



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

**TUESDAY 28 OCTOBER 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

1

Committee Members Present:

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

Council Officials Present:

Mrs A Leitch, Chief Executive
Ms M Patterson, Depute Chief Executive (Partnerships and Community Services) and Monitoring Officer
Mr A McCrorie, Depute Chief Executive (Resources and People Services)
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 R Montgomery, Head of Infrastructure
Mr D Proudfoot, Acting Head of Development
Mr T Shearer, Head of Communities & Partnerships
Ms M Ferguson, Service Manager – Legal and Procurement
Mr A Fitzgerald, Records Manager
Mr M Greenshields, Transportation Planning Officer
Ms J Mackay, Media Manager
Mrs K MacNeill, Service Manager – Licensing, Admin and Democratic Services
Mr I McFarlane, Service Manager – Planning
Ms C Molloy, Senior Solicitor
Ms A Smith, Committees Officer
Mr P Vestri, Service Manager – Corporate Policy & Improvement
Ms E Wilson, Service Manager – Economic Development & Strategic Investment

Visitors Present:

Mr C McPherson, Manse LLP (for Item 1)
Mr A Shaw, KPMG, LLP (for Item 4)

Clerk:

Mrs L Gillingwater

Apologies:

Councillor S Brown

Councillor J McNeil

Councillor J Williamson

ORDER OF BUSINESS

Prior to the commencement of business, the Provost announced that Item 14 – Application to Musselburgh Common Good Committee, had been withdrawn from the agenda pending further investigation into issues concerned with the application.

1. DETERMINATION HEARING: PLANNING APPLICATION 14/00219/PM – PLANNING PERMISSION FOR ERECTION OF 112 HOUSES, INDUSTRIAL UNITS (CLASS 4 USE), PUB/RESTAURANT AND ASSOCIATED WORKS ON LAND AT THE FORMER GATESIDE COMMERCE PARK, WEST ROAD, HADDINGTON

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising that as this application site was greater than 2 hectares and the principle of development was for more than 50 houses, the proposed development was, under the provisions of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development. Furthermore, being on land allocated by the adopted East Lothian Local Plan 2008 for economic development purposes, the proposed development was significantly contrary to Policy BUS1 of the Local Plan.

The Service Manager – Planning, Iain McFarlane, presented the report, advising that a resolution had been reached as regards the education capacity constraints and phasing of the proposed development, and that Recommendations 3 and 4(iii) were therefore no longer applicable. He advised that, should Members be minded to grant the application, it would be necessary to control the phasing by condition and that a Section 75 Agreement would be required in relation to the necessary education and other developer contributions.

Mr McFarlane recommended that the application be refused on the grounds that the proposed housing development and proposed pub/restaurant would result in the loss of business land and was contrary to SESplan and Local Development Plan policies and planning policy guidance. He further advised that, if approved, the development would have a detrimental impact on the potential for job creation in Haddington and the delivery of the Council's Economic Development Strategy. He drew attention to proposals submitted by the developer in relation to increasing the economic land supply but noted that the Economic Development and Strategic Investment Service had maintained its objections. He also indicated that the proposed development should not be compared directly with the recently-approved development at Gateside East.

Responding to a question from Councillor McMillan as regards the phasing of the development, Mr McFarlane explained that the application had been amended to carry out the phasing over five years, rather than four, and that this would lessen the impact of the development on school rolls. He provided projected development figures for each of the five years and noted that a Section 75 Agreement would be required for both primary and high school provision.

Councillor Hampshire asked a question about drainage capacity. Mr McFarlane advised that Scottish Water was obliged to deliver committed developments; however, he noted that

constraints on issues such as drainage often did not become apparent until after planning permission was granted. He added that the developer of the site at Aberlady Road in Haddington was currently working with Scottish Water to resolve drainage issues.

Councillor Trotter asked how many enquiries had been made about the site under consideration. Mr McPherson, Development Director of Manse LLP, confirmed that there had been no enquiries during the period of Manse LLP's co-ownership of the site.

As Economic Development spokesperson, Councillor McMillan stated that this was a key site and if it was developed for housing the Council would lose the opportunity to develop a major employment site. He also voiced concerns about the impact of the development on the town centre and on the surrounding road network. He declared that he would be supporting the officer recommendations to refuse the application.

Councillor Trotter reminded Members that the site had been vacant for some years. He noted that the development of the houses would create jobs and would also provide 25 affordable housing units. He also believed that the development could also have a positive effect on the whole town. He advised that he would not be supporting the officer recommendations.

Councillor Day reported that he would support the officer recommendations on the basis that the application for housing did not outweigh the Council's Economic Development Strategy. He suggested that allocating land for future economic development would be a challenge for the Council and that innovative ways to develop this particular site should be explored.

Councillor Hampshire spoke in support of the application, commenting that this site could no longer be considered as quality business land, but that there would be a demand for the types of unit proposed in the application. As regards the pub/restaurant proposal, he referred to a similar business at Dunbar, arguing that this had had a positive effect on the town. He also welcomed the additional affordable housing proposed.

Speaking in support of comments made by Councillor Day, Councillor Goodfellow spoke of the need to retain land for employment use. He pointed out that the application did not guarantee the completion of the business units and, in the event the application was approved, he called for a condition to be imposed in relation to the phasing of the business units.

Councillor Currie commented that the delivery of jobs should be the main focus of the Council, and as no one had expressed interest in the existing building within the last 10 years, the proposals offered an opportunity to provide both business units and affordable housing. He advised that he would be supporting the application.

Having listened to the views of Local Members and taken account of the location of the site, Councillor Veitch stated that he would not be supporting the officer recommendations on this occasion.

Councillor Innes expressed concern that the business units may not be delivered and asked if a condition could be applied to ensure the development of these units. He also asked about the possibility of including a larger number of business units. Mr McFarlane advised that altering the layout of the plan to accommodate additional business units may be considered as a material change to the planning application, in which case a resubmission of the application would be required. Councillor Innes indicated that if there was no way of ensuring delivery of the business units he would support the officer recommendation to refuse the application.

Councillor Berry believed that not enough had been done to create jobs in East Lothian and that there was no guarantee that the business units on this site would be developed. He also noted that investment in the infrastructure would be required from the developer. He felt that this application was not in the best interests of East Lothian and that he would therefore be supporting the officer recommendations.

Councillor McAllister commented on the distance of the proposed development from the primary school and questioned whether the route would be safe for young children. He suggested that the existing building should be either demolished or refurbished. He noted that he would be supporting the officer recommendations.

Councillor McLeod welcomed the proposed additional affordable housing units on the site.

In response to a question regarding the potential for developing additional business units, Mr McFarlane explained that any change to the submitted plans would need to be considered in terms of the potential impact on neighbours and transport. He added that if it was felt appropriate to grant planning permission based on the existing layout, it would be feasible to secure a delivery mechanism of some kind, but that agreement on this would need to be reached with the applicant as to what would be delivered. The applicant could then apply to vary an agreement. He warned that this was a complex process that could take the decision out of the Council's control. He further explained that through a Section 75 Agreement, the Council could take ownership of the land to ensure the delivery of the economic development component. Esther Wilson, Service Manager for Economic Development and Strategic Investment, advised that the Council would look to secure the land at nominal or no cost, and that there would need to be agreement with the applicant as to how and when that would be done.

The Chief Executive advised that, if Members were minded to support the application, the agreement of conditions could be delegated to the Depute Chief Executive (Partnerships and Community Services) in conjunction with the Convener of the Planning Committee.

Councillor Grant and Councillor Akhtar stated that they would be voting in support of the application.

On the grounds that the proposed development would provide affordable housing and business units, Councillor Caldwell advised that he would support the application.

The Provost moved to the vote on the officer recommendations to refuse the application.

Decision

The recommendation that planning permission be refused for the mixed use development proposed in planning application 14/00219/PM received 6 votes in favour, 13 votes against and 1 abstention. The Council therefore agreed to grant planning permission, subject to conditions.

The Chief Executive clarified that the application had been approved subject to delegation to the Depute Chief Executive (Partnerships and Community Services) in conjunction with the Convener of the Planning Committee to negotiate with the developer with regard to the delivery of serviced business units, through a Section 75 Agreement.

Mr McFarlane explained that the Section 75 Agreement would require:

- The provision of 20 affordable housing units or a contribution to the Council in lieu of the provision of such housing

- A contribution from the applicant of £30,000 to upgrade the access junction with West Road
- An education contribution of £279,690 for Haddington Infant School and Knox Academy.

Mr McFarlane advised on the need for planning conditions and that these should take account of the revised phasing of the development. It was also noted that the safeguarding of the economic development land was subject to discussion and to be secured through either a Section 75 Agreement or a planning condition. This discussion would be delegated to the Deputy Chief Executive (Partnerships and Community Services) in conjunction with the Convener of the planning Committee.

2. COUNCIL AND COMMITTEE MINUTES FOR APPROVAL

The minute of the Council meeting specified below was submitted and approved.

East Lothian Council – 26 August 2014

Matter arising: Item 5 – Councillor Berry requested an update on the work of the cross-party working group. The Chief Executive advised that the group had met since the Council meeting to consider the terms of reference and that she could provide Councillor Berry with further information out with this meeting. Councillor Berry also asked if a response had been received to the Chief Executive's letter to Scottish Power. The Chief Executive explained that she had written to both Scottish Power and Scottish Enterprise and that a response had been received from Scottish Enterprise which indicated that they were still pursuing ownership of the site from Scottish Power. No response had been received from Scottish Power; however, the Chief Executive had urged them to keep the site in public ownership. She understood that Scottish Power was considering a range of options. Councillor McMillan urged the Chief Executive to maintain contact with Scottish Power on this matter.

3. COUNCIL AND COMMITTEE MINUTES FOR NOTING

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

Local Review Body – 28 August 2014

Petitions Committee – 11 September 2014

Local Review Body (Planning) – 25 September 2014

4. ANNUAL AUDIT REPORT TO MEMBERS OF EAST LOTHIAN COUNCIL AND THE CONTROLLOER OF AUDIT

The Provost welcomed Mr Andy Shaw of KPMG to the meeting.

Mr Shaw presented the Audit Report to Members, advising that the Council's financial statements had been signed on 29 September and had been given an unqualified opinion. He summarised the audit work undertaken during 2013/14, the areas of strong performance, the challenges facing the Council and the recommendations for action.

Councillor Akhtar asked Mr Shaw to provide examples of good practice by the Council; he noted the control environment and performance reporting, adding that there was only one area in procurement that required a greater focus.

Responding to a question from Councillor MacKenzie in relation to slippage of capital projects, Mr Shaw advised he could not provide comparisons between the Council and other local authorities, but that an explanation about the level of slippage had been given to the auditors.

Councillor Berry questioned the Council's performance as regards the use of reserves. Mr Shaw reported that the level of external debt and the reporting of financial performance had improved, and he expected the Council to achieve a balanced budget in 2016/17. He also provided an explanation on financial constraints and net external debt. The Chief Executive noted that the use of reserves had been set out on the Council's Financial Strategy and that the Council would need to make a decision on this matter when setting next year's budget.

Councillor McMillan welcomed the report, indicating that the Council had met its objectives in terms of aligning strategy and controlling the budget.

Councillor Currie argued that the Council should revisit its budget decisions in light of under-spends in both capital and revenue. He also raised concerns about the deferral of capital spending at a time when interest rates were at very low levels. As regards the Council's level of net debt, he claimed this had increased since 2012/13. He believed the Council should consider using unspent reserves to protect and support services, especially those concerning vulnerable adults and children.

Councillor Hampshire paid tribute to Council employees who were continuing to deliver high quality services following a reduction in staff numbers. Responding to comments made regarding capital expenditure, he advised that this was partly due to identified housing sites not being available for development. Councillor Berry remarked that the Council's own house-building programme had slowed down.

Welcoming the report, Councillor Innes stated that the Administration had reduced the risk that the Council was exposed to, had reduced borrowing, and had increased the resources for frontline services. He accepted, however, that the Council still faced significant challenges.

Decision

The Council agreed to note the report.

5. EAST LOTHIAN COUNCIL ANNUAL PUBLIC PERFORMANCE REPORT 2013/14

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) providing the Council with the East Lothian Annual Performance Report 2013/14.

The Service Manager – Corporate Policy and Improvement, Paolo Vestri, presented the report, advising that the Accounts Commission considered the Council's Annual Performance Report as an example of good practice. He noted that detailed information on performance was available on the Council's website.

Highlighting the impact of welfare reform on communities, Councillor McAllister asked what the Council was doing to support credit unions and how East Lothian compared to other local authorities. Mr Vestri advised that information on the demand for pay day loans was used to help inform the Council's approach to providing facilities in East Lothian and that there were a number of credit unions and similar services in operation. He added that discussions had taken place with a number of other local authorities to look into providing a

combined solution, and that the Council had also been in contact with Capital Credit Union in this regard.

Councillor MacKenzie welcomed the report, but commented that parents could be better informed about school performance. The Chief Executive reminded Members that schools had devolved management and that it was the responsibility of head teachers to communicate performance information. She also noted that the Head of Education and head teachers were looking at ways of increasing parental involvement in attainment matters.

Councillor Berry asked a number of questions in relation to how performance was measured. Mr Vestri pointed out that detailed information was available on the Council website and that it was also reported quarterly to PPRC. He offered to provide further information to Councillor Berry out with the meeting.

Councillor Currie asked if there were any examples of poor performance and also how the report linked to the manifestos adopted by the Council. Mr Vestri explained that this report was based on the priorities set out in the Council Plan; although there were still improvements to be made in a number of areas, there were no areas where priorities were not being delivered. He noted that progress had been made on all four of the Council Plan objectives, particularly as regards economic development. The Chief Executive added that the Council Plan included the priorities of the Administration.

Councillor Veitch welcomed the report and the progress made towards meeting the objectives of the Council Plan. He drew particular attention to the numbers of new business start-ups, town centre regeneration, improvements to public transportation and partnership working with transport providers.

Councillor Berry raised questions about educational attainment, arguing that the Council's rate of improvement was not as good as that of comparator authorities and that performance was declining in some areas of the county. He provided Members with data from Audit Scotland's 'School Education' report of June 2014 to support his claims, remarking that this information had been omitted from the Council's Performance Report. The Provost suggested that the data provided by Councillor Berry could not be directly compared with that contained in the report, and recommended that Councillor Berry should ask for a report on this matter to be presented to the Policy and Performance Review Committee. The Chief Executive added that improving educational attainment was one of the Council's priorities and that the Council was not complacent about this. She noted that the Council's rate of improvement may not have been as high as other authorities, but that it had started at a higher base.

Councillor Akhtar welcomed the opportunity to discuss attainment levels in more detail, noting that the Education Committee had considered this issue at its last meeting. She highlighted the range of measures being looked at with a view to improving attainment, including head teacher recruitment, and working with academies and parent councils.

Councillor Currie drew attention to a number of areas of concern, including reductions in the Children's Wellbeing and Adult Wellbeing budgets, teacher numbers, the number of affordable housing units delivered, coastal car parking charges, ongoing funding for Area Partnerships. He claimed that the promises made by the Administration in their manifestos were not being delivered.

In response to comments made by Councillor MacKenzie in relation to educational attainment and parental involvement, Councillor Akhtar pointed out that progress was being made, and argued that the previous Administration had reduced the budgets for parent

councils. She noted that every school in East Lothian had a parent council, which was well supported by the Council.

Councillor Innes welcomed the report, maintaining that services were being delivered despite reducing budgets. He thanked Council staff for their efforts and the progress made, noting that work was underway to identify those areas where resources would need to be committed in the future.

Councillor McMillan concluded the debate by praising staff in Economic Development for their work in improving the local economy. He also mentioned a recent event involving further education providers, employers, the Council and the media which focused on opportunities for young people, noting that the event had been very successful and had generated positive feedback. He highlighted the importance of partnership working and the resulting benefits.

Decision

The Council agreed to approve the Annual Performance Report 2013/14.

6. COUNCIL PLAN – TWO-YEAR REVIEW

A report was submitted by the Chief Executive presenting the Council with a two-year review of the Council Plan 2012-2017 and making recommendations for priorities for the remaining three years of the Plan.

The Chief Executive presented the report, advising that she felt it was appropriate to review the Council Plan and discuss priorities at this stage. She highlighted the key achievements made to date and drew attention to the areas of activity to be prioritised: reducing unemployment; raising attainment in schools; reducing inequalities; and supporting the capacity of communities and voluntary organisations.

Councillor Currie asked why it was only now that reducing inequalities had become a priority and why there was no mention in the report of partnership working with other councils. The Chief Executive explained that when the Council Plan was developed in 2012, it was accepted that tackling inequalities was part of each of the priorities, but that the development of the East Lothian Profile had resulted in this issue being a priority in its own right. She spoke of an initiative underway in the Musselburgh area aimed at addressing inequalities. As regards partnership working with other councils, she noted that work was ongoing with Midlothian Council in a number of service areas, including health and safety, trading standards, and environmental health, and that other opportunities would be explored with Midlothian Council and other neighbouring authorities.

Councillor Berry questioned the data provided in relation to the Scottish Index of Multiple Deprivation (SIMD). The Chief Executive accepted that the Council's position could be better, hence the focus on improving attainment in schools and outcomes for children.

Councillor Hampshire commented on the impact of the impending closure of Haddington Sheriff Court on Council services and East Lothian residents. He pointed out that this would present major challenges to the Council and needed to be recognised. The Chief Executive advised of her intention to report to the next Council meeting on this matter.

Councillor Currie welcomed the review of the Council Plan and the inclusion of tackling inequalities as a priority. He warned of the potential impact of welfare reform, especially in areas with high levels of deprivation. He also voiced concern at the employment levels,

particularly among the 18-24 age groups. He called for more radical solutions to save money and protect frontline services, including increased partnership working with other councils.

Councillor Berry remarked that there was too much emphasis on school attainment and suggested that there should be a greater focus on vocational training. He made reference to a number of successful initiatives in East Lothian that had benefited from vocational training.

Councillor Akhtar commented that there was a requirement on the Scottish Government to increase vocational training opportunities and increase college places. Her views were shared by Councillor Goodfellow, who added that a further education institution in East Lothian would greatly benefit young people.

Agreeing with comments made by Councillor MacKenzie as regards the Wood Commission Report, Councillor McMillan advised that a number of businesses were now employing apprentices, and that a number of activities were being undertaken to build resilience in young people.

Decision

The Council agreed to note the two-year review of the Council Plan and the recommendations for priorities for the remaining three years of the Plan, as detailed in Sections 3.12 – 3.14 of the report.

7. RECORDS MANAGEMENT PLAN (PUBLIC RECORDS (SCOTLAND) ACT 2011)

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the Records Management Plan (RMP), as required by the Public Records (Scotland) Act 2011.

The Service Manager – Licensing, Admin and Democratic Services, Kirstie MacNeill, presented the report, advising Members of the requirement on the Council to produce a plan on records management, which would be delivered over a five-year period. She noted that regular progress reports would be presented to Cabinet.

Councillor McMillan commented that the delivery of the RMP would build on the Council's sound management practice and control systems and was a good example of compliance and transparency.

Decision

The Council agreed:

- i. to approve the Records Management Plan (attached as Appendix 1 to the report) and associated action plan as the Council's official submission to the Keeper of the Records of Scotland;
- ii. to delegate authority to the Head of Council Resources to adapt and update the Records Management Plan as required to ensure that it remains a relevant and active document guiding the Council's improvements over the next 5 years; and
- iii. that an annual report by the Head of Council Resources be submitted to Cabinet to provide evidence and updates on the progression of the Plan.

8. SESPLAN SUPPLEMENTARY GUIDANCE ON HOUSING LAND

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking ratification of the decision of the SESplan Joint Committee of 30 June 2014 to approve the modification to the SESplan Supplementary Guidance on Housing Land, as directed by Scottish Ministers.

The Service Manager – Planning, Iain McFarlane, presented the report, advising that further ratification of the SESplan Supplementary Guidance was required due to Scottish Ministers approving it subject to modification of the terms set out in Section 3.5 of the report. He drew attention to revised housing targets outlined in Section 3.12 of the report.

Responding to comments made by Councillor Berry as to the Council's position, Mr McFarlane advised that SESplan had taken legal advice on the matter, and that it was advised to adopt the modifications and ask member authorities to agree. He pointed out that the numbers had not changed, just the rate of house completions.

Decision

The Council agreed:

- i. to note SESplan's approval of its *Supplementary Guidance: Housing Land* subject to the amendment of how the five-year housing land supply is calculated, as directed by Scottish Ministers; and
- ii. to adopt the Supplementary Guidance on this basis.

9. EAST LOTHIAN LOCAL DEVELOPMENT PLAN MAIN ISSUES REPORT AND CONSULTATION ARRANGEMENTS

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval of the Main Issues Report (MIR) for public consultation as proposed and in accordance with the publicity and consultation arrangements.

The Service Manager – Planning, Iain McFarlane, presented the report, explaining the purpose of the MIR and drawing attention to the consultation process. He emphasised that the MIR was a consultation document and that the debate should focus on whether this document was appropriate for consultation purposes. He also pointed out that the publication of the MIR did not outweigh the need to give consideration to the current Local Development Plan (LDP) when considering planning applications.

Responding to a question from Councillor McLennan as regards proposed housing numbers, Mr McFarlane advised that the SESplan target for housing in East Lothian was 10,050 additional units by 2024, and that Scottish Planning Policy required the Council to try to maintain a five-year land supply consistent with that target. He noted that the Council could not lower the target.

Councillor Day asked if consideration had been given to revising the Interim Planning Guidance. Mr McFarlane indicated that this may need to be revisited in terms of the existing Local Plan.

Councillor Innes asked a question concerning the status of sites included in the MIR. Mr McFarlane explained that there were preferred and alternative strategies and preferred and

alternative sites, and that a significant part of the process was about reaching a view as to what the preferred strategy should be. He noted that there was evidence to support the preferred strategy of compact growth; however, there would be infrastructure issues to consider. He added that the inclusion of certain sites in the MIR did not indicate a 'green light', as there were many issues to be taken into account, and there was still a great deal of work to be done before the Council could agree its view.

Councillor McMillan asked what could be done to encourage diversification of the rural economy. Mr McFarlane advised that although large areas of East Lothian were outside the strategic development area (SDA), Policy DC1 supported and encouraged business use in the countryside. He also noted that there were restrictions on new housing developments in the countryside.

Referring to a discussion paper that he had circulated to Members, Councillor Berry asked a number of questions about the MIR. Mr McFarlane responded to these questions, stating that there was a statutory requirement on the Council to meet housing needs and that the MIR presented opportunities for the Council to grow economically by allocating land for business use. As regards the 'vision', Mr McFarlane pointed out that the Council could not avoid its statutory duties and responsibilities to the wider city region. He added that issues raised by Councillor Berry in relation to the MIR context, vision and aims were addressed in the report. Councillor Berry also argued that East Lothian was not well served by transport and suggested that developer contributions should cover more than just education costs. Mr McFarlane accepted that public transport services in the west of the county were better than in the east, but noted that the Council had little or no control over this. He advised that allocating land for business use, particularly in the Musselburgh area, was being explored. On developer contributions, he reported that the Council had a duty to provide affordable housing and education, hence the policy on developer contributions, but that any regime to cover other aspects would need to be developed by the Scottish Government.

In response to a question by Councillor Grant as regards the area defined as the strategic development area, Mr McFarlane advised that SESplan had to take account of future strategic development, which could involve the expansion of boundaries to accommodate the required number of additional houses.

Councillor Caldwell expressed concern at the impact of developments on the existing infrastructure. Mr McFarlane assured him that this would be taken into consideration to ensure that the LDP was deliverable. He added that further information on this issue was included in the supplementary documents.

