

**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 February 2014

**BY:** Depute Chief Executive (Partnerships and Community Services)

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**SUBJECT:** Planning Application No. 13/00800/PPM – Planning permission in principle for mixed use development comprising residential houses and flats, business (Class 4) with associated development and 2 vehicular accesses on land west of Gateside Road, Haddington

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## **1 PURPOSE**

- 1.1 A Pre-determination Hearing is mandatory where a planning application is made for a major development that is significantly contrary to the development plan and consequently has to be determined by a meeting of the full Council.
- 1.2 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, in being on land allocated by the adopted East Lothian Local Plan 2008 for economic development purposes, the proposed development is significantly contrary to Proposal BUS6 and Policy BUS1 of the local plan.
- 1.3 Application 13/00800/PPM is therefore brought before the Planning Committee for a Pre-determination Hearing prior to the consideration of its merits and determination of the application by the Council at their meeting immediately following the Pre-determination Hearing.
- 1.4 The purpose of this report is to provide the Committee with a description of the development proposal and with summaries of the development plan policies and other material considerations, consultation responses and public representations relevant to application 13/00800/PPM and an assessment of the development proposal. The report also contains an officer's recommendation for determination of the application.

## **2 RECOMMENDATION**

2.1 That planning permission in principle be granted for the mixed use development proposed in planning application 13/00800/PPM subject to:

1. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to secure:

(i) secure from the applicants a financial contribution to the Council of £138,104 (£2,301.73 per unit) towards the provision of additional school accommodation at Haddington Infant School and Knox Academy, as identified by the Council's Executive Director (Support Services);

(ii) secure the provision of 15 affordable housing units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 15 affordable units is not practicable, to secure from the applicants a commuted sum payment to the Council in lieu of such an on or off-site provision;

iii) that 0.96 hectares of the site be retained as a business park, for class 4 business use and that an application for matters specified in conditions relating to the development of the business units on the business park site be submitted by the applicant at the same time as the first approval of matters specified in conditions for housing on the site;

iv) that the applicants service (including an access and circulation road, footpaths, lighting and utilities) a site extending to not more than 0.5 hectares, located on the eastern side of the overall business park site ("the eastern business site"), and service that site at the same time as the servicing of the housing site;

v) that the applicants work collaboratively with East Lothian Council's Economic Development and Estates units to prepare, agree and implement a Marketing Strategy for the business units; and

vi) that construction of the business units be commenced by the applicant within a period of 3 years from either the date development commences in respect of the residential element of the application site or 1st September 2014, whichever is the earlier, and if this is not the case then the title of the land of the eastern business site be transferred to the Council at no cost to the Council. Thereafter, if the Council has not commenced development of the business units within 24 months then the title of the land of the eastern business site will revert to the applicants at no cost to the Council.

2. The conditions set out in Appendix 1 of this report.

### **3 BACKGROUND**

#### **3.1 Planning Assessment**

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 13/00007/PAN) and thus of community consultation prior to this application for planning permission in principle being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that some 70 people attended the pre-application public exhibition, which was held at the Corn Exchange, Haddington, and that those attendees made a number of queries and suggestions regarding the proposals. The development for which planning permission in principle is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application site consists of 3.5 hectares of land at the western side of Haddington. It consists of a field (known as Gateside East) that is located to the east of the Gateside Commerce Park and to the west of Gateside Road. The field is enclosed on its northern, eastern and southern boundaries by a mix of hedgerows and trees.

The application site is bounded to the north by a length of the Haddington to Longniddry railway walk and to the east by Gateside Road, beyond which is a woodland strip and the residential development of Knowesley Park. To the west it is bounded by a narrow road, beyond which is the Gateside Commerce Park.

To the south the site is bounded by the B6471 road, beyond which is agricultural land. This area of agricultural land forms part of a larger area of agricultural land that is allocated for a mixed use development of 750 houses, social and community facilities and associated infrastructure by Proposal H3 (Letham Mains) of the adopted East Lothian Local Plan 2008. In July 2013 planning permission (Ref: 13/00519/PM) was sought for the erection of 385 houses and 48 flats on the western part of that allocated site. In January 2014 planning permission (Ref: 14/00089/PM) was sought for the erection of 258 houses and 119 flats on the eastern part of that allocated site. Both planning applications are pending consideration and no decision has been taken on them.

A residential property known as Gateside Cottage is also located to the southwest of the application site.

In March 2008 planning permission (Ref: 08/00270/FUL) was sought by Tesco Stores Limited/ Santon Group Limited for a retail development of the application site. The retail development consisted of a Class 1 retail store, an associated petrol filling station and associated works. In

February 2012 planning permission 08/00270/FUL was refused for the following reasons:

1 The proposed retail store would result in the loss of allocated business and industrial land that is part of the business and industrial land supply of Haddington and of East Lothian as a whole to an extent that would be detrimental to the economy of East Lothian, contrary to Proposal BUS6 and Policy BUS1 of the adopted East Lothian Local Plan 2008, and Scottish Planning Policy: February 2010.

2 The retail store of the size proposed would allow for a scale of retail use greatly more than that required to address the local quantitative retail deficiency in Haddington identified by the findings of the Haddington Retail Review and because of its scale of use and by its out of town centre location the proposed retail store would have an unacceptable impact on the vitality and viability of Haddington Town Centre. Accordingly the proposed retail store is contrary to Policies RET1 and RET2 of the approved Edinburgh and the Lothians Structure Plan 2015, Policy R1 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010”.

Planning permission in principle is now sought for a residential and business development of the application site.

An illustrative site plan has been submitted with it indicating how the proposed residential and business uses might be accommodated within the site. The business land, which would have an area of 0.96 of a hectare, is shown to be located on the southern part of the application site. Although there are no definitive proposals relating to the layout or type of business units, the site plan shows how five units could be accommodated on the site. It is further indicated that these units could be single storey or two storeys in height and could be contained within a landscape setting. The site plan indicates that the remainder of the site would be put to residential use. The applicants have indicated that some 60 residential units could be accommodated on the part of the application site proposed for residential use. It is further indicated that the residential units would predominantly comprise of two storey detached houses. It is also indicated that a landscaped buffer would be planted between the business and residential uses.

The illustrative site plan indicates that access to the proposed business land could be taken from Gateside Road at a point some 90 metres to the north of the junction of Gateside Road and the B6471 road and that access to the residential part of the site could be taken from Gateside Road at a point approximately 110 metres to the north of the proposed access to the business land.

In a planning statement submitted with the application, the applicants inform that the site has lain vacant and undeveloped despite being allocated for business development for more than 20 years. Even during the most recent peak economic period of the mid 2000's, the only land use put forward for this site which would have resulted in employment

generation was retail development, a development proposal that was refused planning permission (Ref: 08/00270/FUL). The site has not therefore contributed to the sustainable economic growth of the town or region in any manner. Recent appeal decisions for sites in Wallyford and Dunbar have allowed non-business uses on land allocated for business and industrial development. The proposed business development, which could comprise of small scale business units with a combined ground floor space of some 1,500 square metres, would substantially increase the amount of immediately available economic land supply. The applicants estimate that some 30-45 jobs could be created within the business units. Jobs would also be created during the construction process. The proposed housing would effectively contribute towards the recognized housing land shortage within East Lothian.

The application is also supported by an economic report, a transport assessment, a design statement and an extended phase 1 habitat survey.

The economic report concludes that there is insufficient demand to justify all of the site to be developed for business use. It further concludes that the form of development indicatively proposed is appropriate for bespoke business units that would satisfy the demands of specific occupiers. In respect to access, the economic report concludes that the site is one which has the potential to achieve a high visibility and profile aspect, with the access being formed off Gateside Road, and this can only be of benefit during the marketing of it.

The transport assessment evaluates the traffic impact of the proposed development, examines the accessibility of the development by different modes of transport, and provides a framework for a Travel Plan for the proposed development.

A design statement has been submitted with the planning application. The statement provides information on the principles and approach that have guided the design process.

The extended phase 1 habitat survey includes protected species surveys to look for the potential presence of bats and badgers, a survey of plant species, and a basic assessment for site potential use by breeding birds. It informs that there is no suitable roosts for bats, no evidence of badger use of the site, that the site appears to be of negligible value for use by breeding birds, and that no nationally or locally rare plant species were found. It concludes that the site has an inherently low nature conservation value.

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 19 November 2013 the Council issued a formal screening opinion to the applicants. 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 mixed use 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.

Policies 2 (Supply and Location of Employment Land) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) are relevant to the determination of the application. So too are Proposal BUS6 (Gateside, Haddington) and Policies BUS1 (Business and General Industrial Locations), INF3 (Infrastructure and Facilities Provision), H1 (Housing Quality and Design), H4 (Affordable Housing), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in New General Needs Housing Development), DP1 (Landscape and Streetscape Character), DP2 (Design), DP14 (Trees on or adjacent to Development Sites), DP17 (Art Works- Percent for Art), DP20 (Pedestrians and Cyclists), DP23 (Waste Minimisation, Separation, Collection and Recycling), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application is the Scottish Government policy given in Scottish Planning Policy: February 2010.

It is stated in Scottish Planning Policy: February 2010 that Planning Authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. Removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential. The planning system should support economic development in all areas by:

- taking account of the economic benefits of proposed development in development plans and development management decisions,
- promoting development in sustainable locations, particularly in terms of accessibility,

- promoting regeneration and the full and appropriate use of land, buildings and infrastructure,
- supporting development which will provide new employment opportunities and enhance local competitiveness, and
- promoting the integration of employment generation opportunities with supporting infrastructure and housing development.

Planning authorities should ensure that there is a range and choice of marketable sites and locations for businesses allocated in development plans, including opportunities for mixed use development, to meet anticipated requirements and a variety of size and quality requirements. Marketable land should meet business requirements, be serviced or serviceable within 5 years, be accessible by walking, cycling and public transport, and have a secure planning status. The supply of marketable sites should be regularly reviewed. New sites should be brought forward where existing allocations do not meet current and anticipated market expectations. Where identified sites are no longer considered appropriate or marketable, they should be reallocated for another use through the development plan.

A supply of effective land for at least 5 years should be maintained at all times to ensure a continuing generous supply of land for house building.

Three written representations to the application have been received, one of which objects to the proposed development. The other two written representations do not state whether they object to or support the proposed development.

A copy of each written representation is contained in a shared electronic folder to which all Members of the Council have access.

The objection is made on the grounds that the proposed vehicular access to the business part of the site is shown to be located just about directly outside a neighbouring residential property of Knowesley Park and that instead vehicular access to the business part of the site should be from the access road to the west of the site and not from Gateside Road. This would leave Gateside Road for residential access only.

Whilst supportive of the housing part of the proposed development, one of the representors raises concerns that vehicular access to the business part of the site is indicated to be taken from Gateside Road and that introducing commercial traffic to a residential area such as Gateside Road could have road safety implications. The trees on the eastern boundary of the site mean that there would be a poor line of sight for commercial traffic exiting the site onto Gateside Road. For those reasons the representor considers that vehicular access to the business part of the site should be from the access road to the west of the site and not

from Gateside Road. Some concern is raised about the visual impact of the business part of the proposed development. It is also suggested that all of the site should be developed for housing, as the representor has found no evidence of a need for the proposed business units.

The other representor raises concerns that flats may be built on the northern part of the site, adjacent to the railway walk. Concern is also raised that the proposed development may have an adverse impact on local wildlife. The representor questions what impact the development may have on public transport, and raises concern that the proposed development may impact on the signal strength to their satellite dish. It is also the representor's view that a grass area should be provided within the site to allow local children to play ball sports.

There is no evidence to suggest that the proposed development would result in the destruction of wildlife. The issue raised by the representor regarding the signal strength of their satellite dish is not a material consideration in the determination of a planning application.

Haddington Area Community Council advise that vehicular access to the business part of the site should be from the access road to the west of the site and not from Gateside Road. They also advise that the additional houses would take the number of residential units already planned to a dangerous level where overstretched infrastructure will not be able to cope. The Community Council advise that bringing social housing to an affluent area will create some serious issues that may never be resolved, house prices may also be affected. They are also concerned that any business units will not be sympathetic with any plans to enhance the town centre.

The issue raised by the Community Council regarding house prices is not a material consideration in the determination of a planning application. There is no evidence to suggest that the proposed business units would not be sympathetic with any plans to enhance the town centre.

The application site is within Haddington. It is allocated for business use by Proposal BUS6 of the adopted East Local Plan 2008. Were Proposal BUS6 to be implemented Policy BUS1 of the adopted Local Plan would come into effect. Policy BUS1 supports in principle uses within Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

The applicants confirm that the part of the application site proposed by them for business use would be used for purposes within Class 4 of the Town and Country Planning (Use Classes)(Scotland) Order 1997. The proposed business use of part of the application site is consistent with Proposal BUS6 and Policy BUS1 of the adopted East Lothian Local Plan 2008.

Residential use falls within Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Proposal BUS6 and Policy BUS1



of the adopted East Lothian Local Plan 2008 do not give any support to residential uses on any part of the application site. The housing element of the proposed development would be sited on and thus would result in the loss of land within the application site that is allocated by the Planning Authority for business and industrial use as part of an extension to Gateside Commerce Park to meet part of an identified need for business land in East Lothian to enable and sustain the economy of East Lothian and of the Lothians.

The proposed housing element of the proposed development is therefore contrary to Proposal BUS6 and Policy BUS1 of the adopted East Lothian Local Plan 2008.

Notwithstanding this, it is necessary to consider whether there are material considerations in this case that outweigh this element of development plan policy.

A material consideration in this case relates to the proposed 0.96 hectares of business land. The applicants, one of which owns the application site, propose the use of over one quarter of the site for business development, which would provide some economic development opportunities in a suitable location. The applicants confirm that if planning permission in principle for the development is to be granted, they would be willing to develop business units on that part of the site or, if this does not occur within a specified time period, transfer the title of the proposed serviced business land to the Council at no cost to the Council, with a proviso that if the Council does not then commence development of business units within a specified time, the title then revert back to the applicants. An agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 could be used to secure the transfer of ownership of the land.

The Council's Economic Development Unit has been consulted on the planning application. They consider that it would be unreasonable to lose all of the application site to residential use. However, they advise that the size and flexible layout of the proposed business land would be sufficient to meet the current known demand for business premises in the locality. They further advise that this proposal is an acceptable and pragmatic approach that would enable some of the site to be developed for business use, rather than the site remaining undeveloped.

Another material consideration relates to the need to augment the supply of effective housing land in East Lothian.

At the Cabinet meeting of the 10 December 2013, the Council agreed that East Lothian has a shortfall in its effective housing land. At that meeting the Council also approved Interim Planning Guidance against which planning applications for housing on land not allocated for that purpose will be assessed. The application site is not allocated for residential development. Therefore the approved Interim Planning

Guidance is a material consideration in the determination of this planning application.

The approved Interim Planning Guidance states that the weight the Council affords its terms, and the terms of other Development Plan policies, to individual planning applications will depend on the extent to which the proposed development is able to satisfy the following criteria:

- 1 Effectiveness;
- 2 Scale;
- 3 Timing;
- 4 Development Plan Strategy; and
- 5 Locational Considerations.

In respect of effectiveness, the applicants have confirmed that there are no physical constraints to the development of the site. Having carefully considered the applicants' submission, the Council's Policy and Projects Manager agrees that the site meets the tests of effectiveness and is free of infrastructure constraints. It can therefore be concluded that the site is effective.

The Council's Policy and Projects Manager is satisfied that the proposed housing would not be of a scale that would prejudice the Council's subsequent flexibility to consider and determine the amount and location of housing land release through the Local Development Plan process. He is also satisfied that it is not so large that it would prejudice future decisions on development plan requirements and how these would be best dealt with up to 2019 and beyond. With some 60 residential units proposed, the scale is such that the site is capable of being substantially built out within the next five years. In this regard, the site is capable of contributing towards short term housing needs.

One of the joint applicants, Persimmon Homes, is a housebuilder. They have indicated that all of the housing could be delivered by 2016/2017. There is no evidence to suggest that they would not be able to develop the site within this suggested timescale.

The Council's Policy and Projects Manager is satisfied that the proposed housing would not prejudice the delivery of the existing Development Plan strategy.

In respect of locational considerations, the approved Interim Planning Guidance states that only in the most exceptional circumstances will a housing use be supported on undeveloped land allocated for a business or industrial use under Classes 4, 5 or 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997, specifically where:

- a. the housing development provides appropriate services to unserved business/industrial land, thereby facilitating the take-up of employment land, and
- b. the delivery of housing on a part of that land does not prejudice the continued use of the remainder of the allocated area for the business/industrial use, and
- c. the housing does not in the Council's view prejudice the supply of employment land in East Lothian, and
- d. the location is in all other respects a suitable one for housing.

