consultation with Pencaitland residents can be summarised as follows:

Comments:	No. of comments
Comments in support of the provision of an alternative path route to the school	48
Comments not in support of the path provision	36
Number of references to the cost of proposals	11
Number objecting to the additional car parking in the school grounds	16
Number asking for the existing traffic signals on the A6093 to be extended to allow the existing footway to be widened	15

We did...

Having taken into account the findings of the consultation, the Council agreed to provide an alternative path route from the west end of Pencaitland village to the primary school.

Additional car parking at the school had been proposed, but strong objections were raised via the consultation process and it was decided not to go ahead with this. The amended planning application was granted at the meeting of the Planning Committee on the 5th March 2013.

Communities

The Council helps to support strong and vibrant communities in a number of ways. Cultural services – museums, libraries and arts activities – which are provided by the Council help to sustain the vibrancy of communities. The Council's community learning and development service provide support for community groups and also provide courses and classes for people of all ages.

Community Councils continue to play a vitally important role in East Lothian community life, providing valuable support and giving a voice to the communities they represent. The Council has a positive and effective working relationship across the network of 20 Community Councils.

Key Actions

What we said we would do:	What we have done during 2012/13:
Establish Local Area Partnerships for all six areas of East Lothian to give local communities, Community Councils and local groups more say in local services and to develop Local Community Plans that will influence the achievement of the Community Planning Partnership's Single Outcome Agreement	<ul style="list-style-type: none"> A framework for establishing six Area Partnerships has been developed and will be consulted on before being reported for approval to Council
Devolve decision making and budgets starting with allocating a £100,000 budget for each secondary school cluster	<ul style="list-style-type: none"> The devolution of decision making and budgets is being considered within the development of Area Partnerships and Area Co-ordination
Keep public services as local as possible and explore the further integration of Council and other public services at local area level, ensuring that locality planning arrangements (for example, the planned Health and Social Care Partnership arrangements) are integrated with the work of Local Area Partnerships	<ul style="list-style-type: none"> Proposals for establishing Area Co-ordination are being developed The review of 'Face-to-Face Services' is recommending integration of Customer Service face-to-face services with Library services in local areas The framework for establishing Area Partnerships is based around locality planning and area management and Health and Social Care integration arrangements
Build community capacity and support local civic events, voluntary, community and social enterprise organisations across all communities in East Lothian	<ul style="list-style-type: none"> Capacity Building Training Calendar has been developed and is being delivered Local community events have been supported over the year, including Galas, Music events, etc.
Support and celebrate diversity in our communities	<ul style="list-style-type: none"> Continued support for Multi-cultural Day
Support the Transition Towns initiative across all East Lothian's towns as a means of developing resilient communities	<ul style="list-style-type: none"> Continued support for Transition Towns initiatives
Implement the Council's Asset Management Strategy to maximise use of existing resources and engage with partner organisations such as the NHS to achieve best value from local assets, including possible use or sale of surplus land and property for housing development	<ul style="list-style-type: none"> A draft Asset Management Strategy has been prepared and a finalised version will be completed in Autumn 2014

Case Study – a Vision for Haddington

The Vision Steering Committee was a partnership between Haddington Business Association, the Haddington & District Community Council, Haddington Amenity Society (HADAS), East Lothian Council and Haddington History Society along with Social Enterprise East Lothian and Knox Academy.

East Lothian Council worked in partnership with Sainsbury's to help the Haddington Vision Steering Committee progress plans to regenerate Haddington and put the town firmly 'on the map' as one of Scotland's finest town centres to visit and shop.

East Lothian Council and Sainsbury's agreed to provide support to the Committee and to work together to help support and deliver the new 'Vision for Haddington'.

The 'Vision for Haddington' focuses on five key objectives:



- The need to make much more of Haddington's place as East Lothian's hub
- Its unique story as one of Scotland's oldest towns
- Its abundance of attractive buildings, streets and spaces
- Its enterprising and creative people – not least its young people, and
- Its well established community spirit

Following the preparation of the Vision for Haddington the Steering Committee has been replaced by the Haddington Trust. The Trust will help deliver practical ways of attracting new visitors and shoppers to Haddington, as well as continuing to invest in improving and making the town more attractive.

Key Actions

What we said we would do:	What we have done during 2012/13:
Explore opportunities for imaginative and flexible use of facilities, including community use of school buildings outwith school time and reviewing opening hours of community facilities with a view to increasing activities by young people	<ul style="list-style-type: none"> • 'Face-to-Face Services' review includes recommendation to make better use of Council buildings and to share buildings where appropriate • Further work required on developing community use of school buildings and community facilities
Explore community ownership and control of local facilities where appropriate	<ul style="list-style-type: none"> • Work ongoing on the transfer of Community Centres to community ownership
Develop a new sports development strategy including extending provision at the Meadowmill Sports Centre and providing sporting pathways within the county for our young people	<ul style="list-style-type: none"> • Meadowmill refurbishment completed • Sporting pathways in place and productive in East Lothian's core sports • Work on the new Sports Strategy will begin following publication of the Scottish Government's Youth Sports Strategy
Work with the new single police force to establish effective local scrutiny and engagement arrangements which will maintain a strong police presence in our communities by continuing to support initiatives such as the Police Initiative Teams in order to reduce anti-social behaviour, crime and fear of crime	<ul style="list-style-type: none"> • New Service Level Agreement agreed with Police • Continuation of close working with Police Scotland, in terms of routine access to CCTV images and new Memorandum of Agreement with regard to Town Centre CCTV monitoring being agreed with Police Scotland

Key Indicators:

Indicator	Result	Target	
Number of attendances per 1000 population for indoor sports facilities	5546	5200	
Number of attendances per 1000 population for pools	4172	4500	

Environment

The Council recognises climate change as a major issue and was a signatory of Scotland's Climate Change Declaration. One of the ways in which the Council measures its impact on climate change is through its 'carbon footprint' (i.e. the greenhouse gas emissions of the organisation). Waste is a major contributor to the Council's carbon footprint. Weekly refuse collections are made from over 40,000 households. In order to reduce the carbon footprint the proportion of waste that is recycled is being increased. The Council is also taking other steps to reduce its dependence on finite resources, for example reducing energy use through the Carbon Management Plan.

East Lothian offers a great variety of landscapes for walking, cycling and horse riding, with the Lammermuir Hills to the south, a coastline of broad sandy beaches and rugged cliffs to the north and east, and an expanse of arable farmland, woods and rivers in between.

The council's landscape & countryside service helps people to enjoy the environment by, for example, maintaining paths and providing a countryside ranger service. The service also helps to conserve important habitats. East Lothian's population is forecast to grow rapidly and the impact of new developments on the environment needs to be carefully managed. The Council's planning service is responsible for balancing the social, economic and environmental impact of new developments.

Key Actions

What we said we would do:	What we have done during 2012/13:
Implement the East Lothian Environment Strategy and the Council's Carbon Management Plan, reducing carbon emissions in line with national targets	<ul style="list-style-type: none"> East Lothian Council continues to monitor its carbon emissions and is focussed on reducing these through better asset management Staff participating in recycling initiatives in Council buildings
Meet the Council's recycling targets, if necessary providing incentives and rewards, and investigate ways of dealing with collected material locally including development of renewable energy sources such as bio-mass	<ul style="list-style-type: none"> Further development of recycling services waiting developments among private sector providers
Bring forward plans to modernise waste collection services to take account of new legislative requirements relating to collection of food waste including free special uplifts	<ul style="list-style-type: none"> Proposals being developed on modernising waste collection services to take account of new food waste responsibilities Free special uplift service has been re-introduced
Explore options for taking stronger action to reduce the problem of dog fouling	<ul style="list-style-type: none"> Monitoring current arrangements to ascertain whether further action is required
Seek investment from the Scottish Government and take action to protect East Lothian from flooding and coastal erosion	<ul style="list-style-type: none"> Phase 2 study on flood protection measures has been commissioned and will form the basis of funding requests
Ensure the quality and character of East Lothian's natural environment is preserved and enhanced through a range of measures including promoting biodiversity, considering the landscape impact of new development and summer and winter planting	<ul style="list-style-type: none"> Ongoing work supported through Landscape and Countryside services
Work to ensure stricter regulation on the siting of wind turbines	<ul style="list-style-type: none"> A new policy framework has been established that addresses all types of wind turbine developments within the Council's decision making powers

Key indicators:

Indicator	Result	Target	
% of waste recycled	45.1%	44%	

Growing the capacity of our Council – to deliver excellent services as effectively and efficiently as possible

Local authorities and other public services are facing a period where they will be required to ‘do more with less’. Public spending is being reduced to help tackle the national budget deficit, which has a consequent effect on the amount of money available to fund Council services. East Lothian Council’s financial strategy for the next three years aims to ensure that funding is provided for all known contractual commitments; however, any other increase in costs will need to be met by more efficient use of existing resources.

Resource maximisation, performance management, continuous improvement and customer excellence are central to the Council's way of working. The Council has implemented a range of successful programmes or strategies to improve effectiveness and efficiency and deliver excellent service, including:

- the Modernising Government programme - identifying new ways of working
- Customer Excellence Strategy - ensuring that customers are at the core of service delivery (e.g. through the development of the Council contact centre)
- Worksmart - encouraging flexible working options to allow the Council to rationalise use of office space in Haddington and Macmerry
- Printsmart - substantial reductions in the number of printers and the use of photocopying
- Efficient Workforce Management - reviewing how the Council’s workforce is organised and used

Key Actions

What we said we would do:	What we have done during 2012/13:
Implement the Council’s Improvement Framework to pursue ‘continuous improvement’ in the delivery of services and ensure that waste, bureaucracy and administrative costs are minimised so that funding is ploughed into front line services and the Council provides the highest quality of service	<ul style="list-style-type: none"> • As part of the Council’s 2013-2016 budgets ambitious targets have been set for efficiency savings. These will be reported to Cabinet/Council each quarter with an annual report to the Scottish Government on 2012/13 efficiency measures currently being prepared. The Council is currently investigating new ways of organising and managing administrative staff across all services
Support and develop partnership working through: <ul style="list-style-type: none"> • the Community Planning Partnership • the partnership funding strategy • exploring shared and integrated service provision with local partners and other local authorities • other strategic partnerships such as Scottish Futures Trust and South East Scotland hubCo 	<ul style="list-style-type: none"> • The new CPP structure has been established • The Partnership Funding Strategy has been approved • Shadow Health and Social Care Partnership has been established • Possible areas of partnership working are being explored with Midlothian council including health and safety and Emergency Planning • Opportunities for partnership with SFT and hubCo are explored
Implement the Single Equality Scheme	<ul style="list-style-type: none"> • Single Equality Scheme has been adopted by the Council and progress will be monitored and reported • Cabinet agreed the East Lothian Equality Plan 2013-16 on the 14th May 2013
Adopt a new integrated impact assessment process for Council policies incorporating equalities and environmental, economic and social sustainability, including an assessment of potential impact on jobs and the economy of East Lothian, to ensure that any potential negative impacts are identified and mitigated	<ul style="list-style-type: none"> • The new Combined Impact Assessment has been developed and is being rolled out following training and awareness raising with relevant staff. An e-learning module has been developed

The Council has a legal duty, known as Best Value, to:

‘make arrangements to secure continuous improvement in performance (while maintaining an appropriate balance between quality and cost); and in making those arrangements and securing that balance, to have regard to economy, efficiency, effectiveness, the equal opportunities requirements and to contribute to the achievement of sustainable development’

The Council is fulfilling its Best Value duty through implementing its Improvement Framework – ‘From Improvement to Excellence’.

What our auditors say:

Overall, East Lothian Council continues to perform well in most areas. However, it is entering a period of significant change in financial and organisational terms as a Council. The Chief Executive, appointed in August 2011, has established a clear vision and direction for the Council. She has ensured that there continues to be areas of strong performance and a number of improvement activities have progressed well, for example around using How Good is Our Council to support and extend self-evaluation and in Corporate Services. ([East Lothian Council Assurance and Improvement Plan Update 2013–16](#))

Key Actions

What we said we would do:	What we have done during 2012/13:
Implement the strategies that support the Improvement Framework including: <ul style="list-style-type: none"> • People Strategy • Asset Management Strategy • Risk Strategy • Customer Contact Strategy • IT Strategy • Procurement Strategy • Consultation and Engagement Strategy 	<ul style="list-style-type: none"> • People Strategy 2012-15 approved January 2012 • Draft Asset management Strategy being considered by Corporate Asset Group • Risk Strategy adopted by Council and Risk registers have been developed for all services • Face-to-Face Services review recommendations to improve access for people to Council services, reduce receptions, review Payments Service, improve training for staff and continue CSPQ training • Ongoing monitoring and reporting of Customer Feedback • Continuation of moving calls into the Contact Centre • Continuation of development of self-service through the web • Existing strategy in place but now due for refresh in 2013/14 – underway. • IT Strategy being implemented • Procurement Strategy is progressing as part of the Procurement Improvement Programme (PIP) • Consultation and Engagement Strategy being implemented – Consultation Hub now live of the Council's website
Introduce a ‘Living Wage’ for Council employees	<ul style="list-style-type: none"> • Living Wage introduced in Sept 2012
Maintain the Council Tax freeze in line with Scottish Government policy	<ul style="list-style-type: none"> • Three year budget set with no increase in Council Tax

Scrutiny

East Lothian Council has two committees that perform the 'scrutiny' function: the Audit and Governance Committee and the Policy and Performance Review Committee. Scrutiny involves examining and monitoring the activity of the Council with the aim of improving the quality of services. Scrutiny ensures that executives are held accountable for their decisions, that their decision-making process is clear and accessible to the public and that there are opportunities for the public and their representatives to influence and improve public policy.

Each Committee receives regular monitoring reports that highlight issues that might need further scrutiny. The Audit & Governance Committee receives audit reports that show the results of investigations conducted by the Council's auditors. The Policy & Performance Review Committee receives regular performance reports that demonstrate the extent to which the Council is achieving its goals.

The following table summarises some of the issues that the Audit & Governance Committee and Policy & Performance Review Committee have reviewed during 2012/13:

Audit & Governance Committee	Policy & Performance Review Committee
<p>Impact of Welfare Reform – November 2012 An update report outlining the impact of Welfare Reform on Council services and the actions that the Council is undertaking to address the impact.</p> <p>Council Risk Register – January 2013 The Register highlights the main risks that might prevent the Council from achieving its objectives. The report also describes the actions that the Council will take to control each risk.</p>	<p>Roads Asset Management – June 2012 A review of the options available to maintain and improve the roads in East Lothian in the future.</p> <p>Looked After Children on the Cusp of Care – January 2013 Councillors received a report outlining the options available to care for Looked After Children.</p> <p>Rent Arrears – March 2013 The Committee investigated the increasing trend in rent arrears among tenants of Council houses.</p>

How we compare

Local Government Benchmarking Framework

The Local Government Benchmarking Framework helps councils in Scotland compare their performance with one another. The information that is included in the Framework covers how much councils spend on particular services and, where possible, service performance. The core purpose of the Framework is benchmarking: making comparisons on spending and performance between similar councils so that councils can identify strengths and weaknesses, learn from councils who seem to be doing better and improve their local performance.