Councillor Currie raised questions about the terminology used in the MIR. Mr McFarlane remarked that it would be inappropriate to attach too much weight to the definitions set out in the report, given that the MIR was an early stage of the LDP process, and he suggested that Members should consider it in terms of 'preferred strategy' and 'alternative strategy'.

Councillor Currie also asked why the Council was identifying an area of search for open cast mining, when it had not done so previously. Mr McFarlane explained that previously the Council had not identified an area of search; however, the LDP process had changed since last time and there was a possibility that the Reporter could request the Council to begin the entire process again if it was deemed the Council had omitted something of significance from the MIR. The Council's Legal Services had therefore advised that in order to avoid this risk an area of search for open cast mining should be included.

Councillor Goodfellow asked a question about developer contributions as regards the proposed development at Blindwells. Mr McFarlane advised that the relevant tests would be

applied before seeking contributions, and options would need to be explored in relation to services funded from different regimes, e.g. health services.

Councillor Hampshire highlighted the challenges in delivering the LDP and the need to deliver the required infrastructure for proposed housing developments.

Councillor Currie declared that the SNP Group would oppose proposals to drill for shale oil and gas and voiced his concern that this could be carried out without consultation. He also argued against the inclusion of an area of search for open cast mining on the basis that it could not be defended at a later date. He reiterated his concerns as regards the terminology used in the report.

As regards the open cast mining aspect, Mr McFarlane pointed out that an area of search may not be included in the final LDP, but that if it wasn't included in the MIR it could prove disadvantageous to the Council. He noted that if it did feature in the LDP, it would be subject to environmental and planning assessments. In relation to the terminology used, he noted that the Council was required to identify 'preferred' sites and 'alternative' sites but that there was scope for inter-changing them and 'alternative' sites may well feature in the finalised LDP.

The Provost reminded Members that the MIR was a consultation document and warned against seeking to make amendments at this stage.

Councillor Innes proposed that Recommendation 2.1 should be amended to read 'It is recommended that East Lothian Council approves *for consultation* the Main Issues Report ...'. This proposed amendment was seconded by Councillor Goodfellow.

Councillor Berry commented that he had intended to propose an amendment to the MIR, but that he would now submit this as part of the consultation. He added that he would discuss his proposal to make a case to Scottish Ministers about transport links with the Administration and Opposition.

The Provost moved to the vote on the report recommendation with the proposed amendment seeking approval of the documents 'for consultation':

For:	13
Against:	6
Abstentions:	1

Decision

The Council agreed to approve for consultation the Main Issues Report, its supporting documents and the publicity and consultation schedule, as summarised in the report and the appendix, all subject to minor presentational and editorial amendments for publication being delegated to officers.

10. RESPONSE TO THE SCOTTISH POLICE AUTHORITY – ARMED POLICING CALL FOR EVIDENCE

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval for a suggested response to the Scottish Police Authority's Call for Evidence on Armed Policing.

The Chief Executive presented the report, advising that she was satisfied with the recent decision by Police Scotland in relation to armed policing. However, she expressed concern about the lack of communication by Police Scotland on a number of issues, and advised that this would be reflected in the consultation response.

Councillor Day paid tribute to local police officers, but noted his concern that the Council had no influence above Local Commander level. He spoke against the idea of police officers being armed when carrying out routine duties, believing that gun crime could increase as a result. He echoed the Chief Executive's comments as regards communication.

Councillor MacKenzie voiced his surprise that the Scottish Policy Authority had not been consulted on this matter and added that the public would feel less safe if police officers were carrying guns as a matter of course.

Decision

The Council agreed to approve the terms of the draft response, attached as Appendix 1 to the report.

11. ANNUAL REPORT OF THE CHIEF SOCIAL WORK OFFICER 2013/14

A report was submitted by the Acting Chief Social Work Officer providing Council with the Annual Report of the Chief Social Work Officer (CSWO) on the statutory work undertaken on the Council's behalf and providing the Council with an overview of regulation, inspection and significant social policy themes current over the past year.

The Acting Chief Social Work Officer, Fiona Duncan, presented the report, informing Members of the increasing demands on social work services at a time when resources were decreasing. She advised of the ongoing work to achieve efficiencies, including the integration of health and social care, partnership working with community planning partners and systems re-design. She also summarised the findings of the Children's Wellbeing inspection and of the actions being taken in relation to intervention and prevention. Ms Duncan also referred to the potential challenges resulting from the closure of Haddington Sheriff Court and the redesign of the criminal justice system.

Councillor Berry asked how the Council and NHS would be able to cope with an increasing elderly population in East Lothian. Ms Duncan advised that through the Health and Social Care Partnership specific needs would be taken into consideration and matched with the skills of the care providers. She mentioned that there was also a greater focus on providing care for people within their own homes.

In response to a question from Councillor Currie on the risks and challenges facing the services, Ms Duncan advised that demand for care services was increasing, as was longer term care requirements for people with complex needs. She highlighted the need to look at different ways of providing such services, including partnership working.

Councillor McAllister asked about the benefits of Self-Directed Support (SDS). Ms Duncan reported that this was a positive model, which gave people greater choice and flexibility, although it was not necessarily a more cost-effective method.

Councillor Goodfellow if there would be an impact on social work services following the closure of Haddington Sheriff Court. Ms Duncan pointed out that there would be no requirement on the Council to have social workers attending Edinburgh Sheriff Court, but that domestic abuse workers would attend court for cases of that nature.

Warning of future financial challenges, Councillor Grant paid tribute to social work staff for their efforts in developing innovative solutions to provide services. He also spoke about the recent inspections of the domiciliary care service, emphasising that at no time had service users been compromised.

Councillor Currie expressed his concern at the Council's ability to provide services without additional resources. He praised staff for continuing to provide quality services at a time when budgets were decreasing and he undertook to work with the Administration to protect services.

Councillor Akhtar also thanked the staff for their commitment, dedication and professionalism. She commented that East Lothian had the lowest number of children on the Child Protection Register in Scotland.

Decision

The Council agreed:

- i. to note the Annual Report of the Chief Social Work Officer; and
- ii. that the Chief Social Work Officer would report further following the publication of the composite report by the Chief Social Work Adviser to the Scottish Government.

12. MUSSELBURGH COMMON GOOD BUDGET AND FUNDING OF MUSSELBURGH FIREWORKS DISPLAY

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking to revise the budget for the Musselburgh Common Good Committee and seeking approval to fund the cost of the Musselburgh annual fireworks display.

The Head of Council Resources, Jim Lamond, presented the report, advising that the agreement of two-thirds of Members present was required to revise the budget for the Musselburgh Common Good Committee.

In response to a question from Councillor Currie on the mechanism used to vary the Common Good budgets, Mr Lamond assured Members that the existing procedures were adequate, but that in future he would consider how annual budgets were set.

Decision

The Council agreed:

- i. to review the budget set for Musselburgh Common Good Fund and consider replacing it with a revised figure; and
- ii. to approve the funding of £16,500 for the Musselburgh annual fireworks display.

13. SUBMISSIONS TO THE MEMBERS' LIBRARY, 14 AUGUST – 13 OCTOBER 2014

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of the reports submitted to the Members' Library since the last meeting of the Council.

Decision

The Council agreed to note the reports submitted to the Members' Library Services between 14 August and 13 October 2014, as listed in Appendix 1 to the report.

Signed

Provost Ludovic Broun-Lindsay
Convener of the Council



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

**THURSDAY 20 NOVEMBER 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

2

Committee Members Present:

Councillor N Hampshire (Chair)
Councillor J Gillies
Councillor W Innes

Advisers to the Local Review Body:

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

Committee Clerk:

Mrs F Stewart

Declarations of Interest

None

Apologies

Councillor D Grant
Councillor D Berry

Councillor Hampshire, who had been elected to chair today's East Lothian Local Review Body (ELLRB), welcomed everyone to the meeting. He also advised that as Councillor Berry was unable to attend the site visit, he would not take part in today's meeting.

**1. REVIEW AGAINST DECISION (REFUSAL)
PLANNING APPLICATION No: 14/00265/P – REPLACEMENT WINDOWS
AT 24 THE PADDOCK, GOOSEGREEN, MUSSELBURGH**

The Legal Adviser stated that the ELLRB was meeting today to review the above application which had been refused by the Appointed Officer. A site visit had been carried out prior to the meeting and Members had been provided with written papers, including a submission from the Case Officer and review documents from the applicant. 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. It was open to Members to grant the application in its entirety, grant it subject to conditions or to refuse it.

The Chair invited the Planning Adviser to present a summary of the planning policy considerations in this case.

The Planning Adviser stated that the property which was the subject of the application was a first floor flat in a three storey flatted building. Permission was being sought to replace the windows of the flat; three on the front and two on the rear. The existing windows were double glazed timber windows and the proposed replacements would be brown coloured PVC windows with the same glazing pattern.

The Planning Adviser stated that the Planning Act requires decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicate otherwise. The Listed Buildings and Conservation Areas Act further requires that, when exercising Planning functions within Conservation Areas, special attention is paid to the desirability of preserving or enhancing the character or appearance of the area. The site was within a residential area of Musselburgh, designated under local plan policy ENV1, and within the Musselburgh Conservation Area. The building was not listed. The main policy considerations relevant to the application are design and impacts on the Conservation Area. The key policies in relation to these matters are Strategic Development Plan policy 1B and Local Plan policy ENV4. In addition, Local Plan policy DP8 relates specifically to replacement windows. It states that replacement windows in Conservation Areas must preserve or enhance the area's special architectural or historic character. This would normally mean that they should retain the proportions of the window opening, the opening method, colour, construction material of frames, and glazing pattern. Three exceptions are provided for: firstly multiple glazing where there is no visible difference, secondly where a building does not positively contribute to the area's character, and thirdly where the window cannot be seen from a public place. Also relevant to the application are national policy documents, including Scottish Planning Policy and the Scottish Historic Environment Policy.

The Planning Adviser stated that the application had been refused by the Appointed Officer on the basis that the proposed replacement windows on the front elevation would be harmful to the character and appearance of the building, streetscape, and the Conservation Area. The application was therefore considered to be contrary to the relevant development plan policies. The reasoning for this decision was set out in full in the Planning Officer's report. The Officer considered that the proposed replacement rear windows would not in themselves have a harmful effect on the building or the Conservation Area.

The Planning Adviser stated that, in their request for a review, the applicant had argued that the building was a modern design that does not make a contribution to the Conservation Area and that the change in window material would not have an impact on the Conservation Area's character. The proposals were therefore argued to comply with relevant development plan policies, including DP8. It was also stated that other properties in the area had PVC windows and a number of photographs showing these properties were included in the applicant's supporting documents. It was also argued that the proposed windows would be more sustainable and cost effective.

There were no consultations carried out on the application by the case officer. One objection had been received from the Musselburgh Conservation Society, which objected to the use of PVC on the basis that it would harm the character and appearance of the building and its surroundings.

The Chair invited questions for the Planning Adviser and there were none.

The Chair noted that an exception to Planning policy DP8 applied if the building did not contribute positively to the character of the Conservation Area. He considered that there were other buildings in the vicinity which embraced a range of styles, and this apartment block was a modern building which had plastic drains, down pipes and satellite dishes attached to the walls. The Planning Adviser stated that it was a matter for Members' own judgement whether they considered that this building had a positive impact on the Conservation Area.

The Chair then asked his fellow Members if they wished to proceed to determine this application today. They unanimously agreed to proceed.

Councillor Innes stated that, in his view, the most important consideration was the location of the building, its style and form, and how it contributes to the area. On the site visit, he noted that the adjacent properties to the west and north were not in the Conservation Area and that buildings which could be seen in relation to this building had new PVC windows. Councillor Innes stated that he normally strictly adhered to planning policy, but in this case, he was guided by the terms of policy DP8 which clearly stated that an exception to the policy could be made if the building itself did not contribute positively to the area. He would therefore vote to uphold the review as he was satisfied that the proposed replacement windows would not be harmful to the character and appearance of the area.

Councillor Gillies shared the views of Councillor Innes and therefore would also vote to uphold the review.

The Chair stated that he had found the site visit very useful, allowing him to compare the property in question to other properties close by and to consider the impact the property had on the Conservation Area. As he had observed modern fittings on these buildings and a wide range of window styles, he did not consider that the

proposed replacement windows would, in themselves, be harmful to the Conservation Area. He would therefore vote to overturn the decision of the Planning Officer to refuse this application.

The Legal Adviser stated that the Planning Officer had not supplied any Conditions to be attached to the planning consent but the Members advised that they would wish to impose a condition requiring the colour of the proposed new windows to be approved by the planning officers prior to installation to ensure they matched with the other windows in the block.

Decision

The ELLRB unanimously agreed to overturn the original decision to refuse planning permission for the replacement windows subject to the following condition:

1. Development shall not begin until full details of the proposed window colour, including a colour swatch, have been submitted to and approved in writing by the Planning Authority. The colour shall be dark brown to match the existing windows within the building. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: To ensure that the replacement windows match the external appearance of the existing building and thereby maintain the visual quality of the area.

The Legal Adviser stated that a Decision Notice would be issued within 21 days.

Policing Performance

East Lothian

3



The data provided in this report is for information purposes to allow Partnership Members to conduct their scrutiny responsibilities. There may be minor amendments between the information in this report and the final statistics – for example: due to delayed reporting or recording of crimes, road crashes or incidents. It would not therefore be accurate or appropriate to refer to, quote or use the data in this report as official statistics.

**REPORTING PERIOD:
1st April 2014 to 30th September 2014**

East Lothian Police Performance Report Apr - Sept 2014

Performance Update					
01/04/2014 – 30/09/2014					
		TYTD 2014/15	LYTD 2013/14	Source	Change
Local Priorities					
1	Detection Rate: Groups 1 to 4 Crimes	1428/445 31.2%	1361/434 31.9%	Scomis 30/09/2014	-0.7%
2	Reduce the number of Domestic Housebreaking Offences	72	51	Scomis 30/09/2014	+41.2%
3	Achieve a detection rate of 30% in respect of Domestic Housebreakings	41.7%	19.6%	Scomis 30/09/2014	+11.7% against target
Priority 1 - Protecting People					
4	Reduce the number of Domestic Abuse Incidents reported	542	530	Scomis 30/09/2014	+2.3%
5	Increase the detection rate for Domestic Abuse crimes	73.6%	76.4%	Scomis 30/09/2014	-2.8%
6	Ensure 95% of Domestic Abuse initial Bail checks are conducted within the 24-hour prescribed time limit	97.1%	N/A	Scomis 30/09/2014	-
7	Increase the detection rate for Sexual Offences (Group 2 Crime)	58/34 58.6%	48/26 54.2%	Scomis 30/09/2014	+4.4%
Priority 2 - Reducing Anti-Social Behaviour					
8	Reduce the number of Disorder incidents	2255	2504	Scomis 30/09/2014	-9.9%
9	Reduce the number of ASB incidents	2790	3009	Scomis 30/09/2014	-7.3%
10	Reduce the number of Hate Incidents	38	30	Scomis 30/09/2014	+26%
11	Reduce the number of Hate Crimes	37	51	Scomis 30/09/2014	-27%
12	Increase the detection rate for Hate Crime	89%	84%	Scomis 30/09/2014	+5%
Priority 3 - Reducing Violence					
13	Reduce the level of Group 1 Violent Crime	32	35	Scomis 30/09/2014	-8.6%
14	Increase the number of positive Stop and Searches for Offensive Weapons	154/14 9.1%	426/18 4.2%	PRONTO 30/09/2014	+4.9%
Priority 4 - Tackling Substance Misuse					
15	Increase the number of positive Stop and Searches for Controlled Drugs	534/90 17%	815/108 13%	PRONTO 30/09/2014	+4.0%
16	Increase the number of on/off sales licensed premises visits	561	421	East Lothian Licensing	+140

East Lothian Police Performance Report Apr - Sept 2014

		TYTD 2014/15	LYTD 2013/14	Source	Change
Priority 5 - Making Our Roads Safer					
17	Reduce the number of people killed or seriously injured on our roads	26	20	UNIFI 30/09/14	+30%
18	Increase the number of people detected for Drink/Drug Driving offences	40	47	Scomis 30/09/2014	-14.9%
19	Increase the number of people detected for Dangerous Driving offences	17	12	Scomis 30/09/2014	+41.7%
Priority 6 - Tackling Serious Organised Crime					
20	Increase the number of cash seizures and restraints through the Proceeds of Crime Act	£298,532.84	£236,466.23	FIU	+£62,066.61
21	Increase the number of people detected for Supplying Drugs	22	22	Scomis 30/09/2014	0.0%

East Lothian Police Performance Report Apr - Sept 2014

Context Report 01/04/2014 – 30/09/2014	
1	The detection rate for groups 1-4 crimes is slightly less but this relates to just 11 crimes. There has been a marked improvement in the last month and there will be continued focussed activity to improve this in the 4 th quarter.
2	East Lothian has been targeted by offenders intent on breaking into houses and business premises resulting in the increase shown. Our response to this has been two fold, a preventative plan was introduced and Operation Stoneham was implemented as the investigative phase. This has resulted in a number of significant arrests and a downward trend in the commission rate from the previous reporting period. (+61% reduced to +41%)
3	As above
4	There has been a slight increase in the number of crimes reported but the focus remains on providing a partnership service that encourages victims to disclose and to detect crimes that have been reported.
5	A number of these crimes are live investigations and are being prioritised therefore it is anticipated that the solvency rate will rise once these have been concluded.
6	This relates to our ability to reassure victims of domestic abuse that we are doing all we can to keep them safe and to monitor the abuser. It is encouraging to see that we have exceeded a very high target.
7	As always there is a delay in the accurate recording of solvency of this category due to the time taken for forensic examination and evidence gathering. It is therefore expected that this percentage will rise in the next few months.
8	Encouraging that incidents of disorder continue to fall, as do incidents of Antisocial Behaviour below. A lot of co-ordinated intelligence led work goes into making East Lothian a safer place to live and visit.
9	As above.
10	Hate incidents are incidents that happen and no crime has actually been committed but the reporter perceives it to be motivated by hate. A modest increase in this category shows an increase in confidence in reporting incidents such as these. Work is ongoing Nationally to raise awareness and improve confidence in reporting.
11	This shows a dramatic reduction in hate crimes reported. As we know there is an under reporting of hate crimes therefore we cannot be complacent about this category of crime.
12	Enquiries into hate crimes will continue to be prioritised and it is good to see the detection rate so high.
13	Most notable about this is the relatively low numbers of violent crime.
14	Although less searches have been carried out, the proportion of positive searches has risen which indicates that officers are targeting the right people.

East Lothian Police Performance Report Apr - Sept 2014

15	As with weapons there have been fewer searches for drugs but the success rate is an impressive 17%.
16	Some of the most problematic premises are on sales (pubs) therefore more attention has been given to them.
17	It is slim consolation that the number of killed/seriously injured includes only injured, as there have been no fatalities in this reporting year to date. On assessment there are no identified hotspots or trends regarding type of vehicle or driver profile.
18	The Festive campaign will see targeted activity with regards to detecting those who drive under the influence of alcohol and drugs.
19	Influencing driver behaviour and detecting this particular offence continues to be the focus of both divisional police officers and road policing teams.
20	
21	This shows a fairly steady detection rate for drug supply.



SCOTTISH

FIRE AND RESCUE SERVICE

Working together for a safer Scotland

4

The cover features a large, semi-transparent graphic composed of two overlapping circles. The left circle shows a fire truck with its blue and red emergency lights flashing. The right circle shows a night view of a city with illuminated buildings and streets. A horizontal bar with a grey background and a multi-colored border (red, green, blue, yellow) is positioned across the middle of the circles, containing the title text.

Quarterly Performance Report

for East Lothian

Quarters 1 & 2 2014/15 (1st April – 30th September)

CONTENTS

- 3. Introduction**
- 4. Reduction in dwelling fires**
- 6. Reduction of fire casualties and fatalities**
- 8. Reduction of deliberate fire setting (not including dwellings)**
- 9. Reduction in Road Traffic Collisions**
- 10. Reduction of unwanted fire alarm signals**
- 11. Violence to Crews**
- 12. Fire Safety Enforcement Audits**
- 13. Home Fire Safety Visits**
- 14. Community Safety Engagement**
- 15. Partnership Working**

INTRODUCTION

This performance report provides information on our prevention, protection and operational response activities within East Lothian between 1st July 2014 – 30th September 2014. The aims of the Scottish Fire & Rescue Service (SFRS) in East Lothian are to reduce fire deaths throughout the area and to reduce injuries from fire and other emergencies in the community. We aim to achieve this by working in partnership, being pro-active and targeting our prevention and protection activities to where they are required, based on evidence.

Within the Local Fire and Rescue Plan 2014-2017 for East Lothian, five priorities, actions and outcomes are identified

- 1. Reduction of dwelling fires**
- 2. Reduction of fire casualties and fatalities**
- 3. Reduction of deliberate fire setting (not including dwellings)**
- 4. Reduction in road traffic collisions**
- 5. Reduction of unwanted fire alarm signals**

OUTCOMES

1. Dwelling Fires

Accidental

There were 35 Accidental Dwelling Fires during this reporting period, this is a decrease of 5 incidents when compared to the same period during 2013.

Deliberate

There was 1 Deliberate Dwelling Fire during this reporting period, this is a decrease of 1 when compared to the same period during 2013.

2. Fire Casualties/Fatalities

There were no fire fatalities and 6 fire casualties from accidental dwelling, this is a decrease of 2 when compared to the same period during 2013.

3. Deliberate Fires (not including dwellings)

There were 78 deliberate fires not involving dwellings during this reporting period; this is a decrease of 66 incidents when compared with the same period during 2013. This category includes all deliberate secondary fires.

4. Road Traffic Collisions

There were 19 Road Traffic Collisions during this reporting period, a decrease of 6 compared to the same period during 2013.

5. Unwanted Fire Alarm Signals

There were 417 Unwanted Fire Signals during this reporting period, an increase of 33 incidents when compared to the same period during 2013.

Response & Resilience

OBJECTIVE 1: REDUCTION IN DWELLING FIRES

Accidental Dwelling Fires

Definition: Building occupied by households, excluding hotels, hostels and residential institutions. In 2000, the definition of a dwelling was widened to include any non-permanent structure used solely as a dwelling, such as caravans, houseboats etc. Caravans, boats etc. not used as a permanent dwelling are shown according to the type of property. Accidental includes fires where the cause was not known or unspecified.

	2013	2014	
Accidental Dwelling Fires	Total	Total	
	40	35	-5
Dunbar and East Linton Ward	2	8	
Fa'side Ward	12	4	
Haddington and Lammermuir Ward	6	6	
Musselburgh East and Carberry Ward	8	6	
Musselburgh West Ward	3	3	
North Berwick Coastal Ward	4	4	
Preston/Seton/Gosford Ward	5	4	

Chief Fire Officer Association (Scotland) Community Fire Safety Assessment 2010 (CFSA) applies a societal cost of £25,500 per incident.

The above table shows the number of accidental dwelling fires in this reporting period compared to the same period last year. The total provides the running total for the year to date. In the areas where fires occur, firefighters will carry out Post Domestic Incident Response (PDIR) activities, which will focus resources into the areas of need.

ACTION:

Community Safety Engagement activity in the form of Home Fire Safety Visits will continue to focus on highest risk areas. Local fire stations, supported by the Community Action Team, will directly target areas where increases in numbers of fires have occurred.

Deliberate Dwelling Fires

	2013		2014		
Deliberate Dwelling Fires		Total		Total	
		2		1	-1
Dunbar and East Linton Ward		1		0	
Fa'side Ward		1		0	
Haddington and Lammermuir Ward		0		0	
Musselburgh East and Carberry Ward		0		1	
Musselburgh West Ward		0		0	
North Berwick Coastal Ward		0		0	
Preston/Seton/Gosford Ward		0		0	

There has been a decrease of 1 deliberate dwelling fires compared with the same period last year.