Additionally, where necessary, the Council will require the landowner and/or developer to enter into legal agreements to ensure these objectives are met. Unilateral obligations may also be considered.

In this case, the applicants propose to service the land indicated to be for Class 4 business use development, which would facilitate the take-up of it for employment use.

The Council's Principal Environmental Protection Officer is satisfied that a Class 4 business use of that part of the site could operate without prejudicing the residential privacy and amenity of future occupants of the proposed houses. In this regard, it can be concluded that the delivery of housing on part of the site would not prejudice use of the remainder of the site for Class 4 business use.

The Economic Development Unit has carefully considered the proposed development of the majority of the allocated business land for housing. They advise that in economic development terms the site is 'majorly constrained', as the ownership of it means that it is unlikely to be released for economic land use. They note that the site does not form part of the effective supply of economic land. In this regard, the Economic Development Unit are satisfied that the proposed housing would not prejudice the supply of employment land in East Lothian

As can be seen from the planning assessment below, the site is suitable for residential use.

On the foregoing considerations, the Council's Policy and Projects Manager is satisfied that the proposed residential part of the development complies with the criteria set out in the approved Interim Planning Guidance. Accordingly, weight should be given to the contribution that the site could make towards reducing the shortfall in the effective housing land of East Lothian.

The contribution the site could make towards the use of over one quarter of the site for business development by allowing residential use on the

larger part of the site, together with the contribution that the site could make towards reducing the shortfall in the effective housing land of East Lothian are significant material considerations. In the circumstances of this case, by delivering both economic development and housing, they outweigh the policy presumption against the element of residential development proposed in this application.

As indicatively shown the business units would be well set back from the B6471 road. In such a set back position and when viewed from the B6471 road they would be seen in relation to the buildings of the Gateside Commerce Park and would not appear as a prominent or intrusive feature harmful to the visual amenity of the area. Tree planting along the southern boundary of the application site would reduce the impact of the buildings in views of them from that public road. In principle the houses could also be satisfactorily accommodated on the remainder of the application site without harm to the visual amenity of the area.

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

It would, however, be prudent to set design principles to control the development of the site. Amongst other things, a) the buildings should be a maximum of two storeys in height, b) other than in exceptional circumstances where the layout or particular building type does not permit, houses should be orientated to face the street, c) there should be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage, d) the layout of houses should comply with the Council's normally applied standards in respect of separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and directly facing windows, and e) the external finishes of the residential units should be in accordance with a co-ordinated scheme of materials and colours that shall respect the layout of the development and should promote render as the predominant finish to the walls of the residential units. A condition imposed on the grant of planning permission in principle can be used to secure this control.

In respect of landscape matters the Policy and Projects Manager advises that the southern half of the site is visible from the B6471 road, the gateway to Haddington from Edinburgh and the west and therefore that the layout of the southern half of the site, with its indicatively proposed business units and SUDS pond, is particularly important. He recommends that the existing line of small species trees along the

southern boundary be widened and strengthened with additional tree planting, including larger species trees such as oaks, to tie in with the surrounding sites and provide a stronger and less permeable boundary. He advises that the business units be single storey in height and be finished in muted colours to reduce their visual impact.

The Policy and Projects Manager also recommends that a tree constraints plan should be carried out for the site, which would inform the detailed layout of the site. This plan should include all existing trees on the site, detail those to be removed, mark the root protection areas for all trees to be retained in accordance with BS5837:2012 "*Trees in relation to design, demolition and construction ~ Recommendations*" and mark the location of temporary protective fencing for the retained trees. In respect of both proposed accesses he advises that regrading and tree removal will be required to facilitate these and that tree planting be carried out to either side of the entrances within the site to mitigate for the tree removal and enhance the entrance into the development.

Further to this the Policy and Projects Manager recommends that management plans for the communal open spaces, tree planting and woodland areas should be prepared and submitted at detailed application stage to ensure the future establishment and maintenance of the landscaping of the site.

In respect of open space and play provision, the Council's Principal Amenity Officer advises that the area is well enough served for formal play facilities by way of the Gateside Road play area. However, he does express concern that the general area has no flat grass area for kick about /informal play use and this proposal would add to that burden. Accordingly, he advises that the open space indicatively shown by the applicant on the north east corner of the site should be formed in such a way as to provide a minimum 65m x 45m kick about pitch that can be accessed from both this development and neighbouring sites.

However, it would not be reasonable to expect this proposal to provide for amenity/recreation needs arising from other developments. Further advice of the Principal Amenity Officer is that part of the indicatively shown area of open space in the northeast corner of the site could be used in this way.

The Council's Biodiversity Officer raises no objection to the principle of the proposed development, being satisfied that the site is of only limited biodiversity value.

In principle the site is capable of accommodating a neighbouring business and residential development without occupiers of the residential development suffering a significant loss of amenity.

The Council's Principal Environmental Protection Officer raises no objection to the principle of the proposed development. He does however

advise that there is some potential for a loss of amenity to future residents from noise or lighting associated with the proposed business units. Accordingly the Principal Environmental Protection Officer recommends that detailed noise and lighting assessments, based on the detailed layout of the site, be submitted to and approved in writing by the Planning Authority. Any identified mitigation measures should be fully implemented prior to the occupation of the first residential unit. A condition imposed on the grant of planning permission in principle can be used to secure this control.

The Scottish Environment Protection Agency initially objected to the proposals on the basis of a lack of information, however, following subsequent submissions by the applicant they have withdrawn that and now raise no objection to the principle of the proposed development. SEPA do not raise concern about any potential flood risk associated with the application site. They advise that foul drainage from the proposed development should be connected to the public foul sewer. Specification for the surface water drainage systems must comply with the SUDWP/CIRIA design manual for sustainable urban drainage.

The Council's Senior Structures Officer raises no objection to the principle of the proposed development, although he does recommend that a Flood Risk Assessment and details of any proposed SUDS are submitted to and approved by the Planning Authority. A condition imposed on the grant of planning permission in principle can be used to secure this control.

Scottish Water were consulted on the planning application but did not comment on it.

The Council's Transportation service has considered the transport assessment submitted by the applicant and agrees with the findings that traffic likely to be generated by the proposed development could be satisfactorily accommodated on the local road network and that the majority of junctions tested are expected to continue to operate within capacity. This assessment takes into account the additional traffic that could also be generated by the supermarket approved for the former Oaktree service station site and by the mixed use development of 750 houses, social and community facilities and associated infrastructure of the adjacent lands of Letham Mains the subject of Proposal H3 of the adopted East Lothian Local Plan 2008.

It is proposed by the applicant in principle that access for both residential and business parts of the site would be directly from Gateside Road and not from the narrow road to the west of the site. The Council's Transportation service advise that consideration has been given to the business part of the site being accessed directly from the narrow road to the west of the site and that this would be an acceptable means of access, although some minor widening and resurfacing works would be required to the existing road. The land which would be required to do this

is within the applicant's control. Notwithstanding this advice, Transportation advise that the proposed means of access would also be acceptable, although a new footway would be required over the full length of Gateside Road on its western side with additional crossing provisions for pedestrians. On this basis, and subject to the provision of the required new footway and additional crossing provisions, there is no good planning reason to require the applicant to access the business part of the site directly from the narrow road to the west of the site instead of from Gateside Road.

The Council's Transportation service recommends minimum visibility splays that should be provided and maintained at the proposed site access junctions with Gateside Road. These are splays of 2.5 metres by 70 metres in each direction. They also recommend that a) a vehicle track/swept path analysis is required for both parts of the site to ensure that a large design rigid vehicle can manoeuvre through both the business site and the housing site; b) the internal layouts for the business and housing areas shall be designed in accordance with the Council's Standards for Development Roads (including street lighting provision); c) Pedestrian and cycle access should be maximised throughout the site and connect to existing or future infrastructure; d) the parking provision for both the residential and business parts of the site should meet the Council's Standards for Development Roads – Parking Standards; and e) cycle parking should be provided in accordance with the Council's Standards for Development Roads. These matters can be controlled through a condition on a grant of planning permission in principle for the proposed development.

With the imposition of conditions to cover the issues raised by the Transportation service the principles of the proposed development of the site for residential and business uses do not conflict with Policies DP20, T1 and T2 of the adopted East Lothian Local Plan 2008.

Transport Scotland raises no objection to the principle of the proposed development.

The Council's Waste Services Manager raises no objection to the principle of the proposed development, being satisfied that in principle, refuse vehicles could service the housing and business parts of the site.

It is stated in Scottish Planning Policy: February 2010 that archaeological sites and monuments are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should through the use of conditions or a legal agreement ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a

professional archaeologist should be given access to inspect and record them. Planning Advice Note 42: Archaeology similarly advises.

The Council's Assistant Archaeology Officer advises that the application site lies within an area regarded as being of potential archaeological significance. Accordingly she recommends that a programme of archaeological works should be carried out by a professional archaeologist to evaluate the site for any potential archaeological remains. This can be secured through a condition attached to a grant of planning permission for the proposed development. This approach is consistent with Scottish Planning Policy: February 2010, Planning Advice Note (PAN) 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

Given the scale of the proposed development and its prominent public location, it would be appropriate for artwork to be incorporated either as an integral part of the overall design of it or as a related commission to be located on the site or in an approved alternative location. This can be achieved by means of a condition on the grant of planning permission, subject to which the proposal is consistent with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008.

The Council's Executive Director (Support Services) informs that the application site is located within the school catchment areas of Haddington Infant School, Haddington Primary School and Knox Academy. He confirms that Haddington Primary School has capacity to accommodate pupils that might arise from occupation of the proposed 60 houses. However, there would be insufficient capacity at both Haddington Infant School and Knox Academy to accommodate pupils that might arise from occupation of the proposed houses. Thus he objects to the application on the grounds of lack of permanent capacity at those schools. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £138,104 (£2,301.73 per unit) towards the provision of additional school accommodation at Haddington Infant School and Knox Academy.

This can 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 Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation 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 appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's affordable housing policy,



25% of the proposed 60 houses should be affordable housing units, i.e. a total of 15 affordable housing units. They should be provided on site or if it can be demonstrated to the Council that this, or the off-site provision of 15 affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision. The terms for the provision of this affordable housing requirement should be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement the proposal is consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

In conclusion, the proposed housing is significantly contrary to Proposal BUS6 and Policy BUS1 of the adopted East Lothian Local Plan 2008. However the material considerations of securing the use of over one quarter of the site for business development together with the contribution that the site could make towards reducing the shortfall in the effective housing land of East Lothian, outweigh the policy presumption against the element of residential development proposed in this application. It is therefore recommended that planning permission in principle be granted subject to the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to secure the heads of terms set out in section 2 of this report and subject to the conditions set out in Appendix 1 of this report.

In accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that:

(i) without the required developer contribution for the provision of additional school accommodation at Haddington Infant School and Knox Academy, agreement on the terms of provision of the required amount of affordable housing and the development of the business land being secured by an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 the proposed development is unacceptable due to a lack of sufficient school capacity at Haddington Infant School and Knox Academy, a lack of provision of affordable housing, contrary to Policies INF3 and H4 of the adopted East Lothian Local Plan 2008, and due to the loss of all of the allocated business land that is part of the business land supply of Haddington to the detriment of East Lothian's economy and the greater Lothian economy, contrary to Proposal BUS6 and Policy BUS1 of the adopted East Lothian Local Plan 2008 and contrary to the Council's Interim Planning Guidance.

#### **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 Adopted East Lothian Local Plan 2008

7.3 Approved South East Scotland Strategic Development Plan (SESplan)

7.4 Scottish Planning Policy: February 2010

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<b>DATE</b>	07 February 2014

## APPENDIX 1

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the residential units and the business units, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site; and those details shall generally accord with the Indicative Master Plan and Masterplan Document docketed to this planning permission in principle, as informed and modified by a tree constraints plan for the site in accordance with BS5837:2012 "*Trees in relation to design, demolition and construction ~ Recommendations*", and shall address the following requirements:
  - a. The houses shall in no case be higher than two storeys in height.
  - b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses should be orientated to face the street.
  - c. Notwithstanding that shown in the Indicative Site Layout Plan docketed to this planning permission in principle there shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage.
  - d. The external finishes of the residential units shall be in accordance with a co-ordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.
  - e. There shall be at least a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing or proposed neighbouring residential properties.
  - f. Parking for both the business and the housing development hereby approved shall be provided at a rate as set out in the Council's Standards for Development Roads – Parking Standards.
  - g. A continuous 2 metre wide footway shall be provided along the full eastern boundary of the site from the junction of Gateside Road with the B6471 road, up to and including the existing Toucan Crossing (i.e. signal controlled crossing at railway walk) on Gateside Road.

h. At least two sets of dropped kerb pedestrian crossings shall be provided over Gateside Road to enable all pedestrians to cross the road at appropriate locations. These shall be provided on the southern side of the proposed residential access (but to the north of Knowesley Park). An additional crossing shall be provided to the south of the proposed business access.

i. Cycle parking shall be provided in accordance with the East Lothian Council's Standards for Development Roads.

j. Visibility splays of 2.5 metres by 70 metres shall be provided and maintained at the site access to both the residential and business sites. No obstruction shall lie within the splays above a height of 1.05 metres above the adjacent carriageway surface.

k. The internal layouts for the business and housing areas shall be designed in accordance with East Lothian Council's Standards for Development Roads. (including street lighting provision) and the internal layout for the housing area shall accord with the Council's Design Standards for New Housing Areas. They shall also be designed with due regard to a vehicle track/swept path analysis, which shall be undertaken for both sites to ensure that the large design rigid can manoeuvre through both the business site and the housing site. For the avoidance of doubt the dimensions of this vehicle is 2.5m wide and has a 6.1m wheelbase within an overall vehicle length of 10m.

l. Pedestrian and cycle access shall be maximised throughout the site and connect to existing or future infrastructure.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment.

2. No more than 60 residential units are approved by this grant of planning permission in principle.

Reason:

To ensure that there is sufficient education capacity.

3. No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include:

a. a tree constraints plan for the site to include all existing trees on the site, details those to be removed, the root protection areas for all trees to be retained in accordance with BS5837:2012 *"Trees in relation to design, demolition and construction ~ Recommendations"* and the location of temporary protective fencing for the retained trees and with details of tree protection measures during construction;

b. additional tree planting, including larger species trees such as oaks, to the existing line of small species trees along the southern boundary and to tie in with the site boundaries.;

c. tree planting to either side of the vehicular accesses to the site to mitigate for the tree removal and enhance the entrance into the development;

d. a management plan for the communal open spaces, tree planting and woodland areas to ensure the future establishment and maintenance of the site.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to protect trees on the development site and ensure the implementation of a landscaping scheme to enhance the appearance of the development, in the interests of the amenity of the area.

- 4 A consultants report to include assessments of: (i) noise and lighting associated with use of the proposed business units and of any impact of such noise and lighting on the housing development of the remainder of the site; and (ii) any mitigation measures considered necessary to achieve satisfactory levels of amenity for the occupiers of a residential development of the site shall be submitted to and approved by the Planning Authority prior to the commencement of development. Any identified mitigation measures shall be fully undertaken prior to the occupation of any residential unit built on the site.

Reason:

To ensure that the future occupants of any of the residential units benefit from a satisfactory level of amenity.

- 5 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 6 No residential or business unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority. The details shall include a timetable for the provision of the artwork. The artwork shall thereafter be provided in accordance with the details so approved.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 7 Details of the proposed integrated sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority.

The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.