East Lothian Council reported the results for the indicators that form the Framework to the meeting of the Policy & Performance Review Committee in April 2013. The report covers the most recent data that is available for the indicators, which mainly relates to 2011/12. The report can be found here:

http://www.eastlothian.gov.uk/download/meetings/id/14478/3_local_government_benchmarking_framework

The full results for the Local Government Benchmarking Framework for all Scottish Councils can be found here:

<http://www.improvementservice.org.uk/benchmarking/>

Statutory Performance Indicators

All Scottish councils are required to report their performance against a number of indicators known as Statutory Performance Indicators (SPIs). The SPIs are determined by the Accounts Commission and the results are published by Audit Scotland. East Lothian Council publishes the results of its SPIs among the indicators included as part of the Council's performance website, which can be found here: <http://www.eastlothian.gov.uk/performance/>

The full results for the Statutory Performance Indicators are published on the Audit Scotland website here:

<http://www.audit-scotland.gov.uk/performance/council/>

Finances

Where the money comes from (from 2012/13 Statement of Accounts)

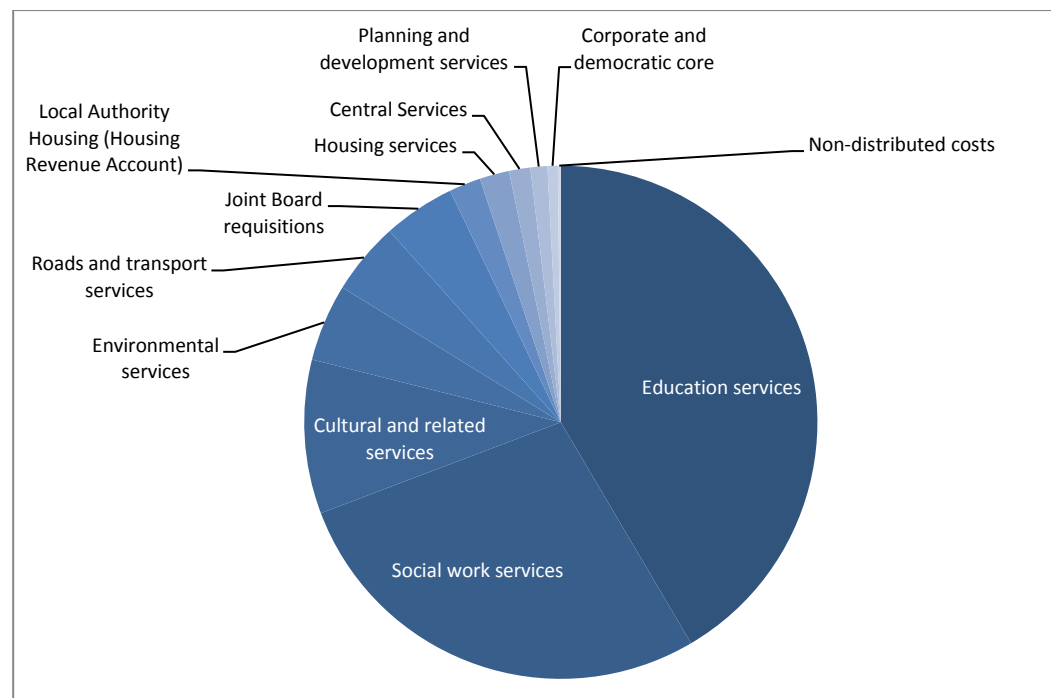
	£m
Council Tax	£46,452
Non domestic rates	£21,500
Non ring-fenced government grants	£149,531
Capital grants and contributions	£15,314
Total	£232,797

Where the money goes:

Net expenditure by service (£,000s):

	2011/12	2012/13
Central Services	£3,724	£2,964
Cultural and related services	£23,357	£21,507
Education services	£93,394	£92,099
Environmental services	£13,741	£10,795
Housing services	£4,602	£4,141
Joint Board requisitions	£10,181	£10,027
Local Authority Housing (Housing Revenue Account)	£4,015	£4,426
Planning and development services	£2,246	£2,370
Roads and transport services	£12,341	£10,166
Social work services	£60,819	£61,468
Corporate and democratic core	£2,753	£1,440
Non-distributed costs	£272	£407
Total cost of services	£231,445	£221,810
(Gains) / Losses on the disposal of non-current assets	(9)	1,572
Financing and investment income and expenditure (e.g. interest payable)	13,790	16,124
Taxation on non-specific grant income	(£232,318)	(£232,797)
(Surplus) / Deficit on the provision of services	£12,908	£6,709

Net expenditure by services as a proportion of total Council net expenditure 2012/13



Financial outlook:

What our auditors say:

East Lothian faces a number of particular challenges. 2011-12 was the first year that the Council actually used reserves albeit this was at a lower level than had been planned. The Council is planning to utilise most usable un-earmarked general reserves by 31 March 2015. In 2015-16 the Council is planning for a sustainable balanced budget that does not draw from reserves. ([East Lothian Council Assurance and Improvement Plan Update 2013–16](#))

In the medium term it is clear that the Council faces some difficult financial decisions as a result of the following;

- Reductions in the income it will receive from central government;
- New legislative requirements e.g. food waste treatment, homelessness legislation;
- Responding to the challenges arising from proposed UK benefit reforms over the coming years; and
- Increasing population e.g. school rolls/elderly care.

The latest estimate of funding that is available to support council services is going to drop from £195.7 million in 2012/13 to £191.4 million by 2015/16. This trend has been evident over the past couple of years but our estimate is that we have only managed 20% of the reduction which will be needed by the end of the budgetary period. The Council is seeking to contain costs by becoming more efficient, which would minimise the effect on services provided. However, the size of the medium-term deficit suggests that more significant changes in how services are managed and delivered will be required as the means of containing costs whilst maintaining and where possible improving services in accordance with the Council Plan.

£2.284 million remains available in reserve to support the 2013-2016 budgets or be returned to taxpayers. Financial sustainability is demonstrated by having the final year of the budget showing balanced income and expenditure without the use of reserves. Borrowing is usually repaid over a longer period than three years, and the best indicator of whether the future repayments are sustainable is a 2015/16 budget that does not rely on temporary sources of funding such as reserves.

The Council faces a wide range of risks and an increasingly difficult financial environment. For General Services, in the short and medium term expenditure is outstripping income. In the longer-term, pension liabilities are increasing and should be funded now rather than passed on as a burden for future taxpayers.

However, by effectively working together, and by delivering the required change programme, this challenge can be managed and that, by the end of the budgetary period we will be delivering our priority outcomes for the people of East Lothian within a sustainable and balanced budget.

To achieve this, over the next three years, the Council's financial strategy will be focused upon:

- Delivering a Change Programme that will achieve significant efficiency savings across all areas and all inputs such as staffing and supplies;
- Constraining cost growth – through effective demand management, good financial control by managers and by effective negotiation with suppliers
- Generating additional income and ensuring that, where the Council has decided, there is full cost recovery;
- Progressing integrated working with our partners where there is a promise of greater efficiency;
- Avoiding any new additional borrowing after the 2013/14 financial year.

To contact us, or tell us what you think

We always want to hear what the people of East Lothian think about our services. Was this report easy to read? Did it inform you about Council services? Did it allow you to judge out performance? How could we improve the report next year?

If you want to give us feedback on this report or would simply like further information or to make a comment about the Council, email the Policy & Performance Team at: policy@eastlothian.gov.uk

Phone: **01620 827827**

Versions of this publication are available on request on audiotape, in Braille or in your own language.

Tel: 01620 827199

REPORT TO: East Lothian Council
MEETING DATE: 22 October 2013
BY: Chief Executive
SUBJECT: Partnership Working Update

7

1 PURPOSE

- 1.1 The purpose of this report is to update Council on the progress of the joint partnership working activities/initiatives undertaken as part of the partnership working agenda across East Lothian and Midlothian Council and to present the revised Memorandum of Understanding which has been amended following discussions to properly reflect the aspirations of the new Administrations (See Appendix 1).

2 RECOMMENDATIONS

- 2.1 Council is asked to:
- i. Note the current position regarding Partnership Working activities
 - ii. Note the revised Memorandum of Understanding
 - iii. Approve the partnership arrangements for environmental health and trading standards

3 BACKGROUND

- 3.1 The exploration of Partnership Working (previously referred to as Shared Services) was seen as an appropriate response to the challenges facing both Councils. At a time of constrained budgets both authorities recognised the need to consider new and alternative ways to provide high-quality services and other provisions to their respective communities and agreed to work together to identify opportunities which could lead to increased effectiveness and efficiencies in terms of both practice and capacity and which could potentially safeguard services.
- 3.2 Previous reports on partnership working to both Councils focussed on Education and Children's Services. As a result of the experience from this

area agreement was reached that future partnership working developments should focus on opportunities which do not require commitment to individual council policy or budget changes which may be required for formal shared services arrangements. Ongoing development of a partnership framework of staff across both authorities has laid the foundations for a number of joint initiatives and it is this approach which has been identified as the way forward for Partnership Working across East and Midlothian Councils.

- 3.3 The Education and Children's Services activities previously carried out has resulted in significant sharing of best practice and strong working relationships, including a joint approach to the national Early Years activity. Joint discussion and development continues primarily for Severe and Complex Needs with future opportunities expected in joint commissioning and potentially residential care.
- 3.4 Whilst the existing governance framework for partnership working remains i.e. Partnership Working Board reporting to the Joint Liaison Group, 2012 has seen the scheduling of joint monthly Directors meetings which ensures that partnership working opportunities are a regular feature of discussions between the Chief Executives and their senior teams.
- 3.5 Recent reports to both Councils presented the opportunity of partnership working in the area of Health and Safety and, following a pilot period, agreement was reached that this should be delivered via a joint manager operating across both authorities and funded by both Councils.

3.6 Current Position

- 3.6.1 The current joint partnership working activity is as follows:
 - i. **Contact Centre** – East Lothian continues to host Midlothian's Out of Hours service following an arrangement with its Contact Centre in 2010.
 - ii. **Archaeology Service** – an existing Service Level Agreement in place between East Lothian and Midlothian for archaeology services support is currently being reviewed.
 - iii. **Health & Safety** – a joint managerial arrangement is currently in place for the Health and Safety function which continues to progress well and has resulted in benefitting from joint training and systems training. Further examination regarding enhancing the existing arrangement to include Emergency Planning and Risk is also being considered with the focus on resilience for both Councils.
 - iv. **Additional Support Needs** – a review of ASN Severe and Complex provision across both authorities is currently underway which incorporates projecting the needs for places over the next 10 years with a view to informing how these might be addressed. This activity will also better inform East Lothian's current plans for secondary communication provision.

- v. **Self Improving Schools** – following agreement of the concept of Self Improving Schools across the 12 secondary schools and both Heads of Education a programme is underway for the current academic year which will be reviewed in September 2014. This approach has created a learning trio (learning set) consisting of three secondary schools, supported by a set adviser. The Head Teachers will create learning contracts and progress and share learning across the sets.
- vi. **Public Protection Unit** – The Critical Services Oversight Group (CSOG) has approved a joint approach to public protection across East Lothian and Midlothian. This will build on the success of the Joint Children and Adult Protection Committees and will seek to co-locate the Public Protection Office in order to enhance the opportunities for partnership working across all agencies. East and Mid Lothian have a Joint Lead Officer for Adult Protection and have recently appointed a Joint Lead Officer for Child Protection. It is intended to have this partnership approach in place for April 2014.
- vii. **Travelling Persons Site** – A joint arrangement exists for the management of the Travelling Persons Site which is located on the joint boundary of both Councils.

Early discussions have also been initiated between the respective Directors and their teams for Internal Audit opportunities.

3.6.2 Discussions between the Chief Executives and appropriate Directors and Heads of Service from both Councils in July 2013 agreed to the development of a partnering approach to delivering Environmental Health and Trading Standards Services. This will entail Midlothian leading on Environmental Health and East Lothian on Trading Standards, initially on a 12 month pilot with an interim review after 6 months.

Midlothian will therefore provide overall Environmental Health management through their existing Environmental Health management team for both Food and Safety and Public Health and will provide experience and expertise to strategically lead staff teams across both Councils.

East Lothian will provide overall Trading Standards (TS) management led by a Trading Standards Partnership Manager. The TS Partnership Manager will lead both the East Lothian and Midlothian teams on a strategic level and will provide a platform for continuous improvement, leadership and direction to both teams.

The potential benefits for developing a partnership approach include:

- i. Continuity of service delivery
- ii. Long term / future service resilience
- iii. Service efficiencies

- iv. Improved service flexibility and quality through sharing specialist expertise

Following approval at the Joint Liaison Group on 9 September 2013 to proceed, good progress has been made in preparation for implementing the new management arrangements across both Councils from 1 November 2013. This includes sharing the report from the Joint Liaison Group with staff and holding a joint meeting with staff at the Brunton Hall on 18 September 2013, which provided a good opportunity for staff questions and for staff from both authorities to meet each other. The partnership managers for both Environmental Health and Trading Standards are also having individual meetings with staff in both Councils.

- 3.6.3 It is clear from the ongoing discussions that there is a desire and enthusiasm across both Councils to work together to identify opportunities for further development which offer beneficial outcomes for communities across both authorities. Continuing to work and focus on specific short and long term outcomes will further enhance the partnership model across the authorities but also enable the inclusion of additional partners as appropriate.

3.7 Next Steps

- 3.7.1 Whilst continuing to build people's capacity to work together via an organic process for a number of the partnership working initiatives, the identified partnership groups, with agreement from elected members, will be tasked with working jointly in a planned and timely manner to support the current budget challenges and to make savings/efficiencies in a way which supports sustainable provision of services going forward.

3.8 Summary

- 3.8.1 This report identifies the range of partnership working activities which have been initiated across council services in East Lothian and Midlothian. A principle which has been followed in all of these deliberations has been to seek opportunities which will enhance the quality of service delivery and/or allow service delivery levels to be sustained in the light of current and future budget reductions. Key to this organic process is the alignment of practice and policy thereby enabling continued development of more substantial partnership activities in the future.
- 3.8.2 A significant feature of all of the partnership activity has been the willingness of staff to engage in the process and the level of enthusiasm for working together to jointly address the challenges presented by increasing demand and falling budgets.

4 POLICY IMPLICATIONS

- 4.1 Continuing to explore partnership working arrangements with Midlothian Council will aim to ensure that services are provided in accordance with best value principles as effectively and efficiently as possible. A pre-requisite of

any partnering arrangement is that the Council's resilience in these areas at least should be maintained and, if possible, should be improved.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report has no direct impact on equalities. However, activities resulting may affect people and these will be individually Equality Impact Assessed.

6 RESOURCE IMPLICATIONS

- 6.1 The organic 'Partnership Working' arrangement approach will draw on staff time but will focus on delivering benefits for an agenda which is largely common across both authorities, with the expectation of freeing up capacity and reducing duplication as a result of more effective and efficient practices.

7 BACKGROUND PAPERS

- 7.1 None

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DATE	10 October 2013



East Lothian and Midlothian Memorandum of Understanding Partnership Working

Memorandum of Understanding – Mid and East Lothian Councils

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1. Memorandum of Understanding

This revised Memorandum of Understanding is entered into by and between:

East Lothian Council whose offices are located at John Muir House, Haddington, East Lothian, EH41 3HA

Midlothian Council whose offices are located at Midlothian House, Buccleuch Street, Dalkeith, Midlothian, EH22 1DN

having the effective date of the 3 June 2013

2. Definitions and interpretations

"the memorandum of understanding" means *"the partnership agreement to be entered into by the Authorities"*

3. Background

The Partnership Working Board (previously known as the Shared Services Board) is tasked with leading the development of the joint shared services/partnership working strategy and overseeing the implementation of agreed initiatives..