ACTION:

In East Lothian, we work with Community Action Team and Police Scotland to identify the culprits of deliberate fire setting where possible. Intervention activities to preventing repeat fire-raising are tailored to suit the type of offence and the individual concerned.

OBJECTIVE 2: REDUCTION IN FIRE CASUALTIES AND FATALITIES

Fire Fatalities

Definition: A person whose death is attributed to a fire is counted as a fatality even if the death occurred weeks or months later.

Fire Fatalities From Accidental Dwelling Fires	2013		2014		
		Total		Total	
		0		0	
Dunbar and East Linton Ward		0		0	
Fa'side Ward		0		0	
Haddington and Lammermuir Ward		0		0	
Musselburgh East and Carberry Ward		0		0	
Musselburgh West Ward		0		0	
North Berwick Coastal Ward		0		0	
Preston/Seton/Gosford Ward		0		0	

Economic cost of fire (Department of Communities and Local Government) model attributes a cost of £1,546,688 per fatality.

The above table shows there were no fire fatalities in dwelling houses; in this reporting period.

ACTION:

The SFRS management team in East Lothian will continue to engage with partners, when required, to examine how and why fire fatalities have occurred. The new SFRS policy and procedure on Fatal Fire Conferences was introduced on the 1st April 2014. Targeted engagement activities, in partnership with Police Scotland and Social Services identify those at greatest are advised by lessons learned and designed further reduce the impact on individuals and communities of fatal fires.

Non-Fatal Fire Casualties as a Result of Accidental Dwelling Fires

Definition: Total number of non-fatal casualties, injured as a direct result of a fire attended by the service. Includes those who received first aid at the scene and those who were recommended to go for a precautionary check. Does not include injuries to fire service personnel.

Non-Fatal Fire Casualties From Accidental Dwelling Fires	2013		2014		
		Total		Total	
		8		6	-2
Dunbar and East Linton Ward		0		2	
Fa'side Ward		0		0	
Haddington and Lammermuir Ward		2		2	
Musselburgh East and Carberry Ward		2		0	
Musselburgh West Ward		0		0	
North Berwick Coastal Ward		0		1	
Preston/Seton/Gosford Ward		4		1	

Costs attributed are:

Burns injury - £174,354

Smoke/fumes injury - £44,019

Precautionary check-up /other - £574

(Source: DCLG)

The table above relates to the number of injuries members of the public have sustained in accidental dwelling fires. In this reporting period, there has been a decrease of 2 non-fatal fire casualties in accidental dwelling fires when compared to the same period last year.

ACTION:

Targeted home fire safety visits and new partner referral pathways will be the focus to reduce the number of accidental dwelling fires. From April 2014 a risk points based system will be used to ensure SFRS resources in East Lothian are delivering to those at highest risk of fire.

OBJECTIVE 3: REDUCTION OF DELIBERATE FIRE SETTING (NOT INCLUDING DWELLINGS)

Definition: Where a fire is started deliberately (but not necessarily with malicious intent)

Reduction of Deliberate Fire Setting	2013		2014	
		Total		Total
		144	78	-66
Dunbar and East Linton Ward		10	6	
Fa'side Ward		33	23	
Haddington and Lammermuir Ward		6	4	
Musselburgh East and Carberry Ward		45	18	
Musselburgh West Ward		17	10	
North Berwick Coastal Ward		1	2	
Preston/Seton/Gosford Ward		32	15	

The table above relates to deliberate fire incidents including secondary fires; there has been a decrease of 66 incidents when compared to the same period last year. The majority of wards within East Lothian have realised a decrease in deliberate secondary fires. The Preston/Seton/Gosford, Fa'side and Musselburgh East and Carberry wards showed substantial reductions.

ACTIONS:

These types of incidents are a focus of the Community Action Team (CAT) and senior managers to ensure they are as low as possible and will be closely monitored over the coming reporting year.

The provision of the Cool-down Crew programme within East Lothian contributes to the reduction of fires related to Anti-social Behaviour, which generally fall into this category of Deliberate Secondary fires.

OBJECTIVE 4: REDUCTION IN ROAD TRAFFIC COLLISIONS

Definition: When a road vehicle collides with another vehicle, pedestrian, animal, road debris, or other stationary obstruction, such as a tree or utility pole.

	2013	2014	
Road Traffic Collisions	Total	Total	
	25	19	-6
Dunbar and East Linton Ward	6	4	
Fa'side Ward	3	4	
Haddington and Lammermuir Ward	4	1	
Musselburgh East and Carberry Ward	2	3	
Musselburgh West Ward	1	2	
North Berwick Coastal Ward	3	1	
Preston/Seton/Gosford Ward	6	4	

Societal costs are £2,080 per incident as per CFSA.

The table above relates to the number of Road Traffic Collisions, when compared with other geographical areas within the Service Delivery Area, East Lothian does not have a high number of this type of incident, which require the Fire & Rescue to attend. The number of incidents has decreased by 6 when compared to the same period last year.

Deaths and Injuries from Road Traffic Collisions

	2013	2014	
Deaths & Injuries from Road Traffic Collisions	Total	Total	
	25	7	-18
Fatality	0	0	
Injured (incl rescue with injury)	25	7	

The table above relates to the number of injuries and fatalities as a result of a Road Traffic Collision, there has been a significant decrease of 18 injuries for this reporting period, when compared to last year.

ACTION:

The SFRS in East Lothian is an active member of the community planning partnership and contributes to reducing road traffic collisions, associated casualties and fatalities through working with partners and providing support at seminars and engagement events. It has been recognised that the SFRS has most to offer in engagement/education programmes targeting young drivers, which we will continue to support. Our Community Firefighters have recently attended a Road Safety Seminar organised by Road Safety Scotland maintaining their continuous professional development in this area.

OBJECTIVE 5: REDUCTION OF UNWANTED FIRE SIGNALS

Definition: Where the FRS attends a location believing there to be a fire incident, but on arrival discovers that no such incident exists, or existed.

	2013	2014	
Unwanted Fire Signals	Total	Total	
	384	417	+33
Dunbar and East Linton Ward	47	61	
Fa'side Ward	52	58	
Haddington and Lammermuir Ward	53	81	
Musselburgh East and Carberry Ward	67	72	
Musselburgh West Ward	61	48	
North Berwick Coastal Ward	69	48	
Preston/Seton/Gosford Ward	35	49	

Societal costs are £848 per incident as per DCLG.

The table above indicates there has been an increase of 33 unwanted fire signals in this reporting period, when compared to last year.

ACTION:

Within East Lothian, SFRS have actively been monitoring unwanted fire alarm signals (UFAS). A local initiative has been running for almost 12 months whereby premises demonstrating unacceptable levels of UFAS are targeted with a view to educating occupiers in order to reduce UFAS. In the reporting period, 25 premises have been identified and Stage 1 letters have been sent. Engagement with the worst offending locations involves fire safety enforcement officers (FSEO) visiting the premises to offer advice and guidance to the occupiers on ways to reduce the number of (UFAS). A draft SFRS national policy has been developed for UFAS and will go live in December 2014.

This objective remains a priority for the East Lothian Management Team.

VIOLENCE TO STAFF/CREWS

Definition: Incidents where it has been recorded that there was an attack on FRS personnel travelling to/from or at the incident.

	2013		2014		
Violence To Crews		Total		Total	
		0		0	
Objects thrown at firefighters/appliances		0		0	
Physical abuse		0		0	
Verbal abuse		0		0	

The above table shows there have been no instances of violence to crews in this reporting period.

ACTION:

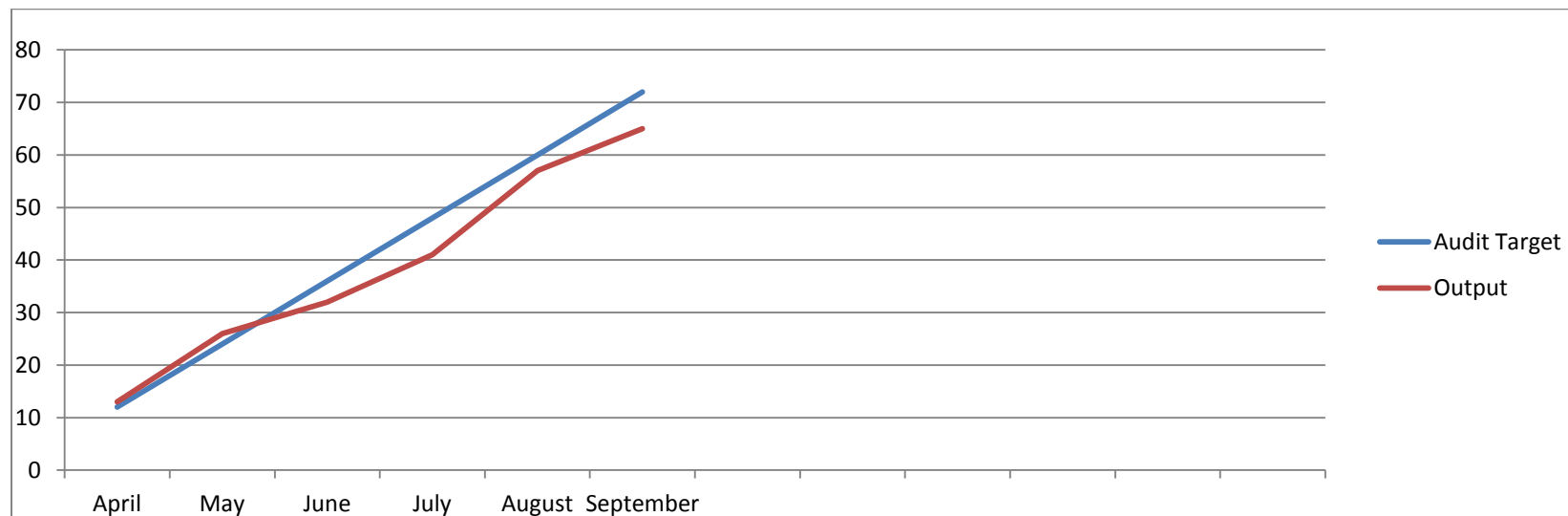
Violence to crews is a priority for all station commanders as it links with one of the Services main priorities safety of firefighters. Officers and crews work closely with police colleagues to react to incidents when they occur and carry out preventative work within schools. Although this has not historically been an issue in East Lothian, it will receive immediate attention if it occurs.

Prevention & Protection Activities

Fire Safety Enforcement Audits

The figures represent the audit workloads delivered by the East Lothian Fire Safety Enforcement Officers (FSEO). Following the Scottish Fire and Rescue Service (SFRS) Enforcement Framework, local deployment ensures compliance for relevant premises in terms of the Fire Scotland Act (2005) and associated Fire Safety Regulations. Although slightly off target, performance is steadily improving and SFRS within East Lothian are confident that the annual target will be achieved. One of the primary reasons for being off target at this present time, has been the introduction of a new national database and recording and administrative system, which has required extensive training and familiarisation for FSEO.

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
Target:	12	24	36	48	60	72							
Completed:	13	26	32	41	57	65							

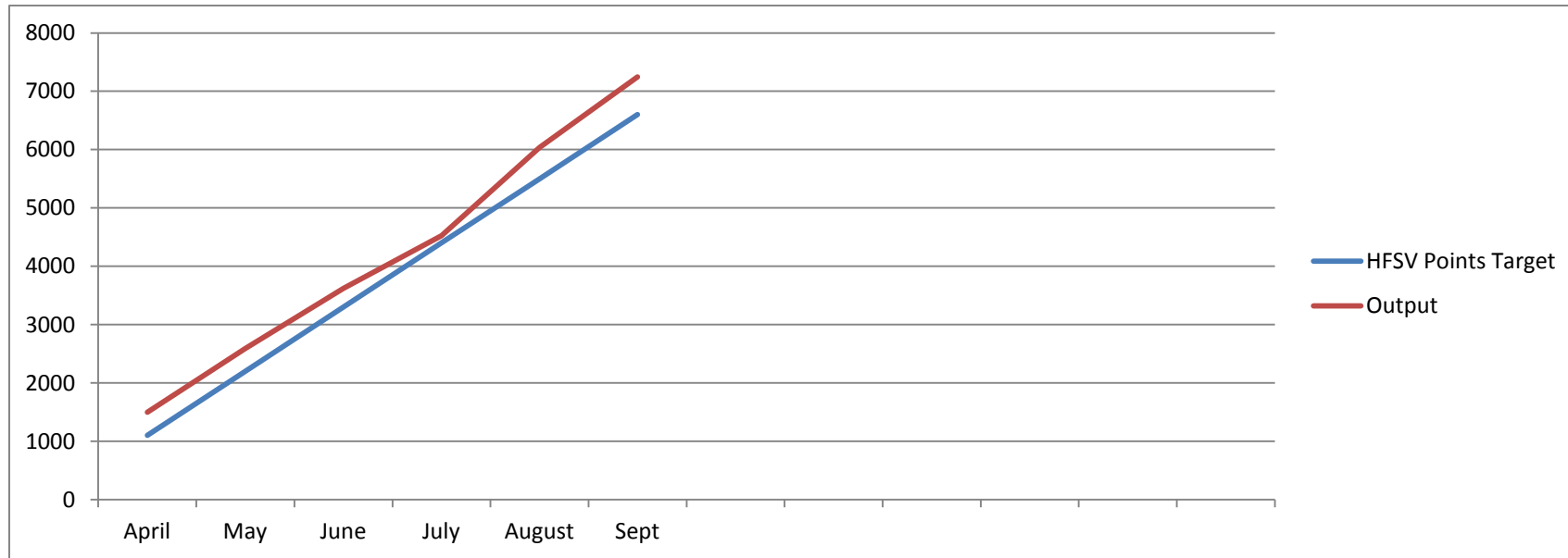


Home Fire Safety Visits

The delivery of Home Fire Safety Visits (HFSVs) is the corner stone of the SFRS Community Safety Engagement framework. By visiting households and providing fire safety advice and smoke alarms the numbers of dwelling fires and casualties will be reduced. To target the highest risk households across East Lothian, a points allocation and associated targets have been set (24 points per high, 8 per medium, 4 per low risk visit). This will ensure valuable resources are put to use with greatest effect. This quarter has seen us maintain our points total ahead of target.

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
Target	1100	2200	3300	4400	5500	6600							
Completed	1500	2588	3620	4524	6040	7248							

The Home Safety Visit programme continues to reduce risk in the community by making people safer in their homes. 76% of Home Safety Visits completed during this reporting period were in dwellings considered to be at medium to high risk of having an Accidental Dwelling Fire.



Community Safety Engagement Q1 & 2, 2014/15

ACTIVITY	EAST LoTHIAN
Enhanced Home Safety Visits (No. of households/occupiers visited)	10
Visits to Schools	2
Nursery Visits	2
Youth Programmes (Cooldown Crew - No. of Programmes)	1
Youth Programmes (Cooldown Crew - No. of youths attending)	8
Road Safety Education (No. of Programmes)	5
Road Safety Education (number of pupils)	1,510
Firesetters Intervention Programme (No. of sessions with youths)*	1
Community Safety Talks / Attendance at Community Events**	76
Risk Factory (number of visiting schools from East Lothian)	0
Fire Safety Inspections (CGA) in Tenement Stairs	1

Definitions

*A one to one counselling session with a young person to discuss the consequences of being involved in wilful fire-raising.

**Comprises non-school events including: appliance visits to community groups (fetes, galas etc.); group visits to fire stations; specific campaigns (Stair Aware, Cooking Safety, etc.); and Community Fire-fighter talks/stall events.

Partnership Working

Community Action Team (CAT) staff in East Lothian continue to work to identify and provide advice to those most at risk of accidental dwelling fires. Work is ongoing with Health and Social Care partners to streamline the referral process to ensure those most at risk get the support and risk reduction measures they require.

A pilot project is currently being organised involving Carers of East Lothian which consists of a group of 12 practitioners dealing with around 500 clients delivering all levels and types of care and support in the community. The pilot will include CAT delivering awareness training which will enable carers to identify fire safety risks within the home and work in partnership with Scottish Fire and Rescue Service (SFRS) to mitigate these risks.

Alzheimer Scotland will be delivering awareness training to East Lothian CAT staff and SFRS Operational crews to enhance their knowledge of this debilitating condition. This will enable SFRS front line staff to identify signs and symptoms of the condition with a view to making referrals to appropriate partner agencies where necessary and to assist with tailoring safety interventions.

A referral protocol for safeguarding vulnerable persons has been established with Social Work, East Lothian Council Housing, Police Scotland and SFRS. This process enables at risk persons in the community to be identified to the appropriate services for the purposes of enhancing their safety.

Links have also been established with East Lothian Community Care Forum promoting Home Fire safety Visits to their service users.

Partnership working to identify single occupancy households is progressing very well. Historical data shows this group to be the most vulnerable in our community from risk of fire.

Members of the East Lothian CAT continue to support the local Task and Co-ordinating Group by attending the weekly meetings and implementing actions accordingly.

REPORT TO: East Lothian Council

MEETING DATE: 16 December 2014

BY: Director of Health and Social Care

SUBJECT: Health and Social Care Integration: East Lothian Integration Scheme – Consultation Draft

5

1 PURPOSE

- 1.1 To invite the Council to approve for consultation the draft Integration Scheme required to establish the East Lothian Integration Joint Board.

2 RECOMMENDATIONS

Members are asked to:

- 2.1 Note the delegation of functions as approved at East Lothian Council meeting on 24 June 2014 and the position in relation to the integration of Children's Health and Social Care Services.
- 2.2 Approve for public consultation the East Lothian draft Integration Scheme which has been lodged in the Members' Library Service (Ref: 243/14 December 2014 bulletin and which can be accessed via this link:
http://www.eastlothian.gov.uk/meetings/meeting/5635/members_library_service
- 2.3 Note that NHS Lothian has agreed to consult on the East Lothian draft Integration Scheme.
- 2.4 Note and agree the consultation period as set out and to agree that a revised Integration Scheme will be considered for approval at an additional meeting of the Council in March 2015 before submission to Scottish Government on the 31 March 2015.

3 BACKGROUND

Legislation

- 3.1 The Public Bodies (Joint Working) (Scotland) Act 2014 received Royal Assent on 1 April 2014 with a requirement for Local Authorities and Health Boards to jointly submit Integration Schemes for Ministerial approval by 31 March 2015. East Lothian Council is required to jointly prepare and submit an Integration Scheme with NHS Lothian.
- 3.2 The Integration Scheme must include all matters described in the Public Bodies (Joint Working) (Integration Scheme) (Scotland) Regulations 2014. The prescribed information is to be agreed between the Health Board and the relevant Local Authority.
- 3.3 The Consultation Draft Integration Scheme is a legal document. It covers such matters as:
- Aims and outcomes of the IJB;
 - The integration model i.e. IJB;
 - The functions to be delegated to it
 - The governance arrangements that it will operate under
 - Clinical and care governance arrangements
 - Workforce matters including the role and responsibilities of the Chief Officer
 - Financial governance and operation
 - Risk, claims and complaints
 - Information sharing
 - Participation and engagement; and
 - Dispute resolution.

Developing the Integration Schemes

- 3.4 In East Lothian the draft Integration Scheme has been developed jointly by senior officers from NHS Lothian and East Lothian Council. There has already been consultation with senior staff in NHS Lothian and Local Authorities across Lothian to develop the draft Pan-Lothian Integration Schemes.
- 3.5 To develop the detail required for the Integration Scheme and to meet the prescribed deadline it has been necessary for work on the content to progress ahead of the publication of the final Regulations and associated guidance. There will be further detailed guidance published by Scottish Government which may require amendments to the Schemes in light of any material changes. This will be accommodated within the allotted consultation period. The main areas the guidance may have an impact

on are: operational arrangements; clinical and care governance; and financial arrangements.

- 3.6 The Regulations required consultation on the Integration Scheme with internal and external stakeholders. In addition to the internal consultation already undertaken in NHS Lothian and the four Lothian Local Authorities a formal joint-consultation is planned for each Integration Scheme with external stakeholders as well as a wider internal consultation with staff. The timeframe for this consultation is dependent on the dates when the draft Integration Scheme is approved by the NHS Lothian and East Lothian Council. There is not a required length for the consultation and it's proposed to consult for eight weeks. The table below describes the consultation timetable for the East Lothian Integration Scheme and the date when the final version will be approved.

Table 1: Consultation and approval for East Lothian Integration Scheme

	Approval of Integration Schemes for consultation	Consultation period	Approval of final Integration Scheme prior to submitting to Scottish Govt
East Lothian Council	16 Dec 14	17 Dec – 17 Feb	10 March (tbc)
NHS Lothian	3 Dec 14	Jan -17 Feb	4 March (tbc)

The expectation is that the approval process by Scottish Government is likely to take in the region of two months. Assuming the approval process is straightforward for the East Lothian Integration Scheme, this would enable the East Lothian Integration Joint Board to be formalised pending delegation of services after the approval of East Lothian Strategic Plan in June 2015.

Delegation of additional functions

- 3.7 The Regulations made under the Act prescribe which functions *must* be delegated to the Integration Joint Board, which functions *may* be delegated and which functions *must not* be delegated. NHS Lothian and East Lothian Council will delegate all the functions that *must* be delegated. In addition there are functions which *may* be delegated where NHS Lothian or the Council have elected to also delegate these to the Integration Joint Board.
- 3.8 East Lothian Council has previously agreed in June 2014 to delegate the additional function of Criminal Justice Social Work services.
- 3.9 NHS Lothian has previously agreed in October 2014 to delegate additional functions to the Integration Joint Board beyond the functions described in the Regulations that *must* be delegated. Since then the Scottish Government has published the final Regulations which have informed the revised list in the draft Integration Scheme of additional

health functions that will be delegated to the Integration Joint Board. These functions are the following health services as they relate to provision for people under the age of 18:

1. Primary Medical Services and General Medical Services (including GP Pharmaceutical services)
2. General Dental Services, Public Dental Services and the Edinburgh Dental Institute
3. General Ophthalmic Services
4. General Pharmaceutical Services
5. Out of Hours Primary Medical Services
6. Learning Disabilities

3.10 The rationale for including these functions is because they all provide a 'cradle to grave' service and the service for the whole population should be planned by one organisation instead of splitting the strategic planning of these services at 18 years of age.

3.11 In East Lothian it is the intention that Children's Services will be delegated to the Integration Joint Board at a later date as part of a second phase of integration. This will require a revised Scheme to be resubmitted to Scottish Government for approval during 2015/16.

4 POLICY IMPLICATIONS

4.1 The Council agreed in March 2013 and June 2014 to the integration of Adult Wellbeing services and NHS services in a body corporate model.

4.2 The Council has already agreed the position on the integration of Children's services.

5 EQUALITIES IMPACT ASSESSMENT

5.1 There has been no impact assessment to date. An Impact assessment will be completed before the Integration Scheme is presented to the Council in March 2015 after amendments to the Integration Scheme as a result of consultation and publication of final guidance from Scottish Government.

6 RESOURCE IMPLICATIONS

6.1 Financial - There are no resource implications from this report but there are substantial resource implications from the implication of the Act and the changes being proposed in terms of establishing governance and management arrangements. These require to be worked through during the course of the consultation and in establishing the Integration Joint Board and the setting agreed budgets for the first year, which we are describing as a transitional year.