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

**TUESDAY 17 DECEMBER 2013  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

**2**

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**Committee Members Present:**

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

**Council Officials Present:**

Mrs A Leitch, Chief Executive  
Mr A McCrorie, Depute Chief Executive (Resources and People Services)  
Ms M Patterson, Depute Chief Executive (Partnership and Community Services)  
and Monitoring Officer  
Mr D Small, Director of East Lothian Health & Social Care Partnership  
Mr J Lamond, Head of Council Resources  
Mr M Leys, Head of Adult Wellbeing  
Mr T Shearer, Head of Policy & Partnerships  
Ms C Dora, Executive Assistant  
Ms M Ferguson, Service Manager, Legal Services  
Mr Peter Forsyth, Senior Area Officer East (Transportation)  
Ms J Mackay, Media Manager  
Mrs K MacNeill, Service Manager, Licensing, Administration & Democratic Services  
Mr P Vestri, Service Manager, Corporate Policy & Improvement

**Visitors Present:**

Mr Phil Denning, District Inspector, Local Area Network (until Item 7)  
Mr Peter Heath, Scottish Fire and Rescue Service (until Item 4)  
Mr Dean Mack, Scottish Fire and Rescue Service (until Item 4)

**Clerk:**

Mrs L Gillingwater

**Apologies:**

None

## **1. COUNCIL AND COMMITTEE MINUTES FOR APPROVAL**

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

### **East Lothian Council – 22 October 2013**

*Matters arising:*

*Item 6* – the Chief Executive reported that she and the Council Leader had met with the Depute Chief Constable to discuss the Police Public Counter Service Review and the Traffic Warden Review. She announced that, since that meeting, the decision to close the public counter at Tranent police station had been reversed, and that the proposal to extend the opening hours at Haddington police station would be revisited. She was awaiting confirmation of these changes.

Councillor Akhtar welcomed the decision in relation to Tranent police station and thanked her colleagues and Ian Gray MSP for their campaign on this issue.

*Item 15* – Councillor Currie asked for an update on the proposed closure of the Scottish Fire Service College in Gullane. The Chief Executive advised that she and the Council Leader had met with senior officers from the Scottish Fire & Rescue Service and had made clear their disappointment at the lack of early engagement with the Council on this issue. She noted that the land was currently zoned for employment use and that there had been no decision taken as regards its future use. She added that a valuation of the land had been requested. She advised that it was a priority for the East Lothian Partnership to consider a joint asset strategy for public sector organisations in East Lothian.

Councillor Currie highlighted the importance of seeking the views of the local community on the future use of the College site. Councillor Innes suggested that consultation could be carried out as part of the development of the Local Plan. Councillor Goodfellow added that Local Members were concerned about this matter. Responding to comments made by Councillor Goodfellow in relation to the lack of investment in the College site in the past, Councillor Currie stated that the College was owned by the Scottish Government and that the former Lothian & Borders Fire Board had had no responsibilities as regards the College.

## **2. COUNCIL AND COMMITTEE MINUTES FOR NOTING**

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

**Local Review Body (Planning) – 26 September 2013**

**Local Review Body (Planning) – 24 October 2013-12-16**

## **3. SCOTTISH FIRE AND RESCUE SERVICE REPORT TO EAST LOTHIAN COUNCIL: PERFORMANCE UPDATE, 1 APRIL – 30 SEPTEMBER 2013**

The Provost welcomed Mr Peter Heath and Mr Dean Mack of the Scottish Fire and Rescue Service to the meeting.

Mr Heath, the Local Senior Officer for East Lothian, Midlothian and Scottish Borders, presented the East Lothian Fire and Rescue Service Performance Report to Members. He advised that more detailed performance information would be reported on a quarterly basis to the Safe & Vibrant Communities Partnership. He also pointed out that a new three-year fire and rescue service plan had just been published for consultation. Mr Heath then provided a detailed summary of the performance report, highlighting the benefits of partnership working and the education and prevention work being carried out.



Mr Heath announced that North Berwick Fire Station, which had been badly damaged by fire in 2012, had recently re-opened, and he suggested that it would be appropriate to mark the re-opening, towards the end of January. He also advised that he would be in contact with Elected Members as regards the local fire plan, and that ward plans were currently being prepared through the area partnership. He added that Dean Mack was responsible for the day-to-day running of the service in East Lothian and that he would be able to provide further detail on local issues, if required.

Councillor Berry asked if it would be possible to provide Members with information of fire prevention measures and comparison of performance with other local authorities. He also expressed concern at the high volume of false alarms caused by equipment failure and asked how this issue was being addressed. Mr Heath advised that detailed information on all fires was available and that this information was scrutinised in order to direct day-to-day initiatives. He also undertook to provide benchmarking data. It was noted that the Safe & Vibrant Communities Partnership would receive this data in greater detail.

Councillor Currie questioned the costs associated with false alarm call-outs and asked if these costs could be recovered where there were recurring problems. He also asked if attacks on fire fighters were common in East Lothian, and about the success of diversionary initiatives. Mr Heath advised that updates on the diversionary activities would be reported to the Safe & Vibrant Communities Partnership on a quarterly basis. In relation to attacks, he reported that these were very rare in East Lothian, but that he would include this information in the next performance report. He added that the Service did have enforcement powers as regards recurring false alarm calls through equipment failure and that efforts were being made to reduce false alarms.

In response to a question by Councillor Akhtar, Mr Heath advised that the views of Elected Members would be sought during the consultation on the three-year fire and rescue plan.

As regards following up home safety checks, Mr Heath noted that these were done where required, and that he could provide Members with further details, if desired.

Mr Heath, responding to a question from Councillor McAllister, reported that alcohol and smoking were significant contributory factors in a large number of dwelling fires and fires that had been started deliberately. He added that the Fire and Rescue Service was working with a number of other agencies to educate those groups most at risk.

Councillor McMillan requested further information on preventative measures. Mr Heath undertook to provide this information in future reports.

The Provost thanked Mr Heath and Mr Mack for their attendance and presentation at the meeting.

## **Decision**

The Council agreed to note the report.

## **4. SCOTTISH PARLIAMENT JUSTICE SUB-COMMITTEE ON POLICING: CALL FOR EVIDENCE ON POLICE REFORM**

A report was submitted by the Chief Executive seeking approval of a response to the call for written evidence from the Scottish Parliament Justice Sub-Committee on Policing, on the Impact of Police Reform on Local Policing.

The Chief Executive presented the report, advising that she would be happy to incorporate comments from Members before submitting the draft response. She highlighted a number of aspects of the draft response, including the importance of decision-making at a local level, and drew comparison with the national approach to changes proposed for the traffic warden and public counter services. The Chief Executive also mentioned the increase in business at both Haddington and Edinburgh Sheriff Courts and the potential impact on court services following the closure of the court in Haddington. She advised that a Scottish Government officer-led group was considering the impact of the reforms on criminal justice services.

The Chief Executive undertook to work with Members to incorporate into the response comments made in relation to the impact of the changes on Council budgets (particularly within criminal justice services), policing style, partnership working, suicide prevention and community wellbeing, and the impact on the local economy. She added that some of these issues could also be considered by the Safe & Vibrant Communities Partnership.

Councillor Berry noted that, whilst he did not disagree with the points made in the draft Council response, he would be submitting an individual response that would focus more on the philosophy of justice in Scotland.

As regards resourcing, Councillor Currie indicated that the Council should be seeking to continue the provision of resources to support local police initiative teams. He accepted that East Lothian-based officers might be deployed elsewhere on occasion, where there was an operational need. The Chief Executive pointed out that she had worded the section on resourcing in a way that would allow for the Council to take a view on this issue.

Councillor Innes voiced concern at the lack of democratic representation on the Scottish Government group considering the impact of the police reforms and suggested that this issue should be raised by CoSLA. As regards the resourcing of local police teams, he advised that it was important to review the service level agreement as the current agreement had not always been adhered to. He also mentioned the need to review local area management. He agreed with comments made by other Members about the increase in business at Haddington and Edinburgh Sheriff Courts and called on the Council to petition the Justice Minister again on this issue.

The Chief Executive advised that she would amend the draft response to take account of the comments made. She added that she would write to the Justice Minister requesting that the decision to close Haddington Sheriff Court be reconsidered in light of increasing business at this court.

## **Decision**

The Council agreed:

- i. to approve the draft response, as amended, for submission, noting that the final submission would be lodged in the Members' Library;
- ii. that the Chief Executive should write to the Justice Minister seeking reconsideration of the decision to close Haddington Sheriff Court; and
- iii. that the Chief Executive should request, through CoSLA, the inclusion of Elected Member representation on the Scottish Government group set up to oversee the Justice Committee.

## **5. RESPONSE TO THE COMMISSION ON STRENGTHENING LOCAL DEMOCRACY**

A report was submitted by the Chief Executive seeking approval for the response to the Commission on Strengthening Local Democracy.

The Chief Executive presented the report, highlighting the salient aspects of the proposed response to the consultation. She stated that the role of local government was to address local issues and that a 'one size fits all' approach was not appropriate. The response also pointed out that the financial power of local government had been eroded in recent decades, and that a recent Audit Scotland report had found that councils now had control over only 7% of their total income. She argued that there was a need to review all public services, rather than making changes in a piecemeal way.

Councillor Currie claimed that the proposed response was unnecessarily hostile to the Scottish Government, arguing that it did not take account of the removal of ring-fenced funding or the benefits of freezing council tax. He made reference to a paper published by the Jimmy Reid Foundation, aspects of which he believed were worth considering when finalising the Council's response. He declared that the SNP Group would not be supporting the response to the consultation as it stood.

Councillor Veitch welcomed the report, and agreed with a number of the points raised by Councillor Currie. However, he expressed concern as regards the closure of Haddington Sheriff Court and the resulting financial impact on the Council, and spoke in support of local authorities having greater fiscal autonomy.

Councillor Akhtar felt that it was difficult for the Council to be ambitious when there were so many restrictions in place.

Councillor Berry believed that the current local government system was not fit for purpose and, that in their current form, councils could not tackle central government, nor were they able to address issues such as transport, policing and water. He also felt that CoSLA could be more proactive. On the question of subsidiarity, Councillor Berry argued that communities were currently not sufficiently represented. He advised that, whilst he had a degree of sympathy for the proposed response, he would be submitting his own response to the consultation.

Councillor MacKenzie commented that there was no mention in the proposed response of the role of community councils. He felt that there was not enough engagement with community councils and that this issue should be addressed. He also made mention of the positive work undertaken as regards the relationship between schools and further education institutions.

Councillor Innes highlighted the importance of the report. He remarked that present and past Scottish Governments had taken policy and fiscal decisions which had adversely impacted on local government. He added that local government was the most important tier of government in terms of the day-to-day effect on communities but that it was also the weakest, and that this issue needed to be addressed. He called on all Members to support the proposed response.

Councillor McAllister claimed that communities had greater access to power and decision-making than at any time in the past, but that there was a need to reform local government to increase subsidiarity and local income generation. He suggested that the role of community councils should be reflected in the proposed response, in particular the benefits of the Local Priorities Scheme.

Councillor Grant expressed concern that powers were increasingly being transferred to both the Scottish Government and UK Government and that the balance should now be redressed.

The Provost moved to the vote on the report recommendations:

For: 14  
Against: 8  
Abstentions: 1

The Provost suggested that the SNP Group could consider submitting a separate response to the consultation.

### **Decision**

The Council agreed to approve the response to the Commission of Strengthening Local Democracy (attached as Appendix 1 to the report).

## **6. REPORT OF THE LOCAL AREA NETWORK'S FOCUSED SCRUTINY OF THE EDUCATION SERVICE**

A report was submitted by the Chief Executive presenting the report of the Local Area Network's focused scrutiny of the Education Service to review the implications of the Council's decision to amend the proposal to develop shared service arrangements for strategic management and operational support services for education services with Midlothian Council.

The Provost welcomed Mr Phil Denning, the District Inspector of the Local Area Network (LAN) to the meeting. Mr Denning explained that the focus of the inspection was to consider the reasons for the amendment to the proposal for a shared education service and the implications for that service. He paid tribute to those involved for their innovation, their openness and their preparation for the inspection, and highlighted a number of positive benefits, including improved innovative capacity, staff commitment and sharing practice, and ongoing impacts. He also drew attention to areas for reflection and consideration, and advised that the LAN would support the Council to take these forward.

Councillor Berry asked why the original aims had not been met. Mr Denning advised that there had been a number of challenges, including the proposal to create a new entity to oversee the shared Education Service and the governance arrangements of such an entity. Councillor Berry remarked on the lack of detail within the report on this aspect. Mr Denning explained that a satisfactory answer to the question of governance had not been provided at that time, which had resulted in people being unconvinced about the idea.

Councillor MacKenzie claimed that the proposal to create a new entity had been abandoned and that it was instead proposed that one of the authorities would take the lead.

Councillor Akhtar welcomed the report and drew attention to the level of scrutiny undertaken. She asked if there were other local authorities in Scotland sharing an education service. She was advised that Stirling and Clackmannanshire shared this service, but had used a different model from the one proposed for East Lothian and Midlothian.

Councillor MacKenzie commented that the benefits mentioned in the report were insignificant compared to the benefits that would have been realised through implementing a shared service. He believed that there would have been substantial financial savings which could have been re-invested in the schools, and that was the reason for proposing a shared

service. He regretted the reversal of the decision and the lack of confidence about sharing services. He also highlighted the important role the Education Committee had in the scrutiny of this service.

Councillor Berry expressed concern at the lack of innovation by Scottish local authorities, especially in challenging financial times. He described the report as a 'whitewash', claiming that the majority of the difficulties with the proposals could have been resolved. He declared that he could not support the report.

Councillor Akhtar stated that the Administration was committed to improving attainment, achievement and opportunities for young people, and was not convinced that a shared service would have delivered this.

Councillor Innes voiced his disappointment at comments made by Councillor Berry and assured Members that the Administration had not sought to influence Mr Denning's report.

Councillor Currie commented that all Scottish local authorities would need to consider partnership working and sharing services in order to continue providing frontline services, and that innovation was key to achieving this.

Mr Denning confirmed that the inspectorate had not been influenced by anyone during this process. He pointed out that the innovative capacity existed within the Council and that it was important to use this going forward.

Councillor Veitch noted that he welcomed the principle of shared services on the basis of saving money, but agreed that there were significant areas of concern with this particular proposal.

Councillor McMillan concluded the debate by highlighting the complexities of the proposal and commenting that it focused too much on the delivery of education and not enough on the governance of the service.

## **Decision**

The Council agreed to note the report from the Local Area Network and welcome the opportunity to continue working with the Local Area Network to support self-evaluation and continuous improvement.

**Sederunt:** Councillors Innes and McLennan left the meeting.

## **7. UNIVERSAL CREDIT AND ENTITLEMENT CRITERIA FOR SERVICES AND CONCESSIONS**

A report was submitted by the Depute Chief Executive (Resources and People Services) recommending amendments to the entitlement criteria for services and concessions to take account of the phased introduction for Universal Credit.

The Service Manager for Corporate Policy & Improvement, Paolo Vestri, presented the report, reminding Members that the Universal Credit would be rolled out over the next two years. Whilst it would be some time before it was implemented in East Lothian, Mr Vestri advised that it was being implemented in other areas in Scotland and that the Council would have to take account of this for people moving from those areas into East Lothian. He drew Members' attention to the Appendix to the report, which provided details of those benefits affected by Universal Credit and the Personal Independence Allowance.

## **Decision**

The Council agreed:

- i. to approve the revisions to eligibility criteria for services and concessions, as detailed in Section 3.10 of the report and in Appendix 1; and
- ii. to delegate to the Chief Executive powers to make any further adjustments to any entitlement criteria not dealt with in this report that may be required to take account of Universal Credit or Personal Independence Allowance.

**Sederunt:** Councillor Innes returned to the meeting.

## **8. COUNCIL TAX DISCOUNT ON LONG TERM EMPTY HOMES 2014/15**

A report was submitted by the Depute Chief Executive (Resources and People Services) recommending removal of the Council Tax discount on domestic properties empty for 12 months or more and increasing the amount of Council Tax payable on certain long term empty properties.

The Head of Council Resources, Jim Lamond, presented the report, advising that legislative changes had provided local authorities with the discretion to remove the empty property Council Tax discount or set a Council Tax increase of 100% on certain properties which had been empty for one year or more. He explained that the proposals set out in the report would encourage property owners to bring empty properties back into use.

## **Decision**

The Council agreed:

- i. to approve removal of the 10% Council Tax discount on certain long term empty homes from 1 April 2014; and
- ii. to approve the application of additional Council Tax charges on certain long term empty homes in stages as follows:
  - 50% after 24 months (applicable from 1 April 2015)
  - 100% after 36 months (applicable from 1 April 2016)

## **9. STATUTORY REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2013**

A report was submitted by the Depute Chief Executive (Resources and People Services) informing Members of the outcome of the statutory review of polling districts and polling places, as required by the Electoral Registration and Administration Act 2013, Part 2, Section 17.

The Head of Council Resources, Jim Lamond, presented the report, informing Members that the review had been undertaken during October and November, with two representations being made.

## **Decision**

The Council agreed to approve the proposed polling scheme for East Lothian Constituency, attached as Appendix 1 to the report.