The Councils will work together to introduce, develop and deliver joint partnership working opportunities (previously referred to as shared services). This includes the development of:

- Customer-focused services for citizens and businesses provided through modern coordinated delivery channels, based on improved models of service and design.
- A joint partnership working basis for delivery – in services, in information and in infrastructure – and releasing efficiencies by standardisation, simplification and sharing.

4. Objectives of Memorandum of Understanding

The purpose of this memorandum of understanding is to set out the arrangements for the Councils to work together to develop and establish joint partnership working arrangements.

This memorandum of understanding and each of the agreements contained in it will continue until it is changed with the agreement of the Partnership Working Board, replaced by a new Memorandum of Understanding or terminated.

The Councils acknowledge that it is not their intention for this memorandum of understanding to have a binding legal effect. It is a statement of their shared intention to work together in a spirit of co-operation which reflects their shared vision and values of mutual trust, respect and equal partnership.

Until Commencement this memorandum of understanding will be revised and updated as required. Such changes will be managed and maintained by the Joint Partnership Manager and Board.

5. Partnership Working Board and Elected Members Joint Liaison Group

An Elected Members Joint Liaison Group (JLG) is in place comprising up to two Cabinet Members from each Council, the Chief Executive's and the Joint Partnership Manager. The purpose of the JLG is to review, challenge and approve the activities/decisions of the Partnership Working Board and to oversee the implementation of the agreed initiatives.

Whilst the above states the core membership of the JLG, it will at times be deemed appropriate to extend the membership to include:

- relevant portfolio holders
- opposition members
- relevant council officers
- health representatives

The requirement to include wider representation will be informed by the agenda items to be discussed and following instruction from the Chief Executives.

A Partnership Working Board is in place comprising the two Chief Executives, Executive Directors/Directors from the two Councils and the Joint Partnership Manager. The membership of the Board may be extended to include relevant officer and/ or health representation at the request of the Chief Executives. The purpose of the Board is to oversee, monitor, manage and develop the joint arrangement to ensure successful establishment of partnership working across both councils.

5.1. Management, accountability and governance

The Board reports to and is accountable to the Elected Members Joint Liaison Group (JLG).

The JLG reports to and is jointly accountable to Midlothian and East Lothian Councils.

In progressing the 'purpose and principles' below the Partnership Working Board and Joint Partnership Manager will maintain appropriate and demonstrable systems of governance, risk management and internal control and assurance.

5.2. Purpose and principles

The purpose of the Partnership Working Board is to develop, oversee, monitor, manage and implement the joint arrangement to ensure the successful establishment of joint partnership working across both councils and in a way which reflects the shared vision and values of mutual trust, respect and equal partnership. As part of this the Board will:

- Identify and drive forward joint areas of work that will deliver improved value for money services, improved outcomes or better support the long term quality of service delivery.
- Take collective responsibility for driving forward the joint partnership working agenda, seeking out opportunities for both service improvement and cash savings.
- Ensure its aims and activities are consistent with, and complement those of East and Midlothian Councils and partner agencies.
- Ensure the enhancement and improvement of existing joint partnership working/partnership arrangements.
- Improve and sustain performance standards and competitiveness
- Ensure appropriate and robust governance arrangements are in place
- Agree, monitor and implement the overall work programme and outcomes. This will include the allocation of any available funds and any applications for funding.

The Chief Executives and the Executive Directors/Directors of each council will facilitate partnership working and manage day to day affairs within each Council.

The Joint Partnership Manager will have responsibility to manage the work programme, recruit/procure additional support as required and manage any shared budgets as directed by the Partnership Working Board.

The Partnership Working Board will report to the JLG on a quarterly basis

The purpose of the JLG is to review, challenge, approve the activities/decisions and oversee the implementation plans of the Partnership Working Board to ensure the successful establishment of joint partnership working.

5.3. Overall vision

Deliver and commission shared and collaborative services and products to facilitate cash savings, improvement, efficiency and innovation.

Delivery of the vision across both Councils will be in a way which demonstrates and reflects the shared vision and values of mutual trust, respect and equal partnership.

5.4. Core values

- Delivering improved outcomes and value for money services
- Seeking innovative solutions to improve service delivery
- Adopting a 'best fit' approach to seeking solutions
- Developing positive and effective partnership working across partner bodies
- Accountability – delivering agreed outcomes within a sound governance framework

- Sharing information to keep each other informed

5.5. Objectives

The Partnership Working Board will:-

- Work towards delivery of a joint partnership working strategy
- Identify opportunities for the delivery of joint partnership working
- Facilitate joint working activity and partnership working across Mid and East Lothian
- Create capacity for new initiatives through the commissioning process
- Achieve continuous improvement and real value – as savings or efficiencies – via monitoring and review
- Promote and develop the use of common infrastructures across Mid and East Lothian
- Create opportunities for sustainability and the delivery of wider social objectives through innovative approaches to procurement/ commissioning

5.6. General Responsibilities

- The Partnership Working Board will abide by the aforementioned values
- Members of the Board will keep each other up to date on all activities which impact on the delivery of the board work plan and operate in a way which demonstrates mutual trust, respect and equal partnership.
- Develop and maintain a work plan the delivers the vision and objectives of the board

5.7. Joint Partnership Manager responsibilities

- Co-ordinate or deliver activities as agreed in the work plan. This may be achieved by individuals working collectively or by brokering services from other public or private sector providers.
- Maintain effective financial management of any funding delegated to the Board.
- Ensure compliance with all applicable legislation, statutory duties of local authorities, formal guidance, codes of practice and national policies.
- Ensure effective communication and promotion of work
- Ensure work is properly co-ordinated and integrated with other activities
- Ensure partner organisations are kept informed of specific matters relating to their organisation.
- Actively seek pragmatic solutions to issues that arise in delivery of the work plan

5.8. Council responsibilities:

- Support the Board by promoting activities and participation where opportunities are identified

- Encourage the co-operation of any partner organisations and address any issues within the Council where these are creating problems.
- Provide any data the Board reasonably requires to monitor performance. Each Council remains the data controller of and legally responsible for any personal data it holds.
- Inform the Board about any forthcoming procurement activity and undertake this in a way which will enable the other Council to join.
- Where one Council leads on a particular joint partnership working project, the other Council will be fully committed to delivery
- Council's will retain responsibility for their statutory duties

5.9. Performance management, monitoring and evaluation

- The success of the Partnership Working Board will be based on achievement of the agreed work programme, aims and objectives
- Each member of the Partnership Working Board accepts that achievement of the work plan is dependent on the collective work of members of the Board. Each Board member agrees to make every reasonable effort towards achievement of work plan targets.

5.10. Working with employees and trade unions

As the joint partnership working strategy is developed and implemented the respective Councils will engage with and consult employees and the trade unions. Where possible the Partnership Working Board and the JLG will seek to issue joint statements to employees and the trade unions.

5.11. Public Relations and Media

A document titled 'Internal and External Protocols for Communications and Engagement on Joint Partnership Working has been agreed by both Councils and details the approach to be taken for public relations and media releases of joint partnership working information.

6. Meetings, Business Cycle and Representation

6.1 Elected Members Joint Liaison Group

- Meets quarterly (or when business need arises)
- Meeting venue alternates between Midlothian and East Lothian Council on an annual basis
- Administered by members services/secretariat of the host Council
- Chaired by Chief Executive from the host Council
- Comprises of up to two Elected Members from each of the Council's cabinet, each Council's Chief Executive and the Joint Partnership Manager (additional representation from elected members, officers and health permissible subject to appropriate agenda items and agreement of Chief Executives)

- Quorum is one Elected member from each Council.
- Decisions made on a consensus basis.

6.2 Partnership Working Board

- Meets quarterly (or when business need arises)
- Meeting venue alternates between Midlothian and East Lothian Council
- Administered by members services/secretariat of the host Council for JLG
- Chaired by the Chief Executive from the host council
- Comprises two Chief Executives and Executive Directors/Directors from the two Councils and Joint Partnership Manager.
- Quorum is two Corporate Management Team/Board of Director members from each Council
- Decisions made on a consensus basis.

7. Timescale of agreement

This agreement shall remain in place as long as it is found to be productive and a programme of work to progress joint partnership working is required.

8. Terms of agreement and termination

This Memorandum of Understanding may be terminated by agreement of the parties or by one party on provision of reasonable notice (two months) to the other. Where the parties agree to continue with a joint partnership working strategy, they shall work efficiently towards the development, agreement and the signing of a replacement Memorandum. In such circumstances, the Memorandum shall continue in effect until superseded by the replacement Memorandum.

Termination of the Memorandum of Understanding shall only take place after appropriate consultation with participating Councils.

Agreement

We, the undersigned hereby agree to this memorandum of understanding

Signature

Signature

Print Name

Print Name

Position

Position

Date

Date

Signature

Signature

Print Name

Print Name

Position

Position

Date

Date

REPORT TO: East Lothian Council

MEETING DATE: 22 October 2013

BY: Chief Executive

SUBJECT: Local Government Boundary Commission for Scotland
Fifth General Review of Electoral Arrangements

8

1 PURPOSE

- 1.1 To make Members aware of the start of the above review by the Local Government Boundary Commission for Scotland, who will make recommendations to Scottish Ministers, in 2015 or 2016, in sufficient time for implementation at the Local Government Elections in May 2017.
- 1.2 To propose that a Joint Officer/Member Working Group be established, as in 2004, to consider the detail of this review.

2 RECOMMENDATIONS

- 2.1 Council is asked to note the Commission's update on their approach to the first stage of the review.
- 2.2 Council is asked to approve a Joint Officer/Member Working Group and to nominate Elected Member representation.

3 BACKGROUND

- 3.1 The Commission have confirmed, with Scottish Ministers, that they do not intend to amend the legislation governing the conduct of their reviews. Therefore, Sections 12 to 28 and Schedule 6 of the Local Government (Scotland) Act 1973 apply.
- 3.2 This legislation includes the requirement that, within each ward of a council area, the number of electors per councillor is "as nearly as may be the same", often referred to as "electoral parity". Effectively this means the existing defined ward boundaries will need to be reviewed taking into account any movements in population.

- 3.3 The Commission consulted with councils in 2011 on their intended approach to the first stage of the review, which is to determine the appropriate number of councillors on each of Scotland's councils. Responses indicated general support for using the same previous formulaic approach to determining this number, which takes account of population density and distribution within a council area.
- 3.4 The Commission are currently awaiting the release of settlement data from the 2011 census to allow them to take a view on councillor numbers. They will write to all councils later this year with their initial thoughts on this.
- 3.5 However, the Commission suggests that councils may wish to begin taking a view as to whether it is content with the present number of councillors, so that any preliminary views may be passed on to the Commission as it begins its own considerations.
- 3.6 When the initial ward boundaries and councillor numbers were being developed in 2004, the Council established a cross-party working group that would consider any draft proposals made by the Commission and develop a suitable response on behalf of the Council. At that time, this approach proved helpful in bringing about an early and acceptable solution.

4 POLICY IMPLICATIONS

- 4.1 There are no policy implications associated with this report.

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 Previous Cabinet Report 14 September 2004
- 7.2 ELC response to 2011 consultation

7.3 Sections 12 to 28 and Schedule 6 of the Local Government (Scotland) Act 1973

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DATE	12/9/2013

REPORT TO: East Lothian Council
MEETING DATE: 22 October 2013
BY: Chief Executive
SUBJECT: Councillors' Role Descriptions

9

1 PURPOSE

- 1.1 To present to Council the proposed Councillors' Role Descriptions for discussion, comment and approval.

2 RECOMMENDATIONS

- 2.1 Council is asked to approve and Councillors' Role Descriptions as set out in Appendix 1.
- 2.2 Council is asked to note the training and development opportunities provided for elected members (paragraphs 3.11 and 3.12) and to provide suggestions for additional topics for elected members' training or briefing sessions.

3 BACKGROUND

- 3.1 The Council approved the report on the review of multi member wards in June 2011 and agreed that 'Officers, in consultation with councillors from all groups, will produce guidance on the roles and responsibilities of councillors which will be the subject of a further report to Council.'
- 3.2 It is recognised good practice for local authorities to have agreed role descriptions for elected members. The Scottish Local Authorities Remuneration Committee (SLARC) recommended that the introduction of salaries for elected members should be accompanied by role descriptions setting out the roles and responsibilities for elected members (Review of Remuneration Arrangements for Local Authority Councillors; Jan 2006). The SLARC report included templates for role/ profile descriptions for all councillors, senior councillors and Council Leaders.
- 3.3 Guidance issued by the Scottish Executive on the how the regulations putting the SLARC recommendations into practice should be implemented suggested that elected members should have role descriptions in a format determined by the Council.

- 3.4 Many Councils, including City of Edinburgh, West Lothian, Midlothian and Dundee followed the recommendations of the Scottish Government and the SLARC and have adopted councillors' role descriptions. The adoption of councillors' role descriptions by Midlothian Council was commented on positively in the Council's Best Value 2 Audit (Audit Scotland, June 2012).
- 3.5 In accordance with the remit set out in the June 2011 Council report officers produced draft councillors' role descriptions for consultation with elected members from all groups on the Council. The draft role descriptions were based on the template produced by SLARC, amended to take account of the East Lothian Council context (e.g. the Cabinet) and the role descriptions adopted by other Councils (e.g. the introductory section on the nature of the role adopted by West Lothian Council).
- 3.6 The original intention was to report on the draft role descriptions as part of the report on the review of Standing Orders with a proposal to include them as an Appendix to the Standing Orders and Scheme of Administration to complement the Councillors' Code of Conduct. The Review of Standing Orders was delayed and was not completed until August 2013. Consultation showed that there was not unanimous support to include the role descriptions within the Standing Orders and Scheme of Administration and this proposal was dropped. Therefore consultation on the draft role descriptions was not concluded until September 2013.
- 3.7 All councillors have been given the opportunity to comment on, and suggest amendments to, the draft role descriptions. Following the consultation the draft was amended to take account of comments and suggested amendments, including a substantial re-drafting of the nature of the role introduction. The final draft is attached as the Appendix to this report.
- 3.8 Separate role descriptions have been drafted for all councillors, senior councillors (Cabinet members and the Leader of the Opposition), Council Leader and Provost. Recognising that councillors operate in different ways and with different priorities the role descriptions do not 'set in stone' what councillors do on a day-by-day basis. However, they set out broad guidelines for the various roles that Councillors perform.
- 3.9 The role descriptions in no way subvert the democratic process. They should support accountability by providing transparency and clarity about the role of councillors. They attempt to answer the basic question 'What is it that councillors do?' For example, Aberdeenshire Council included councillors' role descriptions in the briefing pack given to prospective councillors prior to the 2012 Council elections. The role descriptions provide guidance on the additional responsibilities that 'senior' councillors perform. This is particularly important in the context of the Scheme of Remuneration, which provides higher levels of remuneration for councillors fulfilling these roles.
- 3.10 A key aspect of adoption of role descriptions is to support the training and development of councillors as agreed role descriptions provide a basis for the competencies that councillors are expected to display in order to perform their various roles. The roles and responsibilities provided by the SLARC were accompanied by competency frameworks which subsequently became the basis for the Improvement Service's Continuous Professional Development (CPD) framework for elected members.