6.2 Personnel - there are no direct implications of this paper.

6.3 Other – none.

7 BACKGROUND PAPERS

7.1 East Lothian Council Cabinet paper September 2012 – Response to the Scottish Government Consultation on Integration of Health and Social Care

7.2 East Lothian Council paper March 2013 - Integration of Health and Social Care Update

7.3 East Lothian Council Paper June 2014 – Integration of Health and Social Care

7.4 [Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#)

7.5 [Regulations made under the Pubic Bodies \(Joint Working\)\(Scotland\) Act 2014](#)

7.6 NHS Lothian Board Paper – Integration of Health and Social Care October 2014

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REPORT TO: East Lothian Council

MEETING DATE: 16 December 2014

BY: Chief Executive

SUBJECT: Closure of Haddington Sheriff Court: Impact on East Lothian Council

6

1 PURPOSE

- 1.1 To report to Council on the impact of the closure of Haddington Sheriff Court on East Lothian Council.

2 RECOMMENDATIONS

- 2.1 That the Council notes the content of this report.

3 BACKGROUND

- 3.1 Haddington Sheriff Court (and Justice of the Peace Court) is due to close at the end of January 2015, with its business transferring to Edinburgh Sheriff Court. This follows consultation by the Scottish Court Service and an Order made by the Scottish Ministers which came into effect on 29 June 2013 giving the closure a legislative basis.
- 3.2 The Council has been very much against the closure and has made representations throughout the process. As well as the activity reflected in the Background Papers cited at the end of this report, Council Members and officers also met with local court users during the Scottish Court Service consultation, and the Council's Chief Executive made representations in person to the Justice Secretary, to the Chief Executive of the Scottish Court Service, and by email correspondence to constituency and list MSPs and to members of the Scottish Parliament Justice Committee.

4 POLICY IMPLICATIONS

Detrimental effects

- 4.1 The implications for local people and for the Council of closing the Court were set out in the Council's response to the Scottish Court Service consultation back in 2012, and in subsequent communications. The following paragraphs summarise those issues.
- 4.2 Justice will arguably no longer be seen to be done within the local community.
- 4.3 Good working relationships will be compromised between the different local agencies involved with local people affected by cases coming to court. The staff of the court and of many relevant agencies – Council, Police, Procurator Fiscal – have been based either under the same roof or within a few metres of each other in Haddington town centre. (This model of working is in evidence in the purpose-built Civic Centre for West Lothian, in Livingston, where it has been praised.) This proximity will now be lost.
- 4.4 East Lothian will no longer have a dedicated sheriff who has appropriate local knowledge.
- 4.5 The changes fail to take into account the growing population of East Lothian.
- 4.6 Council staff - solicitors, social workers, rent officers, housing officers and others - attend the Court in a number of capacities. Travelling to Edinburgh will entail extra time and cost; it will also keep them away from their substantive duties with a consequential impact on the provision of their service. (This will also apply to the Council's partners – principally to police officers required to give evidence in court.)
 - 4.6.1 The Council has at present three litigation solicitors. Haddington Sheriff Court has only one courtroom in operation (other than where a trial or proof is ongoing in the second courtroom). This means that only one ELC solicitor is required in the court at any one time. In addition to appearing in court, these solicitors provide advice and support in respect of legal issues arising from all Council departments but primarily Children's Wellbeing, Adult Wellbeing, Housing and Education. They also advise on employment issues arising across the Council. The proximity of the court to the legal team's office means that these solicitors can work at their desks until shortly before they are required and return to their desks as soon as their court appearance is over.
 - 4.6.2 In contrast, there are 15 courtrooms regularly in operation at Edinburgh Sheriff Court, scheduling different types of case in different courtrooms with overlapping schedules. It is therefore inevitable that two or three solicitors from ELC will regularly need to be in Edinburgh Sheriff Court at the same time, waiting for a variety of cases to call. Given travel time, this will mean that there may be days when all three solicitors are out of the office for extended periods. There will therefore be no litigation

solicitors available to give ad-hoc advice to colleagues on matters that may arise during those periods.

- 4.7 Delays are already in evidence at court in Edinburgh which will have a detrimental effect on the court's ability to deal appropriately quickly with cases involving vulnerable East Lothian children and adults. (There will be no direct impact on the Children's Panel in East Lothian, which will continue to sit in Tranent.) As recently as October, there were media reports of capacity problems within the Sheriffdom.
- 4.8 Council managers have been preparing for the transfer of business by seeking to organise their services to try to mitigate some of the effects listed above. For example, the Criminal Justice team have been in discussion with various partners, with a focus on ensuring that appropriate processes and procedures are in place to enable effective channels of communication, particularly the delivery of Court papers and reports.
- 4.9 If it takes longer to process cases at Edinburgh Sheriff Court, this will slow down the Council's recovery of debts. The Council typically seeks to recover through the courts debts totalling nearly £5 million each year, including council tax arrears, business rates arrears and rent arrears. Any delay will in turn impact on people who owe the Council money, who will be further in debt before a court decision is made.
- 4.10 Additionally, in the short term, I understand that the court at Haddington is as of the end of November unable to process any new small claims and summary cause actions, except in emergencies, basically until the closure of the court. This is apparently to allow their systems to be updated to allow cases lodged in Haddington to be heard in Edinburgh. This will cause a two-month backlog of new cases of this type (possibly 20 to 30 cases for the Council) before the transfer of business to Edinburgh. It will not affect the cases that are already in court. The types of case this might affect include:
- eviction actions for drug/antisocial behaviour,
 - rent arrears/ eviction from homeless accommodation;
 - small claims
 - summary cause debt actions.
 - actions for recovery of possession of land, used typically when problems have been caused by gypsy traveller encampments on land that they have no right to occupy (although these may well be treated as an emergency and processed accordingly).

- 4.11 Additionally, it has been well-documented previously that the Council believes the loss of the court will have a detrimental economic effect on Haddington town centre.

Court Premises

- 4.12 The Council is currently in discussion with the Scottish Court Service about transferring the court premises into Council ownership. There will be a requirement to maintain accommodation for vulnerable witnesses to give evidence to Edinburgh Sheriff Court via videolink.
- 4.13 From the point of view of Council accommodation, the change will present positive potential for the use of the space, as well as possible challenges as to access and security relating to the accommodation of vulnerable witnesses.

Appreciation of work of Sheriff, Justices of the Peace and Court staff at Haddington

- 4.14 A court has existed in Haddington since medieval times. The Council should record its appreciation of the work of the various Sheriffs and Justices of the Peace and their predecessors at Haddington over the years, and should thank especially the current Sheriff Peter Braid, together with the Sheriff Clerk and court staff, for their diligence in the execution of justice in East Lothian.

Potential for Reversal of the Decision to Close Haddington Sheriff Court

- 4.15 The decision to close the court has effectively already been finalised. To reverse it would require a further Order in Parliament, and there is little or no new evidence to bring to bear. However, a letter is in preparation to the new Cabinet Secretary for Justice to ask him to review and reverse the decision to close the court.

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 – court closure is estimated to directly cost the Council around £44,000 per annum minimum in current officers' time and expenses - without counting the possibility of having to employ further legal staff which would more than double this sum.
- 6.2 Personnel - contained within the body of the report.
- 6.3 Other - contained within the body of the report.

7 BACKGROUND PAPERS

- 7.1 19 December 2012 - East Lothian Council's response to the Scottish Court Service Consultation on Proposals for a Court Structure for the Future:
http://www.eastlothian.gov.uk/download/meetings/id/14209/0313_response_to_consultation_on_proposals_for_a_court_structure_for_the_future
- 7.2 9 May 2013 – East Lothian Council's response to Scottish Court Service Consultation on draft Orders for the closure of the court:
http://www.eastlothian.gov.uk/download/meetings/id/14536/11413_response_to_scottish_courts_service_consultation_on_draft_orders
- 7.3 20 May 2013 – written evidence to Scottish Parliament Justice Committee (one of 34 submissions they received on Haddington Sheriff Court alone):
http://www.scottish.parliament.uk/S4_JusticeCommittee/Inquiries/SCS50_East_Lothian_Council.pdf
- 7.4 29 June 2013 – Order closing the Sheriff Court [there was a similar Order closing the court as a Justice of the Peace Court also]:
http://www.legislation.gov.uk/ssi/2013/152/pdfs/ssi_20130152_en.pdf
- 7.5 4 July 2013 – letter to Justice Secretary to make him aware of a Council motion expressing disappointment at his decision to close the court:
http://www.eastlothian.gov.uk/download/meetings/id/14659/15813_letters_to_justice_secretary
- 7.6 28 Jan 2014 – Haddington Sheriff Court – Letter to Cabinet Secretary asking him to reconsider decision to close Haddington Sheriff Court in the light of information about business pressures in Edinburgh Sheriff Court:
http://www.eastlothian.gov.uk/download/meetings/id/15155/1614_haddington_sheriff_court-letter_to_cabinet_secretary
- 7.7 18 February 2014 – response from Justice Secretary Kenny MacAskill MSP declining to reconsider the decision to close the court:
http://www.eastlothian.gov.uk/download/meetings/id/15329/5614_haddington_sheriff_and_justice_of_the_peace_court
- 7.8 31 October 2014 - *Edinburgh Evening News* report: *Sheriff claims court "bursting at the seams"*:
<http://www.edinburghnews.scotsman.com/news/crime/sheriff-claims-court-bursting-at-the-seams-1-3589941>

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REPORT TO: East Lothian Council

MEETING DATE: 16 December 2014

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Housing Land Supply: Interim Planning Guidance

7

1 PURPOSE

- 1.1 That Council recognises that East Lothian continues to have a shortfall in its effective housing land supply and that further action should be taken to address this by approving revised interim guidance on how the Council considers approving, in appropriate circumstances, housing development on land not allocated for that purpose.
- 1.2 To review the original Housing Land Supply: Interim Planning Guidance (approved by Cabinet on the 10 December 2013) to take into account approval of SESplan Supplementary Guidance on Housing Land (June 2014), the publication of new Scottish Planning Policy (June 2014) (SPP) and the approval of the Council's Main Issues Report for consultation (October 2014) and emerging Proposed LDP as it is developed.
- 1.3 To notify Council of the intention to update, on an annual basis where possible, on the latest housing land supply position in East Lothian by placement of a report in the Members' Library.

2 RECOMMENDATIONS

- 2.1 It is recommended that:
 - (i) Council notes that the Scottish Ministers' approval of SESplan's Strategic Development Plan (27 June 2013) and associated Supplementary Guidance on Housing Land (18 June 2014) has now confirmed the distribution of housing requirements for the SESplan area and for East Lothian;
 - (ii) Council notes that the new SPP reaffirms the primacy of the Development Plan in decision making, but that in circumstances where the plan is out-of-date, or where there is a shortfall in the 5 year effective housing land supply, plan policies on the supply of

housing land will not be considered up-to-date. On both counts this is relevant to the East Lothian Local Plan 2008. In these circumstances SPP further advises that a significant material consideration in the assessment of planning applications should be the SPP and its presumption in favour of development that contributes to sustainable development. SPP qualifies this by stating this does not mean development should be allowed at any cost, but that the aim is to achieve the right development in the right place;

- (iii) Council notes that SPP states that where a plan is under review decisions should not prejudice an emerging plan by predetermining the scale, location or phasing of development central to the emerging plan. This is likely to apply where the development is so substantial, or its cumulative effect (e.g. with other existing and/or emerging proposals) would be so significant that to grant permission would undermine the plan making process. Such considerations relating to prematurity will become more relevant closer to plan adoption, e.g. at Proposed LDP stage;
- (iv) Council notes that Scottish Ministers have made other important and significant changes to SPP that amend the period over which housing land requirements should be set by future SDPs and planned for by associated LDPs. Although there is no nationally prescribed method for how the adequacy of the five year effective housing land supply should be calculated, this change in national policy should influence how the calculation to measure and monitor the adequacy of that supply is carried out under the current SDP in East Lothian;
- (v) Council notes that SDP Policies 1A and 1B, and Policies 5, 6 and 7 together with SESplan's Supplementary Guidance on Housing Land are the up-to-date policies on housing supply for East Lothian. SDP Policy 7 in particular is the up-to-date policy on maintaining an effective 5 year housing land supply where there is a shortfall in that supply. It provides for the principle of granting planning permission in appropriate circumstances for housing development, either within or outwith a Strategic Development Area, on greenfield land, in order to maintain a five years' effective housing land supply;
- (vi) The guidance detailed in Appendix 1 of this report takes in to account the up-to-date SDP policy context and is approved as a material consideration to be taken into account alongside others in the assessment of planning applications for housing against SDP Policy 7 where such proposals are made for land not allocated for this purpose in the Development Plan.

3 BACKGROUND

Housing Land Supply Issues

- 3.1 Scottish Planning Policy requires that a supply of effective housing land for at least five years should be maintained at all times to ensure a continuing generous supply of land for housebuilding. Recent planning appeal decisions, together with the modifications made by Scottish Ministers in their approval of SESplan's Strategic Development Plan, indicate a requirement to increase the amount of effective housing land available within the SESplan area.
- 3.2 Given these Reporters' decisions, East Lothian accepts that it does not currently have an effective five year housing land supply, even where a significant part of the shortfall that has arisen is as a consequence of wider economic and housing market conditions.
- 3.3 SESplan Policies 1A and 1B, Policy 5, Policy 6 and Policy 7 are now the relevant strategic planning policy context for housing. SESplan Policy 7 gives Councils discretion to grant planning permission, in appropriate circumstances, to housing development on greenfield land not allocated for this, where a five year effective housing land supply does not exist.
- 3.4 SESplan Policy 7 states:

“Maintaining a Five Year Housing land Supply

*Sites for greenfield housing development proposals either within or outwith the identified strategic development areas **may be allocated in local development plans or granted planning permission** [our emphasis] to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria:*

a) The development will be in keeping with the character of the settlement and local area:

b) The development will not undermine green belt objectives; and

c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.”

- 3.5 The new East Lothian Local Development Plan is unlikely to be approved much before late 2016/early 2017: waiting to address the issue through its preparation and adoption would mean (a) a further two year period during which the Council is at risk of planning by appeal (and potential awards of costs against it) and (b) a housing land requirement that will simply increase to an amount that is undeliverable during the Local Development Plan period (with consequent plan failure).

- 3.6 The approach again recommended is to embrace SESplan Policy 7 by supporting the principle of planning applications for housing on greenfield land in situations where, other than for the land's non-allocation in the Development Plan:
- (i) the proposed development would not otherwise be a significant departure from the provisions of the Development Plan (including SESplan's Policy 7);
 - (ii) the land is demonstrably able to deliver early house completions and can therefore increase the effective housing land supply in the short term;
 - (iii) the proposal would not prejudice existing Development Plan allocations (which the SDP requires to be carried forward and not undermined) or the strategy and proposals of the emerging LDP as it is developed. Whilst consideration of strategy or site options set out in the Council's Main Issues Report is also a material consideration to be taken in to account, only limited weight can be given to these in decision making at this stage;
- 3.7 This approach should be supported by further criteria against which the principle of such planning applications would be assessed, to ensure that the Council supports only those proposals that are, in the first instance, consistent with these overarching principles, and to ensure that the Council is consistent in its assessment of such proposals.
- 3.8 In adopting this approach, it should be emphasised that this does not mean that any location or scale of greenfield housing land proposal is acceptable in principle. While SESplan Policy 7 provides planning authorities with discretion to grant planning permission to maintain a five years' effective housing land supply this does not override other relevant Development Plan policy. The housing land supply issue is, however, a significant material consideration.
- 3.9 Nonetheless, the discretionary use of SDP Policy 7 in determining an unallocated, greenfield land housing application should depend on (a) the extent to which the proposal satisfies other relevant provisions of the Development Plan and (b) the extent to which it satisfies the Council's criteria for assessing housing applications on unallocated, greenfield land, including the proposal's scale in relation to the size of the existing settlement.
- 3.10 Importantly, the particular issue currently facing East Lothian is in the delivery of housing in the short term to 2019. Slippage in the programming of existing large housing allocations (such as Wallyford and Letham Mains) is pushing more of their anticipated completions into the period 2019-2024 at the expense of completions up to 2019. Appropriate smaller and deliverable sites that can start and complete quickly, preferably well before 2019, could support the housing land supply in this period.

SESplan Supplementary Guidance on Housing Land/the 5 year Supply

3.11 In approving the current SDP, Scottish Ministers required the preparation of Supplementary Guidance on Housing Land to confirm the distribution of the assessed SDP housing requirement across Local Development Plan areas for the period 2009-2024, with an interim requirement also to be set for the period up to 2019.

3.12 That Supplementary Guidance was approved by Scottish Ministers on the 18 of June 2014. However, this was on the proviso that a modification was made to the guidance to remove a sentence which read:

'Member authorities will base their calculation of the five year land supply on the period 2009-2024, taking into consideration housing completions.'

3.13 This would have required planning authorities to base their calculation of the adequacy of the effective 5 year housing land supply over the period to 2024, taking in to account completions since 2009. Scottish Ministers took no issue with this method and offered no alternative. However, their approval letter continued to state in relation to that sentence:

'While it may be considered to provide useful further information or detail, the inclusion of this also gives rise to a potential inconsistency between SESplan itself and the supplementary guidance.'

3.14 The type of potential inconsistency referred to is the dual expectation of the old SPP (February 2010) under which the current SDP was prepared that 1) the SDP include an interim housing requirement (up to 2019) while at the same time 2) requiring planning authorities to maintain an effective 5 year housing land supply, which were not mutually compatible policies – e.g. in the SESplan area it is not clear how a 5 year effective housing land supply calculation could be done at 2017 (2 years before the backstop for 2019 interim requirement); it is also likely that the amount of effective land needed to maintain an adequate effective supply based on the requirement to 2024 would be less than that needed to meet the SDPs interim requirement to 2019.

3.15 The letter goes on to say that the Development Planning Scotland Regulations require that:

'for a matter to be included in supplementary guidance that will form part of the development plan it must be expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance. It is not considered that the inclusion of the 2nd sentence of paragraph 3.13 complies with this requirement'.

Scottish Ministers directed that the method for calculating the adequacy of the five year effective housing land supply be removed from the Supplementary Guidance on Housing Land to ensure consistency with the SDP which reflects the expectations of the old SPP on which it is based.

3.16 On this basis, the East Lothian Local Development Plan would require to plan for the delivery of 10,050 homes in the period 2009–2024, with an interim requirement for 6,250 new homes up to 2019 and the balance of 3,800 homes in the period 2019-2024. House completions achieved and anticipated from the current housing land supply over these periods would contribute to meeting this requirement. The following table considers the implications of the interim requirement up to 2019 on East Lothian’s current five year effective housing land supply calculation:

Table 1: ELC Five Year Housing Requirement 2014/15 to 2018/19 (The SDP Method)

		2009-2019	steps
1	SESplan Supplementary Guidance housing requirement	6,250	
2	House completions 2009 to 31/3/2014 ¹	1,689	
3	Balance to deliver between 2014/15-2018/19	4561	1-2
4	Completions expected between 2014/15 and 2018/19 ²	2,934	
	Additional effective housing land needed to 2018/19 (in addition to Draft 2014 Audit programming)	1,627	3-4

3.17 However, five days after Scottish Ministers approved the SESplan Supplementary Guidance on Housing Land, they also published the new SPP (23rd June 2014). In so doing Scottish Ministers made important and significant changes to the old SPP (February 2010). Among these is an amendment to the period over which housing land requirements should be set by future SDPs and thus planned for by associated LDPs.

3.18 As mentioned above, the current SDP was prepared under the old SPP, which expected the SDP to clarify how much housing land should be capable of development up to 2019. However, the new and up-to-date SPP removes the need for SDPs to do this. Instead, the new SPP expects housing requirements to be planned for over the entire SDP period. There are three points to note here:

- Scottish Ministers have moved away from the expectation that Development Plans plan for interim housing requirements, and instead should focus on meeting plan requirements overall;
- The imposition of interim housing requirements is incompatible with how an effective 5 year housing land supply calculation is normally done;
- Recent changes to SPP have sought to resolve the above inconsistencies in the national policy approach – e.g. the timescale for meeting the SDPs

¹ Source – Based on the Draft 2013/14 Housing Land Audit

² Source – Based on the Draft 2013/14 Housing Land Audit

housing requirement is now mutually compatible with the method for calculating the adequacy of the effective 5 year housing land supply.

- 3.19 Although an interim housing requirement up to 2019 was introduced by Scottish Ministers in their approval of the SDP (27 June 2013) and in their approval of its associated Supplementary Guidance on Housing Land (18 June 2014), this more recent change to SPP (23 June 2014) is a significant material consideration. It represents a substantial shift in the national policy approach to planning for housing. It should therefore influence how the calculation to measure the adequacy of the five year effective housing land supply is done in East Lothian.
- 3.20 As yet there is no nationally prescribed method for how the adequacy of the five year effective housing land supply is to be calculated. Importantly, because of this the SESplan local authorities are working on agreeing among them a consistent approach to carrying out this calculation. The expectation is that this approach will be decided in the near future. Notwithstanding this, the intention of SPP seems to be that the ‘maintenance’ of a five year housing land supply should be a measure of how the plan is performing towards meeting its **overall** housing requirement³, taking in to account dwelling completions since the base date of the plan.
- 3.21 As such, in the context of the current SDP housing requirements, the recent changes to SPP would mean that 10,050 homes would need to be planned for in East Lothian over the entire SDP period up to 2024. Importantly, under the new SPP there would be no need to set an interim requirement of 6,250 homes up to 2019. This change in national policy should be reflected in and influence the calculation used to measure the adequacy of the effective 5 year housing land supply. The following table considers the implications of the new SPP on the current five year effective housing land supply calculation in East Lothian⁴.

Table 2: ELC Five Year Housing Requirement 2013/14 to 2018/19 (SPP Method)

		2009-2024	steps
1	SESplan Supplementary Guidance housing requirement	10,050	
2	House completions 2009 to 31/3/2014	1,689	
3	Balance to deliver between 2014/15-2023/24	8,361	1-2
4	Required annual average completion rate over this 10 year period	836	3/10 years
5	Balance to find in 5 year period 2014/15 to 2018/19 (the most recent five year effective housing land period)	4,181	4 * 5 years

³ Scottish Government: Scottish Planning Policy paragraph 119

⁴ Source – Based on the Draft 2013/14 Housing Land Audit

6	Completions expected between 2014/15 and 2018/19 ⁵	2,934	
	Additional housing requirement to 2018/19 (in addition to 2014 Audit programming)	1,247	5-6

3.22 Taking all of the above into account it is recommended at this stage that the approach set out in Table 2 is followed when calculating the adequacy of the 5 year effective housing land supply in East Lothian. It indicates that East Lothian's consequential 2014/15 to 2018/19 five year housing land supply requirement (4,181 homes) would be short by 1,247 homes on the basis of the programming of house completions in Draft Housing Land Audit 2014.

3.23 However, since there is no national position on how the adequacy of the 5 year housing land supply should be calculated and in view of the move among SESplan authorities to agree among them a consistent approach to this, Members are advised that the method for this calculation may change in future. If this is the case, Members will be advised of any such change through a report placed in the Members Library.

3.24 Importantly, some additional sites have obtained planning permission since the 31st March 2014 – i.e after the period covered by the Draft 2014 Housing Land Audit. At this stage, these sites should be taken in to account and added to the effective land supply to provide an up-to-date position. These sites are at Beveridge Row, Belhaven, Limeylands Road, Ormiston and at Bridge Street, Tranent. The programming anticipated from these sites at this stage is set out in Table 3 below.