### **10. ANNUAL REPORT OF THE CHIEF SOCIAL WORK OFFICER 2012/13**

A report was submitted by the Chief Social Work Officer providing Members with his Annual Report on the statutory work undertaken on the Council's behalf. The report also provided the Council with an overview of regulation and inspection, and significant policy themes over the past year.

The Chief Social Worker, Murray Leys, presented the report in detail, drawing particular attention to a number of key areas, including fostering and adoption, kinship care, child protection, mental health services, criminal justice services, and adult protection. He reported positive results at a time when demand on services was increasing. Mr Leys also highlighted forthcoming significant changes in how social work services would be delivered in the future, including the integration of health and social care, a number of legislative changes and the redesign of the community justice system.

In response to a question from Councillor McLeod in relation to criminal justice breaches, Mr Leys undertook to provide Members with further information.

On adoption services, Councillor Goodfellow questioned the availability of adopters and the speed of the process. Mr Leys advised that he was not aware of any specific reason for the decrease in the number of adoptions, but that he would look at the data to ascertain if any trends were emerging, and provide further information in future reports. He mentioned the importance of advertising and promoting fostering and adoption.

Councillor Berry welcomed the report, commenting on the improvements made by Pathway following their inspection. He commended the staff involved.

Councillor Akhtar paid tribute to the staff in Adult Wellbeing and Children's Wellbeing for their hard work and the quality of care provided. Her comments were shared by Councillor Currie, who also spoke of the benefits of partnership working with the NHS.

Councillor Grant remarked on the work being done to involve users in the development of services, which would lead to better outcomes. He added that, despite increasing workloads and budget challenges, the Council was delivering high quality services.

All Members commended the work of Mr Leys and the staff in Adult Wellbeing and Children's Wellbeing.

## **Decision**

The Council agreed to note the Annual Report of the Chief Social Work Officer.

### **11. COUNTESS CRESCENT, DUNBAR: PROPOSED EXPERIMENTAL TRAFFIC REGULATION ORDER – PROHIBITION OF VEHICULAR TRAFFIC (DURING SCHOOL TRAVEL PERIODS)**

A report was submitted by the Depute Chief Executive (Partnership and Community Services) advising the Council of the proposal to introduce an Experimental Traffic

Regulation Order (TRO) at Countess Crescent, Dunbar. The purpose of the Order would be to prohibit vehicular traffic at the critical school travel times.

The Senior Area Officer East (Transportation), Peter Forsyth, presented the report, advising that the temporary traffic regulation order that had been put in place during the development of the Bleachingfield Centre had now expired. He reported that a meeting had taken place in November to discuss the possibility of prohibiting vehicular traffic on Countess Crescent during school travel times.

Councillor Veitch spoke in favour of the proposal from a safety point of view. He called on officers to ensure that appropriate signage was put in place and also double yellow lines at the junction of Countess Avenue/Countess Crescent. His views were supported by Councillor Hampshire, and it was noted that Councillor McLennan had also indicated to the Provost that he was supportive of the proposal.

Councillor Currie asked if a progress report could be prepared in due course to demonstrate the effectiveness of the TRO.

In response to a question on the signage, Mr Forsyth advised that various options for the signage were currently under consideration.

### **Decision**

The Council agreed to approve the initiation of the consultation process and Traffic Regulation Order formal procedures.

## **12. COMMON GOOD COMMITTEES: SCHEME OF ADMINISTRATION**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking Council approval to replace the Scheme of Administration adopted by East Lothian Council on 28 August 2007 (as amended) with a new Scheme of Administration and adding the Common Good Committees to the Council's Scheme of Administration of the Council's Standing Orders.

The Service Manager for Licensing, Administration and Democratic Services, Kirstie MacNeill, presented the report, advising that the Scheme of Administration for Common Good Committees had been approved by the Council in 2007, and now required to be updated. She advised that future meetings of the Common Good Committees would be timetabled, meetings would be held within the relevant committee area, and the Chair would have a casting vote in the event of a tied vote. She added that training for Common Good Committee members would be provided by herself and the Service Manager for Legal Services.

Councillor Currie welcomed the report and the proposed changes to how meetings would be administered.

Responding to a question from Councillor McNeil, Mrs MacNeill confirmed that the Committees would deal solely with Common Good grants.



## Decision

The Council agreed:

- i. to approve a new Scheme of Administration (attached at Appendix 1 to the report) for the Common Good Committees to replace the existing Scheme (Appendix 2 to the report) that had been in place since 28 August 2007; and
- ii. to add the Common Good Committees to the Scheme of Administration of the Council's Standing Orders.

### **13. APPOINTMENTS TO COMMITTEES OF THE COUNCIL, EAST LOTHIAN LICENSING BOARD AND OUTSIDE BODIES**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval to make alterations to the membership of Committees of the Council and East Lothian Licensing Board, and to the Council's representation on the Board of Scotland Excel.

The Clerk advised that following the abolition of *ex officio* positions on the Planning and Education Committees, there was a requirement to amend the membership to ensure that political balance on these committees was achieved. She noted that the Elected Member membership of both committees would be increased to 18 and that Independent Members would be offered a place on both committees. The Clerk also drew attention to a number of changes proposed by the SNP in respect of other committees and the Licensing Board. In relation to appointments to outside bodies, the Clerk advised of a proposed change to the Council's representation on Scotland Excel, with Councillor McMillan replacing Councillor Hampshire.

Councillor Innes advised that a vacancy had arisen on the Pennypit Community Development Trust and asked if the Council was prepared to accept making an appointment to this body now, rather than waiting to a future Council meeting. The Council agreed to accept this. Councillor Innes invited the Opposition to make a nomination. Councillor Currie nominated Councillor Brown to represent the Council on the Pennypit Community Development Trust.

The Provost thanked Councillor Libberton for her services to Pennypit Community Development Trust.

## Decision

The Council agreed:

- i. to note the work undertaken to best achieve political balance on the Planning and Education Committees following the abolition of *ex officio* positions on those committees;
- ii. to approve the following changes to membership of Committees of the Council and the East Lothian Licensing Board:
  - Planning Committee – an increase in membership from 16 to 18, with Councillors Brown, Caldwell and McLeod being appointed to the Committee and Councillor Veitch relinquishing his membership

- Education Committee – an increase in Elected Member membership from 14 to 18, with Councillors Berry, McLennan, McNeil and Williamson being appointed to the Committee
  - Audit & Governance Committee – Councillor McAllister to replace Councillor McLennan
  - Joint Consultative Committee – Councillor MacKenzie to replace Councillor McLennan
  - East Lothian Licensing Board – Councillors Currie and Trotter being appointed to the Board, subject to satisfactory completion of the mandatory training, and Councillor McLennan relinquishing his membership
- iii. to approve the nomination of Councillor McMillan to represent the Council on the Board of Scotland Excel, replacing Councillor Hampshire; and
- iv. to approve the nomination of Councillor Brown to represent the Council on the Pennypit Community Development Trust, replacing Councillor Libberton.

**14. SUBMISSIONS TO THE MEMBERS’ LIBRARY, 10 OCTOBER – 4 DECEMBER 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.

With reference to 228/13, Councillor Currie congratulated the Chief Executive on her appointment as Vice-Chair of SOLACE Scotland.

Councillor Currie expressed his disappointment that a local company had not been awarded the contract for the Proposed Housing Development at Victoria Park, Haddington (Ref: 226/13), and that none of the sub-contractors for this contract were based in East Lothian.

Councillor Innes advised that the Administration were looking at the contract framework and would be taking this forward with the Chief Executive.

**Decision**

The Council agreed to record the reports submitted to the Members’ Library Service between 10 October and 4 December 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

MONDAY 30 SEPTEMBER 2013  
QUEEN MARGARET UNIVERSITY, MUSSELBURGH

3a

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### Members Present:

Councillor W Innes, East Lothian Council (Chair) (WI)  
Councillor M Veitch, East Lothian Council (MV)  
Councillor S Currie, East Lothian Council (SC)  
Mrs A Leitch, East Lothian Council (AL)  
Mr G Archibald, East and Midlothian Chamber of Commerce (GA)  
Mr M Ash, Shadow Health & Social Care Partnership/Resilient People Partnership  
Chair (MA)  
Mr T Ellis, Scottish Government (TE)  
Professor A Gilloran, Queen Margaret University (AG)  
Mr P Heath, Scottish Fire and Rescue Service (PH)  
Mr D Leven, Scottish Enterprise/Sustainable Economy Partnership Chair (DL)  
Chief Superintendent J McDiarmid, Police Scotland (JMcD)  
Mr M Ormiston, East Lothian Tenants and Residents Panel (MO)  
Ms M Patterson, Safe and Vibrant Communities Partnership Chair (MP)  
Mr E Stark, Voluntary Action East Lothian (ES)  
Mr G Warner, NHS Lothian (GW)

### Visitors:

Mr P Murray, Assistant Chief Officer, SFRS  
Mr W McQueen, Board Member, SFRS

### Officers Present:

Mr D Small, Director of East Lothian Health and Social Care Partnership (DS)  
Mr P Vestri, Corporate Policy & Improvement Manager, ELC (PV)  
Ms V Campanile, Policy Officer, ELC (VC)  
Ms P King, Development Officer, ELTRP (PK)  
Ms A Smith, ELC (clerk)

### Apologies:

Mr G Henderson, FSB  
Ms Z Inglis, AELCC

*Prior to commencement of the meeting the official signing of The East Lothian Plan Single Outcome Agreement 2013 took place*

## **1. WELCOME**

Willie Innes welcomed everyone and thanked QMU for hosting this meeting.

## **2. MINUTES OF THE PREVIOUS MEETING**

Graeme Warner requested correction of the spelling of his name; subject to this the minutes of the East Lothian Partnership of 21 August 2013 were approved.

## **3. MATTERS ARISING**

Paolo Vestri provided updates on 3 areas of work.

### **Local Area Partnerships**

Work continued to progress. It was the intention to bring the proposal to (East Lothian) Council in the near future, to enable establishment early in 2014. All LAPs should hopefully be established by June 2014. An update would be brought to the January meeting.

### **East Lothian Profile**

A few items of data were needed to complete the profile and the final version should be ready shortly. 6 draft ward profiles had now been completed; 6 (4 page) summaries would be prepared. The next piece of work would be to complete the strategic assessment. A report would be brought to the January meeting.

### **Citizens' Panel**

Discussions were ongoing between the Council, NHS, Police and Fire regarding joint funding. The aim was to establish these panels before the end of the year, and for the first panel consultation to take place early next year. He would bring a report to the January meeting.

## **4. FEEDBACK ON THE SUPPORTING PARTNERSHIPS MEETINGS**

### **Safe and Vibrant Communities Partnership**

Monica Patterson informed partners that the first meeting of the Safe and Vibrant Communities Partnership had taken place on 9 September 2013. Councillor Tom Day had been appointed as interim Vice Chair.

#### **Key points**

- Good first meeting, lot of information to digest –agenda items outlined:
- East Lothian Profile
- Local Police Plan

- Performance reports from Police and Fire, good debate/discussion on the results for a number of indicators
- Draft Antisocial Behaviour Strategy
- SOA – 1 change proposed by Police regarding the Violence against Women contributory outcome that it should be called Domestic Violence instead. The change was accepted as long as the data would be reported by gender.
- Key areas for this supporting partnership would be Police and Fire scrutiny

### **Resilient People Partnership**

Mike Ash indicated that the first meeting of this supporting partnership took place on 18 September 2013. Councillor Shamin Akhtar had been appointed Vice Chair.

#### Key points

- Positive meeting, promising start, many issues to absorb
- Linking into SOA, lot of activity already taking place
- Number of long term strategic outcomes
- RPP will focus on these, still being developed
- Will be discussed at the next RPP meeting and will then be reported to this Partnership
- Presentation on the proposed Health and Inequalities Strategy – this was closely related to Health & Social Care Partnership work and to this supporting partnership and it would also be relevant for all ELP partnerships.

### **Sustainable Economy Partnership**

David Leven reported that the Sustainable Economy Partnership met on 5 September 2013. Andrew White, local business person representing the Federation of Small Businesses had been appointed Vice Chair.

#### Key points

- 10 organisations present representing the public, third and private sectors
- Private sector will drive economic growth
- 3 presentations – Economic Development Strategy, Poverty Strategy and Environment Strategy
- Linked into 3 outcomes in SOA that this supporting partnership had responsibility for
- Good Economic Strategy already in place
- At the next meeting will try and set priorities for 2/3 key actions
- Keen to focus and proceed

### **Supporting Partnerships in General**

#### Comments

- AL remarked that there would be some people on multiple supporting partnerships. At the next ELP meeting the supporting partnership priorities would be presented.
- WI commented he was heartened by these updates from the Chairs of the 3 supporting partnerships; a good start had been made.
- MA suggested it would be useful if the draft minutes of all partnership meetings could be circulated to all partnership Chairs. This was agreed.

## 5. HEALTH AND SOCIAL CARE PARTNERSHIP – PRESENTATION

Mike Ash informed partners that the Health Board was legally required to have community health partnerships; so this group would continue to exist in the meantime. Due to legislative issues the Shadow HSCP would in effect deal with health and social care for adults only. The Shadow HSCP had been established in anticipation of the introduction of the new legislation.

David Small circulated an update and gave a detailed presentation.

### Key points

- Progress so far –
  - Shadow Board established
  - Joint Director appointed
  - Development programme underway
- Scope –
  - All adult social care except criminal justice
  - All NHS services except hosted services and children
  - Around 1,200 employees
- Legislation –
  - Will become law by April 2014
  - Partnerships to be in place by April 2015
  - East Lothian will assume a body corporate retaining accountability to Council and NHS Board
- Next steps –
  - Integration Plan (April 2014)
  - Strategic Commissioning Plan (mid 2014/15)
  - Integrated Service Provision
- Some very significant challenges but also some tremendous opportunities

### Comments

- WI agreed this was the way forward and stated that partners had to make it succeed. People in the community needed support; partners had to deliver this in the best way possible. He stressed the commitment of this Administration.
- TE asked how the Shadow Board related to the RPP and to this Partnership.
- MA indicated there was a considerable area of responsibility that fell outwith the remit of the RPP. He advised there had been some criticism that the HSCP would be limited to adult care. It was hoped that the RPP would be able to identify and deal with any overlap or lack of an area of focus and, as outlined, there was no hierarchical relationship. There would be some overlapping roles but also some non overlapping roles. This was a completely new area and would therefore be an evolving process.
- TE asked if the focus would be on outcomes and prevention.
- MA confirmed this. He added that the budgets were integrated, not aligned.
- DS remarked that this Partnership was the overarching body for health and social care; it was important it was well co-ordinated with the RPP.
- AL commented that legislation as currently drafted related to a number of plans and she referred to lack of connectivity to plans that partners were already working to; those involved in drafting the new legislation were trying to rationalise all plans. Everyone was keen to move ahead in relation to areas where we could make a difference; the ambition of the group was very reassuring.

- SC stated that the most important aspect was that people receiving services had their lives improved, this was crucial. The next steps, where and how these services were delivered and consultation with communities, were key.
- AL referred to the engagement of other partners and the value partners could bring; she stressed the importance of managing risk.
- AG referred to the Academies Model as an example of a new innovative approach with a clear vision. He remarked that it may be worthwhile as partners worked through these to review what was working and where other areas of work could be developed; it was important to spell out a clear vision.

## **6. THE EAST LOTHIAN PLAN (SOA) 2013 – DEVELOPMENT PLAN**

Paolo Vestri presented the report. The Development Plan, approved at the last meeting of the Partnership, was attached as an appendix. He drew attention to the Agreement on Joint Working on Community Planning and Resourcing, the result of a proposal by the National Community Planning Group. He outlined the expectations this Agreement placed on all community planning partners. He drew particular attention to action points 7 to 10 (resources) within the Development Plan. Partners needed to reflect on this; a key issue was how to take forward this Development Plan and identify 3 priorities.

### **Comments**

- SC asked for further details regarding the 'Total Place' resource mapping exercise.
- PV advised that this would involve looking at a ward and within that area identifying resources from all partners, then looking at the community assets in the area such as voluntary organisations, community organisations, churches and human capital, and then looking at what community planning as a totality was providing.
- JMcD stated that from the Police point of view this linked in well and would help delivery to the SOA
- AL referred to Public Bodies legislation which made specific reference to locality planning and delivery
- TE remarked on the importance the Scottish Government and CoSLA placed on this and to the high level of commitment to making this work as shown in the attached letter.