- 3.11 The Council has been developing a programme of training and development for elected members. A substantial induction programme was provided for elected members shortly after the May 2012 Council elections. More recently, all councillors were given the opportunity to participate in the Improvement Service Continuous Professional Development programme for elected members which includes a self-evaluation or 360 degree evaluation. This will be the basis for a personalised development programme supported by e-learning modules and other training opportunities supported by the Improvement Service and the Council. To date, five councillors have 'signed up' for the CPD.
- 3.12 The Council has begun a series of elected members' briefings. These normally take place on the afternoon following Council or Cabinet meetings. Topics of briefings to date have included Corporate Parenting and Children's Services and Multi-Agency Public Protection Arrangements. Subjects that are being scheduled for future briefings include:
- The Councillors' Code of Conduct (taking place after the 22 October Council meeting)
 - Mental health and suicide
 - The draft Police Plan and draft Fire and Rescue Plan
 - Chairing meetings
 - The Housing Revenue Account
 - Inequalities.

4 POLICY IMPLICATIONS

- 4.1 In approving the councillors' role descriptions the Council will be following good practice in relation to governance and support for elected members' development.
- 4.2 One of the elements of the Corporate Governance framework adopted by the Council is that there should be "a clear statement of the respective roles and responsibilities of Members generally and of Senior Officers." Adopting councillors' role descriptions, which will sit alongside the role descriptions for senior officers will help to provide clarity as to the respective roles of officers and members.

5 EQUALITIES IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

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

7 BACKGROUND PAPERS

- 7.1 Appendix 1 – Councillors' Role Descriptions
- 7.2 Report on the Review of the Impact of Multi-Member Wards and Officer Member Relations; East Lothian Council, 28th June 2011

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Appendix 1: COUNCILLORS' ROLE DESCRIPTIONS

Nature and Requirements of the Role

Councillors in Scotland are elected in groups of 3 or 4 to represent the interests of around 15,000 people living within their ward. While it is common for those councillors to be elected as a member of a political party, their focus should be on working together in the interests of all their residents and in the interests of the Council as a whole.

Councils and councillors are responsible for delivery of a wide range of local services that are affected by community requirements including education, social work, planning, housing, roads, licensing and community services like libraries, sports, pools, playgrounds, and recreation.

As well as the prime duty of ensuring a fair, efficient and equitable distribution of council services among their residents and the secondary duty of providing an objective route for complaint when this is perceived not to be the case, councillors also have a duty to lead and to give guidance to the people's voice in forming a vision for their future and seeking optimal methods to achieve it. This involves acting as an 'honest broker' between people's ambitions and the practical problems of funding, formulating and achieving such ambitions. Patience, intuition and an ability to adopt causes not your own will go a long way to discharging the objective duty inherent in the job as all decision made are accountable to the public.

The more pragmatic specific legal requirements of being a councillor are to sign a declaration of office, attend at least one meeting of the Council or any of its committees or sub-committees or carry out some other approved duty in a six month period and to make appropriate entries in the Register of Members' Interests. More than that, Councillors have a duty to uphold the law at all times while acting in accordance with the public trust placed in them.

Whenever engaged on Council business, councillors are obliged to comply fully with the Council's Standing Orders, including those regarding the conduct of meetings and to meet all requirements of the Councillors' Code of Conduct. It is the responsibility of all councillors to maintain the highest standards of conduct and through their actions promote the core values of the Council, provide an example to others and maintain and strengthen the public's confidence in the integrity of the Council and its councillors.

ALL COUNCILLORS

Key purpose/ roles

- To represent the views and interests of your Ward and its individual constituents and deal with enquiries and representations fairly and without prejudice
- To contribute actively to the formulation and scrutiny of the Council's policies, budgets, strategies and service delivery
- To champion the best interests of the Council and the community as they relate to the improvement of the quality of life, social, economic and environmental well-being of the community and its citizens
- To work in partnership with others in the Council, partnership organisations at council and community level to help to achieve the above

Key tasks/ accountabilities

- To represent and act as an advocate for the interests of your Ward, liaising and working with local organisations and representative groups to further the interests of the Ward and its individual constituents
- To be available to represent and deal effectively with constituents' enquiries and representation on individual and community interests
- To contribute effectively to the debates and decision making activities of the Council prior to setting policies, budgets, strategies and service delivery targets
- To participate effectively as a member of any committee or panel to which you are appointed,
- To participate in the scrutiny or performance review of the services of the Council including the scrutiny of policies and budgets and their effectiveness in achieving the Council's objectives
- To support and strive to develop an inclusive and constructive working environment and effective working relationships with other elected members and officers of the Council
- To participate in the activities of any outside body or partnership forum to which you are appointed by the Council, providing two way communications between the Council and the body. Also to develop and maintain a working knowledge of the Council's policies and practices in relation to that body and of the community's needs and aspirations in relation to that body's role and functions
- To liaise on behalf of the Council and represent and promote the Council's interests with other public bodies to promote better understanding and partnership working
- To act in accordance with the statutory and locally determined codes of conduct and standards for elected members and maintain the highest standards of conduct at all times

SENIOR COUNCILLORS

In addition to the roles, tasks and accountabilities expected of all councillors the following are expected of councillors with significant additional responsibilities (Cabinet members and Leader of the Opposition):

Key purpose/ roles

- To provide leadership in relation to policy formulation, implementation and monitoring of the Council's policies, budgets, strategies and service delivery in relation to your specific area of responsibility, and to contribute to the effective governance of the Council
- To contribute to the effective governance of the Council
- To ensure that your area of responsibility contributes to promoting the best interests of the Council and the community and improve the quality of life, social, economic and environmental well-being of the community and its citizens

Key tasks/ accountabilities

For your area of responsibility:

- To facilitate policy development via appropriate mechanisms – Cabinet, committees, working with officers and working in partnership with partner organisations
- To give political direction to senior officers of the Council and members of your political Group in your area of responsibility
- To chair effectively relevant committees, sub-committees and
- To take responsibility for decisions taken within these committees or other forums
- To support and encourage participation and debate by all councillors in relevant forums including committees and sub-committees and respond to scrutiny of decisions and service delivery/ performance
- To ensure that effective working relationships with all councillors, officers and relevant partner organisations are developed and maintained
- To represent and communicate the views and best interests of the Council in relevant forums including the community, the media, partnership organisations and national bodies
- To monitor, review and comment on performance and budget, to ensure that Council policies are implemented; and where necessary initiate relevant action
- To be fully aware of relevant legislative and national and local policy frameworks
- To work with others to ensure the effective governance of the authority
- To contribute to policy formation on corporate strategy, policies and overall budget matters and participate constructively in relevant forums

- To represent the Council at appropriate civic and/ or other engagements including as a substitute for the Council Leader or Provost

COUNCIL LEADER

In addition to the roles/ tasks and accountabilities expected of all councillors the following are expected of the Council Leader.

Key purpose/ roles

- To lead the political administration of the Council
- To provide leadership in relation to policy formulation, implementation and monitoring of the Council's policies, budgets, strategies and service delivery and to contribute to the effective governance of the Council
- To provide strategic leadership and clear political direction and guidance to promote the best interests of the Council and the community and improve the quality of life, social, economic and environmental well-being of the community and its citizens
- To ensure that effective working relations are developed throughout the Council and between the Council and external partners in order to promote the best interests of all its communities

Key tasks/ accountabilities

- To provide strategic, political and cultural leadership for the Council in partnership with the Chief Executive
- To give direction to the Chief Executive on political matters and participate in the performance review and development of the Chief Executive
- To have an overview and facilitate corporate and cross cutting policy formulation, strategy development and financial planning
- To promote partnership working with partner organisations and other service providers, including Community Planning partners
- To act as the principal Council representative in discussions and negotiations with national bodies
- To ensure that the political decision making structures of the Council operate effectively
- To take responsibility for, and promote the Council's policy and political decisions
- To be the political figurehead and provide an external focus for the Council including handling media and press enquiries
- To develop and maintain effective working relationships with councillors and senior officials

PROVOST

The title 'Provost' is the title given by the Council to the role of Convener of the Council elected as required under section 4 of the Local Government etc (Scotland) Act 1994. The statutory requirement of this role is to chair meetings of the full Council.

By tradition, the Provost also fulfils a unique and important function as the civic head in representing the Council and the wider East Lothian community at ceremonial and other formal events and occasions both within and outside East Lothian. The Provost is the formal representative of the Council when meeting with visiting dignitaries.

The Provost is required to ensure that the interests of all councillors are represented fairly and that they are given a fair hearing in Council meetings.

The responsibilities of all members of East Lothian Council to maintain the highest standards of conduct apply particularly to the Provost who is in a position, through personal conduct, to promote the values of the Council, to provide an example to others and to enhance the reputation of the Council and East Lothian.

In addition to the roles/ tasks and accountabilities expected of all councillors the following are expected of the Provost.

Key tasks/ accountabilities

The Provost is expected to:

- Act as civic head hosting Council events and attending other events as civic leader and representative of the Council and the East Lothian communities
- Promote East Lothian's profile to the wider community through public appearances at social, community, cultural and business events and through the media
- Foster networks with other organisations in both the business and public sectors to support and enhance the development of East Lothian and its communities
- Chair the meetings of the full Council and ensure the proper conduct of business in terms of the Council's Standing Orders and the Council's values and commitment to honesty, openness and accountability and effective scrutiny of policies and decisions
- Liaise closely with the Leader of the Council in terms of the civic roles and functions on behalf of the Council
- Promote the core values of the Council in fulfilling their remit

OTHER RELEVANT INFORMATION

It is a responsibility of all members of East Lothian Council, both through their personal conduct and through their work including contact with the people in the area they represent, the media and other agencies, to observe the highest standards of conduct and to uphold and enhance the role and reputation of the Council and the public perception of its status.

Councillors should always be able to justify their actions to the public and must at all times avoid any circumstance which could lead to the suspicion, or give the appearance of, improper conduct. They should carry out their roles and duties in a dignified manner and should never act in such a manner that they bring the Council into disrepute. The required standards of behaviour are described in the Councillors' Code of Conduct approved by the Scottish Parliament and enforced through the Standards Commission and any local arrangements applicable within East Lothian, including the Council's Standing Orders.

Provided that Councillors' fulfil the statutory requirement as to attendance at meetings, or carrying out any other approved duty, and do not incur any of the statutory disqualifications for membership or commit some offence which results in forfeiture of membership, they remain a member until the next ordinary elections when they are accountable to the electorate if they stand for election again. In a day to day context, individual Councillor's standards of conduct and performance can be regulated and monitored through, for example:

Councillors approved duties referred to above are approved by the Council for the purpose of reimbursing Councillors for travel and subsistence expenses in accordance with The Local Governance (Scotland) Act 2004 (Allowances and Expenses) Regulations 2007.

Councillors are able to represent their individual and group constituents' interests within the council through various means including:

- Asking questions of the Provost, the Council Leader or a Cabinet Spokesperson at meetings of the full Council
- Pursuing matters of concern to constituents with the appropriate officials of the Council
- Putting down a motion for debate at meetings of the Council

Chairs of any Council Committee are required to act at all times in a manner to enhance the reputation of the Council in terms of fair representation, open government and accountability and as representatives of both the Council and the community, to maintain the highest standards of integrity and behaviour in accordance with the Council's Standing Orders and the Councillors' Code of Conduct approved by the Scottish Parliament and enforced by the Standards Commission and any local arrangements applicable in East Lothian.

In terms of the Council's Standing Orders, Chairs are responsible for the conduct of the meetings of their bodies including:

- Keeping order in respect of both members of their body and any members of the public present

- Ensuring that members have a fair hearing
- Regulating the participation by officers
- Ruling on all matters of procedure, competency and relevancy
- Adjourning meetings.

Chairs are required to ensure that their bodies fulfil their remits set out by the Council or in Standing Orders.

REPORT TO: East Lothian Council

MEETING DATE: 22 October 2013

BY: Depute Chief Executive (Partnerships and Services for Communities)

SUBJECT: SESplan Supplementary Guidance on Housing Land

10

1 PURPOSE

- 1.1 To ratify the decision of the SESplan Joint Committee of 30 September 2013 to approve for consultation the Supplementary Guidance on Housing Land, a requirement of the approval of SESplan's Strategic Development Plan by Scottish Ministers in June 2013.

2 RECOMMENDATIONS

- 2.1 It is recommended that East Lothian Council ratifies the decision of the 30 September 2013 SESplan Joint Committee to approve for consultation the Supplementary Guidance on Housing Land.

3 BACKGROUND

- 3.1 SESplan, the Strategic Development Planning Authority, submitted its Proposed Plan to Scottish Ministers in August 2012. The submitted plan was subject to Examination by Reporters from the Department of Planning and Environmental Appeals. Their report and recommendations on the issues raised by the representations made to that Plan were subsequently submitted to Scottish Ministers.
- 3.2 Scottish Ministers approved SESplan's Strategic Plan, with modifications, on 27 June 2013. The most significant of those modifications relates to the phasing and distribution of the overall SESplan housing requirement. Scottish Ministers require that Supplementary Guidance is to be prepared by SESplan to provide detailed further information for local development plans (LDPs) as to how much of that requirement should be met by the local development plans of each of the six member authorities for each plan period. Housing requirements for the LDPs are to be set for the periods 2009-2019 and 2019-2024. Scottish Ministers expect that this

Supplementary Guidance will be approved by them no later than June 2014, following consultation with the public and stakeholders.

- 3.3 The first stage in the preparation of this Supplementary Guidance, a consultation draft, was approved by the SESplan Joint Committee for ratification by the member Councils on 30 September 2013. It is attached to this Council report. The Guidance is also supported by a Technical Note that can be accessed at www.sesplan.gov.uk.¹
- 3.4 SESplan's overall housing requirement is based on its Housing Need and Demand Assessment (HNDA). The requirement is set out for the three plan periods, namely 2009-2019 and 2019-2024 for which land must be allocated, and for the period 2024-2032 for which a potential housing requirement is signposted.
- 3.5 SESplan's Proposed Plan, as submitted, did not plan to release additional land to match the full HNDA need and demand figures in each of the plan periods. This was because it was considered that sufficient land was already available for development to meet need and demand in the first two periods, but that it was the slower rate of its anticipated development which would prevent need and demand from being met. Given this, and the extended downturn in the housing market, it was deemed unrealistic to expect a depressed housing market to support the level of housing completions that satisfying need and demand in the first two periods would require. It would therefore be inappropriate to release additional land to provide for it in full.
- 3.6 Whilst SESplan did propose to bring forward some new housing land in the first two plan periods, based on the rate that it and the existing land supply was anticipated to be developed, the overall amount of land which would be available through time would continue to be lower than that which would be needed to meet the respective HNDA need and demand figures for each plan period. Instead, SESplan sought to prioritise the development of the existing land supply and to delay the requirement for new land by increasing the signposted housing requirement for the 2024-2032 period (the period where SESplan did not require new land to be found and for LDPs to be specific about where this housing land should be allocated).
- 3.7 However, neither the examination Reporters nor Scottish Ministers accepted this proposition. Instead, Scottish Ministers require that SESplan plans to make available enough land to meet in full its overall HNDA need and demand figures for the periods 2009-2019 (74,840 houses) and 2019-2024 (32,720 houses).
- 3.8 Scottish Ministers felt unable to distribute this SESplan-wide housing requirement across the six Council areas. Consequently, in approving the Strategic Development Plan, Ministers require the preparation of Supplementary Guidance to indicate how the housing requirement for

¹ Under the agenda papers for the SESplan Joint Committee of 30th September 2013 and included within item 5

these two periods will be distributed across the six member authority areas through their local development plans. This means that SESplan must be specific about how much of the overall housing requirement must be met within each of the LDP areas in the first two plan periods.