Table 3: Programming of sites that obtained planning permission after 31/03/14

Site	Total Dwellings	Remaining as at 04/14	14 / 15	15 / 16	16 / 17	17 / 18	18 / 19	Total 14-19	Remaining post 18/19	19 / 20	20 / 21	Total 19/ 21
Beveridge Row	90	90	0	0	15	25	25	65	25	25	0	25
Limeylands Road	19	19	0	0	0	19	0	19	0	0	0	0
22-24 Bridge Street Tranent	7	7	0	0	0	0	7	7	0	0	0	0
	116	116	0	0	15	44	32	91	25	25	0	25

3.25 The additional contribution from these sites to the five year effective land supply would amount to land for a further 91 dwellings in the period up to 2019. Based on the calculation set out at Table 2 above, the inclusion of these sites would reduce the **shortfall in the five year effective housing land supply to 1,156 homes in the period to 2019**. Further land capable of delivering this amount of additional completions during that period would be needed if a five year effective housing land supply is to be secured.

⁵ Source – Based on the Draft 2013/14 Housing Land Audit

- 3.26 It is likely to be 2017 before any house completions can be anticipated from sites allocated in an approved East Lothian Local Development Plan. Consequently only a limited contribution of house completions from new Local Development Plan allocations could realistically be set against this figure. In addition, only once the Council has published its Proposed Local Development Plan should it include any potential new sites in a housing land audit. It is for these reasons that the Council should be prepared in the short term by supporting planning applications for housing that meet the criteria detailed in Appendix One to this report.
- 3.27 The Council's estimate of its effective land supply will be reviewed periodically, including once the Draft 2014 Housing Land Audit is finalised, and the contribution of land released under this interim policy monitored to ensure that there is a control over the amount of land released. This will minimise the risk of over-provision and, together with the criteria listed at Appendix One, any consequent constraint on the Council's flexibility to make housing land allocations through its Local Development Plan to meet specific objectives, for example, directing growth to the most sustainable locations or optimising community regeneration.
- 3.28 The Council should nevertheless adopt a cautious approach to the release of non-allocated sites, particularly where the scale and impact on the character of an existing settlement or the local area is an issue. The ability to provide infrastructure capacity to non-allocated sites will also be a key consideration, including in terms of undermining existing allocations as well as those of the emerging LDP as it is developed.

Proposed Site Assessment Criteria

- 3.29 The recommended criteria against which planning applications for housing on land not allocated for this purpose should be assessed are detailed in Appendix One to this report. This guidance would be applied with immediate effect to new applications for planning permission and to those that have been registered and are presently undetermined.

4 POLICY IMPLICATIONS

- 4.1 In appropriate circumstances this guidance would allow the Council to support planning applications for housing that are not consistent with site-specific development plan policy.

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 DPEA Planning appeal decisions
 - PPA-210-2037, Dovecot Farm, Haddington
 - PPA-210-2036, Ferrygate Farm, North Berwick
 - PPA-210-2031, Beveridge Row, Belhaven
 - PPA-210-2018, Barbachlaw, Wallyford
- 7.2 SESplan Strategic Development Plan, June 2013
- 7.3 Letter of approval of SESplan Strategic Development Plan, Scottish Government, June 2013
- 7.4 SESplan Supplementary Guidance on Housing land, May 2014
- 7.5 Letter of approval of SESplan Supplementary Guidance on Housing Land, Scottish Government, June 2014
- 7.6 Report by Depute Chief Executive (Partnerships and Services for Communities) to 28 October 2014 meeting of East Lothian Council, *SESplan Supplementary Guidance on Housing Land*
- 7.7 Draft Housing land Audit 2014

AUTHOR'S NAME	Iain McFarlane
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DATE	16 th December 2014

Appendix One

East Lothian Council Interim Planning Guidance pending adoption of East Lothian Local Development Plan

Criteria against which planning applications for housing on land not allocated for this purpose will be assessed

In assessing planning applications for housing the Council will have regard in the first instance to the Development Plan status of any site. This is the SESplan Strategic Development Plan and the East Lothian Local Plan 2008 (ELLP).

In the case of a planning application for housing on a site where the principle of such a use is not specifically supported by the Development Plan, the Council accepts that the availability of an effective supply of housing land is a significant material consideration. In the case of a greenfield site, SESplan Policy 7 would be applicable. 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

The Council will require convincing evidence that, were planning permission to be granted, then the site would be immediately effective or capable of being substantially complete within five years

2 Scale

This guidance does not apply to planning applications for single or small groups of houses in the open countryside since SESplan Policy 7 refers to the 'character of the settlement and local area', requiring proposals to adjoin existing settlements.

The upper size limit of the proposed development must be such that, were the Council to grant planning permission, it 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.

Consequently, as a general rule (but subject to the scale of the existing settlement), the Council will only consider a site that, in its totality, does not exceed 200 houses. Planning applications that are a consequence of the subdivision of a larger site into smaller applications in order to meet this maximum will be resisted. The actual number of houses permissible on any one site or within any one settlement will be assessed against the

scale and character of the specific settlement. Other than in the main towns, the maximum permissible will therefore be significantly less than this maximum capacity.

This consideration also reflects that a site should contribute to short term needs, that is, the site must be capable of being substantially built out within any five year period starting from its anticipated determination date so that it can contribute to the five year housing land supply. At the same time, it must not be so large that it would prejudice future decisions on development plan requirements and how these would be best dealt with in the short term and beyond.

3 Timing

If the proposal is otherwise acceptable, the Planning Authority may direct that the duration of planning permission is for a period of less than 3 years. This is intended to reinforce the Council's requirement that sites must be developed in the short term and not land banked.

Applicants must also be aware that renewal of such a planning permission might not be permitted.

In this regard the Council will require convincing evidence that a housebuilder has an interest in the site such that it can reasonably be followed through within the duration of any planning permission, so that early completions may be anticipated.

4 Development Plan Strategy

In situations where infrastructure capacity is available and the site is/can be made effective, any grant of planning permission must not prejudice the delivery of the existing Development Plan strategy, or that of the emerging LDP as it is developed. For example:

- (i) It must not take infrastructure capacity from, or compromise the ability to provide infrastructure to, existing housing land allocations that do not yet have planning permission or are committed but have not yet started, and
- (ii) it must not be dependent on the prior provision of infrastructure required by existing housing land allocations that do not yet have planning permission or are committed but have not yet started and delivered the necessary infrastructure; and
- (iii) it must not prejudice the ability to provide infrastructure capacity for proposals emerging through the LDP as it is developed, or be dependent on the potential provision of infrastructure capacity associated with any emerging LDP strategy or site.

5 Locational Considerations

As a general principle, this guidance only applies to housing applications that form an appropriate extension to an existing settlement defined in ELLP2008. The guidance does not apply to otherwise isolated development in the countryside, to which the terms of ELLP2008 Policy DC1 (Development in the Countryside and Undeveloped Coast) will continue to apply.

Sites identified to contribute to the short-term housing land supply will also contribute to SESplan's strategic housing requirements, as set out in its Supplementary Guidance on Housing Land⁶. Consequently:

- 5(i) Sites within the East Lothian Strategic Development Area as defined in SESplan's Strategic Development Plan, June 2013⁷, **may** be acceptable, subject to criteria 1-4 (above) being met, and provided that:
- a. the site is not within the Edinburgh Green Belt, and
 - b. the site is a consolidation of or an appropriate extension to an existing settlement identified in the East Lothian Local Plan 2008, and its scale and nature is in keeping with the scale and character of that settlement and the local area, and
 - c. infrastructure is available or can be made available (see also criterion 4) within a timescale that allows for early house completions, and
 - d. the site's development for housing is consistent with all other relevant Development Plan policies.
- 5(ii) Sites outwith the East Lothian Strategic Development Area **may** be acceptable, subject to criteria 1-4 (above), the provisos noted in 5(i) above and the following additional provisos:
- a. the settlement is well-served by public transport, and
 - b. existing facilities and services are both available and accessible within the settlement such that the need to travel is minimised;
 - c. the extent to which the additional housing would help make a demonstrable and necessary contribution to sustaining or improving educational, social or community facility provision within the local area may also be a material consideration
- 5(iii) The proposed development must not use land that is allocated for another specific use unless: there is no reasonable prospect of that use being realised on all or part of the site; a housing use on a part of the site would help deliver the allocated use on a significant

⁶ SESplan Supplementary Guidance on Housing Land May 2014 (ratified by East Lothian Council October 2014).

⁷ Broadly defined as area 5 in Figures 1 and 4, and as described in paragraph 48, of SESplan's Strategic Development Plan, June 2013,

remainder of the site; or the desirability of securing housing outweighs the retention of the allocated use.

Mixed use proposals, including residential development, for undeveloped land allocated for business or industrial use under Classes 4, 5 or 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997, will be expected to:

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

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.

For the avoidance of doubt, this guidance does not override the provisions of ELLP2008 Policy ENV2 (Town and Village Centres, Other Retail or Mixed Use Areas).

- 5(iv) The proposed housing use must be compatible with adjoining or nearby existing uses and the amenity to be enjoyed by the residents of the proposed new housing must not be harmed by such existing uses. The introduction of new homes should not be compromised by or compromise the consideration of potential new land allocations, including potential employment allocations, set out in the emerging LDP as it is developed.
- 5(v) The proposed housing use must be contained within robust, defensible boundaries and must not set a precedent for subsequent future expansion, the principle of which would be more appropriately considered through a Development Plan review. For example, there should be clear existing natural/physical boundaries which can be strengthened by the proposal where appropriate.

**Policy & Projects
Partnerships and Services for Communities
East Lothian Council**

16th December 2014

REPORT TO: East Lothian Council

MEETING DATE: 16 December 2014

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Edinburgh to Berwick-upon-Tweed Rail Service Update

8

1 PURPOSE

- 1.1 To update Council on the Edinburgh to Berwick Rail Service and progress made towards the re-opening of stations at East Linton and Reston.

2 RECOMMENDATIONS

- 2.1 To seek Council support and agreement to fund the development costs necessary to fully design a new station at East Linton for further consideration in line with Network Rail Governance for Railway Investment Projects (GRIP) process.

3 BACKGROUND

- 3.1 The Scottish Stations fund (SSF) was made available to local authorities and Regional Transport Partners in April 2014 for the purpose of providing new stations and improving rail station infrastructure throughout Scotland.
- 3.2 A joint bid, by East Lothian Council, Scottish Borders Council and SEStrans in April 2014 was considered by the Route Investment Review Group (RIRG) who concluded “East Linton station and Reston station proposals are not endorsed by RIRG. More cognisance to be taken of the implications for capacity and the infrastructure works which will be required in order to provide services to these additional stations”.

- 3.3 The group agreed that the main issue with this proposal was not the addition of two new stations, but the difficulty in providing services to these stations and the potential detrimental impact this could have on existing services. It was also agreed that SESTRANS had not provided sufficient information and that greater detail would be required before the proposals could be considered. However, it was noted that as the proposal was a priced option in the ScotRail Franchise Bid, it would not be appropriate to consider further until the successful bidder was announced and the Bid proposals made clear.
- 3.4 On 20 November 2014, the former Transport Minister Keith Brown MSP announced that Abellio – new franchise operator – will introduce a two-hourly service between Edinburgh and Berwick with timing for stops at East Linton and Reston and said, “This is a huge step forward towards the development of these stations and shows a real commitment from the Scottish Government and ScotRail.”
- 3.5 Further dialogue between Network Rail, SEStran, East Lothian Council, Scottish Borders Council and Transport Scotland has taken place and focused on the development of the stations in accordance with Network Rail’s ‘GRIP’ development stages and the funding of this process.
- 3.6 At the local rail forum on Friday 28 November the matter received considerable debate. Paul Wheelhouse MSP reassured the meeting that the new Minister remains fully committed to the development and will continue to honour the previous ministerial announcement. However, the granting of monies from the Fund for the two stations is dependent on further work from the two councils and SEStran. This involves the two councils funding a detailed design of the two stations, the cost of which is unexpected and considerable (£300–400k). Given the level of investment involved in the design process, the councils have sought reassurance and commitment from the Scottish Government that funding will be available, and are also seeking clarity around the timing of any confirmation of funding particularly if the timescales which have been set out are to be achieved.

4 POLICY IMPLICATIONS

- 4.1 These proposals are expected to contribute towards *Providing a Safer Environment* - a key priority for East Lothian Council.

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 – Budget provision will be required to be made to fund the development costs of up to £400,000
- 6.2 Personnel - None
- 6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 None

AUTHOR'S NAME	Alan Stubbs
DESIGNATION	Service Manager -Roads
CONTACT INFO	Peter Forsyth
DATE	03/12/14

REPORT TO: East Lothian Council

MEETING DATE: 16 December 2014

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Introduction of and Amendments to Traffic Regulation Orders 2014: Various Roads in East Lothian

9

1 PURPOSE

- 1.1 To seek Members' approval to start the statutory procedure necessary to introduce and amend various Traffic Regulation Orders to prohibit waiting, loading and unloading, introduce 40 mph speed limits and to ban and permit various types of vehicular traffic.

2 RECOMMENDATIONS

- 2.1 To approve the initiation of the statutory procedure necessary to introduce and amend Traffic Regulation Orders in accordance with 'The Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999 and such introduction and amendments that are in force in respect of locations and proposals listed in Appendix A.

3 BACKGROUND

- 3.1 East Lothian Council as Local Traffic Authority is responsible for the making or amending Traffic Regulation Orders as necessary to avert danger to road users; to prevent damage to the road; to aid free unrestricted movement on the road; to prevent inappropriate use of the road and/or adjoining property and to improve the amenity of the area.
- 3.2 To facilitate safer access and egress arrangements from the proposed housing development off A6137Aberlady Road, a 30 mph limit will be promoted from the existing 30mph limit 230 metres northward.
- 3.3 To control parking at electric vehicle charging points it is necessary to introduce time restricted permit holder only parking bays.

- 3.4 To improve vehicular traffic movements and improve pedestrian safety it is appropriate to introduce one way systems on Harbour Road, Musselburgh and New Row, Tranent.
- 3.5 To provide continuity and consistency of cycling provision, it is proposed to promote a shared cycleway/footway Order on the A199 between Haddington and East Linton.
- 3.6 It will be necessary to amend the waiting, loading and unloading restriction on A199 High Street and Kilwinning Street, Musselburgh to reflect the recently completed environmental improvements works.
- 3.7 In association with Mains Farm (strategic housing site) development the B1347 Haddington Road, North Berwick is required to be re-aligned and a 40 mph limit introduced.
- 3.8 As a result of indiscriminate parking, waiting, loading and unloading restrictions are required to be extended north of Veitch Park, onto Florabank road, Haddington.
- 3.9 Police Scotland will be fully consulted on the introduction of all of these proposals/regulations.
- 3.10 Currently, Police Scotland is obliged to enforce waiting, loading and unloading and all moving violations under the Road Traffic Act. It is noted that the Police Scotland may not endorse these proposals in particular 3.2 which does not comply with the National guidance or East Lothian Councils speed limit policy.

4 POLICY IMPLICATIONS

- 4.1 These proposals are expected to contribute towards *Providing a Safer Environment* - a key priority for East Lothian Council.
- 4.2 These proposals are expected to contribute towards East Lothian's Single Outcome Agreement Outcome 9 – East Lothian roads will be safer for all users.
- 4.3 The proposed introduction of Speed limits conforms to the Speed Limit Review and Proposed Speed Limit policy dated 9 November 2010.

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 - All costs involved in connection with consultation, advertising, design, and implementation associated with the making of this Order can

be accommodated within the Housing Strategy and Development project budget

6.2 Personnel - None

6.3 Other - None

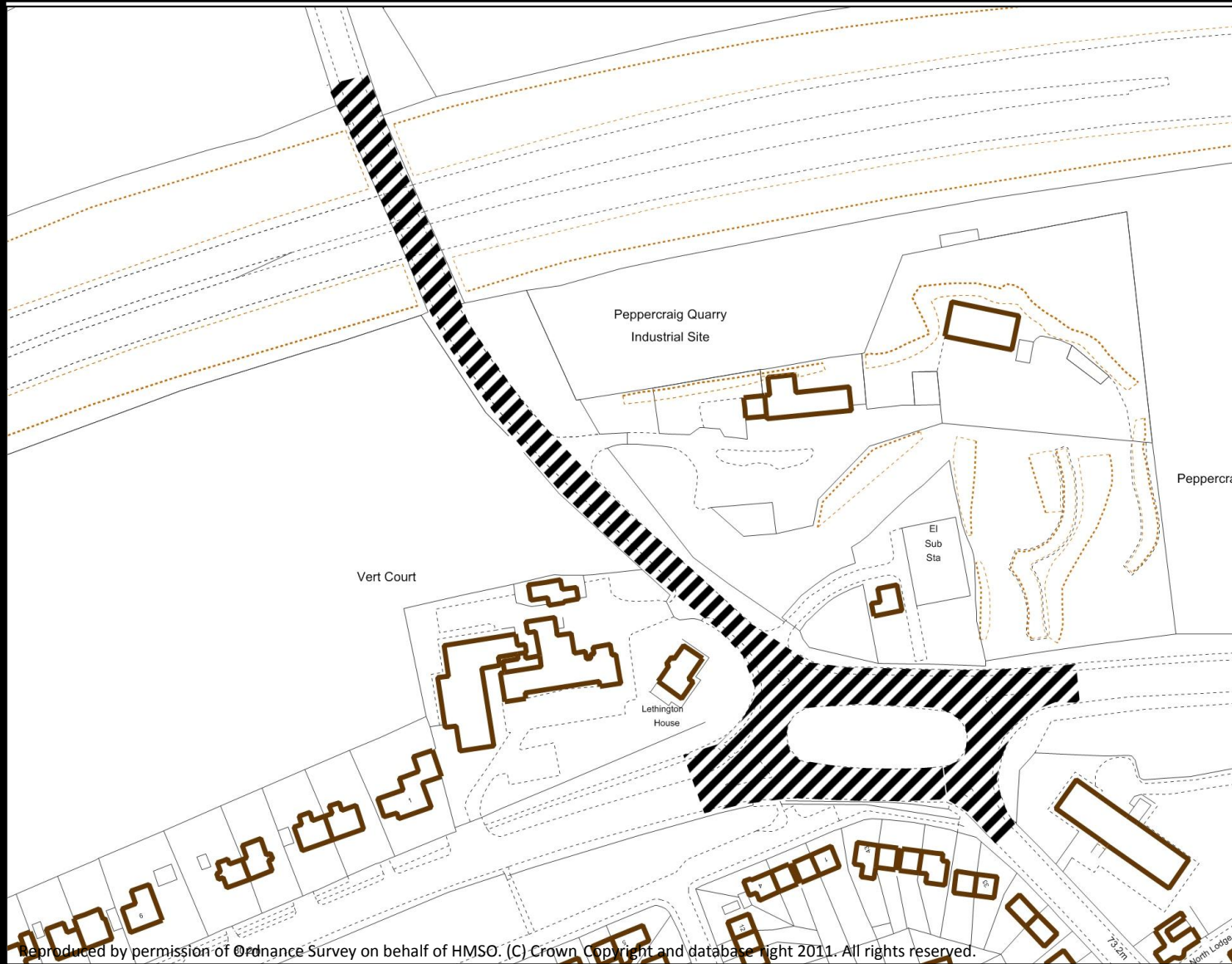
7 BACKGROUND PAPERS

AUTHOR'S NAME	Alan Stubbs
DESIGNATION	Roads Services Manager
CONTACT INFO	Peter Forsyth
DATE	24/11/14

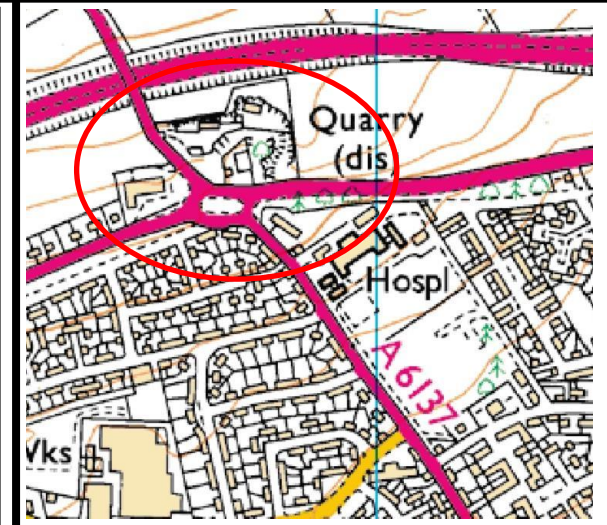
Appendix A		
No.	Location	Description
1	A6137, Haddington to Aberlady Road (from the A199 Vert Roundabout in a northerly direction to the north side of the bridge over the A1) including the A199 Vert Roundabout and Haldane Avenue , Haddington	Introduce a 30 mph speed limit 230 m northwards or thereby. As per drawing Ref. TRO/14/A6137
2	Six locations : - 1. 2 bays at the end of the public road between ASDA and the garden centre off Spott road, Dunbar. 2. 2 bays in the Park and Choose car park at Haddington Road, Wallyford. 3. 2 bays to the rear of the former East Lothian Council offices, Quality Street, North Berwick. 4. 2 bays in Gracefield car park, Musselburgh 5. 2 bays in Haddington long stray carpark 6. 2 bays in Bleachenfield Car park	Electric vehicle (EV) charging points – As per drawing ref. TRO/14/C127 As per drawing ref. TRO/14/Park and Choose As per drawing ref. TRO/14/Imperial Car Park As per drawing ref. TRO/14/Gracefield car park As per drawing ref. TRO/14/Longstay car park As per drawing ref. TRO/14/Bleachenfield Car Park
3	Two locations:- 1. Harbour Road, Musselburgh – vehicles permitted to travel in a northerly direction only from Edinburgh Road/ Market Street. 2. New Row, Tranent – vehicles permitted to travel in a westerly direction only from Bridge Street.	Introduce one way systems As per drawing ref. TRO/14/Harbour Road As per drawing ref. TRO/14/New Row
4	A199 Haddington to East Linton from the junction with the A1 at the Abbots view roundabout eastwards to the junction with the B1407 Haddington road, East Linton	Formalise a shared surface for cycling/ pedestrian use. As per drawing ref. TRO/14/A199
5	A199 High Street and Linkfield Road, Musselburgh from Kilwinning Street eastwards to Millhill	Amend the existing TRO to reflect changes to the streetscape following environmental improvement works. As per drawing ref. EL14280580-06

6	B1347 – Haddington Road, North Berwick	Introduction a 40mph limit from the existing 30mph limit 300m southward As per drawing ref. TRO/14/North Berwick
7.	Florabank Road, Haddington	Extend the waiting, loading and unloading restrictions on to Vetch Park, and Florabank road, Haddington. As per drawing ref. TRO/14/Victoria Park

EAST LOTHIAN COUNCIL: ROAD NETWORK MANAGEMENT



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Location: A6137, Haddington to Aberlady Road including A199 Vert Roundabout

Description: Introduce a 30mph speed limit to facilitate safer access and egress from a proposed new housing development off A6137 Aberlady Road.