### **Decision**

The Partnership agreed the key actions for the first year as detailed in paragraph 3.6 of the report.

## **7. ANY OTHER BUSINESS**

Councillor Currie expressed disappointment at the decision by the SFRS to close the Scottish Fire Service College at Gullane. He made reference to the strength of this Partnership, communication between partners, remarking it was regretful when this fell down. This was an opportunity to raise this as an issue. He felt there had been a distinct lack of consultation with the local community. He wished to register his disappointment at the decision.

Peter Heath explained that the decision that there was no longer a need for the facility at Gullane had been taken by the SFRS Board last week, on 26 September 2013. The timeline for ultimate disposal of that site was 3/4 years down the line. During this period there would be sufficient time to come back to this Partnership and to other forums to discuss further. He informed partners that 40 people were employed at that site at present; internal SFRS staff would be covered by the redundancy policy. He apologised for the lack of discussion at this forum, but explained that after the paper detailing the plans had been prepared, contact had been made with the Council's Chief Executive Angela Leitch, at the end of last week; there had been only one other opportunity to discuss and consult on the strategic plan. He appreciated that the community could have been better informed.

Peter Murray, Assistant Chief Officer, SFRS advised partners that the Board's strategic intention was to look at ways of rationalising property over the next 5/10 years. It was hoped to have staff involved in these discussions. The Board would engage with all appropriate partners. The opportunity had not passed.

## **8. NEXT MEETINGS**

The next meeting of the Partnership will take place on Tuesday 21 January 2014 at 2pm. The meeting after that will be held on 13 May 2014 at 2pm. Venues for both meetings tbc.

### *Post meeting note*

21 January 2014 – venue Musselburgh Primary Care Centre

13 May 2014 – venue East and Midlothian Chamber of Commerce





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

**THURSDAY 28 NOVEMBER 2013  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

**3b**

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**Committee Members Present:**

Councillor D Berry (Chair)  
Councillor J McNeil  
Councillor M Veitch

**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, Planner

**Committee Clerk:**

Mrs F Stewart

**Declarations of Interest**

None

**Apologies**

Councillor W Innes  
Councillor D Grant

Councillor Berry, who had been elected to chair today's East Lothian Local Review Body (ELLRB), welcomed all present to the meeting.

**1. REVIEW AGAINST DECISION (REFUSAL)  
PLANNING APPLICATION No: 13/00129/P – ERECTION OF FENCING TO  
RAILINGS (RETROSPECTIVE) AT 117 MILLHILL, MUSSELBURGH**

The Legal Adviser introduced the planning application and outlined the procedure for today's meeting. She advised that Members had received written papers, including a submission from the Case Officer and review documents from the applicant. A site visit had also been carried out. After hearing a statement from the Planning Adviser summarising the planning policy issues, Members would decide if they had sufficient information to reach a decision today. If they did not, the matter would be adjourned for further written representations or for a hearing session. Should Members decide they had sufficient information before them, the matter would be discussed and a decision reached on whether to uphold or overturn the decision of the Appointed Officer. She then invited the Planning Adviser to present a summary of the planning policy considerations in this case.

The Planning Adviser stated that the property on the application site was part of a building known as Redhouse which is a category B listed building and was within the Musselburgh Conservation Area. The application, which was originally validated on 31 May 2013 and subsequently refused under delegated powers, was seeking retrospective permission for the installation of a timber fence on top of an existing low stone wall to the rear of the property. He advised that the Planning Act required decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicated otherwise. He outlined further requirements of the Listed Buildings and Conservation Areas Act when dealing with applications affecting a listed building or its setting, or within Conservation Areas.

The Planning Adviser pointed out that listed building consent would also be required for the works, however this was a separate consent process and was not for consideration by the ELLRB. He also outlined the planning policies relevant to this application, stating that SESplan policy 1B expects Local Development Plans to protect built and cultural heritage. In terms of the Local Plan, he advised that the site was within a predominantly residential area, designated under policy ENV1. Policies ENV3 and ENV4 provided protection to listed buildings and Conservation Areas respectively and policy DP2 required a high standard of design. Also relevant to the application was Scottish Planning Policy which states that the historic environment should be safeguarded through planning decisions.

The Planning Adviser confirmed that the application had been refused by the Appointed Officer for three reasons; the first refers to harmful impacts on the setting of the listed building, by obscuring views of it, the second reason refers to impacts on the Conservation Area, due to appearance of the fence and the third reason refers to the question of precedent and the potential for cumulative harm to the Conservation Area. The application was considered contrary to relevant development plan policy and to Scottish Planning Policy. The Officer had considered the development acceptable in terms of daylight and sunlight impacts on neighbouring properties.

The Planning Adviser summarised that the applicant's request for a review states that the part of the building closest to the fence is a modern addition, and only this part of the building is obscured. The fence was intended to provide privacy to the

garden, and the applicant intends to stain or paint it in keeping with foliage. The current height of the wall and the railings on it are stated to be from 1989, rather than historic, and in terms of precedent, it was argued that this would only apply to the one adjoining property.

Finally, the Planning Adviser stated that no consultations had been carried out on the application by the Case Officer. Objections had been received from 4 local residents plus the Architectural Heritage Society of Scotland and this correspondence was included in the Members' papers. Matters raised included the visual appearance of the development, as well as a number of other matters that were not material planning considerations.

The Planning Adviser responded to a number of questions from Members relating to statements contained in the applicant's letter dated 20 August 2013. The Chair noted from the letter that the applicant was willing to stain or paint the fence in keeping with the foliage and asked if taking this action was likely to change the decision of the Case Officer. The Planning Adviser replied that, as it had been open to the Case Officer to grant the application with a Condition to this effect, he presumed that it would not have changed the decision of the Appointed Officer.

The Chair stated that the LRB had to assess if the reasons for refusal were valid and the Planning Adviser reminded Members that they should consider the application afresh from first principles taking account of development plan policy and any material considerations. They could therefore approve the application, refuse it for the same reasons as the Appointed Officer, or refuse it for other reasons.

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 McNeil stated that the applicant would have known that his property was in a Conservation Area at the time of purchase and that restrictions would apply to changes to the property or its setting. He noted from the applicant's letter that the wall and railings were not historic, but nonetheless, the property was in a Conservation Area, located behind the historic Town Hall and close to the river bank where there was a cobbled path regularly used by pedestrians. Planting trees or bushes could be used as an alternative to provide privacy. He therefore considered that the fencing should be removed and would vote to uphold the decision of the Appointed Officer.

Councillor Veitch stated that the first reason for refusal was key for him; it stated that the panel fence has a prominent and intrusive physical presence and was harmful to the setting of the building. In his view, this statement would hold true no matter what colour the fencing was. In relation to the second reason, he agreed that staining the fence might make the fencing less intrusive in appearance, but he considered that the fencing would still be harmful to the special architectural and historic character of the Conservation Area. Councillor Veitch was less convinced by the third reason for refusal, as most of the surrounding properties were modern.

The Chair was minded to agree with both of his colleagues. He stated that he was convinced by all three reasons for refusal given in the Case Officer's report. He referred to the symmetry of the building, saying that it looked particularly unbalanced with one part of the property with a fence and the other part without. He also

considered that the previous alterations to the building had been in keeping with the original.

**Decision**

The ELLRB unanimously agreed to refuse the application for the first two reasons set out in the original Decision Notice dated 26 July 2013. The third reason for refusal was upheld by a majority of 2:1. A Decision Notice would be issued within 21 days.



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

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

**3c**

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**Committee Members Present:**

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

**Other Councillors Present:**

Councillor S Akhtar  
Councillor J Williamson

**Council Officials Present:**

Ms M Ferguson, Legal Adviser  
Mr D Nightingale, Head of Education  
Mrs F Brown, Principal Officer, Pupil Support  
Ms K MacNeill, Service Manager – Licensing, Administration & Democratic Services  
Ms J Totney, Democratic Services Manager  
Mr M Jones, Web Manager  
Ms J Mackay, Media Manager

**Petitioner(s) Present:**

Mr K Stanton  
Ms J Campbell, Chairperson, Fisherrow Community Nursery

**Clerk:**

Miss F Currie, Committees Assistant

**Others Present:**

Ms F Dvoto, representing Fisherrow Community Nursery  
Ms S Hawes, representing Fisherrow Community Nursery  
Ms K Hynd, representing Fisherrow Community Nursery

**Apologies:**

None

**Declarations of Interest:**

None

**1. PETITION PRESENTED TO THE COMMITTEE FOR CONSIDERATION**

**PET 1301: CALLING ON EAST LOTHIAN COUNCIL TO HAVE A COMMITTEE DAY-DIARY PUBLISHED DAILY AND MADE ACCESSIBLE TO THE PUBLIC ON THE COUNCIL'S WEBSITE**

Councillor Broun-Lindsay welcomed everyone to the meeting, introduced the Committee members and outlined the procedure that would be followed. He invited Mr Kenneth Stanton to speak first regarding his petition.

Mr Stanton stated that his proposal was that the Council should publish the business of each Committee on its website, on a daily basis, in an understandable and easily accessible format. He cited the Scottish Government and Herald newspaper websites as providing examples of simple, jargon-free summaries of Committee business and he recommended that the Council revise their web pages to provide a similar service. He explained that he had interrogated the Council's website in an attempt to find information about individual Committees, their meeting dates and business to be discussed. He had found the website convoluted, to the point of being secretive, and almost impossible to navigate. On contacting the Council, he was advised that there were no plans to change the site; however subsequent changes were made to the Committee web pages. He remarked that the new pages, while less convoluted than previously, still lacked any detailed information on the business of each Committee. He submitted that the Council should use the Scottish Government format as a basis for their Committee web pages, to ensure that all Council business is placed before the public in an open and accessible way. He also suggested that the Council's newsletter could be used to disseminate this information.

Ms Kirstie MacNeill, Service Manager – Licensing, Administration and Democratic Services, spoke on behalf of the Council. She explained that some changes had recently been made to the Committees' web pages and that the Council's wider web strategy was currently under review. She insisted that the Council was committed to being as open and transparent as possible and there was no intention to be secretive. She alluded to correspondence with Mr Stanton in which he was advised of the potential costs of adding a day-diary – estimated at around £8000 – and confirmed that this work could not be undertaken due to budgetary constraints. Ms MacNeill told Members that the smaller changes which had been introduced made the pages simpler to navigate and brought the Council into line with most other local authority websites. She asked the Committee not to suggest that further changes be made at present but to allow the Council to continue its review of the website as a whole.

Ms Jill Totney, Democratic Services Manager, emphasised that her team was very diligent about making agendas and papers available on the website at least 5 days before a meeting. These papers provided details of Committee business. Mr Matt Jones, Web Manager, gave a short demonstration of the Committees' web pages.

In response to questions, Mr Jones indicated that the recent changes to the web pages had made the information more easily accessible – 2 clicks from the homepage rather than 4 clicks as previously. He remarked that it was unfair to compare the Council's website with the Scottish Parliament site as the volume of daily business was quite different. However, he acknowledged that further improvements could be made and that Mr Stanton had made some valid suggestions. He recommended that these suggestions be considered in the context of the wider review of the Council's web strategy.

In their debate, Members considered the information available at present on the Council's website, whether it could be accessed easily and whether it gave sufficient information about the business of each Committee. They rejected any suggestion that the Council was being

secretive or deliberately attempting to obscure information. They considered the current system to be clear and transparent, with details of Committee business made available in advance of each meeting. They acknowledged the work already undertaken to improve access to information on the website, following suggestions from Mr Stanton, and the Council's ongoing strategic review. While they accepted that improvements could always be made, they did not consider it necessary for any immediate changes to be implemented.

## **Decision**

The Committee agreed that the petition did not have merit and they therefore refused Mr Stanton's request. However, they asked officers to consider his suggestions as part of their strategic review of the Council's website.

### **2. PET 1304: CALLING ON EAST LOTHIAN COUNCIL TO RECONSIDER ITS DECISION TO REDUCE THE FUNDING FOR FISHERROW COMMUNITY NURSERY, MUSSELBURGH**

Councillor Broun-Lindsay invited Ms Jacqueline Campbell, Chairperson of Fisherrow Community Nursery, to speak regarding her petition.

Ms Campbell thanked Members for being given the opportunity to talk about the Nursery and its funding problems. She explained that it was a registered charity, run by a parent committee, with 20 morning and 10 afternoon places available for pre-school children. It had in its employment four part-time staff and it was not under the umbrella of any school. Although the Nursery charged fees, these were kept as low as possible to be affordable for low income families. In addition to the rent paid to the Fisherrow Trust and it had also contributed towards the maintenance of the playground and upgrading of the toilet facilities. Because of the position of the toilets in relation to the classrooms, the staff-to-child ratio was high - as required by Care Commission guidelines. However, this higher staff ratio offered benefits for those children with additional support needs. The Nursery had achieved a 5 star rating for the quality of service it provides.

Ms Campbell indicated that annual staff costs of approximately £29,000 were the Nursery's main expenditure. In May 2013 they were told that their funding from East Lothian Council was being cut by approximately one third. Although the Nursery has increased its fees there is still a significant monthly/annual shortfall. The Nursery approached the Council for advice and had applied for grants from a range of bodies. However, none of these grants cover staff costs and the Nursery has had to cut back elsewhere as a result. Additional fund raising is continuing but this is unlikely to sustain the Nursery in the longer term. A contingency fund is in place to cover wages, bills and legal costs should the Nursery have to close. Ms Campbell concluded that, without additional funding, the Nursery did not have a future and many of their parents would not be able to afford alternative child care.

Members asked questions about the age range of the children and implications for staffing ratios, the selection criteria for more vulnerable children, and the likely impact of the current financial shortfall on the future of the nursery. Ms Campbell confirmed that there were different ratios for each age group and that, at present, they were well staffed. She indicated that no specific selection criteria were applied and all children on the waiting list were treated in the same way. She reiterated that should the current funding position continue the nursery would be unlikely to survive in the long term.

Mr Darrin Nightingale, Head of Education, explained that it had been necessary to reduce funding for partnership nurseries as part of the 2013/14 budget. However, this decision had not been taken lightly and there were no plans for any further reductions in funding. He

remarked that, despite these cuts, the rates paid by East Lothian Council were higher than those of surrounding local authorities, e.g. Midlothian and Edinburgh. Fisherrow Nursery had been treated the same as all other partnership nurseries within the county. Additional support had been provided in the form of teaching hours and economic development advice and his officers would continue to work with staff and parents at the Nursery. He acknowledged the achievement of a 5 star rating and welcomed the fact that there was a contingency fund in place and money available for the medium term. Mr Nightingale concluded that the Nursery was an important resource but that funding decisions were made in relation to the county as a whole rather than on an individual basis.

Mrs Fiona Brown, Principal Officer, Pupil Support, indicated that, based on figures for the current term and projections that the Nursery would reach capacity by April 2014, the level of funding would in fact be greater than previously stated. Income estimates were for a sum of £26,775 and the final amount could be higher. This additional money would reduce the Nursery's funding shortfall by more than half. Mrs Brown also suggested that consideration be given to the use of volunteer helpers to assist staff.

In response to questions from Members, Mr Nightingale and Mrs Brown confirmed that there were currently 40 places available in the area. They also indicated that two models were being considered to provide the additional capacity required following the planned increase in funded hours in 2014.

Following further questions, Mrs Brown explained that they could not increase funding to the Nursery beyond that to which it was currently entitled. There were specific criteria to be considered and they must consider the implications for other partnership providers and treat all of them in the same way.

In their debate, Members accepted that the Education Authority had to take difficult decisions within budgetary constraints and were encouraged to hear that the Nursery's funding entitlement would increase as it reached capacity. They acknowledged the Nursery's achievements, particularly as a parent-run, registered charity, and they expressed their concern that such a high quality, affordable service might be lost to the local community. While aware of the potential implications for other partnership provider nurseries, Members considered it important that all possible options be explored. They concluded that the petition submitted by Fisherrow Community Nursery was well founded and required further consideration by the Council.

**Decision**

The Committee agreed that the matter should be referred to Councillor Shamin Akhtar, as Cabinet Spokesperson for Education, for further consideration.

Signed .....

Councillor Ludovic Broun-Lindsay  
Convener of the Petitions Committee



**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 February 2014

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

**SUBJECT:** Treasury Management Strategy 2014/15 to 2016/17

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**4**

## **1 PURPOSE**

- 1.1 To seek the approval of the Council of the Treasury Management and Investment Strategies for 2014/15 to 2016/17.