- 3.9 To meet the revised housing requirements in these two periods it is expected that local development plans will need to find land for at least an additional 24,338 houses (para 3.7 of the Supplementary Guidance). This figure is in addition to existing commitments, that is, land which is already allocated for housing or has planning permission.
- 3.10 With the exception of Midlothian, the HNDAs for each SESplan authority indicate a significant need and demand to 2024 and beyond. In East Lothian's case this is 5,210 houses to 2019 and 2,740 houses in the period 2019-2024, a total need and demand of 7,950 houses. Edinburgh's housing need and demand, at 48,490 over the period 2019-2024, is naturally the greatest. Scottish Ministers have accepted that policy and environmental constraints are likely to mean that not all of Edinburgh's housing need and demand can be satisfied within its boundaries. A proportion of this will be accommodated within the other SESplan authorities. This continues a strategic planning approach adopted in the Lothians by the now superseded Edinburgh and the Lothians Structure Plan 2015 and its predecessors.
- 3.11 In preparing the attached Supplementary Guidance, SESplan and the six member authorities considered how much additional housing could realistically be accommodated within each Council area. Addressing each Council's own need and demand for housing was a useful starting position. Subsequently, the SESplan authorities have accepted that the City of Edinburgh cannot accommodate all of its own need and demand. The Supplementary Guidance therefore proposes that East Lothian and those other authorities best placed strategically to deliver additional housing take a proportion of this in addition to meeting their own housing need and demand,
- 3.12 The proposed distribution of the additional housing that would be needed to meet requirements over the period 2009-2024 is shown in Table 3.2 of the Supplementary Guidance. In summary, by local authority area, the additional housing allowances would be:

Table 1 Additional Housing Allowance by Council Area

Local Authority Area	Additional Housing Allowance beyond current land supply ²
Edinburgh	7,700
East Lothian	3,533 <i>[see note below]</i>
Fife	7,800
Midlothian	2,550
Scottish Borders	630
West Lothian	2,125
SESPLAN	24,338

Note: it appears that the SESplan Supplementary Guidance figure of 3,533 for East Lothian is slightly underestimated: the actual figure is 3,565 houses and this latter figure is used in subsequent tables in this report

- 3.13 To provide a context for the East Lothian allowance, the following table compares each authority's current housing land supply against its HNDA need and demand figures, and how this would change as a consequence of the distribution of the additional housing allowances proposed in the Supplementary Guidance.

Table 2 Total housing land against HNDA need and demand

	Existing housing land supply vs HNDA need and demand 2009-2024	Additional Supplementary Guidance Allowance	Total Housing land supply against HNDA need and demand
Edinburgh	-26,652	7,700	-18,852
East Lothian	-1,465	3,565	+2,100
Fife	-6,891	7,800	+909
Midlothian	+7,736	2,550	+10,286
Scottish Borders	+3,563	630	+4,193
West Lothian	-629	2,125	+1,496

- 3.14 The table illustrates that Edinburgh would be planning for almost 19,000 households less than its HNDA need and demand, while East Lothian will be planning for 2,100 more. Significantly, Midlothian would be planning for over 10,000 more houses than its HNDA figures and Scottish Borders over 4,000. West Lothian would be planning for almost 1,500 and Fife just over 900 more. East Lothian's additional provision

²Based on Housing Land Audi 12

beyond its own HNDA need and demand figures would therefore be very significantly less than Midlothian and half that of Scottish Borders.

- 3.15 The proposed distribution of housing requirements over the first two plan periods has implications for all six Councils and their local development plans. East Lothian would be taking more than 1000 houses above its HNDA need and demand figures in each of the two plan periods. Together with committed housing land, East Lothian, through its local development plan, would require to plan for the delivery of 6,250 houses over the period 2009-2019 and 3,800 houses over the period 2019-2024 (including existing commitments), a total of 10,050 houses over the period 2009-2024, as follows:

Table 3 Implications of Supplementary Guidance on East Lothian’s housing requirements

East Lothian	2009-2019	2019-2024	Total 2009-2024
1 HNDA Requirement	5,210	2,740	7,950
2 Current housing land supply ³	4,845	1,640	6,485
3 Additional housing allowances ⁴	1,405	2,160	3,565
4 Total housing requirement to be planned for ⁵	6,250	3,800	10,050
5 HNDA vs total East Lothian SESplan reqt ⁶	+1,035 houses	+1,060 houses	+2,100 houses

- 3.16 This level of additional housing set out at part 4 of Table 3 above will be a challenging one to plan for in the preparation of the local development plan (LDP), particularly with further delay anticipated in the programming of completions from existing housing commitments such as Wallyford and Letham Mains. Any further slippage in the delivery of completions from such sites will have to be made up by additional housing land allocations in the LDP. The scale of sites that the LDP brings forward to meet these requirements will influence the rate of delivery of house completions. Appropriate smaller sites that have little or no infrastructure requirement and can therefore deliver early completions would be preferred, particularly in the short term, but their availability is limited. Larger sites may also have to be allocated, thereby potentially delivering

³ Source: Based on Housing Land Audit 12

⁴ Source; draft SESplan Supplementary Guidance, Sept 2013

⁵ Current housing land supply (2) plus additional housing requirement (3)

⁶ (4) minus (1)

completions over a longer time period, possibly even beyond the LDP period, and bringing with them their own policy and infrastructure challenges.

- 3.17 Infrastructure challenges that will be common to any East Lothian development strategy include the upgrading of the Old Craighall Junction and capacity improvements to other A1 interchanges, increased local public transport capacity, additional education and community facilities capacity and improvements to water and sewerage provision.
- 3.18 Additionally, given considerations such as lead-in times to development commencement, development programming, completions rates, etc., to maintain an effective five year supply of housing land at all times (as per Scottish Planning Policy) the LDP is likely to have to allocate land for significantly more than 3,565 houses.
- 3.19 The overall SESplan housing requirements for the periods 2009-19 and 2019-2024 is a direct consequence of Scottish Ministers approval of SESplan's Strategic Development Plan. The need to meet these overall requirements is not open to debate. What is being consulted on is the consequential proposed distribution of the housing requirements between the six local authorities in the two plan periods 2009-2019 and 2019-2024. This proposed distribution has been agreed following extensive discussions between SESplan and the six member Councils. The East Lothian housing requirement is challenging but is no more so than for the majority of the other Councils.

4 POLICY IMPLICATIONS

- 4.1 The Supplementary Guidance will, when approved, have a significant influence on the amount of additional housing land to be allocated in the East Lothian Local Development Plan. The Guidance also begins to set the context for calculating East Lothian's five year housing land supply and the extent to which this is being met.

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 SESplan Proposed Plan, November 2011
- 7.2 SESplan approval letter/modifications from Scottish Ministers, 27 June 2013
- 7.3 SESplan Strategic Development Plan, June 2013 (as approved)
- 7.4 SESplan Supplementary Guidance - Technical Note, September 2013

AUTHOR'S NAME	Ian Glen
DESIGNATION	Policy & Projects Manager
CONTACT INFO	01620 827395 iglen@eastlothian.gov.uk
DATE	8 October 2013

REPORT TO: East Lothian Council

MEETING DATE: 22 October 2013

BY: Depute Chief Executive (Partnerships and Services for Communities)

SUBJECT: Amended Procedure for Pre-Determination Hearings

11

1 PURPOSE

- 1.1 To seek approval for amendments to the current procedure for dealing with Pre-Determination Hearings held as required by the Planning etc. (Scotland) Act 2006.

2 RECOMMENDATIONS

- 2.1 Council is asked to approve the amended procedure for Pre-Determination Hearings set out in Appendix 2 to this report, as a replacement for the existing procedure approved by Council at its meeting on 23 February 2010 (Appendix 1).

3 BACKGROUND

- 3.1 At its meeting on 23 February 2010, Council approved amendments to Standing Orders and a procedure to facilitate the holding of Pre-Determination Hearings, all as required following implementation of the Planning etc. (Scotland) Act 2006. The Council's procedure introduced a two stage process, with the Pre-Determination Hearing being held at a meeting of the Planning Committee and the decision on the application being taken at the next scheduled meeting of the Council. This was to comply with the statutory requirements to have these stages dealt with by a Committee of the Council and the Council respectively.
- 3.2 The two stage process means that there can be a delay of some weeks between the holding of a Pre-Determination Hearing and the making of a decision on an application. In addition, applicants, agents and Members have expressed dissatisfaction with the process. In light of this, it is now proposed to amend the procedure to enable both stages of the determination of applications to take place on the same day.

- 3.3 The amended procedure provides for the Pre-Determination Hearing taking place at a meeting of the Planning Committee immediately prior to a Council meeting. For the purposes of a Pre-Determination Hearing, membership of the Planning Committee is extended to all Members. Having heard representations at the Pre-Determination Hearing, the Planning Committee meeting will end and the Council meeting will begin. All Members present will then debate the application and reach a decision at that meeting.

4 POLICY IMPLICATIONS

- 4.1 These changes will enable the Council to deal with Pre-Determination Hearings in a more efficient manner, while continuing to comply with its statutory obligations in terms of the Planning etc. (Scotland) Act 2006 and associated regulations.

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 of 23rd February 2010

AUTHOR'S NAME	Iain McFarlane
DESIGNATION	Service Manager, Development Management
CONTACT INFO	Extension 7292
DATE	2 October 2013

Appendix 1 – Current procedures

PRE-DETERMINATION HEARING PROCEDURES

Where a Pre-Determination Hearing is to be held the following procedures will apply:-

1. The pre-determination hearing will only be held once the neighbour notification period and any period of advertisement of the application has expired.
2. Parties invited to the pre-determination hearing will be the applicant/agent, any authority or person consulted by the planning authority in compliance with Section 43(1)(c) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006 and from whom the Council received representations i.e. the statutory consultees, and any person from whom the Council received representations or objections
3. Once the date for the hearing has been confirmed, formal invitations will be issued, giving fair notice to the applicant/agent, the statutory consultees who have submitted representations, and any person from whom the Council received representations or objections, confirming arrangements for the hearing.
4. Parties wishing to be heard at the hearing should advise the Clerk to the Planning Committee of their intention by 12 noon on the day before the hearing (excluding Saturdays and Sundays). Parties must advise the name of the person(s) who will be speaking. All interested parties, even if they do not wish to be heard, retain the right to attend the hearing to listen to the proceedings.
5. The Executive Director of Environment will provide a written report for the hearing that describes the proposal, and summarises the relevant Development Plan policies, other material planning considerations, consultation responses and the public representations/objection to the planning application. A copy of the report will be available seven days prior to the hearing. This report will not include any assessment of the development proposed in the planning application and will not make recommendation for approval or refusal of the planning application. A full report including an assessment of the development proposal and a recommendation for a decision will be submitted to Council for consideration after the hearing has taken place.
6. If appropriate, prior to the date of the Council meeting, members shall have an opportunity to visit the site. They may be accompanied by such officers as they deem appropriate. The purpose of a site visit will be to inspect the site and the surroundings, not to debate the application or to hear representations from any party. No such site visit will be a formally

constituted meeting of the Committee. No person, other than an accompanying officer, may address the Committee during a site visit.

7. At the pre-determination hearing the order of business will be as follows:
 - (a) The Convener will explain the purpose of the hearing.
 - (b) The following parties will be given the opportunity of being heard by the Committee: the applicant and/or agent, relevant statutory consultees, and any person from whom the Council received representations including objectors and supporters
 - (c) The Convener may permit the applicant and/or agent to respond to any points raised by any party heard by the Committee and may allow a further opportunity for that party to reply to any new points raised by the applicant/agent.
 - (d) After each presentation, members of the Committee will have the opportunity to question the party who gave the presentation or to seek clarification on factual or legal matters arising from the presentation from Council officers.
 - (e) The Convener then closes the pre-determination hearing.
8. Unless with the consent of the Convener, the applicant and/or agent will normally be entitled to speak for up to 10 minutes in total. Any individual who has made representations regarding the planning application will normally be entitled to speak for up to 5 minutes. For parties other than the applicant, where there are two or more persons having a similar interest being discussed at the hearing a spokesperson should, where possible, make the submission on behalf of the group. This is to ensure that all relevant matters are given the time to be put forward and to avoid repetition by parties with similar issues. Unless with the consent of the Convener, a spokesperson for a group will normally be entitled to speak for up to 10 minutes. In the event that a large number of representations are received, mainly on the same aspect(s) of the application, the Convener may limit the number of speakers, having regard to paragraph 12 below.
9. If anyone who has intimated their intention to be heard fails to appear at the hearing timeously, the Committee may proceed with the business without hearing that person.
10. No cross-examination of any parties by other parties will be permitted.
11. The Convener will be responsible for ensuring that the business of the Committee is carried out efficiently while having due regard to the principles of natural justice.
12. For the avoidance of doubt, there will be no consideration by Members of the Committee of the merits of the development proposed in the planning application and no decision on the application will be taken at the hearing.

13. The application will be determined at the next appropriate meeting of Council after the predetermination hearing.
14. A note of the presentations made to the Committee at the hearing will be taken by the Clerk and will be made available to the meeting of the Council at which the planning application is to be determined.

Appendix 2 – Proposed procedures

PRE-DETERMINATION HEARING PROCEDURES

Where a Pre-Determination Hearing is to be held the following procedures will apply:-

6. The pre-determination hearing will only be held once the neighbour notification period and any period of advertisement of the application has expired.
7. Parties invited to the pre-determination hearing will be the applicant/agent, any authority or person consulted by the planning authority in compliance with Section 43(1)(c) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006 and from whom the Council received representations i.e. the statutory consultees, and any person from whom the Council received representations or objections
8. Once the date for the hearing has been confirmed, formal invitations will be issued, giving fair notice to the applicant/agent, the statutory consultees who have submitted representations, and any person from whom the Council received representations or objections, confirming arrangements for the hearing.
9. Parties wishing to be heard at the hearing should advise the Clerk to the Planning Committee of their intention by 12 noon on the day before the hearing (excluding Saturdays and Sundays). Parties must advise the name of the person(s) who will be speaking. All interested parties, even if they do not wish to be heard, retain the right to attend the hearing to listen to the proceedings.
10. The Service Manager, Development Management will provide a written report for the hearing that describes the proposal, summarises the relevant Development Plan policies, other material planning considerations, consultation responses and the public representations/objection to the planning application and assesses the development proposal. The report will also contain an officer's recommendation for approval or refusal of the application. A copy of the report will be available seven days prior to the hearing.
15. If appropriate, prior to the date of the hearing, members shall have an opportunity to visit the site. They may be accompanied by such officers as they deem appropriate. The purpose of a site visit will be to inspect the site and the surroundings, not to debate the application or to hear representations from any party. No such site visit will be a formally constituted meeting of the Committee. No person, other than an accompanying officer, may address the Committee during a site visit.
16. At the pre-determination hearing the order of business will be as follows:

- (a) The Convener will explain the purpose of the hearing.
 - (b) The following parties will be given the opportunity of being heard by the Committee: the applicant and/or agent, relevant statutory consultees, and any person from whom the Council received representations including objectors and supporters
 - (c) The Convener may permit the applicant and/or agent to respond to any points raised by any party heard by the Committee and may allow a further opportunity for that party to reply to any new points raised by the applicant/agent.
 - (d) After each presentation, members of the Committee will have the opportunity to question the party who gave the presentation or to seek clarification on factual or legal matters arising from the presentation from Council officers.
 - (e) The Convener then closes the pre-determination hearing.
17. Unless with the consent of the Convener, the applicant and/or agent will normally be entitled to speak for up to 10 minutes in total. Any individual who has made representations regarding the planning application will normally be entitled to speak for up to 5 minutes. For parties other than the applicant, where there are two or more persons having a similar interest being discussed at the hearing a spokesperson should, where possible, make the submission on behalf of the group. This is to ensure that all relevant matters are given the time to be put forward and to avoid repetition by parties with similar issues. Unless with the consent of the Convener, a spokesperson for a group will normally be entitled to speak for up to 10 minutes. In the event that a large number of representations are received, mainly on the same aspect(s) of the application, the Convener may limit the number of speakers, having regard to paragraph 12 below.
18. If anyone who has intimated their intention to be heard fails to appear at the hearing timeously, the Committee may proceed with the business without hearing that person.
19. No cross-examination of any parties by other parties will be permitted.
20. The Convener will be responsible for ensuring that the business of the Committee is carried out efficiently while having due regard to the principles of natural justice.
21. For the avoidance of doubt, there will be no consideration or debate by Members of the Committee of the merits of the development proposed in the planning application and no decision on the application will be taken at the hearing.
22. The application will be determined at the next meeting of Council after the predetermination hearing. In normal circumstances, this meeting will take place immediately following the pre-determination hearing.