East Lothian Council
 Transportation Department
 Road Network Management
 John Muir House
 Haddington
 EH41 3HA
 Tel: 01620 827827

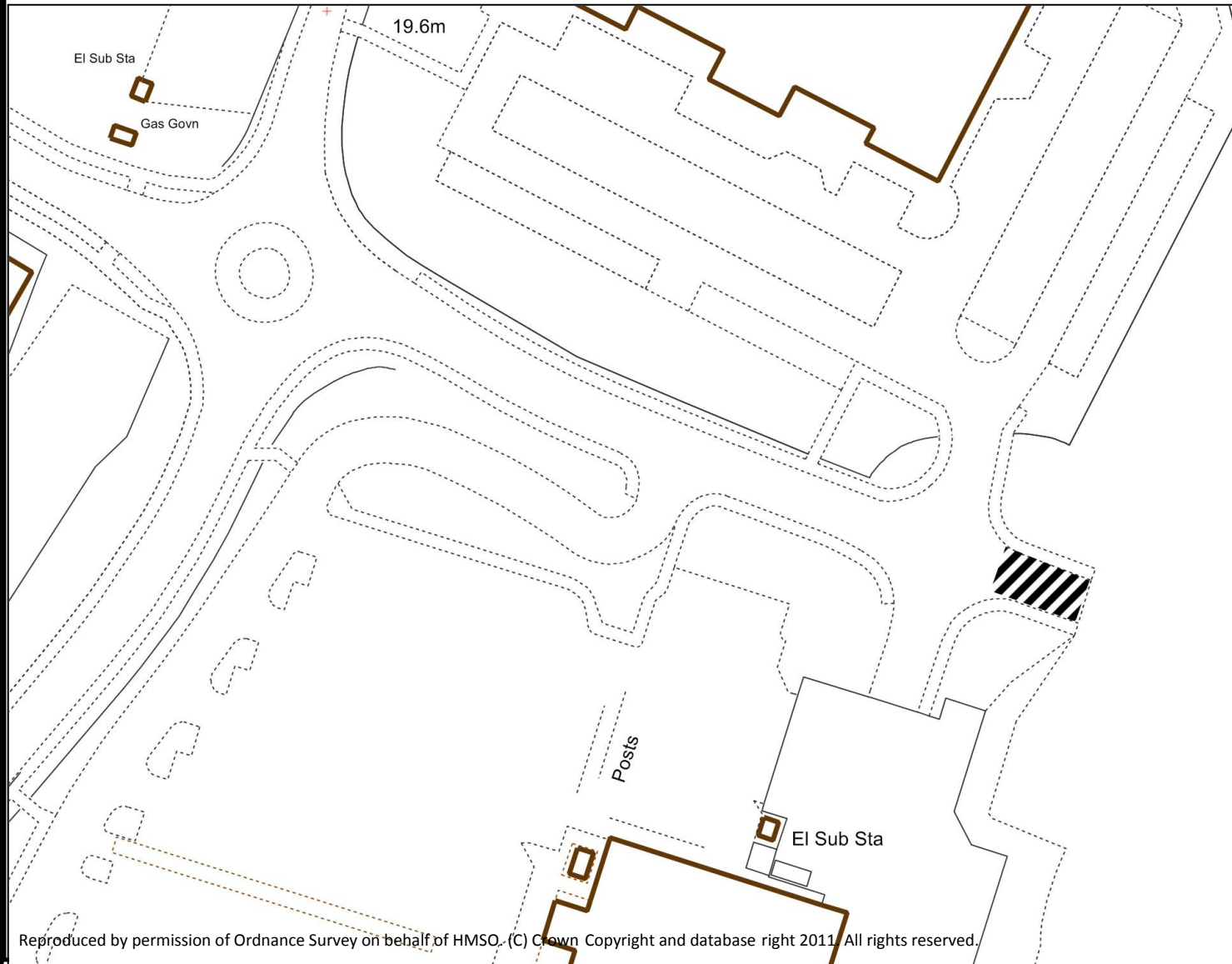


Date: 03/12/2014
Scale: NTS

Drawn by: K Scott
Checked by: P Forsyth

DRG. NO. TRO/14/A6137

EAST LoTHIAN COUNCIL: ROAD NETWORK MANAGEMENT



Location: At end of C127, east of entrance to Garden Centre

Description: To control parking at electric vehicle charging points it is considered necessary to introduce time restricted permit holders only parking bays

East Lothian Council
 Transportation Department
 Road Network Management
 John Muir House
 Haddington
 EH41 3HA
 Tel: 01620 827827

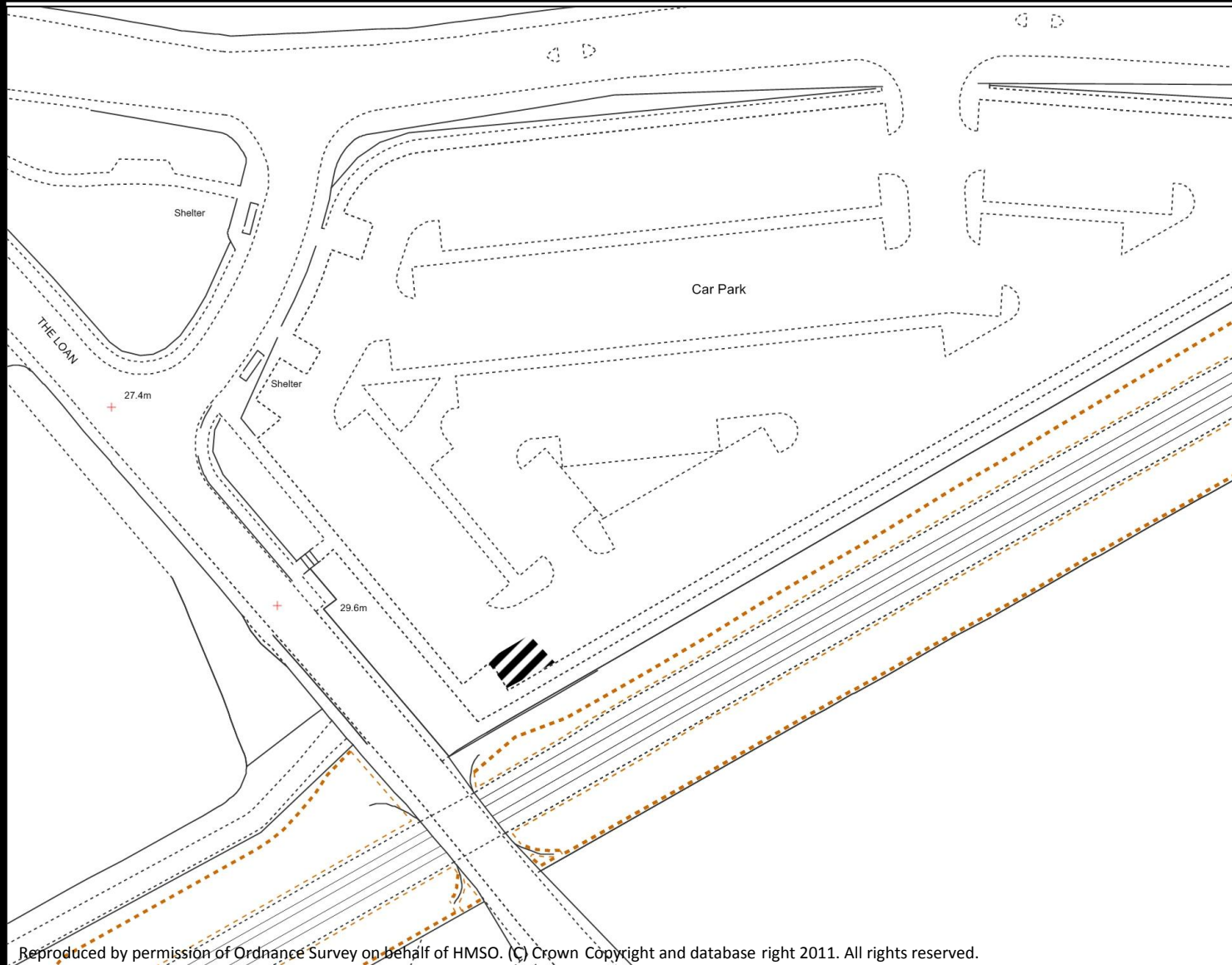


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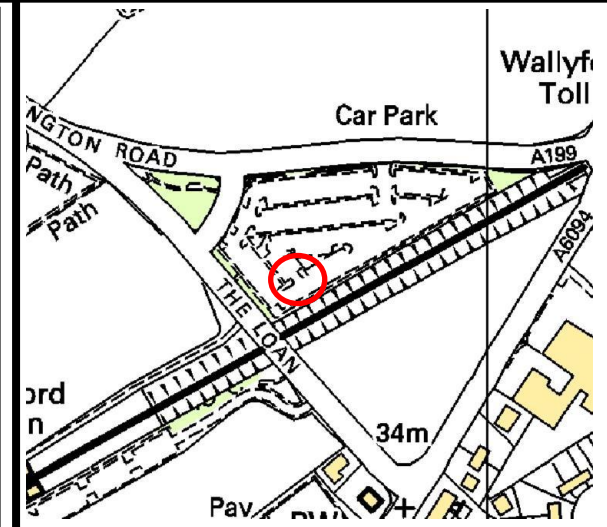
Drawn by: K Scott
Checked by: P Forsyth

DRG. NO. TRO/14/C127

EAST LOTHIAN COUNCIL: ROAD NETWORK MANAGEMENT



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Location: Park & Choose Car Park, Wallyford

Description: To control parking at electric vehicle charging points it is considered necessary to introduce time restricted permit holders only parking bays

East Lothian Council
 Transportation Department
 Road Network Management
 John Muir House
 Haddington
 EH41 3HA
 Tel: 01620 827827



Date: 03/12/2014
Scale: NTS

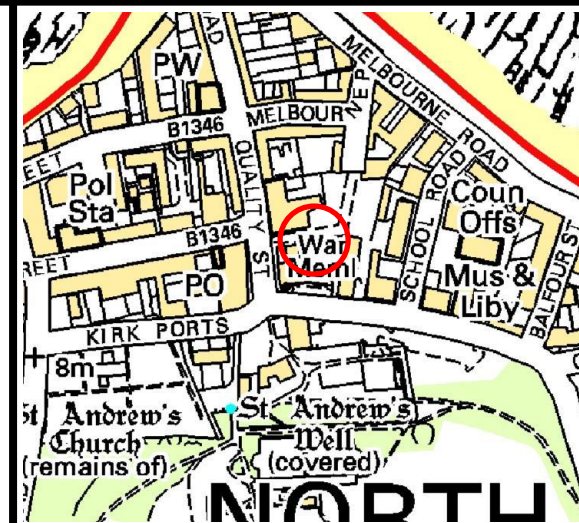
Drawn by: K Scott
Checked by: P Forsyth

DRG. NO. TRO/14/Park & Choose

EAST LoTHIAN COUNCIL: ROAD NETWORK MANAGEMENT



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Location: Imperial Car Park, North Berwick at rear of former Council Offices

Description: To control parking at electric vehicle charging points it is considered necessary to introduce time restricted permit holders only parking bays

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 Transportation Department
 Road Network Management
 John Muir House
 Haddington
 EH41 3HA
 Tel: 01620 827827



Date: 03/12/2014
Scale: NTS

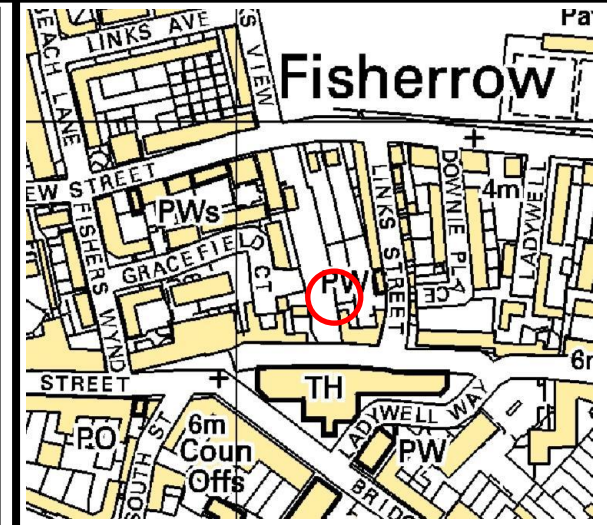
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Checked by: P Forsyth

DRG. NO. TRO/14/Imperial Car Park

EAST LOTHIAN COUNCIL: ROAD NETWORK MANAGEMENT



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Location: Gracefield Car Park, Musselburgh

Description: To control parking at electric vehicle charging points it is considered necessary to introduce time restricted permit holders only parking bays

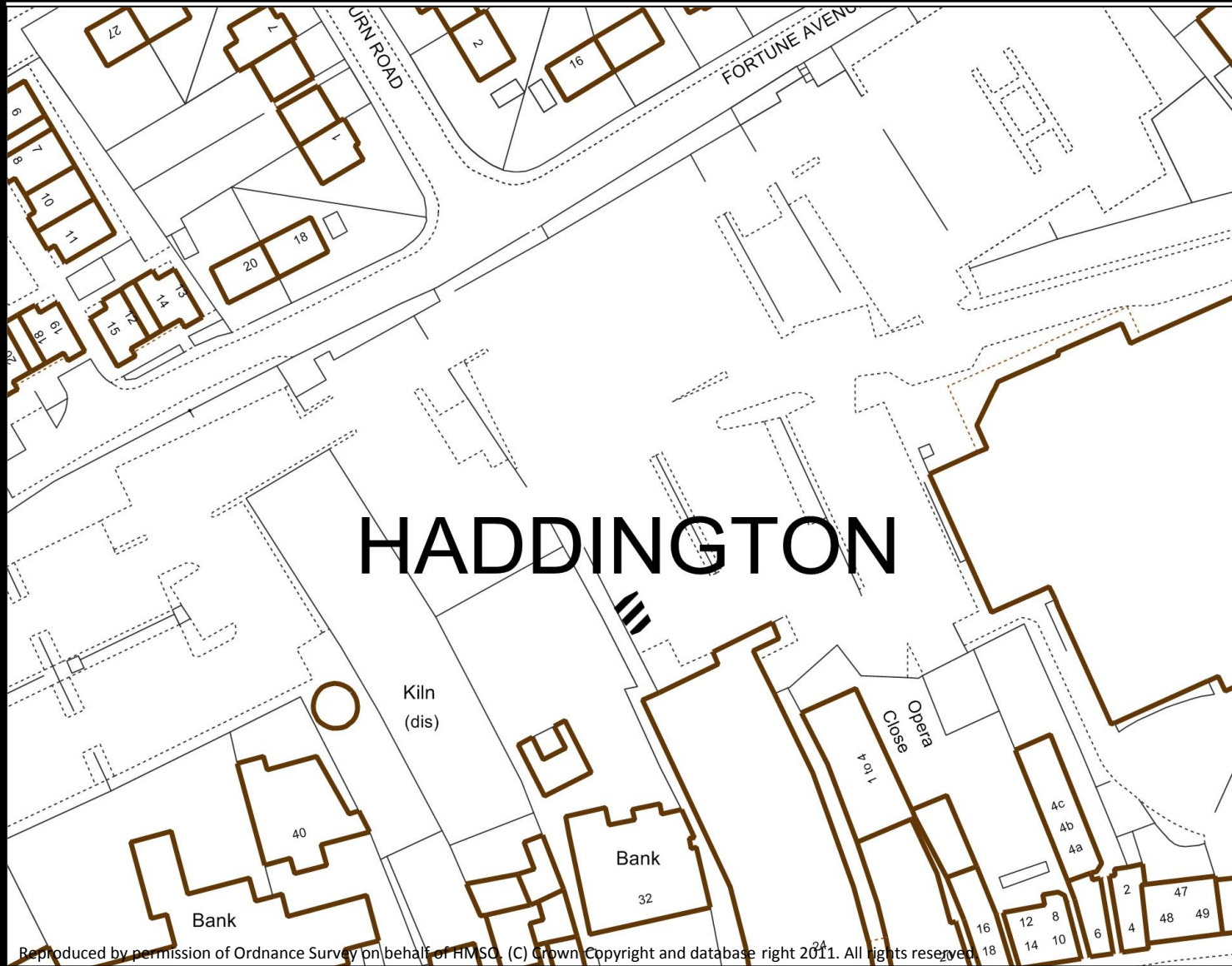
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 Transportation Department
 Road Network Management
 John Muir House
 Haddington
 EH41 3HA
 Tel: 01620 827827



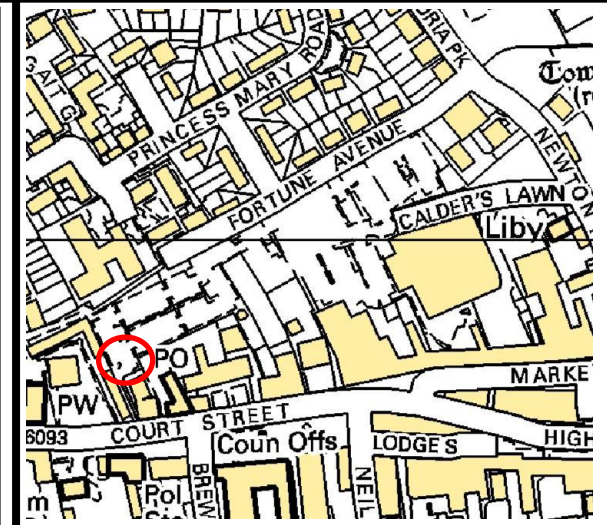
Date: 03/12/2014
 Scale: NTS

Drawn by: K Scott
 Checked by: P Forsyth

DRG. NO. TRO/14/Gracefield Car Park



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Location: Long Stay Car Park, Haddington

Description: To control parking at electric vehicle charging points it is considered necessary to introduce time restricted permit holders only parking bays

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 EH41 3HA
 Tel: 01620 827827

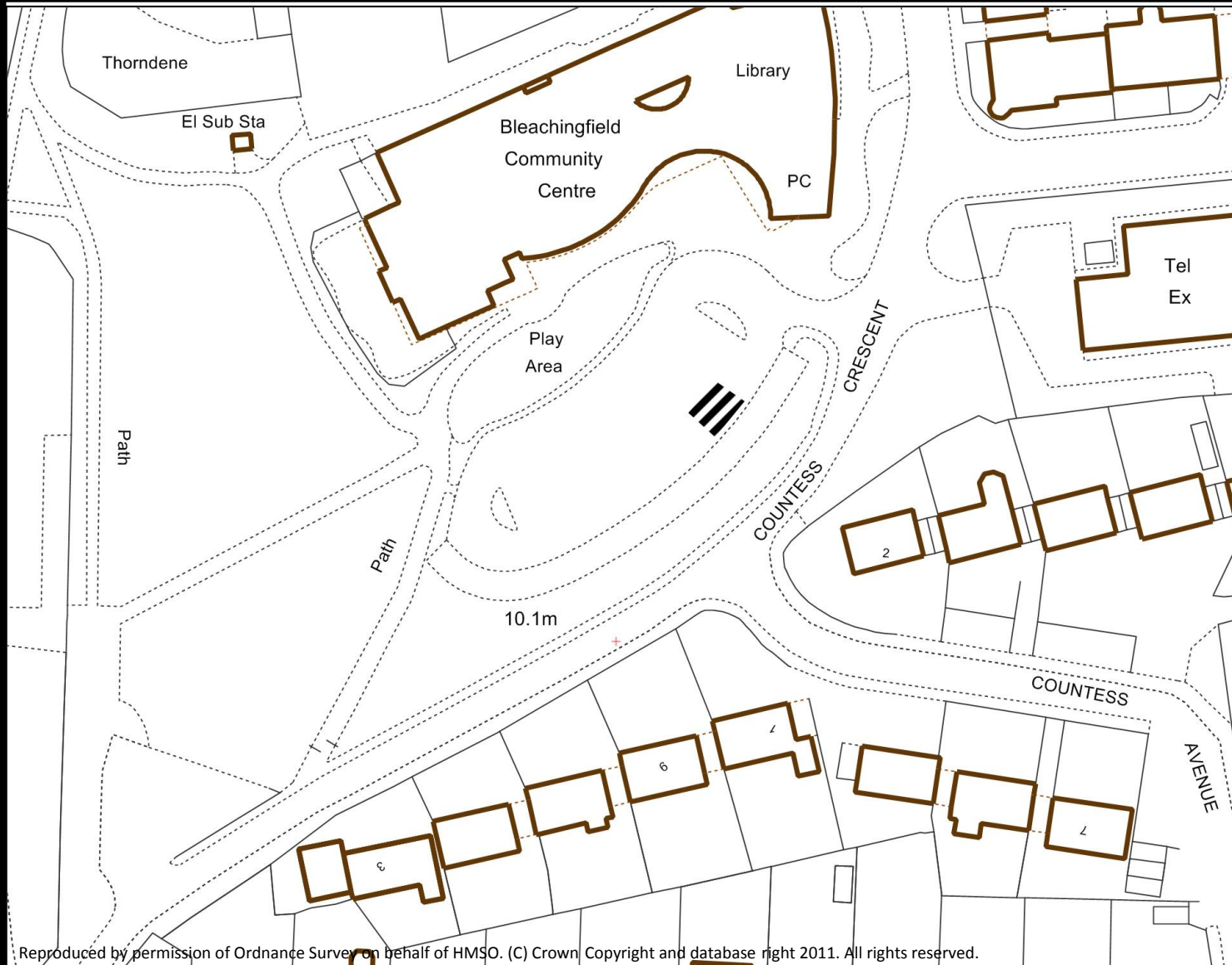


Date: 03/12/2014
Scale: NTS

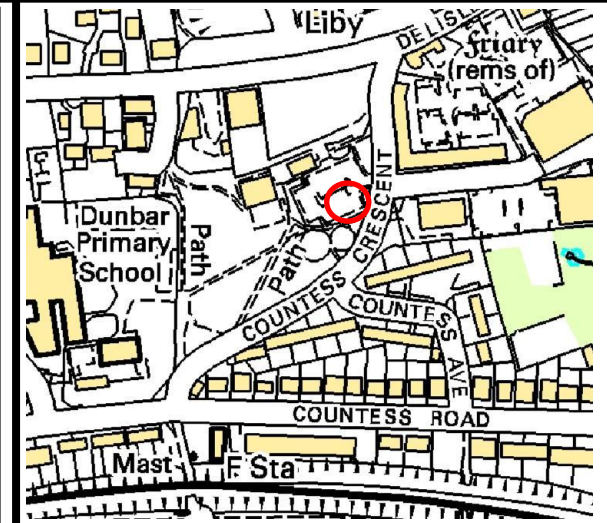
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DRG. NO. TRO/14/Long Stay Car Park

EAST LoTHIAN COUNCIL: ROAD NETWORK MANAGEMENT



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Location: Bleachingfield Car Park, Dunbar

Description: To control parking at electric vehicle charging points it is considered necessary to introduce time restricted permit holders only parking bays