## **2 RECOMMENDATIONS**

- 2.1 The Council is recommended to :
- i. Note the Treasury Management Strategy detailed in section 3.4.
  - ii. Note the Investment Strategy detailed in section 3.19
  - iii. Approve authorised limits for external debt as detailed in section 3.13.
  - iv. Approve operational boundaries for external debt as detailed in section 3.15.
  - v. Approve the delegation of authority to the Head of Council Resources to effect movement between external borrowing and other long-term liabilities as detailed in section 3.16.
  - vi. Approve the detailed Treasury Management Strategy Statement which has been lodged in the Members Library (Ref: 24/14, February 2014 Bulletin).

## **3 BACKGROUND**

- 3.1 It is a statutory requirement under Section 93 of the Local Government Finance Act 1992, that the Council produces a balanced budget. In particular, a local authority must calculate its budget for each financial year to include the revenue costs that flow from capital financing

decisions. This, therefore, means that increases in capital expenditure must be limited to a level whereby related charges to the revenue accounts from:

- Increased interest charges caused by increased borrowing to finance additional capital expenditure, and
- Increased running costs arising from new capital projects

are limited to a level that is affordable within the projected income of the Council for the foreseeable future.

- 3.2 The Treasury Management Code of Practice, updated by CIPFA in 2011, requires the Council to approve a Treasury Management Strategy and an Investment Strategy in advance of each financial year.
- 3.3 A detailed document covering both the Treasury Management and Investment Strategies for 2014/15 to 2016/17 has been placed in the Members Library (Ref: 24/14, February 2014 Bulletin). This report highlights the key points from those strategies. The figures used are those utilised in setting the Council Tax and HRA rents on 11 February 2014.

### Treasury Management Strategy

- 3.4 Actual capital expenditure incurred in 2012/13 together with the estimates of total gross capital expenditure to be incurred for 2013/14 and future years are detailed below in Table 1:

	2012/13	2013/14	2014/15	2015/16	2016/17
	£'000	£'000	£'000	£'000	£'000
	actual	estimate	estimate	estimate	estimate
General Services	28,526	32,470	19,941	21,934	22,498
HRA	23,690	22,557	21,871	18,221	16,812
<b>TOTAL</b>	<b>52,216</b>	<b>55,027</b>	<b>41,812</b>	<b>40,155</b>	<b>39,310</b>

- 3.5 Not all of this spending will be funded by borrowing but rather much of it will be funded by grant, receipts and other capital income contributions. Table 2 overleaf details the actual and planned capital expenditure over the period alongside the sources of funding.

<b>Table 2: Net Financing Need for the Year</b>					
	2012/13	2013/14	2014/15	2015/16	2016/17
	£'000	£'000	£'000	£'000	£'000
	actual	estimate	estimate	estimate	estimate
General Services Gross	28,526	32,470	19,941	21,934	22,498
HRA Gross Capital Spend	23,690	22,557	21,871	18,221	16,812
<b>Sub-total</b>	<b>52,216</b>	<b>55,027</b>	<b>41,812</b>	<b>40,155</b>	<b>39,310</b>
<b>Financed by;</b>					
Capital grants	(14,107)	(11,088)	(15,747)	(12,489)	(9,023)
Capital receipts/contributions	(1,211)	(5,694)	(5,183)	(2,626)	(3,173)
Capital reserves	-	-	-	-	-
Revenue Contributions	(2,599)	(1,519)	(4,221)	(3,211)	(1,232)
<b>Sub-total</b>	<b>(17,917)</b>	<b>(18,301)</b>	<b>(25,151)</b>	<b>(18,326)</b>	<b>(13,428)</b>
<b>Net Financing Need for the Year</b>	<b>34,299</b>	<b>36,726</b>	<b>16,661</b>	<b>21,829</b>	<b>25,882</b>

- 3.6 Estimates of the ratio of financing costs to net revenue stream for the current and future years, and the actual figures for 2012/13 are listed in Table 3 below:

<b>Table 3: Ratio of financing costs to revenue stream</b>					
	2012/13	2013/14	2014/15	2015/16	2016/17
	%	%	%	%	%
	actual	estimate	estimate	estimate	estimate
General Services	7.73%	8.56%	8.61%	8.62%	8.98%
HRA	26.58%	32.05%	34.14%	35.22%	36.39%

- 3.7 The relatively gradual increase in the General Services ratio reflects the standstill in corporate income against a background of continuing, albeit lesser capital spend. The increase in the HRA ratio reflects the large planned investment in both new affordable housing and modernisation of existing stock, which is mainly financed through borrowing. This borrowing has to be repaid with interest and this leads to increased financing costs.
- 3.8 The Capital Financing Requirement (CFR) measures the Council's underlying need to borrow for a capital purpose. The Council does not associate borrowing with particular items or types of expenditure. The authority has an integrated treasury management strategy and has adopted the CIPFA Code of Treasury Management in the Public Services. The Council has at any point in time a number of cash flows both positive and negative. In day-to-day cash management, no distinction is made between revenue cash and capital cash. External borrowing arises as a consequence of all the financial transactions of

the Council and not simply those arising from capital spending. However, other than to manage short-term cash flows, the Council is not allowed to borrow for revenue purposes.

- 3.9 Estimates of the end of year capital financing requirement (CFR) for the Council for the current and future years, and the actual CFR at 31 March 2013 are detailed in Table 4 below;

<b>Table 4: Capital Financing Requirement (CFR)</b>					
	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
	<b>actual</b>	<b>estimate</b>	<b>estimate</b>	<b>estimate</b>	<b>estimate</b>
Total CFR at start of year	388,939	412,027	436,166	439,192	446,950
Movement in CFR represented	23,088	24,139	3,026	7,758	10,664
<b>Total CFR at end of the year</b>	<b>412,027</b>	<b>436,166</b>	<b>439,192</b>	<b>446,950</b>	<b>457,614</b>
<b>Movement in CFR represented by</b>					
Net Financing Need for the year (above)	34,299	36,726	16,661	21,829	25,882
Less: Scheduled Debt Amortisation	(11,211)	(12,587)	(13,635)	(14,071)	(15,218)
<b>Movement in CFR</b>	<b>23,088</b>	<b>24,139</b>	<b>3,026</b>	<b>7,758</b>	<b>10,664</b>

- 3.10 The importance of the CFR lies in the way it measures the need to borrow for a capital purpose excluding the effect of revenue cash flows.
- 3.11 The key indicator of prudence is that external borrowing should not exceed the CFR for the preceding year plus additional CFR in the current and two following years. At the close of the 2012/13 financial year, the Council was well within this indicator, as the relevant CFR was £412.027 million and external borrowing was £361.251 million.
- 3.12 The Council's treasury portfolio position at 31 March 2013, with forward projections are summarised in Table 5 below. The table shows the actual external debt (the treasury management operations) against the underlying capital borrowing need (the Capital Financing Requirement – CFR) highlighting any over or under borrowing.

<b>Table 5: Actual Debt and the Capital Financing Requirement (CFR)</b>					
	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
	<b>actual</b>	<b>estimate</b>	<b>estimate</b>	<b>estimate</b>	<b>estimate</b>
Total External debt at start of year	334,249	361,251	398,441	408,530	425,139
Expected/Actual change in debt	28,319	38,516	11,382	17,795	18,760
Other long term liabilities (OLTL)	47,406	46,089	44,763	43,470	42,284
Expected/Actual change OLTL	(1,317)	(1,326)	(1,293)	(1,186)	(1,186)
<b>Actual gross debt at 31 March</b>	<b>361,251</b>	<b>398,441</b>	<b>408,530</b>	<b>425,139</b>	<b>442,713</b>
<b>The Capital Financing Requirement</b>	<b>412,027</b>	<b>436,166</b>	<b>439,192</b>	<b>446,950</b>	<b>457,614</b>
<b>(Under)/Over borrowing</b>	<b>(50,776)</b>	<b>(37,725)</b>	<b>(30,662)</b>	<b>(21,811)</b>	<b>(14,901)</b>

- 3.13 The Council is recommended to approve the following authorised limits for its gross external debt for the next three years. These limits separately identify borrowing from other long-term liabilities such as finance leases.

<b>Table 6: Authorised Limit for External Debt</b>				
	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
	<b>estimate</b>	<b>estimate</b>	<b>estimate</b>	<b>estimate</b>
Borrowing	419,000	423,000	432,000	444,000
Other long term liabilities	57,000	56,000	55,000	53,000
<b>Total</b>	<b>476,000</b>	<b>479,000</b>	<b>487,000</b>	<b>497,000</b>

- 3.14 These authorised limits are consistent with the Council's current commitments, existing plans and the budget proposals for capital expenditure and financing approved on 11 February, and with the approved treasury management policy. The limits are based on the estimate of the most likely, prudent but not worst-case scenario with, in addition, sufficient headroom over and above this to allow for the operational management of unusual cash flows, such as debt restructuring.
- 3.15 The Council is also asked to approve in Table 7 the operational boundaries for gross external debt. These are based on the authorised limits but excluding headroom.

	2013/14	2014/15	2015/16	2016/17
	£'000	£'000	£'000	£'000
	estimate	estimate	estimate	estimate
Borrowing	388,760	393,103	402,187	414,144
Other long term liabilities	47,406	46,089	44,763	43,470
<b>Total</b>	<b>436,166</b>	<b>439,192</b>	<b>446,950</b>	<b>457,614</b>

3.16 The Council has delegated authority to the Head of Council Resources to effect movement between borrowing and long-term liabilities within the total authorised limits and operational boundaries approved. Any such movement would be reported to Cabinet via the Members' Library as part of Treasury Management update reports.

3.17 Within the limits set by the indicators above, the Council will make capital investment decisions in accordance with the following fundamental principles of the Prudential Code:

- Service objectives e.g. achieving the Council Plan objectives
- Stewardship of assets e.g. asset management planning
- Affordability e.g. implications for Council Tax
- Value for money e.g. option appraisal
- Prudence and sustainability e.g. implications for external borrowing
- Practicality e.g. is the investment proposal practical given other competing pressures on the service involved

3.18 A key measure of affordability is the incremental impact of capital investment decisions on the Council Tax and Council House rents. The impacts of the expenditure plans are:

	2014/15		2015/16		2016/17	
	£	p	£	p	£	p
	estimate		estimate		estimate	
Increase in Council Tax (band D) per annum	£	6.05	£	1.29	£	19.17
Increase in average housing rent per week	£	1.89	£	1.72	£	1.74

### **Investment Strategy**

3.19 The Council's Investment Strategy for 2014-17 has been prepared in accordance with the Local Government Investments (Scotland) Regulations 2010 and the CIPFA Treasury Management Code.

- 3.20 The Investment Strategy details the approach which the Council will take to minimise the risk to investments and lists the investments which the Council will be permitted to use.
- 3.21 Common Good and Charitable Trust funds are managed on behalf of the Council by an external investment management firm. The strategy details the Council's policy on the investment of these funds.
- 3.22 The indicator below sets a limit on the total level of investments held for longer than 364 days

<b>Maximum principal sums invested &gt; 364 days</b>			
<b>£m</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>
Principal sums invested > 364 days	£m 30	£m 30	£m 30

#### **4 POLICY IMPLICATIONS**

- 4.1 Implementation of Council policy and supporting plans will require capital expenditure. The policy effect of a proposed capital expenditure will be assessed as part of the project appraisal.
- 4.2 The limited resources available form an important constraint on the development of policy, which requires to be managed through the development of a sustainable Council Plan associated with a supporting Corporate Asset Management Plan.

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

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

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – these strategies are interwoven with the revenue and capital budgets. The expenditure and debt limits are consistent with the revenue budgets approved by the Council on 11 February 2014.
- 6.2 Personnel - none directly from this report although there may be implications arising from capital investment decisions.
- 6.3 Other – capital investment choices made have a major impact on the property, equipment and IT resources available for the delivery of services.

## **7 BACKGROUND PAPERS**

- 7.1 CIPFA (2011) – “Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes”
- 7.2 CIPFA (2011) – “The Prudential Code for Capital Finance in Local Authorities”
- 7.3 The Local Government (Scotland) Regulations 2010
- 7.4 Capital Investment & Treasury Management Strategy 2013/14 to 2015/16
- 7.5 Council 11 February 2014 – all budget papers

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<b>DATE</b>	13/02/2014



**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 February 2014

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** Ratification of SESplan Budget 2014/15

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**5**

## **1 PURPOSE**

- 1.1 To request that Council ratifies the decision of the SESplan Joint Committee to approve SESplan's Operating Budget for 2014/15.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that Council agrees to ratify SESplan's Operating Budget for 2014/15.

## **3 BACKGROUND**

- 3.1 SESplan, the Strategic Development Plan Authority, is required to report its spend against agreed budgets to the SESplan Joint Committee. It is also required to present for the approval of the Joint Committee its budgets for future years.
- 3.2 The SESplan Joint Committee of 18 November 2013 approved the 2014/15 Operating Budget, subject to its being ratified by the six SESplan member authorities.
- 3.3 For the 2014/15 Operating Budget the fixed cost estimate is £291,088, the majority of which is the core team staff and accommodation. Efforts are ongoing to reduce accommodation costs, including the possible relocation of the core team to space within a member authority.
- 3.4 The core team comprises the SDP Manager, Lead Officer (0.8 fte), a Planner and a Temporary Planner. SESplan proposes that this team be maintained through 2014/15 to progress work on the second Strategic Development Plan.

- 3.5 The SESplan Joint Committee agreed that member contributions for 2014/15 should continue to be held at £49,000 per authority. Any reduction in member authority contributions will be reviewed against ongoing progress on delivery of a 5% reduction in the SESplan Operating Budget as from 2014/15.
- 3.6 The required SESplan contribution for 2014/15 is provided for within the Partnership and Services for Communities budget.

#### **4 POLICY IMPLICATIONS**

- 4.1 None

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

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

#### **6 RESOURCE IMPLICATIONS**

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

#### **7 BACKGROUND PAPERS**

- 7.1 Report by SDP Manager to SESplan Joint Committee 18 November 2013, *Finance*

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**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 February 2014

**BY:** Depute Chief Executive (Partnerships & Community Services)

**SUBJECT:** Housing Allocations Policy Review 2013/2014

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**6**

## **1 PURPOSE**

- 1.1 To seek Council approval of the new Housing Allocations Policy prior to implementation.
- 1.2 To explain the background to, methods undertaken, and the key outcomes of the review.

## **2 RECOMMENDATIONS**

### 2.1 Members are asked to:-

- (i) Approve the Draft Housing Allocations policy prior to implementation. This has been published in the Members' Library – Ref: 23/14 (February 2014 Bulletin);
- (ii) Approve the implementation date of 1 April 2014;
- (iii) Note that the consultation process undertaken meets the Council's legal requirements as set out by the Housing (Scotland) Act, 2001 and also reflects good practice; and
- (iv) Note that the policy aspect relating to Registered Social Housing Tenants will follow later on in the year after further discussion with our Housing Association partners.

## **3 BACKGROUND**

- 3.1 The main purpose of the Allocations Policy is to meet the Council's legal obligations specified by Allocations and Homelessness legislation. The policy, along with other associated actions, also assists the Council to make best use of Council housing stock. In addition, the policy helps the Council to

achieve, along with other complimentary actions, balanced and sustainable communities through Local Lettings Plans.

- 3.2 The current policy was introduced in July 2007 after extensive consultation. It was subject to further review in 2008, after a year of live running, to ensure that the policy met its stated aims and objectives. However, in the period following the last review there have been significant changes in housing legislation and allocations good practice – with guidance relating to social housing lets being produced by the Scottish Government. In addition, the East Lothian housing context in 2013 has changed significantly since 2007. Consequently, the need to review the allocations policy was recognised in the new Council Plan 2012-2017.
- 3.3 A review team comprising staff from Community Housing, Adult Wellbeing, Children’s Wellbeing, Legal Services, Homelessness and members of the East Lothian Tenants and Residents Panel (ELTRP) was constituted in November 2012 and was charged with the design of a new Allocations Policy that would ensure legal compliance, respond to the East Lothian housing context, promote good practice and help create sustainable communities.
- 3.4 Consultation Process & Feedback
  - 3.4.1 The Council has an obligation under the Housing (Scotland) Act, 2001 to consult with all tenants and Registered Tenants Organisations on any proposed changes to housing related policies, including the Allocations Policy.
  - 3.4.2 The first consultation phase of the review took place in November 2012 and involved an internal survey of staff & stakeholders. Staff feedback identified main themes that were taken forward for consideration by the review team. These main themes also informed the development of the wider public consultation survey.
  - 3.4.3 This first phase also confirmed that staff on the ground felt much of the policy was fair and should not be changed as part of the review; for example, the points levels and local lettings plans. There were, however, strong themes that needed to be considered further, including the setting aside of suitable ground floor properties for those with mobility needs.
  - 3.4.4 The second consultation phase took place from July – September 2013. A written invitation to take part in a survey to review the policy was sent to all current tenants and applicants on the housing list, Tenants & Residents Associations and Community Councils (approx. 13,000). The survey was also promoted on the Council’s Consultation Hub, through the Council tenant Homefront newsletter and was available in local libraries and Council offices.
  - 3.4.5 Over 1,400 (11%) of those sent a copy of the survey responded to register their comments and views.
  - 3.4.6 A public event was also held in Haddington on 17 September 2013 to provide an opportunity for those who wished to ask questions regarding the policy or who wanted further information on the changes. This event was publicised through the Council’s Homefront magazine for tenants and by ELTRP.