23. If it is not possible to hold a meeting of the Council immediately following a pre-determination hearing, a note of the presentations made to the Committee at the hearing will be taken by the Clerk and will be made available to the meeting of the Council at which the planning application is to be determined.

REPORT TO: East Lothian Council

MEETING DATE: 22 October 2013

BY: Depute Chief Executive (Partnerships and Services for Communities)

SUBJECT: Change to Scheme of Delegation for Planning Applications

12

1 PURPOSE

- 1.1 To seek adoption by the Council of the proposed amended Scheme of Delegation for determination of planning applications, as approved by Members on 25 June 2013 and by Scottish Ministers on 9 September 2013.

2 RECOMMENDATIONS

- 2.1 Members are asked to adopt the proposed amended Scheme of Delegation for determination of planning applications, in terms set out in Appendix 2 to this report, following its approval by the Scottish Ministers.

3 BACKGROUND

- 3.1 In the interests of efficient and effective decision making it is now proposed to remove, in accordance with recent legislative change, the restrictions on delegated decision making by amending the Scheme of Delegation to remove the following categories of applications from those applications that must be determined by the Planning Committee:

Applications made by the planning authority;

Applications made by a member of the planning authority; and

Applications where the planning authority has an ownership or financial interest in the land that is the subject of the application.

- 3.2 Applications of these types will now be dealt with under the Scheme of Delegation List and it will still be possible for Members to refer these to the Planning Committee where they raise important planning issues or where there is any public objection to the proposal.
- 3.3 In addition, to comply with the statutory requirement to review the Scheme of Delegation at intervals of not less than five years, the Scheme generally has been reviewed. The only other amendment proposed is to reflect the Service Manager, Development Management as the delegated officer for the making and issuing of planning decisions following the restructure of Chief Officers and the retirement of the former Executive Director of Environment in 2012. The proposed amended Scheme of Delegation is attached to this report as Appendix 2. The 2013 Regulations require Scottish Ministers to approve any Scheme of Delegation prior to it being adopted by a planning authority. The letter confirming the Scottish Ministers approval of the proposed amended Scheme of Delegation is attached to this report as Appendix 3.

4 POLICY IMPLICATIONS

- 4.1 Removing these categories of planning applications from the requirement to be determined at a meeting of the Planning Committee will assist in efficient and effective decision making without compromising the transparency of the decision making process.

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 Current Scheme of Delegation for Determination of Planning Applications (Appendix 1)
- 7.2 Proposed Amended Scheme of Delegation for Determination of Planning Applications (Appendix 2)

7.3 Letter from Scottish Ministers approving the amended Scheme of Delegation (Appendix 3)

AUTHOR'S NAME	Iain McFarlane
DESIGNATION	Service Manager, Development Management
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DATE	10 October 2013

Appendix 1 – Current Scheme of Delegation

DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR OF ENVIRONMENT IN RELATION TO DETERMINATION OF PLANNING APPLICATIONS

1. Decisions in relation to planning applications

a. Delegated Decisions - 'Local Developments' as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008, except for: -

- (i) Applications made by the planning authority;
- (ii) Applications made by a member of the planning authority; or
- (iii) Applications where the planning authority has an ownership or financial interest in the land that is the subject of the application:

shall be determined by the Executive Director of Environment without reference to Members, subject to 1(b) below. Such determination shall include, where appropriate, authority for the Council to enter into any legal agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 or otherwise and authority for the Council to take enforcement action in instances where retrospective planning permission is refused for unauthorised development.

b. Scheme of Delegation List - A list of reports on applications to be decided under delegated authority in terms of 1(a) above which raise important planning issues and/or are subject to any amount of public objection shall be circulated each week to Members, who then shall have seven days in which to request referral to the Planning Committee, otherwise the officer decision shall be issued by the Executive Director of Environment in terms of 1(a) above. The Member who has requested referral to the Planning Committee shall prepare the Statement of Reasons for issue by the Planning Authority giving the reasons why the Planning Committee and not the Executive Director, should determine the application.

c. Reports to the Planning Committee – the following applications shall be reported to and determined by the Planning Committee:

- (i) Applications for 'National Developments' as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008
- (ii) Applications for 'Major Developments' as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008
- (iii) Applications for 'Local Developments' as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 where:
 - the application is made by the planning authority, or
 - the application is made by a member of the planning authority, or

- where the planning authority has an ownership or financial interest in the land that is the subject of the application.
- (iv) Applications referred by a Member or Members of the planning authority in terms of 1(b) above.

2. Decisions in relation to enforcement of planning control

- a. Authority for service of Planning Contravention Notices and Breach of Condition Notices will be delegated to the Executive Director of Environment and will be reported for Members' information to the Members' Library.
- b. Committee Expedited List – reports recommending service of Enforcement Notices, Stop Notices and Notices under Section 179 (“Land Adversely Affecting Amenity of Neighbourhood”) of the Town and Country Planning (Scotland) Act 1997 shall be circulated each week to Members, who then shall have seven days in which to request referral to the Planning Committee, otherwise the officer recommendation is deemed to be accepted and the Executive Director of Environment shall be authorised to proceed on that basis.
- c. Reports to the Planning Committee – Notices, as set out in 2(b) above, referred by Members from the Committee Expedited List.

3. Decisions in relation to the variation, modification or discharging of planning obligations

- a. Authority to determine applications to vary, modify or discharge planning obligations, in terms of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010
- b. Authority to determine applications to vary modify or discharge Good Neighbour Agreements, in terms of the Town and Country Planning (Modification and Discharge of Good Neighbour Agreements) (Scotland) Regulations 2010.

Appendix 2 – Proposed Amended Scheme of Delegation

DELEGATION OF AUTHORITY TO THE SERVICE MANAGER, DEVELOPMENT MANAGEMENT IN RELATION TO DETERMINATION OF PLANNING APPLICATIONS

1. Decisions in relation to planning applications

- a. Delegated Decisions - 'Local Developments' as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 shall be determined by the Service Manager, Development Management without reference to Members, subject to 1(b) below. Such determination shall include, where appropriate, authority for the Council to enter into any legal agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 or otherwise and authority for the Council to take enforcement action in instances where retrospective planning permission is refused for unauthorised development.
- b. Scheme of Delegation List - A list of reports on applications to be decided under delegated authority in terms of 1(a) above which raise important planning issues and/or are subject to any amount of public objection shall be circulated each week to Members, who then shall have seven days in which to request referral to the Planning Committee, otherwise the officer decision shall be issued by the Service Manager, Development Management in terms of 1(a) above. The Member who has requested referral to the Planning Committee shall prepare the Statement of Reasons for issue by the Planning Authority giving the reasons why the Planning Committee and not the Service Manager, Development Management should determine the application.
- c. Reports to the Planning Committee – the following applications shall be reported to and determined by the Planning Committee:
 - (i) Applications for 'National Developments' as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008;
 - (ii) Applications for 'Major Developments' as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008; and
 - (iii) Applications referred by a Member or Members of the planning authority in terms of 1(b) above.

2. Decisions in relation to enforcement of planning control

- a. Authority for service of Planning Contravention Notices and Breach of Condition Notices will be delegated to the Service Manager,

Development Management and will be reported for Members' information to the Members' Library.

- b. Committee Expedited List – reports recommending service of Enforcement Notices, Stop Notices and Notices under Section 179 (“Land Adversely Affecting Amenity of Neighbourhood”) of the Town and Country Planning (Scotland) Act 1997 shall be circulated each week to Members, who then shall have seven days in which to request referral to the Planning Committee, otherwise the officer recommendation is deemed to be accepted and the Service Manager, Development Management shall be authorised to proceed on that basis.
- c. Reports to the Planning Committee – Notices, as set out in 2(b) above, referred by Members from the Committee Expedited List.

3. Decisions in relation to the variation, modification or discharging of planning obligations

- a. Authority to determine applications to vary, modify or discharge planning obligations, in terms of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010
- b. Authority to determine applications to vary modify or discharge Good Neighbour Agreements, in terms of the Town and Country Planning (Modification and Discharge of Good Neighbour Agreements) (Scotland) Regulations 2010.

Appendix 3 - Letter from Scottish Ministers approving the amended Scheme of Delegation

Directorate for Local Government and Communities
Planning and Architecture Division

T: 0131-244 7825
E: david.reekie@scotland.gsi.gov.uk



Mr Iain McFarlane
Service Manager, Development Management
Environment and Housing
East Lothian Council
John Muir House
Haddington
EH41 3HA



Your ref:
Our ref:
9 September 2013

Dear Mr McFarlane

EAST LoTHIAN COUNCIL - SCHEME OF DELEGATION AMENDMENT - PLANNING ETC (SCOTLAND) ACT 2006

Thank you for your recent submission requesting approval of revision to the extant Section 43A Scheme of Delegation for East Lothian Council.

I am writing to you to approve the revised Scheme of Delegation, as set out in the submission, on behalf of Scottish Ministers. East Lothian Council may now proceed to adopt the revised scheme with a view to its operation from the formal date of adoption.

I would remind you of the need to make the updated scheme available for inspection, as set out at Regulation 5 of The Town and Country Planning (Schemes of Delegation and Local Review Procedures) (Scotland) Regulations 2013. It would also be greatly appreciated if you could forward a link to the published version in due course so that we can update our own planning website.

If you would like to discuss any elements of this letter, please do not hesitate to contact me on 0131 244 7825.

Yours sincerely

David Reekie
Policy Manager
Planning Modernisation

Victoria Quay, Edinburgh EH6 6QQ
www.scotland.gov.uk



REPORT TO: East Lothian Council

MEETING DATE: 22 October 2013

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Submissions to the Members' Library Service
16 August – 9 October 2013

13

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 16 August and 9 October 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

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Democratic Services Manager
CONTACT INFO	lgillingwater@eastlothian.gov.uk
DATE	9 October 2013

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD
16 August – 9 October 2013**

Reference	Originator	Document Title	Committee	Access
183/13	Depute Chief Executive – Partnership and Services for Communities	Proposed Upgrade of Traveller's Facilities at Old Dalkeith Colliery, Whitecraig	Cabinet	Public
184/13	Head of Council Resources	Confirmation of Outcomes of Applications for Re-Evaluation of Jobs	Cabinet	Private
185/13	Depute Chief Executive – Partnership and Services for Communities	Consultation Response to Midlothian LDP Main Issues Report	Cabinet	Public
186/13	Head of Adult Wellbeing	East Lothian Council Written Evidence to the Scottish Parliament Finance Committee – Public Bodies (Joint Working) (Scotland) Bill	Council	Public
187/13	Head of Policy & Partnerships	Certification of Death (Scotland) Act 2011 – Consultation on the Expedited 'Not Staying Registration' Procedure	Cabinet	Public
188/13	Head of Education	Enhanced Support Team – Inclusion and Equality	Cabinet	Private
189/13	Head of Policy & Partnerships	Youth Specialist (Duke of Edinburgh Award)	Cabinet	Private
190/13	Head of Policy and Partnerships	Scottish Registration Managers' Conference – Civic Hospitality	Cabinet	Public
191/13	Executive Director (Services for People)	Proposed Temporary Modular Accommodation and Associated Works at Windygoul Primary School, Tranent	Cabinet	Public
192/13	Executive Director (Services for Communities)	Consultation response on draft Scottish Planning Policy	Cabinet	Public
193/13	Head of Education	Consultation Response: Amending the Schools (Consultation)(Scotland) Act 2010	Council	Public
194/13	Depute Chief Executive – Partnership and Services for Communities	Building Warrants Issued under Delegated Powers between 1 August 2013 and 31 August 2013	Planning	Public

195/13	Depute Chief Executive – Resources and People Services	Rent Income Officers – Temporary Posts	Cabinet	Private
196/13	Depute Chief Executive – Partnership and Services for Communities	Cycling, Walking and Safer Streets (CWSS) – Proposed Projects for 2013/14 (Year 13)	Cabinet	Public
197/13	Depute Chief Executive – Partnership and Services for Communities	Sports Award Scheme - Special Awards	PPRC	Public
198/13	Depute Chief Executive – Partnership and Services for Communities	Update of Acceptable Use Policy for Library Service Public Access Computers and the Wi-fi Service	Cabinet	Public
199/13	Depute Chief Executive (Resources and People Services)	Discretionary Housing Policy	Council	Public
200/13	Depute Chief Executive – Partnership and Services for Communities	Redesign of Facilities Support Service following the departure of the Facilities Manager and VERS	Cabinet	Private
201/13	Depute Chief Executive – Partnership and Services for Communities	Proposed Fire Damage Reinstatement at 1 Davidson Terrace, Haddington & 37 Orchardfield, East Linton	Cabinet	Public
202/13	Chief Executive	Response to Iain Gray MSP's consultation on proposed Bus Regulation (Scotland) Bill	Council	Public
203/13	Depute Chief Executive (Resources and People Services)	Lead Officer (Early Years and Childcare)	Cabinet	Private
204/13	Head of Council Resources	Common Good Accounts and Awards 2012/13	Council	Public
205/13	Depute Chief Executive – Partnership and Services for Communities	Service Review Report – Amendment to Adult Literacy and Numeracy Posts	Cabinet	Private
206/13	Depute Chief Executive – Resources and People Services	Service Review Report – Prestonpans Infant School	Cabinet	Private
207/13	Depute Chief Executive – Partnership and Services for Communities	Proposed House Adaptation – Gifford	Cabinet	Public

208/13	Depute Chief Executive – Partnership and Services for Communities	North Berwick Harbour – Sea Wall Remedial Works	Cabinet	Public
209/13	Depute Chief Executive – Partnership and Services for Communities	Empty Homes Loan Fund Scheme	Cabinet	Public
210/13	Head of Council Resources	ELC Final Accounts 2012/13	Council	Public
211/13	Depute Chief Executive – Resources and People Services	Domiciliary Care – Home Help Service	Cabinet	Private

9 October 2013

REPORT TO: East Lothian Council

MEETING DATE: 22 October 2013

BY: Chief Executive

SUBJECT: Police Public Counter Service Review and
Traffic Warden Review

14

1 PURPOSE

- 1.1 Police Scotland has recently carried out and completed two reviews of local services – the Public Counter Service and Traffic Wardens. This report provides Council with comments on the two reviews and their outcomes and makes recommendations on how the Council should respond.