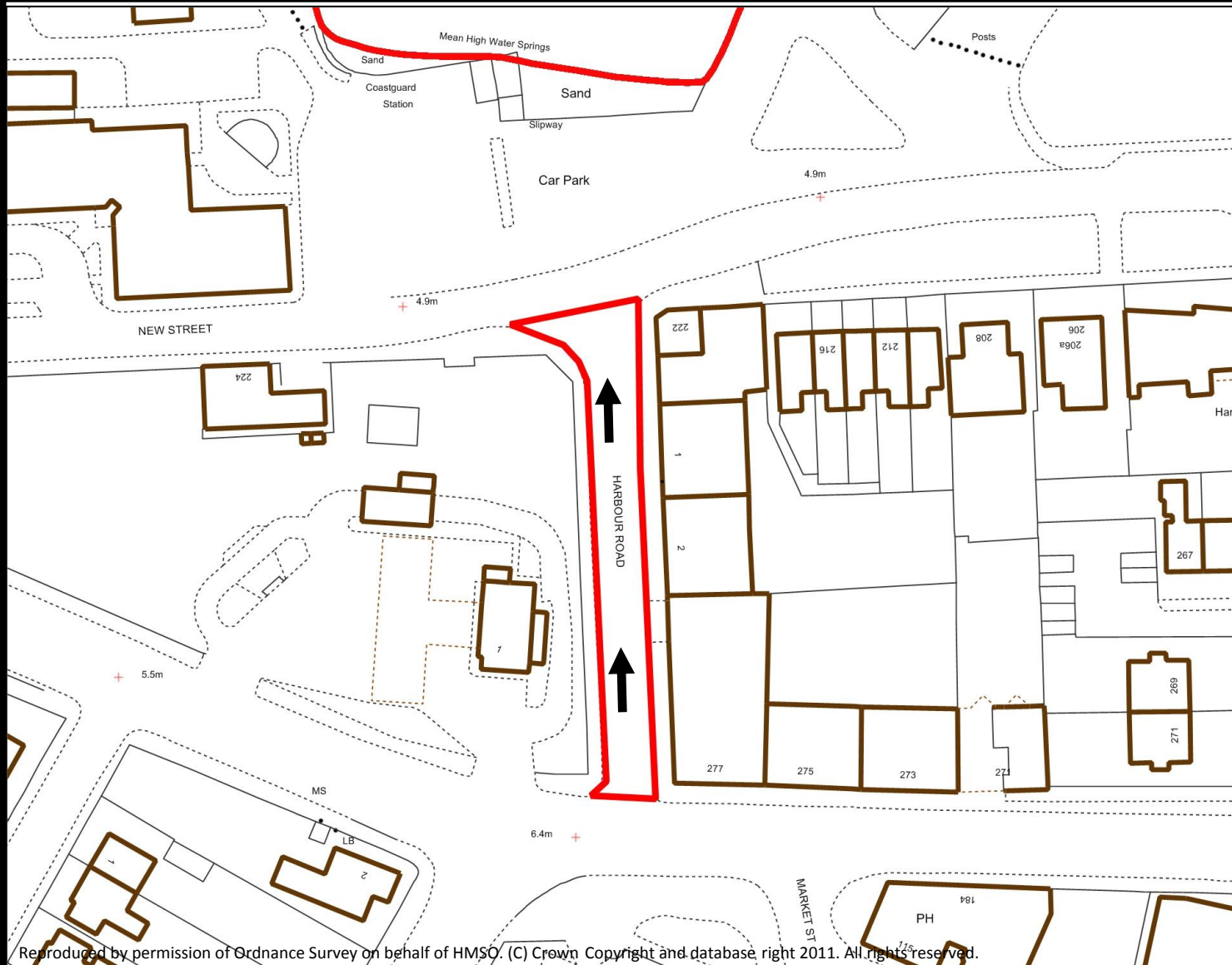
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 Road Network Management
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 Haddington
 EH41 3HA
 Tel: 01620 827827



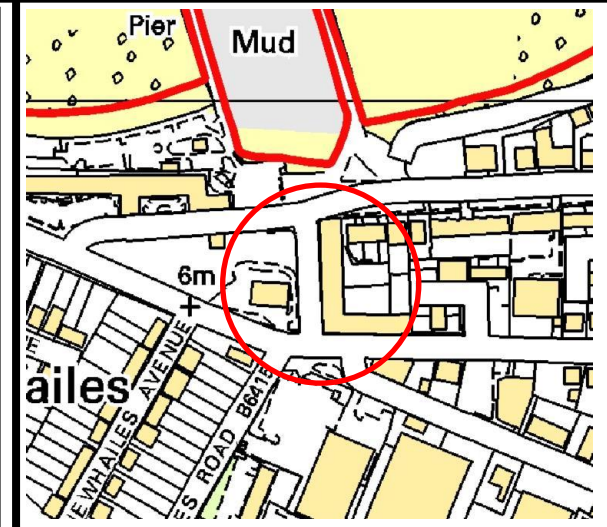
Date: 03/12/2014
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Checked by: P Forsyth

EAST LoTHIAN COUNCIL: ROAD NETWORK MANAGEMENT



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Location: Harbour Road, Musselburgh

Description: Proposed One Way Order to restrict vehicles travelling in a southerly direction and permit vehicles travelling in a northerly direction only

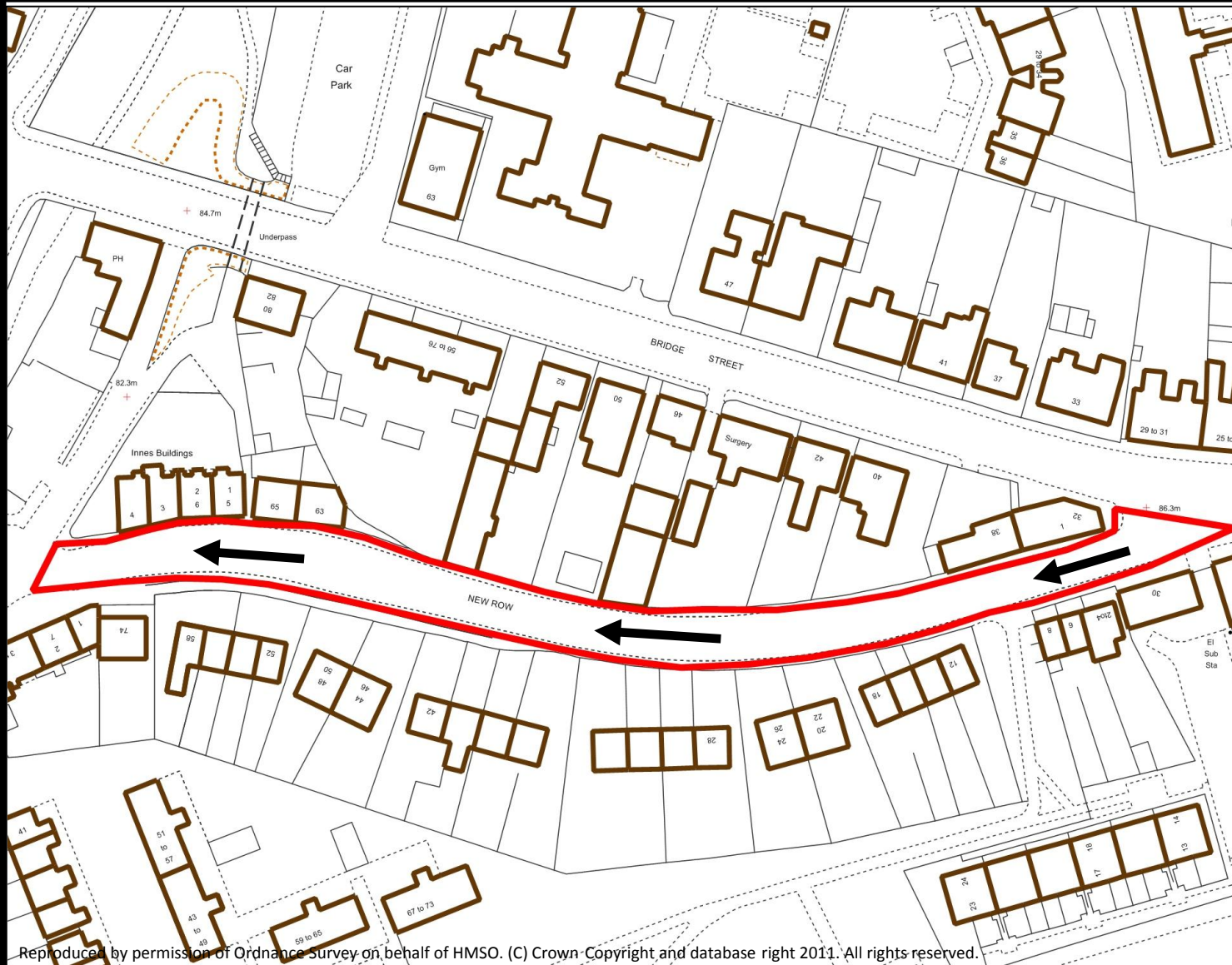
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 EH41 3HA
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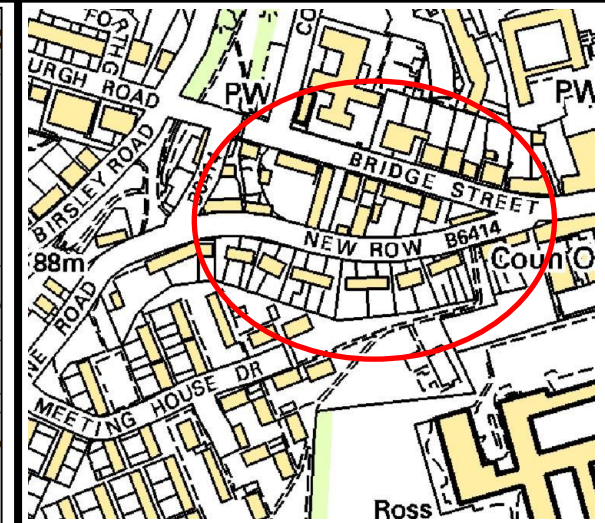
Date: 03/12/2014
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EAST LOTHIAN COUNCIL: ROAD NETWORK MANAGEMENT



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Location: New Row, Tranent

Description: Proposed One Way Order to restrict vehicles travelling in an easterly direction and permit vehicles travelling in a westerly direction only

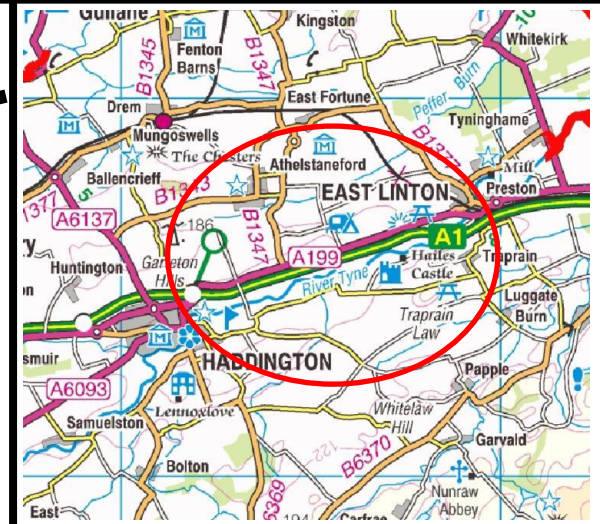
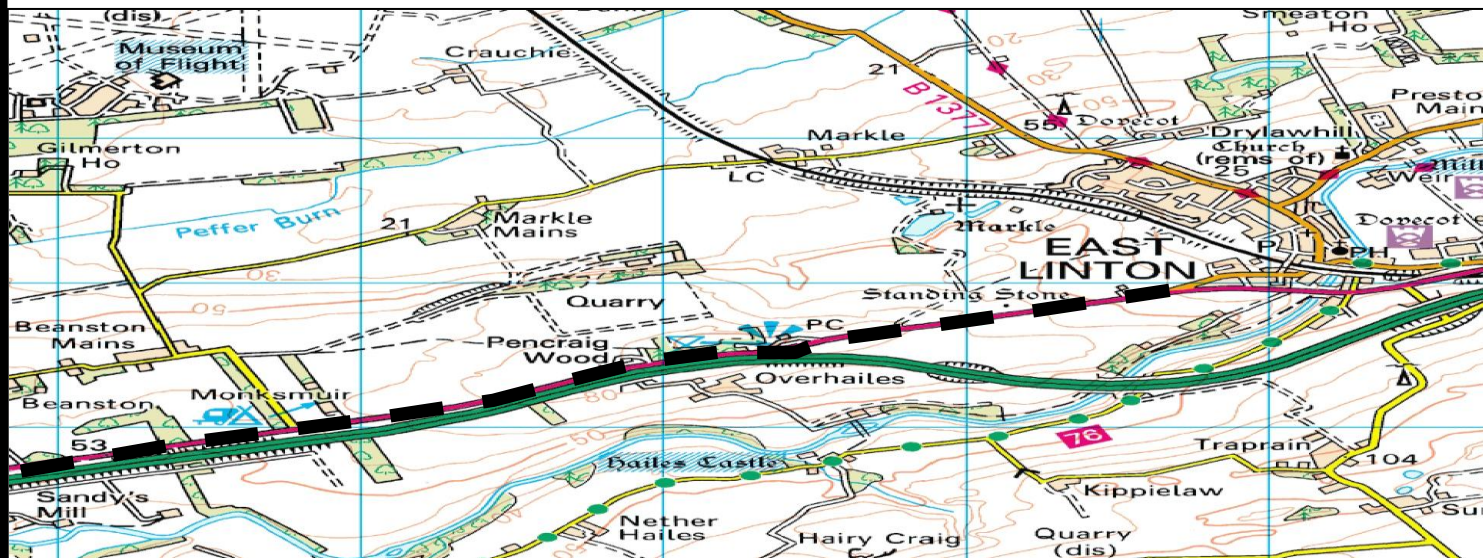
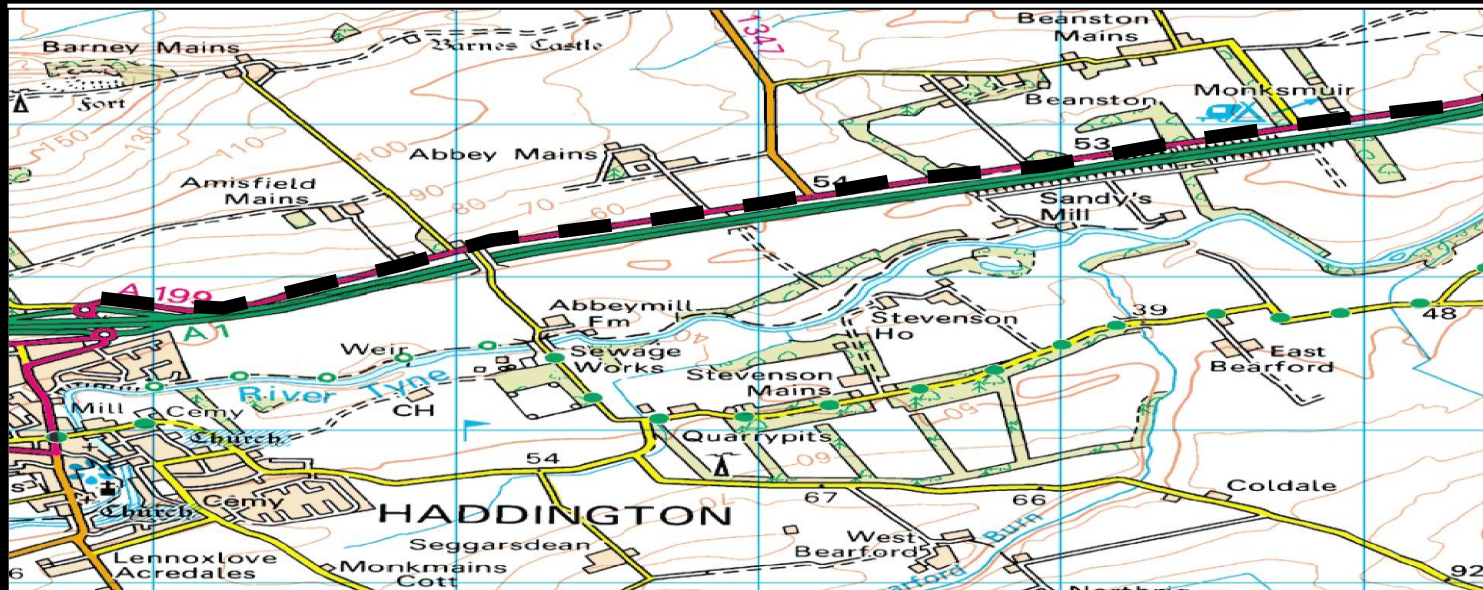
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 Transportation Department
 Road Network Management
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 Haddington
 EH41 3HA
 Tel: 01620 827827



Date: 03/12/2014
Scale: NTS

Drawn by: K Scott
Checked by: P Forsyth

EAST LOTHIAN COUNCIL: ROAD NETWORK MANAGEMENT



Location: A199 footway (northside) from Abbots View roundabout eastwards to the junction with B1407 East Linton

Description: Formalise the existing footway as shared surface suitable for cycling/pedestrian use

East Lothian Council
 Transportation Department
 Road Network Management
 John Muir House
 Haddington
 EH41 3HA
 Tel: 01620 827827



Date: 03/12/2014
Scale: NTS

Drawn by: K Scott
Checked by: P Forsyth

DRG. NO. TRO/14/A199

Note:
 All carriageway markings and road signs in accordance with The Traffic Signs Regulations and General Directions 2002.
 Stainless steel road studs (Fig 1055.2)
 Road studs included within traffic signal installation. See drg no. EL14280580-05.



REVISION	DETAILS	BY	DATE

East Lothian Council
 Road Services
 Infrastructure Section
 John Muir House
 East Lothian
 EH41 3HA

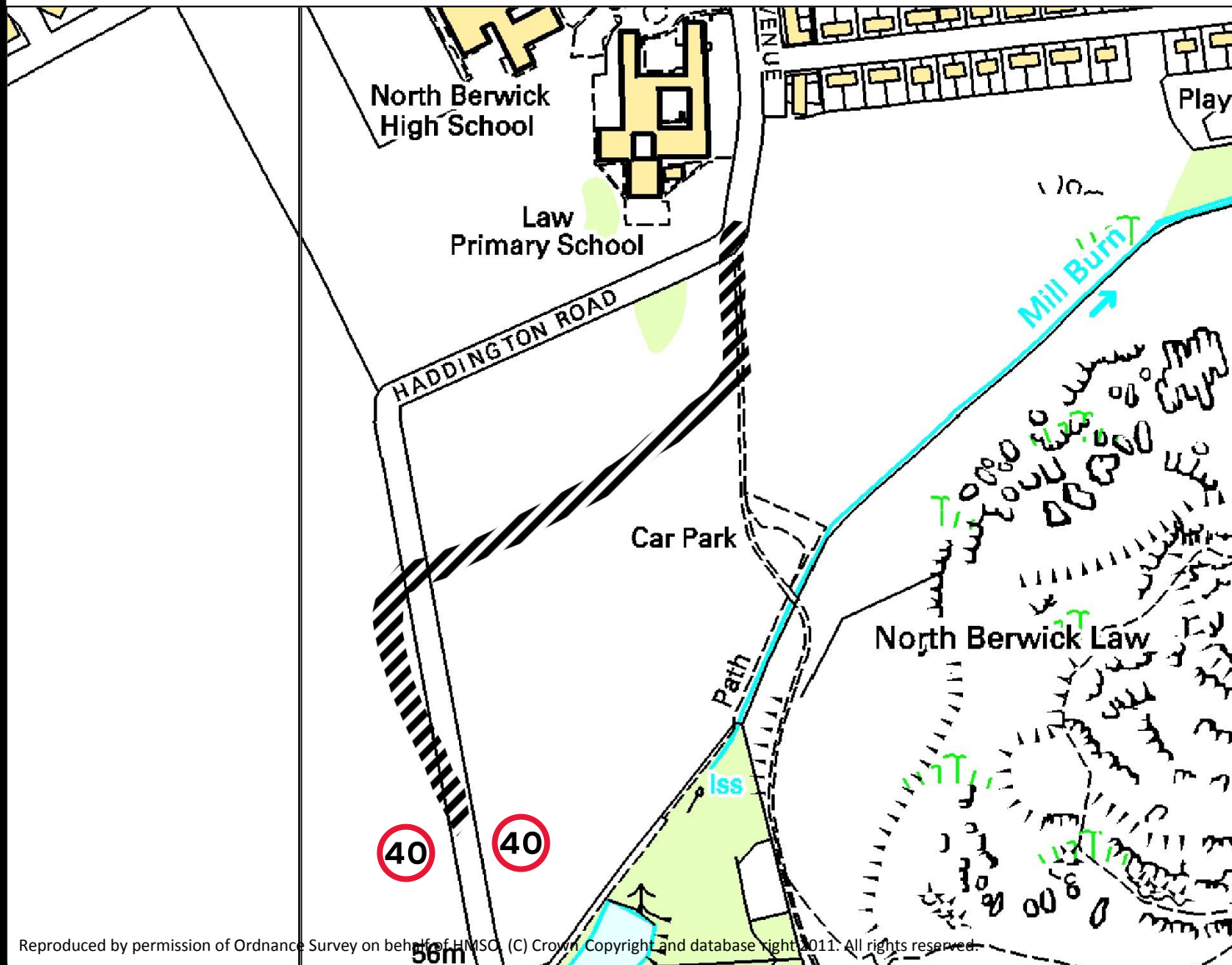


Musselburgh Town Centre
 Improvements
 Carriageway Marking and Signs Layout

Date: April 2014
 Scale: 1:200 A0
 Client: N/A

Cal filename:
 Drawn by: R McN
 Checked by: CR

EAST LoTHIAN COUNCIL: ROAD NETWORK MANAGEMENT



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Location: B1347, Haddington Road, North Berwick

Description: Introduce a 40mph speed restriction from the existing 30mph speed restriction southwards following the new road re-alignment

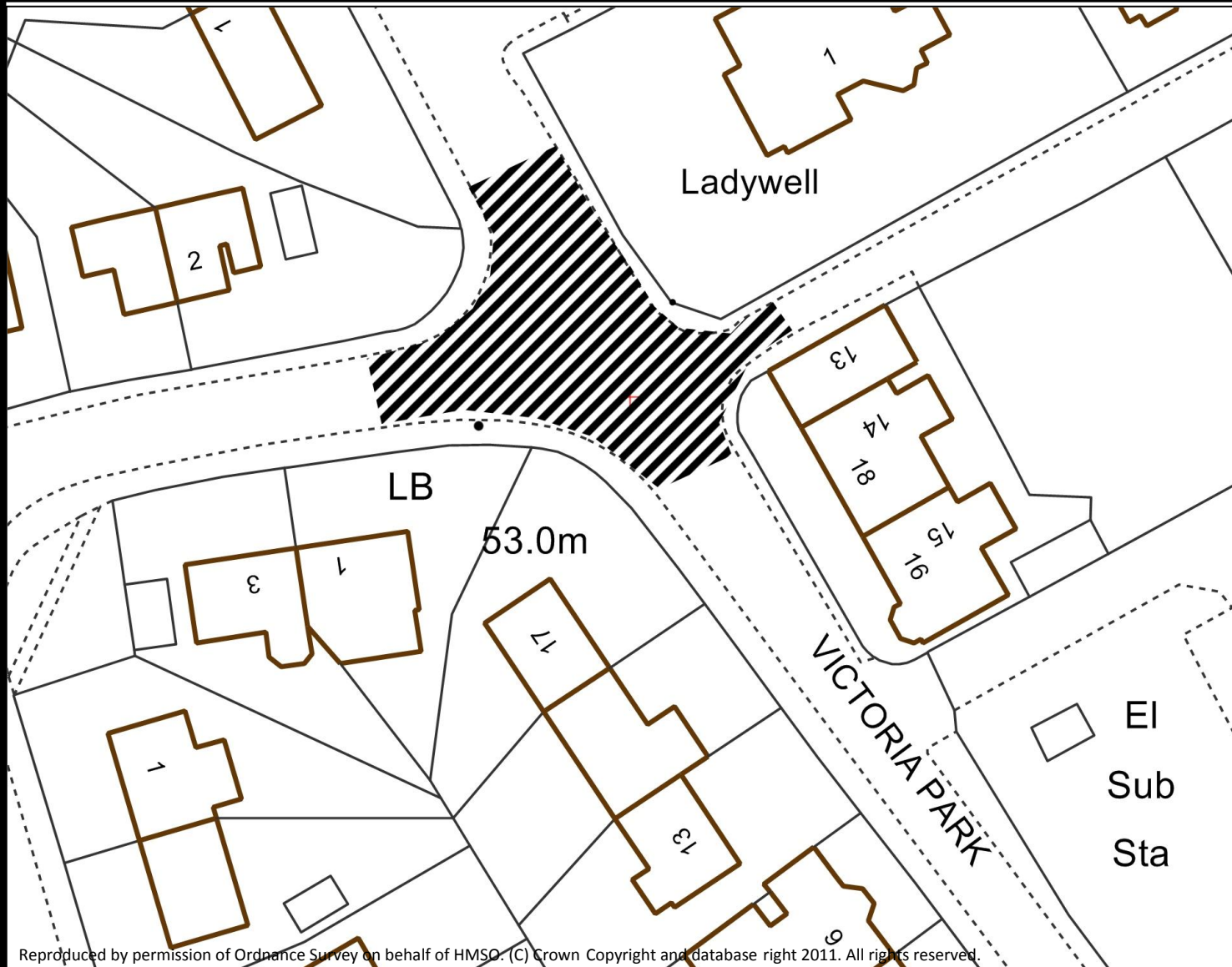
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 Haddington
 EH41 3HA
 Tel: 01620 827827



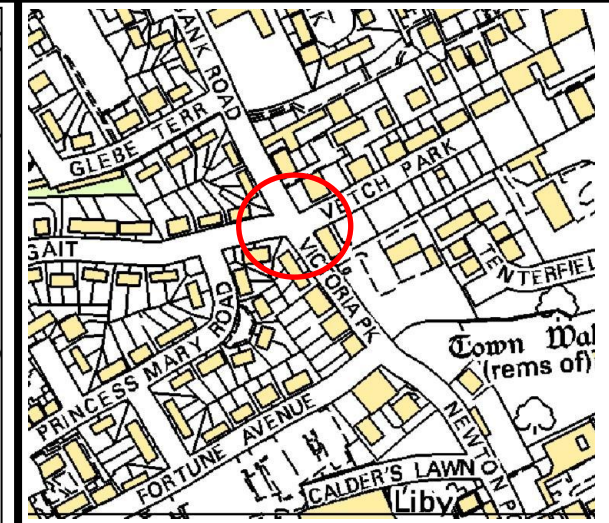
Date: 03/12/2014
 Scale: NTS

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 Checked by: P Forsyth

EAST LoTHIAN COUNCIL: ROAD NETWORK MANAGEMENT



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Location: Victoria Park/Florabank Road/Vetch Park/Lydgait, Haddington

Description: Extend the existing waiting, loading and unloading restrictions on Victoria Park to include the junctions with Florabank Road, Vetch Park and Lydgait.