- 3.4.7 The findings of both consultation exercises were fully considered by the review team and incorporated into the new policy draft where appropriate. The Council will publish the results of the consultation survey via the Consultation Hub in due course. A copy of the findings will be made publically available as part of the consultation feedback process.
- 3.4.8 Amongst the feedback, it was noted that there was general support for the proposed policy changes along with some understanding of the supply issues and pressures faced by social landlords. However, the feedback also highlighted some continuing misconceptions regarding those groups thought to be given priority for housing.
- 3.4.9 Following approval, the Council will work towards the implementation of the new policy on 1 April 2014. There are some operational changes required to the Council's Housing Management System and supporting literature, i.e. application forms, information leaflets. etc. Allocation processes will also be updated in Nimbus to reflect the changes to allow for staff training and guidance.

### 3.5 Key Outcomes of the Policy Review

#### 3.5.1 **Use of Suitable Ground Floor Property**

- A proposal to set aside all suitable Ground Floor property for allocation to those with mobility needs was considered and agreed on the basis of helping expedite and meet the needs of applicants who have mobility issues.
- Suitable Ground Floor properties are those that do not have existing adaptations but have a ground floor bedroom and bathroom, are rampable or have a maximum of three steps to the front door. Such properties will be classed as '*Adaptable*' (where they are rampable) or suitable for the '*Ambulant Disabled*' (where there are three or fewer steps).
- Where no demand exists from those with mobility needs for this type of property, it will be allocated following normal allocation procedures.
- The Health & Housing Panel will assess applications from those with mobility needs and make awards based on supporting evidence, suitability of current housing and future housing needs.

#### 3.5.2 **Areas of Choice**

- A proposal to remove the current restrictions in relation to the number of areas an applicant must select in a main town in their application for housing has been considered and agreed.
- Previously, as a minimum requirement, an applicant was required to select two areas within a main town in order to maximise their opportunity for housing. This was due to levels of Council housing being low in some areas - particularly of larger properties and in some villages where there was no longer Council stock.

- Following removal of this restriction, an applicant will be able to select as many or as few areas for housing as they wish. The applicant will be advised of stock and turnover in the areas they have selected to enable them to make an informed decision regarding any impact this may have on their housing prospects.
- Applicants that have been accepted for re-housing under Homelessness legislation will meet with the Council after a period of 12 months to discuss widening their areas of choice should no offers of housing have been made to them during that time.

### **3.5.3 Number of Offers**

- As a part of a review of the Allocations Policy in 2007, and in response to the high demand for social housing and pressure to turn around properties quickly, the Council introduced a limit on the number of offers made to applicants for housing.
- As demand continues to increase, it is proposed to further reduce the number of offers made to applicants from three to two 'reasonable' offers. A 'reasonable' offer is one that meets the applicant's requirements, in terms of size, property type, area of their choice and any assessed health needs. Should an applicant refuse the second offer, their application would be suspended for a period of 12 months.
- Applicants that have been accepted for housing under Homelessness legislation will be made one reasonable offer of housing. Should this offer be refused, the homeless priority would be removed. Any further offers would depend on the applicant's remaining levels of housing need. If a subsequent offer is made and refused by the applicant, their application would be suspended for 12 months.
- It is proposed that, from the policy implementation date, the number of offers an application has received will be reset - all applications will be considered to have received no offers.

### **3.5.4 Discharge from Prison**

- Feedback from the staff and stakeholder consultation suggested that the weighting given to those discharged from prison (and requiring risk assessment) was too high and should be reduced from 80 points to 40 points – giving those applicants a similar priority to those who have lost their home in the private rented sector. This proposal was strongly supported in the public consultation.
- At the time of writing this report there were no applicants on the Council's housing list that would be affected by this change.

### 3.5.5 Registered Social Housing Tenants

- It was proposed that the tenants of East Lothian Housing Association and Homes for Life Housing Association be accepted onto the Council's housing list as transfer applicants.
- Feedback from the public consultation survey suggests that there is strong support for this proposal. However, the survey feedback also suggests that there was a general misconception that this would be an automatic reciprocal arrangement between the Council and the housing associations. Formal discussions with both housing associations have begun to progress this arrangement.
- This element of the policy has been agreed in principle but further discussions are necessary and this will mean a longer implementation date.
- Once an agreement is reached with the Housing Associations, a further report will be prepared for Elected Members.

### 3.6 Implementation

3.6.1 The proposed 'go live' date for the Allocations Policy is 1 April 2014.

3.6.2 The literature supporting the policy; e.g. application form, guidance information and leaflets, have been updated to reflect the changes.

3.6.3 Prior to 'go live,' all existing applicants on the housing list will be contacted in writing and informed of the policy changes. The letter will also invite applicants to contact the Council to update the details held against their housing application.

3.6.4 Training has been provided for staff and the Nimbus process maps and procedures have been updated where necessary.

## 4 **POLICY IMPLICATIONS**

4.1 Approval of the new policy will ensure that it continues to comply with good practice and current legislation.

4.2 The new policy, when approved, will meet one of the Council Plan 2012-2017 objectives.

4.3 The new Allocations Policy has identified the links to, and is cognisant of, other Council housing policies and strategies.

4.4 The policy will be reviewed after a year of live running to assess for operational impacts, alongside any changes that may be required following the enactment of the current Housing (Scotland) Bill.

## **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 A Combined Impact Assessment has been completed and no negative impacts have been found.
- 5.2 The Impact Assessment has been passed to the Council's Policy Team.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – The costs of developing and implementing the policy will be contained within the Housing Service Development Team budget.
- 6.2 Personnel – None.
- 6.3 Other – None.

## **7 BACKGROUND PAPERS**

- 7.1 Draft Allocations Policy. This Document has been published in the Members' Library; Ref: 23/14 (February 2014 Bulletin).

[http://www.eastlothian.gov.uk/meetings/meeting/5473/members\\_library\\_service](http://www.eastlothian.gov.uk/meetings/meeting/5473/members_library_service)

<b>AUTHOR'S NAME</b>	James Coutts
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<b>DATE</b>	28 January 2014



**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 February 2014

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

**SUBJECT:** Amendments to Standing Orders – Scheme of Administration and Scheme of Delegation

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**7**

## **1 PURPOSE**

- 1.1 To seek approval of the proposed revisions to the Scheme of Administration and Scheme of Delegation.

## **2 RECOMMENDATIONS**

The Council is asked:

- 2.1 to approve the proposed amendments to the Scheme of Administration, as outlined in Appendices 1 and 2 of the report;
- 2.2 to approve the proposed additions to the Scheme of Delegation, as outlined in Appendix 3 of the report
- 2.1.6 to note that the revised Scheme of Administration and Scheme of Delegation will be published on the Council website as soon as practicable.

## **3 BACKGROUND**

- 3.1 Members will recall that the Council approved a revised Scheme of Delegation in June 2013 and approved revised Standing Orders and a revised Scheme of Administration in August 2013.
- 3.2 A number of amendments now require to be made to the Scheme of Administration, including the incorporation of a Scheme of Administration for the Shadow Health & Social Care Partnership (see Appendix 1) and some minor changes to the Schemes of Administration for the Local Review Body and the Joint Consultative Committee (see Appendix 2).

- 3.3 The Shadow Health & Social Care Partnership held its first full meeting on 22 January 2014 and agreed to approve a draft Scheme of Administration, which is now presented to Council for approval and incorporation into the Council's Standing Orders (see Appendix 1). The draft Scheme of Administration was approved by NHS Lothian on 5 February. Members are asked to note that, during developmental meetings, the Shadow Partnership agreed and implemented a process to appoint five additional non-voting members, one from each of the following sectors: patient/user; third sector; carers; independent; and independent contractor. The additional members have now been appointed and will serve for an initial period of six months, with membership being reviewed prior to the establishment of the Integration Joint Board.
- 3.4 As a result of the recent realignment of Council services, the Scheme of Delegation has been updated, under powers delegated to the Chief Executive. However, a number of additions/amendments to the Scheme of Delegation are now proposed, as outlined in Appendix 3.
- 3.7 If approved, the revisions to Scheme of Administration and Scheme of Delegation will be incorporated into Standing Orders and published on the Council website.

#### **4 POLICY IMPLICATIONS**

- 4.1 None.

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

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

#### **6 RESOURCE IMPLICATIONS**

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

#### **7 BACKGROUND PAPERS**

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

<b>AUTHOR'S NAME</b>	Lel Gillingwater
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<b>DATE</b>	3 February 2014



## **Scheme of Administration for the Shadow East Lothian Health and Social Care Partnership**

### **A Remit and Powers**

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

Specifically, the Shadow Partnership will:

1. create a shared vision for the future model of health and social care in East Lothian
2. plan towards the formation of a Health and Social Care Partnership
3. approve a workplan containing the workstreams outlined below and seek updates from workstream leads at regular intervals
  - finance and IT
  - governance
  - outcomes
  - strategic commissioning
  - HR and workforce development
4. ensure that its plans for the establishment of a Health and Social Care Partnership are consistent with emerging legislation and guidance
5. create opportunities to work in partnership with families, carers, service users, communities and non-statutory partners to deliver the partners' shared vision
6. create the climate for excellent service delivery building on best practice and feedback from service users
7. ensure that the Health and Social Care Partnership is founded upon a robust financial framework supported by first class service delivery and performance management systems
8. oversee the delivery of key aspects of East Lothian's Single Outcome Agreement
9. ensure delivery of the national outcomes for health and social care integration.

### **B Membership**

1. There shall be eight members of the Shadow Partnership, comprising four Non-Executive NHS Board Members (one of whom shall be the Partnership representative) and four Elected Members of East Lothian Council (three Councillors from the Administration and one Councillor from the Opposition). These eight members shall have full voting rights. All Council representatives shall operate in accordance with the Councillors' Code of Conduct; all NHS representatives shall operate in accordance with the NHS Lothian Code of Conduct.

2. The Shadow Partnership shall appoint from amongst its members a Chairperson and Vice-Chairperson. If the Chairperson appointed is one of the NHS's representatives, the Vice-Chairperson shall be one of the Council's representatives, and vice versa. For the first two years, 2013-2015, the Chairperson shall be selected from the NHS Lothian Members, whilst the Vice-Chairperson shall be selected from the Council Elected Members. These positions will alternate annually thereafter, with a Member of the Council assuming the Chair in 2015.
3. All Members of the Shadow Partnership must behave respectfully at any meeting and should not behave in a manner that is improper or offensive or deliberately obstructs the business of the meeting. Members of the Shadow Partnership are bound by the decisions of the Shadow Partnership. Members can request that individual views are recorded in the minutes of the Shadow Partnership.
4. Any motion to remove a member of the Shadow Partnership may be carried by a simple majority of those members present and eligible to vote at the meeting at which the motion is put. In the event of an NHS representative being removed from the Shadow Partnership, the Health Board would be requested to nominate a replacement member; in the event of a Council representative being removed, the Council would be requested to nominate a replacement member; in the event of a non-voting member being removed, the Partnership will seek a replacement in the same way as the original appointment was made.
5. The Shadow Partnership shall also include membership from individuals covering NHS Independent Contractor, Third Sector, Independent Sector, Carer, service user/member of the public. These members shall have no voting rights. The non-voting members will be bound by the code of conduct for non-NHS members of the CHP Sub-Committee.
6. The Shadow Partnership shall be supported by the Chief Executive of NHS Lothian and the Chief Executive of East Lothian Council. The Chief Executives shall have no voting rights, but shall attend meetings and provide advice and oversight.
7. The following Officers will regularly attend meetings of the Shadow Partnership: the Chief Officer (Director of Health and Social Care Partnership), Head of Adult Wellbeing/Chief Social Work Officer, Head of Health/Chief Nurse, Clinical Director.

## **C Quorum**

1. Half the voting membership + 1, with at least 2 members from among the Council representatives and 2 members from among the NHS representatives.
2. No business shall be carried out at a meeting unless a quorum is present. If, 10 minutes after the time appointed for a meeting, the quorum has not been met, the Chairperson shall postpone the meeting until a date and time determined at the time or afterwards. The minute of the meeting will record that no business was carried out due to the lack of a quorum.

## **D Substitutes**

1. There shall be no substitutes.

**E Meetings**

1. Meetings of the Shadow Partnership shall be held in conjunction with meetings of the East Lothian Partnership, East Lothian Council and NHS Lothian.

**F Reporting Arrangements**

1. During the period when the Shadow Partnership is chaired by the NHS (2013-2015), the NHS shall provide a clerk to take minutes of the meetings. When it is chaired by the Council, the Council shall provide a clerk.
2. Minutes of the Shadow Partnership shall be presented to the NHS and to the Council for noting.

**G Miscellaneous**

1. Meetings of the Shadow Partnership will be held in private.
2. Decisions of the Shadow Partnership will normally be reached by consensus. Where consensus cannot be reached, the vote shall be taken by roll call. In the event of a tied vote, the Chairperson shall have the casting vote.





## Proposed Amendments to the Scheme of Administration

The proposed changes to the Scheme of Administration are indicated in red.

### Local Review Body

#### *Section A – Remit and Powers*

1. To conduct reviews in accordance with Section 43A(8) of the Town and Country Planning (Scotland) Act 1997, where the ~~Executive Director of Environment Service Manager – Planning~~ as the appointed person ...

#### *Section B – Membership*

1. The membership of the Local Review Body shall comprise **up to** five members of the Council...

#### *Section G – Miscellaneous*

1. (d) Appellants and interested parties who have submitted individual written representations ~~will be able~~ **may be invited** to attend the site visit, **where appropriate**, on the understanding they do so solely to point out to Members relevant features of the application site or the land/buildings which might be affected by the application.

### Joint Consultative Committee

#### *Section B – Membership*

1. The membership of the JCC shall be 8 representatives appointed by the Council and ~~42~~ **13** representatives (who shall be employees of the Council) of the Trades Unions ...

**Note:** this change has come as a result of an error in the current Scheme of Administration.



## **Proposed Amendments to the Scheme of Delegation**

### **Section 5: Specific Duties and Responsibilities Delegated to the Head of Council Resources**

Add: Appointing curators ad litem and reporting officers

Add: Providing records management and archive services

### **Section 7: Specific Duties and Responsibilities Delegated to the Head of Development**

Add: Leading, managing and carrying out the Council's duties and responsibilities in relation to economic development and housing investment

Add: Taking decisions on new build housing location and costs

Add: Taking decisions in relation to grants for economic development activities, to both the private and third sectors

Add: Provide the following services: Development Management; Development Planning; Environmental Protection; Food Standards; Trading Standards

Amend: Agreeing terms for granting, taking or renewing leases and tenancies of land or buildings, **or such other agreements relating to the use of land and buildings**, within the limits of the relevant budget

### **Section 8: Specific Duties and Responsibilities Delegated to the Head of Infrastructure**

Add: Managing mailroom and security services

Add: Delivering waste services

Add: Managing the maintenance of harbours

Add: Providing landscape and countryside services

Add: Managing the sports development service

### **Section 11: Statutory Appointments of Officers**

Local Government (Scotland) Act 1973, Section 194: Proper officer for signing deeds and using the Council's seal – add: Licensing, Administration and Democratic Services Manager as a Proper Officer (function currently delegated to the Chief Executive and Legal Services Manager only)

### **Section 12: Scheme of Delegation for Planning Applications**

Amend: all references to the Service Manager – Development Management to be changed to Service Manager – Planning.



**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 February 2014

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

**SUBJECT:** Schedule of Meetings 2014/15

**8**

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**1 PURPOSE**

- 1.1 To set the Schedule of Meetings of the Council, Committees and other forums for 2014/15.