2 RECOMMENDATIONS

- 2.1 Council is recommended to:
- 2.1.1 agree to submit a response to Police Scotland's consultation on the review of police public counter services highlighting concerns about way the review has been conducted and possible adverse impact on the local community in the Fa'side Ward arising from the proposal to close the Tranent police station public counter;
- 2.1.2 agree to submit a response to the Police Scotland review of the Traffic Warden service highlighting concerns about the lack of consultation, the proposed timescale for the withdrawal of the service and seeking assurances that no further traffic warden provision will be withdrawn unless or until alternative arrangements are in place;
- 2.1.3 agree that council officers will prepare and report back on proposals for a Council led alternative to the Traffic Warden provision;
- 2.1.4 agree to request a meeting with the Chief Constable and the Chair of the Scottish Police Authority to discuss the reviews and seek effective engagement with the Council on the future of policing in East Lothian including police public counter services, the possible development of integrated public service counter services through shared facilities, the proposed withdrawal of traffic warden provision, the reduction or withdrawal of support for prevention and early intervention initiatives.

3 BACKGROUND

- 3.1 Police Scotland launched a review of Public Service and Opening Hours at Police Stations and of Traffic Warden Provision at the end of June 2013. The results of these reviews were published by Police Scotland on 1st October 2013.
- 3.2 It should be noted that the reviews have been conducted without public or stakeholder engagement. The outcome of the review of public counter provision was been made public via a series of briefings papers (one for each of the 14 Divisions) published on 1st October. Comments on the review and the proposals have been sought with a deadline of 31st October.
- 3.3 The outcome of the review of Traffic Warden Provision – to withdraw all remaining police Traffic wardens – has been communicated via a press release and a letter to the Chief Executive without any background information or details of the findings from the review. Comments on the proposal to withdraw the role of traffic wardens are being sought but no deadline has been given for submission of comments.
- 3.4 This report provides a brief analysis of the review of public counter provision covering its methodology, evidence and conclusions. It then provides comments on the review of traffic warden provision and concludes with a summary of other issues relating to the policing within in East Lothian.

Review of Public Counter Services

- 3.5 The review of public counter provision from police stations, which covered all 14 police divisions across Scotland had the objective of rationalising the front counter provision at police stations, making counter opening hours consistent across the country. According to statements made by Police Scotland the review is “geared toward meeting local demand and it’s also about keeping as many police officers as possible out on the street” – focusing police officers in communities while recognising the current financial challenges facing Police Scotland.
- 3.6 The outcome of the review is that Police Scotland is proposing the following opening hours for police stations in East Lothian:
- Dunbar and North Berwick stations would continue to stay open 9.00am – 5.00pm, five days a week, Monday – Friday
 - Musselburgh and Haddington stations would move from being open six days a week, including from 8.00am – 11.00pm, four days a week (a total of 70 hours) to being open from 8.00am – 6.00pm, seven days a week (76 hours a week)
 - Tranent station would move from being open 10.00am – 6.00pm, five days a week (40 hours) to having no public counter provision.
- 3.7 The review and its recommendations are based on an analysis of data about demand for services from police stations. However, as the Lothian and Borders briefing on the review makes clear, “It should be noted that the ability to draw significant and accurate conclusions is qualified by the accuracy of the returns submitted given the potential for over or under recording.”

- 3.8 Reviewing the methodology used in the review is important as the relatively low public usage of the Tranent police station reported by the study is the principle reason given for Police Scotland's decision to propose closing the public counter. For example, is the lower level of demand for services from the Tranent office recorded in the survey due to the fact that it is currently only open 40 hours a week, whereas the Haddington and Musselburgh stations are open a total of 70 hours a week, including several evenings? No attempt is made in the analysis and the briefing to determine at what time of the day the public visit and use police stations, which days have highest levels of activity or whether there is any unmet demand.
- 3.9 The criticisms about the methodology used for the review and the accuracy or reliability of the data used is exemplified by the significant disparity in the demand data recorded for police stations in West Lothian compared to East Lothian. The demand data for West Lothian, collected over a three day period, shows an average of 575 recorded 'demands' or activities per day across all police stations. Whereas, over a four week period (in 2011) the 'demand' recorded at police stations in East Lothian totalled 596, which equates to an average of only 21 per day. Even accounting for differences in levels of criminality, police station opening hours, accessibility and other issues that might impact on demand the disparity in the figures suggests that the methodology used to undertake the review and assess demand for services may be flawed. A different and more robust methodology might have provided different evidence leading to different conclusions.
- 3.10 There are concerns about other aspects of the review, the way in which it has been reported and the level of information provided during the consultation. For example:
- there is no information provided about whether any kind of options appraisal has been carried out
 - no information has been provided as to how much police officers' time is taken up providing public counter services, how much of this time is taken up dealing with non-core services that could be provided by other means (such as telephone, website or other public offices) and whether these services could be provided more cost efficiently by civil staff rather than police officers
 - no information is provided about the financial and staff resource implications of the current or proposed configuration of services based at, and operating from, police stations
 - no explanation is given as to how police stations, such as Tranent, which will have public counter provision removed will function. For example, are police officers going to operate from the station, and what functions will they perform from the police station?
 - no timescale is provided for the proposed changes. This is important given the suggestion that Police Scotland is interested in discussing shared service provision, which presumably would have some resource implications for the Council and would require time to put in place

- no information has been provided on the proposal “to supplement the remaining stations by the use of Mobile Police stations... and the Diary car, where you can make a fixed appointment time for an officer to attend and speak to you” (for example, the cost, the frequency of these services and what services would be available)
 - the consultation period (four weeks) breaches the guidance and good practice on consultation that the Scottish Government and public bodies are meant to follow – a minimum of six weeks.
- 3.11 No justification is given for the new model of opening hours covering all Divisions, apart from the desire to have a consistent model across Scotland. Whilst the move from the current five or six day service to a seven day service may be desirable for police stations in some towns no assessment has been made as to the actual or potential demand for public counter services on a Sunday. No analysis of the resource implications has been provided. For example, from an East Lothian perspective it may be a better option to deploy police officers to allow Tranent police station to have some police officer presence during Mondays – Fridays rather than extend the provision in Haddington and Musselburgh to Sundays.
- 3.12 The Policing Plan for East Lothian, which was approved in April 2013, does not suggest that a review of police stations would be carried out and that one of East Lothian’s police stations would be closed to the public within a year. The Plan states that “Local policing arrangements are aligned to the Community Planning Partnership working towards joint community priorities.” However, the review has been carried out without any local input from either the local authority or local communities.
- 3.13 It should be noted that the Fa’side ward councillors and all political groups on the Council as well as the Community Council, MSP and MP have expressed concern at the proposal to close public counter provision at the Tranent police station. Concern has been expressed at the possible impact on vulnerable adults who rely on local access to police services and the adverse impact on the local community in the Fa’side Ward.
- 3.14 However, the Council does recognise the significant financial pressures faced by Police Scotland and the imperative to meet its financial targets whilst maintaining frontline policing. We recognise that the public is increasingly using different means to contact the police other than face-to-face contact at police stations and therefore the police service has to consider alternatives to current services such as developing shared facilities with the Council and other service providers should be explored. The Council would also welcome the opportunity to receive further information about the possible use of mobile police stations and diary cars.

Review of Traffic Warden Provision

- 3.15 Enforcement of parking in Scotland has historically been delivered by traffic wardens employed by local forces across Scotland. The Road Traffic Act 1991 introduced provisions enabling the decriminalisation of most non-endorsable parking and the relevant provisions of the Act were commenced in Scotland in June 1997. This allowed for significant change to be made to parking enforcement in a number of council areas, and a change to the service

provision by, the then, local forces. If parking offences are decriminalised the local authority can take over responsibility for the warden provision and the parking charges and associated fixed penalty notices are paid to the local authority rather than to the Chancellor of the Exchequer.

- 3.16 The Chief Constable commissioned a review of the Traffic Warden provision throughout Scotland in June 2013. The letter announcing the review of the service suggested that it would be carried out “in partnership with local authorities.” However, there has been no engagement with the Council and no opportunity to contribute to the review.
- 3.17 The result of the review was made public on 1st October with a statement advising all Councils in Scotland “that Police Scotland is proposing to withdraw the role of traffic warden across divisions where the role still exists.”
- 3.18 The details of the review, how it was carried out, the results of any option appraisal work and the finance and resource implications have not been published by Police Scotland. The letter received by the Chief Executive from Police Scotland asks for views on the proposal but does not give any deadline for comments.
- 3.19 Lothian and Borders Police has employed up to five Traffic Wardens in East Lothian; two in Musselburgh, one covering Tranent and Prestonpans, one in Haddington and one covering North Berwick and Dunbar. The provision has reduced in recent years so that it currently stands at two traffic wardens; one covering Musselburgh, Tranent and Prestonpans, with the other one covering Haddington, North Berwick and Dunbar.
- 3.20 No information has been provided as to the costs of providing the traffic warden service, the activity of the existing wardens and the impact of this activity; for example, impact in terms of road safety, improved traffic management and flow and the income generated by fines or charges. Police Scotland have not detailed how much it will save by making Traffic Wardens redundant and how much of the money saved will be redeployed into frontline local community policing.
- 3.21 The statement and letter issued by Police Scotland announcing the results of the review does not include any timescale for implementation. However, it is council officers’ understanding that Police Scotland intend to implement cease employing Traffic Wardens by 31 December 2013.
- 3.22 Police Scotland have stated that where parking is dangerous or causes significant obstruction police officers will be ‘tasked’ to resolve the issue using the appropriate enforcement activity, including parking tickets, other direct measures or prosecution reports. So unless the a vehicle is causing and obstruction or is dangerously parked police officers will not take any action to enforce parking restrictions around double yellow lines or time restricted parking in parking bays such as those in Haddington town centre. One of the concerns is that with no traffic wardens to enforce time restricted parking in parking bays motorists will park in the bays all day thereby greatly reducing turnover of vehicles. This could have significant negative impact on shops and businesses in the county’s town centres.

- 3.23 The Council could choose to seek to decriminalise non-endorsable parking powers under the 1991 Act in order to take over responsibility for 'policing' parking restrictions.
- 3.24 The process of decriminalisation would require a significant piece of research to ensure that the traffic orders creating double yellow lines and restricted time parking bays are competent and that public notices of the restrictions are all up-to-date and accurate. Council officers are currently investigating the cost and timescale involved in commissioning this research. It is estimated that if progress was made to complete the research as quickly as possible and then to put through the relevant special parking order through Parliament the earliest that any new scheme would be in place would be spring 2014, although a longer timescale may be required depending on the statutory consultation and legal process. Therefore East Lothian could remain without any traffic warden provision for a significant period of time.
- 3.25 The other key issue to be considered by the Council is the cost of providing an alternative traffic warden service and how this could be financed. It is highly unlikely a business case could be made for self-funding revenue through enforcement of traffic offences alone.

Relationship with Police Scotland

- 3.26 The Chief Executive was due to meet Deputy Chief Constable Rose Fitzpatrick on 3rd October to discuss local policing issues and changes in service delivery since the national force was established. The meeting was cancelled by the DCC at short notice.
- 3.27 The reviews of the public counter service and traffic warden provision have highlighted and added to growing concerns that the creation of the national police service has led to centralisation of the police service priorities and policies. There is also concern at a possible trend to divert resources away from preventative and early intervention work. For example, the withdrawal of the road safety (education) officer from East Lothian schools and possible reduction in support for the Risk Factory will significantly reduce the work being done to educate and inform children and young people about safety. This goes against the national policy direction which has been embedded with the East Lothian Single Outcome Agreement to develop a prevention and early intervention model of public service.
- 3.28 The Council currently provides around £0.5m a year to support local Police Initiative Teams. The Service Level Agreement which sets out how this funding is used is due to be reviewed. This review, which will be carried out in the context of the changes in local policing and ancillary services provided by Police Scotland, will need to ensure that the combined resources provided by the Council and Police Scotland are used most effectively to meet the Council and East Lothian Partnership priorities around Safe and Vibrant Communities.

4 POLICY IMPLICATIONS

- 4.1 This report provides the basis for dialogue between the Council and Police Scotland around the implications of the reviews of Police Public Counter Services and Traffic Warden Provision.

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 directly. Further reports will be brought forward if any costs relating to providing police services from shared facilities or establishing an alternative traffic warden service cannot be contained within existing service budgets.
- 6.2 Personnel – none directly. Further reports will be brought forward if additional staffing is required to provide police services from shared facilities or to establish an alternative traffic warden service.
- 6.3 Other – none

7 BACKGROUND PAPERS

- 7.1 Appendix 1 – Public Counter Service Provision; letter from Chief Superintendent Jeanette McDiarmid to Angela Leitch, Chief Executive (1st October 2013)
- 7.2 Appendix 2 – Traffic Warden Review; letter from Chief Superintendent Jeanette McDiarmid to Angela Leitch, Chief Executive (1st October 2013)
- 7.3 Public Counter Service Review; J Division, The Lothians and Scottish Borders, Public Briefing Paper; Police Scotland, 1st October 2013 – <http://www.scotland.police.uk/assets/pdf/174967/189265/the-lothians-scottish-borders-j-public-briefing-report>
- 7.4 East Lothian Local Policing Plan 2013-2014; Police Scotland, April 2013 – http://www.scotland.police.uk/assets/pdf/142349/lothiansborders/eastlothians/east_lothian_police_plan_final_-_updated_22_mar.pdf

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DATE	14 th October 2013

Appendix 1: Public Counter Provision: Letter from Chief Superintendant

1st October 2013



Jeanette McDiarmid
Chief Superintendant
Local Police Commander

The Lothians and Scottish Borders
Dalkeith Police Station
Newbattle Road
Dalkeith, EH22 3AX

Tel: 0131 654 5532
Email: lothianscotborderscommandsupport@scotland.pnn.police.uk

Dear Ms Leitch

PUBLIC COUNTER SERVICE PROVISION

I wrote to you earlier this year to advise that Police Scotland were embarking on a review of the service delivered at Police Public Counters. At that time I advised that I would provide further information as it became available and would provide an opportunity for you to comment on the proposals being made.

This letter is accompanied by a briefing pack which details the proposals that are being made, the information used to shape these decisions and the proposals for stations that will provide a public counter service. While this may seem a lot of information I am confident that it has been prepared in a way that is logical and allows for the reader to understand the reasoning behind the decisions. However, the recommendations in this document are not about closing police stations but about moving resources to ensure that we are maximising the policing service in your communities through the effective deployment of police officers.

It is recognised that a number of shared services have been developed over recent years. Police Scotland welcome this development and are keen to engage with local authorities, partner organisations in the public sector or third sector to further develop this concept and operational service delivery model. In addition some private enterprises have expressed an interest in developing police drop in or surgery type functions that provide easy access on a regular basis to police facilities within their commercial environment. Police Scotland are keen to explore these opportunities and would welcome contact to local command teams in the relevant

divisions or to the Review Team at the email address below to discuss further opportunities to enhance the service that we all provide.

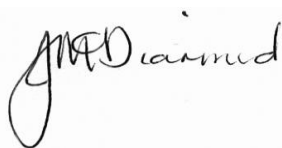
Police Scotland is publishing the briefing packs for each division on the Force internet site and these can be found at <http://www.scotland.police.uk>

In East Lothian we would propose to supplement the remaining stations by the use of Mobile Police stations, the locations of which will be advertised, and the Diary car, where you can make a fixed appointment time for an officer to attend and speak to you.

I am keen to hear your views and would be grateful if you could send any correspondence by email to PublicCounterReview@scotland.pnn.police.uk or to Public Counter Review Team, Business Change Office, Police Scotland, Pitt Street, Glasgow, G24JS. I would be grateful to receive any comments by the 31 October 2013. If, however, you wish to discuss the matter with a member of staff from Lothians and Scottish Borders Division please email lothianscotborderscommandsupport@scotland.pnn.police.uk

Thank you again for your support and interest in the service that we provide.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. D. Cairns', written in a cursive style.

Divisional Commander

Appendix 2: Traffic Warden Provision: Letter from Chief Superintendent

1st October 2013



Jeanette McDiarmid
Chief Superintendent
Local Police Commander

The Lothians and Scottish Borders
Dalkeith Police Station
Newbattle Road
Dalkeith, EH22 3AX

Email: lothianscotborderscommandsupport@scotland.pnn.police.uk

Dear Ms Leitch

TRAFFIC WARDEN REVIEW

I wrote to you earlier this year to advise that Police Scotland were embarking on a review of the service delivered by traffic wardens. At that time I advised that I would provide further information as it became available and would provide an opportunity for you to comment on the proposals being made.

Enforcement of parking in Scotland has historically been delivered by traffic wardens employed by legacy forces across Scotland. The Road Traffic Act 1991 introduced provisions enabling the decriminalisation of most non-endorsable parking offences in London and permitted similar arrangements to be introduced elsewhere throughout the UK. The relevant provisions of the 1991 Act were commenced in Scotland in June 1997. Since this time a number of councils have adopted the legislation and have decriminalised parking enforcement.

Enforcement of parking legislation and other minor road traffic matters (greenways enforcement etc) can be conducted by police traffic wardens or can be decriminalised and become the responsibility of local authorities. If decriminalised the parking charges and associated fixed penalty notices are paid to the relevant local authority rather than to the Chancellor of the Exchequer.

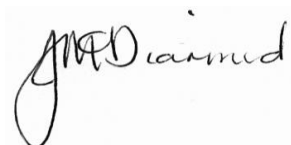
This letter is to advise you that Police Scotland is proposing to withdraw the role of traffic warden across the divisions where the role still exists. This is to allow Police Scotland to focus on the core activity of keeping people safe. Where parking is dangerous or causes significant obstruction Police Scotland will task police officers

to resolve the issue using the appropriate enforcement activity, including parking tickets, other direct measures or prosecution reports.

I am keen to hear your views and would be grateful if you could send any correspondence by email to TrafficWardensReview@scotland.pnn.police.uk or to Traffic Warden Review Team, Business Change Office, Police Scotland, Pitt Street, Glasgow, G24JS. If, however, you wish to discuss the matter with a member of staff from Lothians and Scottish Borders Division please email lothianscotborderscommandsupport@scotland.pnn.police.uk

Thank you again for your support and interest in the service that we provide.

Yours sincerely

A handwritten signature in black ink, appearing to read "J.P. Cairns". The signature is written in a cursive style with a large, looping initial "J".

Divisional Commander

SNP GROUP MOTION TO EAST LOTHIAN COUNCIL 22nd OCTOBER 2013

POLICE PUBLIC COUNTER SERVICE IN TRANENT

This Council is concerned that the proposal by Police Scotland to end the public counter facility in Tranent Police Station has not been subject to full discussion and full consultation with both the community and East Lothian Council.

Council believes that having no public access to face to face reporting of crime or other incidents in the Town will not be of help to the public perception of policing and crime reduction.

14a

This Council therefore agrees to:

1. Write to the Chief Constable and Chair of Police Scotland making clear our concerns at the proposal to end public counter provision in Tranent and seeking their reversal.
2. Submit a cross party Council response to the current consultation by Police Scotland by the October deadline.
3. Open immediate discussions with Police Scotland about potential Council led alternatives within the Town to allow face to face public reporting of non-emergency crime.
4. Establish a specific cross party Police and Fire Board for East Lothian in order that this proposal and future issues can be subject to full consultation, transparency and scrutiny by elected members and the community.



**Moved by Councillor Stuart Currie
9th October 2013**



**Seconded by Councillor Kenny McLeod
9th October 2013**



SNP GROUP MOTION TO EAST LOTHIAN COUNCIL 22nd OCTOBER 2013

POLICE SCOTLAND PROPOSALS ON TRAFFIC WARDENS

This Council is concerned that the proposal by Police Scotland to end Traffic Warden Services has not been subject to full discussion and full consultation with both the community and East Lothian Council.

Council believes that the lack of traffic law enforcement without a suitable alternative would be potentially detrimental to local communities.

This Council therefore agrees to:

14b

1. Write to the Chief Constable and Chair of Police Scotland making clear our concerns at the proposal to end Police Traffic Warden Services and seeking their reversal.
2. Submit a cross party Council response to the current consultation by Police Scotland by the October deadline.
3. Request details of the current cost of staff for Police Traffic Wardens in East Lothian.
4. Request details of the approximate income currently derived from fines served by traffic wardens.
5. Seek assurances that no services will be withdrawn unless or until an alternative is in place.
6. Ensure that any Council led alternative is either self financing or contained within approved community safety budgets.

P. R. MacKenzie

**Moved by Councillor Peter MacKenzie
9th October 2013**

Stuart Currie

**Seconded by Councillor Stuart Currie
9th October 2013**

EAST LOTHIAN COUNCIL
SUPPORT SERVICES

- 9 OCT 2013

RECEIVED

MOTION TO EAST LOTHIAN COUNCIL

22ND OCTOBER 2013

POLICE SCOTLAND REVIEW OF PUBLIC COUNTER AND TRAFFIC WARDEN SERVICES

- 1) Council notes that Police Scotland has launched a review of its public counter services and traffic wardens in the county, which includes proposals to close the public counter service at Tranent police station and withdraw all traffic warden services, and that the review will end on 31st October 2013.
- 2) Further notes the widespread opposition to these proposals, including a campaign by one local newspaper and at least two petitions having been launched against them.
- 3) Council believes that the proposals will have an adverse impact on local communities, particularly in the Fa'side ward, and that they do not command local support in the communities affected.
- 4) Further believes that these proposals highlight the lack of democratically elected and accountable representatives on the Police Scotland board.
- 5) Council agrees: To write to the Chief Constable of Police Scotland to highlight these concerns and urge him to rethink the closure of the public counter service at Tranent police station and the withdrawal of the county's police traffic warden services, and to engage in proper discussions with the council about the future of local police services.

14c

Proposer: Shamin Akhtar *S. Akhtar*..... Seconder: Jim Gillies *Jim Gillies*.....

Date: 9th October 2013

Date: 9th October 2013



REPORT TO: East Lothian Council

MEETING DATE: 22 October 2013

BY: Chief Executive

SUBJECT: Proposed Closure of the Scottish Fire Service College
in Gullane

15

1 PURPOSE

- 1.1 The Scottish Fire and Rescue Service has recently carried out and completed a review of its property requirements in relation to support functions including national training facilities. This report provides Council with comments on the outcome of the review and makes recommendations on how the Council should respond.

2 RECOMMENDATIONS

2.1 Council is asked to:

- note that the Chief Executive and Council Leader are meeting with the Chair of the Scottish Fire and Rescue Board and the Scottish Fire and Rescue Service Chief Officer to press for re-consideration of the decision to close and dispose of the Scottish Fire and Rescue Service training centre at Gullane and for full consultation with the Council and community on the future of the facility
- note that Council officials will engage with the Scottish Fire and Rescue Service to explore possible options for the use of the Gullane training centre site should the Service pursue its proposal to dispose of the buildings and the site.

3 BACKGROUND

- 3.1 The Scottish Fire and Rescue Service (SFRS) has carried out a review of property functions in relation to support functions including:

- national training facilities
- control rooms
- vehicle and equipment workshops
- ICT Data Centres
- office accommodation

- national headquarters
- 3.2 This part of the review that is directly relevant to East Lothian is the review of national training facilities since Gullane is home to one of the two current national training facilities used by the SFRS.
- 3.3 The Review included a detailed Training and Employee Development: National and Specialist Training Facilities Business Case with options for appraisal which is summarised in the report:
- “The training objectives concern quality of and access to training, and removal of duplication created by merging eight fire services into one. In scope for this strategic intent options appraisal are the national level training facilities at Gullane and Clydesmill (Cambuslang, South Lanarkshire)
- “A single national training facility with no regional centres scores highest among the business case options, at 7.6/10. A ‘do minimum’ option of continuing with both Gullane and Clydesmill scores 3.6. Clydesmill is a recently purpose-built centre of excellence in an accessible location within the Glasgow conurbation, while Gullane is located on the east coast and would require major investment to reach Clydesmill’s standard (conservatively more than £10m), at which point SFRS would have two national training centres. The options in scope therefore are to continue with both sites, or to close Gullane and use Clydesmill as the national training centre.
- “Investing in Clydesmill would require an accommodation block for trainees. A variant on this could lead to the SFRS hiring hotel accommodation instead. Hiring accommodation would remove the need for capital expenditure and increase revenue costs; appraisal of these financial variables, the accommodation options available and the trainee experience would be required to inform a final decision.”
- 3.4 The outcome of the review and its recommendations were reported to the Scottish Fire and Rescue Service Board on 26 September 2013. At this meeting the Board agreed the Property Estate – Strategic Intent report’s recommendations including the proposal to establish a single national training centre at Cambuslang (Clydesmill) with the commensurate closure and disposal of the Scottish Fire Services College at Gullane, along with the associated houses. The report suggests that the four houses associated with the Gullane training centre will be disposed this year and that the centre itself could close by 2016 or 2017.
- 3.5 The decision to close and dispose of the Scottish Fire Services College at Gullane obviously has major implications for Gullane and East Lothian including loss of local jobs, reduction in footfall in local businesses and potentially mothballing of a significant site in Gullane. The Centre currently employs 40 staff. Sixteen of these staff are uniformed staff and 14 are admin and support staff employed by the SFRS. These staff have job security through a no compulsory redundancy policy. However, it is very likely that new jobs offered to these staff will be outwith East Lothian. The remaining 14 staff are cleaning and catering contract staff, most of whom live in or near Gullane.

3.6 The Council was not consulted as part of the review and has not yet has formal discussions with SFRS as to the process and timetable they intend to follow in closing and disposing of the Gullane training centre. A timeline of how the Council was informed of the outcome of the review and SFRS's intention to close and dispose of the Gullane training centre is detailed below:

- Friday, 20th September – Chief Executive received advance notice from the Society of Chief Executives that the Property Estate – Statement of Intent would be considered by the SFRS Board on 26th September; also informed that Local Senior Officers had been asked to make direct contact with those Chief Executives where properties in their area are contained within the proposals to discuss the recommendations
- Saturday, 21st – Monday, 23rd September – problems with the SFRS email system meant that various emails from Peter Heath, Local Senior Officer to the Chief Executive and ward councillors, Day, Goodfellow and Berry were not received. This meant that the Chief Executive and local councillors did not receive the communication from the LSO including their 'advance' copy of the report. Note that the LSO did not receive a briefing document with details of the review and its recommendations until Monday, 23rd September
- Wednesday, 25th September – Chief Executive and ward councillors re-sent copies of the correspondence originally sent on 22nd September and a copy of the report they should have received on 23rd September
- Wednesday, 25th September – telephone conversations and emails between the Chief Executive and LSO to clarify details on the proposal to close and dispose of the Gullane training centre. Chief Executive requests an urgent meeting between herself and the Council Leader and the Chair of the SFRS Board and the Chief Officer
- Monday, 30th September – the issue was raised and discussed at the East Lothian Partnership meeting at which the Chief Executive, the Council Leader, Leader of the Opposition, the LSO, a SFRS Board member and an Assistant Chief Officer were present. Concern was raised at the lack of engagement by SFRS with the Council and other stakeholders, including the local community prior to the decision being taken to close and dispose of the Gullane training centre. The intention of the Chief Executive and Council Leader to meet as soon as possible with the Chair of the SFRS Board and the Chief Officer was noted. The East Lothian Partnership agreed that the development of a Joint Asset Plan is a key priority for the Partnership as it would assist in ensuring that future decisions about partners' strategic assets in East Lothian should be set in the context of an overall plan for public assets.

3.7 The lack of engagement by SFRS with the Council and other stakeholders prior to the decision being made to close and dispose of the Gullane facility is very disappointing and goes against the grain of good partnership working that should lie at the centre of Community planning. The Chief Executive and Council Leader will use the meeting they are having with the Chair of the Scottish Fire and Rescue Board and the SFRS Chief Officer to re-enforce this message and to press for re-consideration of the decision and for full consultation with the Council and community on the future of the facility.

- 3.8 As noted above (paragraph 3.5) the closure of the Gullane training centre could have negative economic effects on the village and the surrounding area. However, the disposal of the site by SFRS could provide opportunities in relation to possible alternative uses for the buildings and the site that could create alternative jobs and generate economic activity. Council officials will need to initiate early discussions with SFRS about their plans for disposal of the buildings and the site and possible alternative uses that meet align with planning guidance and meet the community needs for the area

4 POLICY IMPLICATIONS

- 4.1 The decision of the Scottish Fire and Rescue Board to close and dispose of the Gullane training centre could have negative impacts on the village and surrounding area. The report's recommendations seek to ensure that, should the SFRS carry out its decision to dispose of the training centre that it engages with the Council to minimise any potential negative impacts and to maximise any potential opportunities arising from the disposal of the site.

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 Property Estate – Strategic Intent; report to Scottish Fire and Rescue Board, 26th September 2013:
http://www.firescotland.gov.uk/media/442222/26th_september_2013.pdf

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DATE	14 th October 2013

SNP GROUP MOTION TO EAST LoTHIAN COUNCIL 22nd OCTOBER 2013

GULLANE FIRE TRAINING COLLEGE CLOSURE

This Council is disappointed at the decision of the Scottish Fire and Rescue Service (SFRS) Board to close the Fire Training College in Gullane which has served both the community and Scotland for so many years.

Council finds that the spirit of partnership has not been evident in the lack of consultation with the local authority and it understands that the potential disposal of the site may not take place for four years.

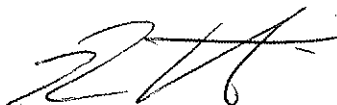
15a

This Council therefore agrees to:

1. Write to the Chair of the SFRS Board to seek an explanation for the lack of consultation.
2. Request that the decision be put on hold for a period of twelve months to allow for full consultation with the community and discussion with East Lothian Council on the future of the facility.
3. Establish a specific cross party Police and Fire Board for East Lothian in order that this proposal and future issues can be subject to full consultation, transparency and scrutiny by elected members and the community.



Moved by Councillor Stuart Currie
9th October 2013



Seconded by Councillor Kenny McLeod
9th October 2013



Motion to East Lothian Council 22 October 2013

Closure of the Scottish Fire Service College in Gullane


East Lothian Council expresses its disappointment at the decision of the Scottish Fire and Rescue Board to close the Fire Service College in Gullane without consultation with the Council and with no regard for the economic effects this will have for the village and the surrounding area.

Council agrees:


To write to the Fire and Rescue Board and demand that they reconsider this decision to close a facility which has been recognized both in Scotland and worldwide as a centre of excellence in fire service training for the last 30 years.

15b

Proposed
Jim Goodfellow


10/10/13

Seconded
Tim Day


10/10/13