**2 RECOMMENDATIONS**

- 2.1 The Council is asked to approve the proposed Schedule of Meetings for 2014/15.

**3 BACKGROUND**

- 3.1 The annual Schedule of Meetings for 2014/15 is presented to Members for approval. The schedule largely follows the pattern set for previous years, in that there will be a week-long mid-term break in October, a two-week winter break over Christmas/New Year and a two-week break in April.
- 3.2 Members will note that the meetings of the Common Good Committees and Supporting Partnerships have been included in the 2014/15 Schedule (some dates for the Supporting Partnership meetings have not yet been set; Members will be advised of these dates in due course).
- 3.3 Members will also note that a number of dates have been scheduled for Members' briefing sessions. The briefing session topics will be communicated to Members in due course.
- 3.4 Members are asked to note that the Schedule is subject to change and that any changes will be communicated as soon as practicable.

**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 Standing Orders

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<b>DATE</b>	12 February 2014

**East Lothian Council  
Draft Schedule of Meetings 2014/15**

<b>Day</b>	<b>Date</b>	<b>Time</b>	<b>Committee/Meeting</b>	<b>Venue</b>
Mon	18 August 2014	15.00	Safe & Vibrant Communities Partnership	
Tues	19 August 2014	10.00	North Berwick Common Good Committee	
Tues	26 August 2014	10.00 13.45	East Lothian Council Musselburgh Common Good Committee	
Thurs	28 August 2014	10.00 14.00	Licensing Board Local Review Body (Planning)	
Mon	1 September 2014	10.00	Dunbar Common Good Committee	
Tues	2 September 2014	09.15 10.00	Haddington Common Good Committee Planning Committee	
Wed	3 September 2014	14.00	Joint Consultative Committee	
Thurs	4 September 2014	10.00	Employee Appeals Sub-Committee	
Tues	9 September 2014	10.00 13.00	Cabinet Elected Member Briefing (topic tbc)	
Wed	10 September 2014	14.00	Resilient People Partnership	
Thurs	11 September 2014	10.00 14.00	Licensing Sub-Committee Petitions Committee	
Tues	23 September 2014	10.00 14.00	Policy & Performance Review Committee Education Committee	
Thurs	25 September 2014	10.00 14.00	East Lothian Licensing Board Local Review Body (Planning)	
Tues	30 September 2014	10.00	Audit & Governance Committee	
Thurs	2 October 2014	10.00	Employee Appeals Sub-Committee	
Tues	7 October 2014	10.00	Planning Committee	
Wed	8 October 2014	14.00	East Lothian Partnership	
Thurs	9 October 2014	10.00	Licensing Sub-Committee	
<i>Autumn Recess: Friday 10 October – Monday 20 October 2014</i>				
Tues	21 October 2014	10.00	Cabinet	
Thurs	23 October 2014	10.00	Homelessness Appeals Sub-Committee Local Review Body (Planning)	
Thurs	23 October 2014	10.00	East Lothian Licensing Board	
Tues	28 October 2014	10.00 13.45	East Lothian Council Musselburgh Common Good Committee	
Wed	29 October 2014	14.00	Sustainable Economy Partnership	
Tues	4 November 2014	09.15 10.00	North Berwick Common Good Committee Planning Committee	
Thurs	6 November 2014	10.00	Employee Appeals Sub-Committee	
Tues	11 November 2014	10.00 13.00	Cabinet Elected Member Briefing (topic tbc)	
Wed	12 November 2014	14.00	Resilient People Partnership	
Thurs	13 November 2014	10.00	Licensing Sub-Committee	
Mon	17 November 2014	15.00	Safe & Vibrant Communities Partnership	

Tues	18 November 2014	10.00	Audit & Governance Committee	
Thurs	20 November 2014	10.00 14.00	Homelessness Appeals Sub-Committee Local Review Body (Planning)	
Tues	25 November 2014	10.00 14.00	Policy & Performance Review Committee Education Committee	
Thurs	27 November 2014	10.00	East Lothian Licensing Board	
Tues	2 December 2014	09.15 10.00	Haddington Common Good Committee Planning Committee	
Wed	3 December 2014	14.00	Joint Consultative Committee	
Thurs	4 December 2014	10.00 10.00	Employee Appeals Sub-Committee Dunbar Common Good Committee	
Tues	9 December 2014	10.00	Cabinet	
Thurs	11 December 2014	10.00 14.00	Licensing Sub-Committee Petitions Committee	
Tues	16 December 2014	10.00	East Lothian Council	
Thurs	18 December 2014	10.00 14.00	Homelessness Appeals Sub-Committee Local Review Body (Planning)	
<i>Winter Recess: Friday 19 December 2014 – Monday 5 January 2015</i>				
Tues	6 January 2015	10.00	Planning Committee	
Thurs	8 January 2015	10.00	Licensing Sub-Committee	
Tues	13 January 2015	10.00 13.00	Cabinet Elected Member Briefing (topic tbc)	
Thurs	15 January 2015	10.00 14.00	Homelessness Appeals Sub-Committee Local Review Body (Planning)	
Tues	20 January 2015	10.00	Audit & Governance Committee	
Wed	21 January 2015	14.00	East Lothian Partnership	
Thurs	22 January 2015	10.00	East Lothian Licensing Board	
Tues	27 January 2015	10.00	Policy & Performance Review Committee	
Tues	3 February 2015	09.15 10.00	North Berwick Common Good Committee Planning Committee	
Thurs	5 February 2015	10.00	Employee Appeals Sub-Committee	
Tues	10 February 2015	10.00	East Lothian Council (Budget-setting)	
Thurs	12 February 2015	10.00	Licensing Sub-Committee	
Thurs	19 February 2015	10.00 14.00	Homelessness Appeals Sub-Committee Local Review Body (Planning)	
Tues	24 February 2015	10.00 13.45	East Lothian Council Musselburgh Common Good Committee	
Thurs	26 February 2015	10.00	East Lothian Licensing Board	
Mon	2 March 2015	10.00	Dunbar Common Good Committee	
Tues	3 March 2015	09.15 10.00	Haddington Common Good Committee Planning Committee	
Wed	4 March 2015	14.00	Joint Consultative Committee	
Thurs	5 March 2015	10.00	Employee Appeals Sub-Committee	
Tues	10 March 2015	10.00 14.00	Cabinet Elected Member Briefing (topic tbc)	
Thurs	12 March 2015	10.00 14.00	Licensing Sub-Committee Petitions Committee	
Tues	17 March 2015	10.00	Audit & Governance Committee	



Thurs	19 March 2015	10.00 14.00	Homelessness Appeals Sub-Committee Local Review Body (Planning)	
Tues	24 March 2015	10.00 14.00	Policy & Performance Review Committee Education Committee	
Thurs	26 March 2015	10.00	East Lothian Licensing Board	
Tues	31 March 2015	10.00	Planning Committee	
Thurs	2 April 2015	10.00	Employee Appeals Sub-Committee	
<i>Spring Recess: Friday 3 April – Monday 20 April 2015</i>				
Tues	21 April 2015	10.00	East Lothian Council	
Thurs	23 April 2015	10.00 14.00	East Lothian Licensing Board Local Review Body (Planning)	
Tues	28 April 2015	10.00	Policy & Performance Review Committee	
Tues	5 May 2015	09.15 10.00	North Berwick Common Good Committee Planning Committee	
Tues	12 May 2015	10.00 13.00	Cabinet Elected Member Briefing (topic tbc)	
Thurs	14 May 2015	10.00	Licensing Sub-Committee	
Tues	19 May 2015	10.00	Audit & Governance Committee	
Wed	20 May 2015	14.00	East Lothian Partnership	
Thurs	21 May 2015	10.00 14.00	Homelessness Appeals Sub-Committee Local Review Body (Planning)	
Thurs	28 May 2015	10.00	East Lothian Licensing Board	
Tues	2 June 2015	09.15 10.00	Haddington Common Good Committee Planning Committee	
Wed	3 June 2015	14.00	Joint Consultative Committee	
Thurs	4 June 2015	10.00 10.00	Employee Appeals Sub-Committee Dunbar Common Good Committee	
Tues	9 June 2015	10.00	Cabinet	
Thurs	11 June 2015	10.00 14.00	Licensing Sub-Committee Petitions Committee	
Tues	16 June 2015	10.00 14.00	Policy & Performance Review Committee Education Committee	
Thurs	18 June 2015	10.00 14.00	Homelessness Appeals Sub-Committee Local Review Body (Planning)	
Tues	23 June 2015	10.00 13.45	East Lothian Council Musselburgh Common Good Committee	
Thurs	25 June 2015	10.00	East Lothian Licensing Board	
Tues	14 July 2015	10.00	Audit & Governance Committee	

4 February 2014



**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 February 2014

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

**SUBJECT:** Submissions to the Members' Library Service  
5 December 2013 – 12 February 2014

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9

## **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 5 December 2013 and 12 February 2014, 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 3.4. It is therefore necessary to circulate a list of those reports submitted to the Library Service, to be recorded into the proceedings of the Council.
- 3.2 If Members have no objections to the reports listed in Appendix 1 they will be recorded into the Council's Business. All reports submitted to the Members' Library are available on eGov.

## **4 POLICY IMPLICATIONS**

- 4.1 None

## **5 EQUALITIES IMPACT ASSESSMENT**

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

## **6 RESOURCE IMPLICATIONS**

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

## **7 BACKGROUND PAPERS**

- 7.1 East Lothian Council's Standing Orders – 9(iv)  
7.2 Report to East Lothian Council on 25 January 2005 – Submission to the Members' Library Service 29 October 2004 - 14 January 2005, and Changes to the Members' Library Process

<b>AUTHOR'S NAME</b>	Lel Gillingwater
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<b>DATE</b>	12 February 2014

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD  
5 December 2013 – 12 February 2014**

<b>Reference</b>	<b>Originator</b>	<b>Document Title</b>	<b>Committee</b>	<b>Access</b>
231/13	Depute Chief Executive - Partnerships and Community Services	Musselburgh Town Centre Strategy - background papers	Cabinet	Public
232/13	Depute Chief Executive - Partnerships and Community Services	Service Review Report - Sport, Countryside & Leisure Service Staffing Adjustments as a Result of VERS	Cabinet	Private
233/13	Depute Chief Executive - Partnerships and Community Services	Service Review Report - Staffing Adjustments as a Result of Efficiency Savings Requirement	Cabinet	Private
234/13	Depute Chief Executive – Resources and People Services	Staffing Report - Discretionary Housing Payments Campaign	Cabinet	Private
235/13	Depute Chief Executive - Partnerships and Community Services	Building Warrants Issued under Delegated Powers between 1 <sup>st</sup> and 30 <sup>th</sup> November 2013	Planning	Public
236/13	Depute Chief Executive – Resources and People Services	Service Review Report - Prestonpans Infant School - Reconfiguration of Office-based Support Staff	Cabinet	Private
237/13	Depute Chief Executive – Resources and People Services	Service Review Report - Amendments to Admin Establishment within Saltoun and Humbie Primary Schools	Cabinet	Private
238/13	Depute Chief Executive – Resources and People Services	Service Review Report - Scottish Government Funding for Language Learning: Recruitment of 2 Temporary Part time Development Officers	Cabinet	Private
239/13	Depute Chief Executive - Partnerships and Community Services	Road Network Management Contracts Carriageway Slurry Surfacing Works 2013/14	Cabinet	Public
240/13	Depute Chief Executive - Partnerships and Community Services	Road Network Management Contracts Footway Granolithic Concrete Repairs 2013 /14	Cabinet	Public

241/13	Depute Chief Executive - Partnerships and Community Services	Road Network Management Contracts Permanent Carriageway and Footway Patching 2013-14 'Hotbox Repairs'	Cabinet	Public
242/13	Depute Chief Executive - Partnerships and Community Services	Service Review Report - Mobile Library Service Review	Cabinet	Private
243/13	Depute Chief Executive - Partnerships and Community Services	Staffing Report – Economic Development and Strategic Investment	Cabinet	Private
244/13	Depute Chief Executive - Partnerships and Community Services	Dismissal of Objection - East Lothian Council (Victoria Park, Haddington) (Prohibition of Waiting, Loading And Unloading) Order 2013	Cabinet	Public
245/13	Depute Chief Executive - Partnerships and Community Services	Proposed New Housing at Monktonhall Terrace, Musselburgh	Cabinet	Public
246/13	Head of Development	Approval to Dispose of the Former Library, Newton Port, Haddington	Cabinet	Private
247/13	Depute Chief Executive - Partnerships and Community Services	Roads (Scotland) Act 1984 – Stopping Up of U.223 Oxwellmains to Torness Road (Sections 03 & 04) From Barneyhill eastwards to Dryburn Bridge	Cabinet	Public
248/13	Depute Chief Executive - Partnerships and Community Services	Proposed Electrical Upgrade to Eskgreen Care Home, Musselburgh	Cabinet	Public
249/13	Depute Chief Executive – Resources and People Services	Membership of the Licensing Board	Cabinet	Public
250/13	Depute Chief Executive - Partnerships and Community Services	Libraries Customer Survey Report	Cabinet	Public
251/13	Depute Chief Executive - Partnerships and Community Services	Contract for the Design and Print Production of East Lothian Council's Residents' Newspaper	Cabinet	Public
252/13	Depute Chief Executive - Partnerships and Community Services	Edinburgh-Dunbar-Berwick Upon Tweed Study	Cabinet	Public

253/13	Depute Chief Executive - Partnerships and Community Services	Proposed Alterations and Extension at Peppercraig Groundcare Depot, Haddington	Cabinet	Public
254/13	Head of Development	Sale of Land in Tranent	Cabinet	Private
255/13	Head of Development	Acquisition of Land at Deerpark Cemetery, Dunbar	Cabinet	Private
01/14	Depute Chief Executive (Partnership and Community Services)	Response to Scottish Planning Policy 'Sustainability and Planning' Consultation	Cabinet	Public
02/14	Depute Chief Executive (Partnership and Community Services)	Provision of Service for Removal, Storage and Disposal of Abandoned Vehicles	Cabinet	Public
03/14	Depute Chief Executive (Partnership and Community Services)	Building Warrants Issued under Delegated Powers, 1-31 December 2013	Planning	Public
04/14	Head of Council Resources	General Services Budget Consultation	Council	Public
05/14	Head of Education	Service Review – Establishment of a Senior Information Officer Post in Education Services Business Unit	Cabinet	Private
06/14	Head of Infrastructure	Service Review – Amendment to Facilities Management Service Structure – Elphinstone Primary School	Cabinet	Private
07/14	Head of Infrastructure	Service Review – Amendment to Facilities Management Service Structure – Aberlady Primary School	Cabinet	Private
08/14	Head of Infrastructure	Service Review – Amendment to Facilities Management Service Structure – Law Primary School	Cabinet	Private
09/14	Head of Infrastructure	Service Review – Amendment to Facilities Management Service Structure – Law Primary School	Cabinet	Private
10/14	Depute Chief Executive (Partnership and Community Services)	Sale of Land Adjacent to 66 Thomson Crescent, Port Seton	Cabinet	Private
11/14	Depute Chief Executive (Partnership and Community Services)	Sale of Land to the Rear of 50 Preston Crescent, Prestonpans	Cabinet	Private
12/14	Depute Chief Executive (Resources and People Services)	Service Review: Tots and Teens Project – Knox Academy and Preston Lodge High School – Recruitment of 2 Temporary Part-time Senior Play Leaders and 2 Temporary Part-time Play Leaders	Cabinet	Public
13/14	Depute Chief Executive (Partnership and Community Services)	Renewal of Lease for West Barns Workshops, Dunbar	Cabinet	Private

14/14	Chief Executive	Response to Consultation on the Community Empowerment (Scotland) Bill	Council	Public
15/14	Depute Chief Executive (Partnership and Community Services)	Trade waste Charges 2014/15	Cabinet	Private
16/14	Chief Executive	Haddington Sheriff Court – Letter to Cabinet Secretary	Council	Public
17/14	Head of Infrastructure	Service Review – Amendment to Facilities Management Service Structure – Gullane Primary School	Cabinet	Private
18/14	Depute Chief Executive (Partnership and Community Services)	Rents Consultation 2014 – Feedback	Council	Public
19/14	Head of Adult Wellbeing	Service Review – Additional Social Worker Posts within the Criminal Justice Team	Cabinet	Private
20/14	Depute Chief Executive (Partnerships and Community Services)	Building Warrants Issued under Delegated Powers 1-31 January 2014	Planning	Public

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