East Lothian Council
 Transportation Department
 Road Network Management
 John Muir House
 Haddington
 EH41 3HA
 Tel: 01620 827827



Date: 03/12/2014
Scale: NTS

Drawn by: K Scott
Checked by: P Forsyth

DRG. NO. TRO/14/Victoria Park

REPORT TO: East Lothian Council
MEETING DATE: 16 December 2014
BY: Chief Executive
SUBJECT: Area Partnerships: Devolved Budget

10

1 PURPOSE

- 1.1 To present the Council with a proposal for devolving budgets to Area Partnerships.

2 RECOMMENDATIONS

- 2.1 Council is asked to approve the report, specifically the recommendations contained in paragraphs 3.8 and 3.9.

3 BACKGROUND

- 3.1 *Working Together for a Better East Lothian: The East Lothian Council Plan 2012-2017*, as approved by the Council in August 2012, includes the *Growing our Communities* objective – *to give people a real say in the decisions that matter most and provide communities with the housing, transport links, community facilities and environment that will allow them to flourish.*
- 3.2 The Council Plan includes commitments to: *‘Establish Local Area Partnerships for all six areas of East Lothian to give local communities, Community Councils and local groups more say in local services and to develop Local Community Plans that will influence the achievement of the Community Planning Partnership’s Single Outcome Agreement’*; and to: *‘Devolve decision making and budgets starting with allocating a £100,000 budget for each secondary school cluster.’*
- 3.3 Six Area Partnerships have been established and have begun the work to develop Area Plans by identifying the key issues and priorities for their areas. The Area Partnerships have been based on the Council wards, which in turn are based on secondary school cluster areas. It is proposed that the most effective way in which budgets could be devolved to secondary school cluster areas would be through Area Partnerships. Each Area Partnership includes representatives from a wide range of community interests and groups

including Parent Councils. Head teachers from several Secondary and Primary schools have participated in Area Partnership meetings.

- 3.4 The Partnerships have been advised that the Council Plan includes a commitment to devolve budgets and that the methodology for determining how much is to be devolved to each area and how the devolution of budgets will operate will be developed and reported back to them prior to the start of the 2015/16 financial year.
- 3.5 The Council's three year budget, 2014/15 – 2016/17 as approved by Council on 11 February 2014 includes the following budget allocations for 'Local Area Management':
- £600,000 transferred from Amenity Services - Landscape & Countryside in 2015/16 and built into the base budget
 - £350,000 transferred from reserves in 2015/16
 - £300,000 in the Roads Capital Budget (including £250,000 additional allocation) in 2015/16 and 2016/17.
- 3.6 Two issues need to be resolved – how the devolved funds are to be allocated between areas and how priorities for local allocation of devolved funding are to be determined.

Allocation of devolved funds between areas

- 3.7 The funding could be allocated using different formulas based on dividing the funding by seven wards, six Area Partnerships, population or some other factor.
- 3.8 The recommended proposal is to allocate the three funds as follows:
- £600,000 for services provided by the Council's amenity services to be allocated equally to the six Area Partnerships – £100,000 each
 - £300,000 capital roads budget to be allocated equally to the six area partnerships – £50,000 each
 - £350,000 to support Local Area Management in 2015/16 to be allocated equally to the seven Council wards so that the Musselburgh Area Partnership would receive £100,000 and the other five Area Partnerships would each receive £50,000.

Determining priorities for local allocation of devolved funding

- 3.9 Each Area Partnership will have responsibility for determining their priorities for expenditure under the three budget headings in line with the priorities set in their Area Plan:
- £100,000 on services provided by the Council's amenity services which includes maintenance, renovation and minor improvements in parks, sports pitches, open spaces, hard landscaping, rural paths, woodlands and

children's play areas; grass cutting; street sweeping; and street bins, seats, signs and fencing

- £50,000 for roads capital expenditure which can include:
 - Traffic and safety schemes - footway and car park improvements, reconstruction and resurfacing
 - Street lighting – upgrading or replacing existing lighting or installing new street lighting
 - Road reconstruction – carriageway repairs or resurfacing, drainage improvements
- £50,000 (£100,000 for the Musselburgh Partnership) for other non-recurring general services priorities determined by each Partnership in their Area Plan.

3.10 The Council is appointing four Area Managers who will hold the budgets devolved to the Area Partnerships. They will have the key role of liaising between the Area Partnerships and the managers responsible for providing the amenity and roads services provided through the respective devolved budgets.

3.11 It is envisaged that the Area Managers and relevant service managers would report to each Area Partnership with the planned expenditure identified by the service based on their needs assessment and service priorities. It will be important for Area Partnerships to be made aware of the type of work that is covered by, and can be funded through, the devolved budgets and, equally importantly, the work that could not be funded through these budgets. The Area Partnership would then have the opportunity to comment on and influence the planned expenditure and to determine the priorities for the £100,000 on services provided by the Council's amenity services and £50,000 in roads capital expenditure which had been devolved to each area.

3.12 The project or projects funded through the £50,000 revenue spend devolved to each Area Partnership (£100,000 for the Musselburgh Partnership) will be determined by each Partnership in accordance with the priorities determined through their Area Plan. It should be noted that schools have developed 'Cluster Plans' for their clusters. These plans will provide the evidence of need to improve attainment and achievement of our communities' young people will help to inform Area Plans and the priorities determined by Area Partnerships.

3.13 In determining how their devolved funding will be used Area Partnerships will follow the principles of Best Value and consider the most effective and efficient use of the funding, for example through exploring opportunities for co-production and using the funding to leverage in funds from other sources. The use of the devolved funds will be monitored and an evaluation carried out before the end of the 2015/16 financial year.

4 POLICY IMPLICATIONS

- 4.1 The devolution of budgets to Area Partnerships fulfils the Council Plan commitment to *‘Devolve decision making and budgets starting with allocating a £100,000 budget for each secondary school cluster.’*

5 EQUALITIES IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none directly as a result of this report as the funding referred to is contained within the budget approved by Council.
- 6.2 Personnel – none directly as a result of this report.
- 6.3 Other – none directly as a result of this report.

7 BACKGROUND PAPERS

- 7.1 Working Together for a Better East Lothian: East Lothian Council Plan 2012-2017

AUTHOR’S NAME	Paolo Vestri
DESIGNATION	Service Manager Corporate Policy and Improvement
CONTACT INFO	pvestri@eastlothian.gov.uk 01620 827320
DATE	4 th December 2014

REPORT TO: East Lothian Council

MEETING DATE: 16 December 2014

BY: Depute Chief Executive (Partnerships and Community Services)

11

SUBJECT: Edinburgh City Region Deal

1 PURPOSE

- 1.1 To advise Council of the opportunity to participate in the development of a business case for an Edinburgh City Region Deal Infrastructure Fund.

2 RECOMMENDATIONS

- 2.1 It is recommended that Council agree to contribute £5,000 to support the development of a business case for an Edinburgh City Region Deal Infrastructure Fund.

3 BACKGROUND

- 3.1 The 'City Deal' process was initiated in late 2011 as part of the UK Government's localism agenda. City Deals seek to empower cities and surrounding areas to drive economic growth by putting greater resources and financial freedoms in the hands of local leaders.

- 3.2 A number of deals are in place with English Cities and while each City Deal is unique, key features of these deals were:

- Local authorities developing a clear programme of infrastructure investment prioritised to deliver Gross Value Added (GVA). GVA is essentially a local measure of jobs and productivity growth;
- An infrastructure fund established for the programme with funding from a variety of sources, including a significant proportion of local authority contributions;

- In return, central government allows the fund to earn back locally funded contributions under a formula linked to economic growth and the increase in total tax revenues (not just non-domestic rates as in Tax Increment Finance schemes). This may take the form of conditional government grants; and
- Robust local governance and delivery arrangements established across the geography over which the investment will be targeted.

3.3 In July 2014, the UK Government announced a City Deal worth £1.13 billion for the Glasgow City Region (Glasgow and Clyde Valley Infrastructure Fund). The UK Government will provide £500 million of funding, the Scottish Government £500m and a minimum of £130m from local authorities across Glasgow and Clyde Valley. The funding will be used to: improve the transport network across the region, unlock key development and regeneration sites and improve public transport.

3.4 The Edinburgh City Region¹ undoubtedly has the scale and potential to benefit from an Infrastructure Fund/City Deal arrangement with the UK and Scottish Government.

3.5 Work is now required to develop an initial business case which will help to establish the ambition and potential benefits of a City Region Deal.

4 POLICY IMPLICATIONS

4.1 There are no policy implications arising from this report.

5 EQUALITIES IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

6.1 Financial - The contribution of £5,000 to support the development of a business case will be identified from existing budgets within Economic Development.

6.2 Personnel - Allocation of staffing resource to support the development of the business case will be required.

6.3 Other - None

¹ Defined as City of Edinburgh Council area, East Lothian, West Lothian, Midlothian, Fife and the Scottish Borders

7 BACKGROUND PAPERS

7.1 None

AUTHOR'S NAME	Esther Wilson
DESIGNATION	Service Manager - Economic Development and Strategic Investment
CONTACT INFO	ewilson@eastlothian.gov.uk
DATE	04/12/14

REPORT TO: East Lothian Council
MEETING DATE: 16 December 2014
BY: Depute Chief Executive (Resources and People Services)
SUBJECT: Standing Orders – Annual Review 2014

12

1 PURPOSE

- 1.1 To seek approval of proposed amendments to Appendix 1 (Scheme of Administration) and Appendix 2 (Scheme of Delegation) of the Council's Standing Orders.

2 RECOMMENDATIONS

- 2.1 That Council approves the proposed changes to Appendix 1 (Scheme of Administration) and Appendix 2 (Scheme of Delegation) of the Council's Standing Orders, as set out in Sections 3.2–3.3 and Appendices 1 and 2 of the report.

3 BACKGROUND

- 3.1 At its meeting on 27 August 2013 the Council approved revised Standing Orders and associated appendices. In order to ensure that Standing Orders are kept up to date, an annual review will be carried out, with any proposed amendments being submitted to Council for approval. The Standing Orders Working Group recently met and is proposing amendments to Appendix 1 (Scheme of Administration) and Appendix 2 (Scheme of Delegation), as outlined below.

3.2 Scheme of Administration

The following changes are proposed to the Scheme of Administration.

3.2.1 Cabinet

It is proposed that the remit and powers of Cabinet be extended to include:

- Initiating, confirming and making of statutory orders
- Funding to external organisations
- Introducing new charges for Council services

3.2.2 *Chief Officer and Head Teacher Appointments Sub-Committee*

Proposed changes to the Scheme of Administration are set out in Appendix 1.

3.2.3 *Petitions Committee*

Proposed changes to the Scheme of Administration are set out in Appendix 2.

3.2.4 *Sub-Committees*

The minutes of the Employee Appeals Sub-Committee, Homelessness Appeals Sub-Committee, Licensing Sub-Committee, and Social Work Appeals Sub-Committee are currently submitted to the Cabinet for approval. It is proposed that in future minutes are approved by the sub-committees themselves and that the principal copies of the approved minutes are signed by the Chair and included in the Council's official minute book along with the minutes of the Council's other committees.

3.3 **Scheme of Delegation**

The following changes are proposed to the Scheme of Delegation:

3.3.1 *Section 1 (General Duties and Responsibilities Delegated to Officers)*

- Add: Notwithstanding the duties and responsibilities delegated to officers as set out in this Scheme of Delegation, Councillors retain the right to request a report to Council or Committee on any issue deemed to be of significant interest to Councillors and/or the wider public

3.3.2 *Section 4 (General Delegations to Heads of Service)*

- Amend 4.6(j): Setting and reviewing existing charges and fees for Council services to make sure the needs of the budget are met (with the introduction of new charges being the responsibility of Cabinet).

3.3.3 *Section 6 (Specific Duties and Responsibilities Delegated to the Head of Communities and Partnerships)*

- Amend 6.1: Registering births, deaths, marriages and civil partnerships

3.3.4 *Section 9 (Specific Duties and Responsibilities Delegated to the Head of Education)*

- Add: Carrying out the Council's duties and responsibilities under the Children and Young People Act 2014 by providing a named person

service for nursery and school-age children, publishing information about the operation of the named person service, and helping the named person, including sharing information with them.

- Add: Ensuring the provision of free school lunches to those children entitled to them.

3.3.5 *Section 10 (Specific Duties and Responsibilities Delegated to the Head of Children's Wellbeing)*

- Add: Carrying out the Council's duties and responsibilities under the Children and Young People Act 2014 by: providing continuing care to formerly looked after children, providing services to children at risk of becoming accommodated, making arrangements to secure that kinship care assistance is available; and meeting the duties as an adoption agency.

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, 27 August 2013 – Revisions to the Council's Standing Orders

7.2 East Lothian Council Standing Orders

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Democratic Services Manager
CONTACT INFO	lgillingwater@eastlothian.gov.uk
DATE	2 December 2014

CHIEF OFFICER AND HEAD TEACHER APPOINTMENTS SUB-COMMITTEE

A Remit and Powers

1. The Chief Officer and Head Teacher Appointments Sub-Committee shall have the authority to appoint to the positions of Chief Executive, Depute Chief Executive, Head of Service, Jointly Accountable Officer and Head Teacher.

B Membership

1. An Appointments Sub-Committee will be drawn from a cross-section of Councillors for all Chief Officer and Head Teacher appointments.
2. As regards the appointment of the Chief Executive, the Appointments Sub-Committee will consist of the Council Leader, Provost and three cross-party Councillor members (at least one of which should be from the largest Minority Group). The Sub-Committee will be advised by an Independent HR Adviser and the ~~HR Manager, Operational Services~~Service Manager – HR and Payroll.
3. As regards the appointment of Depute Chief Executives and Heads of Service, the Appointments Sub-Committee will consist of three Councillors, i.e. two Councillors from the Administration and one Councillor from the largest Minority Group. The Sub-Committee ~~will~~may be advised by the Chief Executive, an Independent HR Adviser and the ~~HR Manager, Operational Services~~Service Manager – HR and Payroll. In the case of a Head of Service appointment, the Panel ~~will~~may also be advised by the Depute Chief Executive of the Service in which the vacancy exists.
4. As regards the appointment of Jointly Accountable Chief Officers, the Appointments Sub-Committee will consist of the Council members and partner members of the (Shadow) Board. The Sub-Committee will be advised by the Chief Executives of the organisations involved, HR advisers from those organisations and, where appropriate, an independent external adviser.
5. As regards the appointment of Head Teachers, the Appointments Sub-Committee will consist of 2 Elected Members (including the Convener or Depute Convener of the Education Committee (Chair)); and, usually, at least one from the Ward in which the vacancy arises), 2 Parent Council members from the school to which the appointment is being made* and 2 officers nominated by the Depute Chief Executive (Resources and People Services). Where the appointment relates to a Roman Catholic school, a representative of the Catholic Church (who sits on the Education Committee) will be appointed to the panel in addition to those groups listed above. An Elected Member, usually the Cabinet Spokesperson for Education & Children's Services, will chair the Appointments Sub-Committee. All ~~ward~~ Councillors who have undertaken the Council's Recruitment and Selection training will be eligible to take part in the appointment of Head Teachers.

* Should there be no Parent Council member(s) interested in participating in the process, the Parent Council may nominate a representative to participate on their behalf from outwith the Parent Council, but their nominee must have undertaken the Council's Recruitment and Selection Training for Head Teacher Appointments. Should the Parent Council decline the offer to participate, the recruitment process will continue in their absence.

In the event of a shared Headship, one Parent Council member from each school will be eligible to participate.

C Quorum

1. As set out in Section B, above. The quorum for the appointment of Chief Officers is set out in B1-4.
2. The quorum for the appointment of Head Teachers shall be four for non-denominational schools, and five for Roman Catholic schools.

D Substitutes

1. 4.—As regards the appointment of Chief Officers, there shall be no substitutes.
- 1.2. As regards the appointment of Head Teachers, substitutes shall be permitted, on a like-for-like basis.

E Meetings

1. Meetings shall be called by Notice issued by the Chief Executive. The Notice shall specify the agenda for the meeting and shall be accompanied by the relative documentation to be discussed at the meeting.
2. The agenda shall, whenever possible, be issued seven days prior to the meeting.
3. Meetings of the Chief Officer and Head Teacher Appointments Sub-Committee will be held in private.

F Reporting Arrangements

1. Minutes of the meetings in relation to the appointment of Chief Officers shall be presented to the Council for noting.
2. Minutes of the meetings in relation to the appointment of Head Teachers shall be presented to the Education Committee for noting.

G Miscellaneous

1. All permanent vacancies will be advertised publicly and in accordance with the Council's Recruitment and Selection Policy and Procedures applicable at that time, unless arising as a result of an internal restructure.

A Remit and Powers

1. The remit of the Petitions Committee shall be to consider petitions raised by local residents or organisations, which relate to either:
 - (i) Council services or activities, or
 - (ii) the general well-being of the East Lothian community
2. The Committee shall consider the merits of each petition received. Where the Committee considers ~~that action should be taken in respect of a petition, a petition to be well-founded,~~ it shall refer the matter to the appropriate ~~portfolio holder(s) committee or Chief Officer~~ for further consideration and possible implementation. In such cases the outcome of the matter shall be reported back to the next meeting of the Petitions Committee.

B Membership

1. The membership of the Petitions Committee shall include a Convener and, if desired, a Depute Convener. The Council shall determine the membership of the Petitions Committee.

C Quorum

1. Half the membership + 1

D Substitutes

1. There shall be no substitutes.

E Meetings

1. Meetings shall take place in accordance with Standing Order 4..
2. Where a petition is to be considered by the Petitions Committee, the organiser of the petition will be invited to attend and offered the opportunity to address the Committee – individual signatories will not be invited. Invitations will be sent no later than the date the agenda is issued.
3. Anyone wishing to address the Committee should advise the Clerk no later than 3 working days before the meeting so that seating, timetable and other arrangements can be made.
4. Petitioners will be allowed five minutes to address the Committee – this period may be extended at the discretion of the Convener.
5. Where a petition is continued until a future meeting of the Committee the same rights to attend and speak at the meeting shall apply.

F Reporting Arrangements

1. The clerk shall be responsible for taking minutes of the meetings of the Petitions Committee.

2. Minutes shall be presented to the ~~Council for noting~~ Petitions Committee for approval.
3. Where a petition has been accepted, the outcome shall be reported to the organiser of the petition on approval of the minutes.

G Miscellaneous

1. Decisions of the Committee on functions delegated to them shall be reported to the Council for information only unless the Committee resolves that a particular item of business should be referred to the Council or another committee for decision.

REPORT TO: East Lothian Council

MEETING DATE: 16 December 2014

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Submissions to the Members' Library Service
14 October – 3 December 2014

13

1 PURPOSE

- 1.1 To note the reports submitted to the Members' Library Service since the last meeting of Council, as listed in Appendix 1.

2 RECOMMENDATIONS

- 2.1 Council is requested to note the reports submitted to the Members' Library Service between 14 October and 3 December 2014, as listed in Appendix 1.

3 BACKGROUND

- 3.1 In accordance with Standing Order 3.4, the Chief Executive will maintain a Members' Library Service that will contain:
- (a) reports advising of significant items of business which have been delegated to Councillors/officers in accordance with the Scheme of Delegation, or
 - (b) background papers linked to specific committee reports, or
 - (c) items considered to be of general interest to Councillors.
- 3.2 All public reports submitted to the Members' Library are available on the Council website.

4 POLICY IMPLICATIONS

- 4.1 None

5 EQUALITIES IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

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

7 BACKGROUND PAPERS

- 7.1 East Lothian Council's Standing Orders – 3.4

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DATE	3 December 2014

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD
14 October – 3 December 2014**

Reference	Originator	Document Title	Access
194/14	Head of Communities and Partnerships	Mortgage to Rent Scheme – Purchase of House in Prestonpans	Private
195/14	Depute Chief Executive (Partnerships and Community Services)	Local Development Plan Main Issues Report Part 1	Public
196/14	Depute Chief Executive (Partnerships and Community Services)	Local Development Plan Main Issues Report Part 2	Public
197/14	Depute Chief Executive (Partnerships and Community Services)	Local Development Plan Main Issues Report Monitoring Statement	Public
198/14	Depute Chief Executive (Partnerships and Community Services)	Local Development Plan Interim Environmental Report including appendices 1-3	Public
199/14	Depute Chief Executive (Partnerships and Community Services)	Local Development Plan Main Issues Report Interim Environmental Report appendix 4 Musselburgh	Public
200/14	Depute Chief Executive (Partnerships and Community Services)	Local Development Plan Main Issues Report Interim Environmental Report appendix 5 Prestonpans	Public
201/14	Depute Chief Executive (Partnerships and Community Services)	Local Development Plan Main Issues Report Interim Environmental Report appendix 6 Tranent Part 1	Public
202/14	Depute Chief Executive (Partnerships and Community Services)	Local Development Plan Main Issues Report Interim Environmental Report appendix 6 Tranent Part 2	Public
203/14	Depute Chief Executive (Partnerships and Community Services)	Local Development Plan Main Issues Report Interim Environmental Report appendix 7 Haddington	Public
204/14	Depute Chief Executive (Partnerships and Community Services)	Local Development Plan Main Issues Report Interim Environmental Report appendix 8 Dunbar	Public
205/14	Depute Chief Executive (Partnerships and Community Services)	Local Development Plan Main Issues Report Interim Environmental Report appendix 9 North Berwick – Part 1	Public
206/14	Depute Chief Executive (Partnerships and Community Services)	Local Development Plan Main Issues Report Interim Environmental Report appendix 9 North Berwick Part 2	Public
207/14	Depute Chief Executive (Partnerships and Community Services)	Local Development Plan Main Issues Report Transport Appraisal	Public
208/14	Head of Adult Wellbeing	Women's Service (Spring Project) Partnership between East Lothian and Midlothian Criminal Justice Service	Private

209/14	Head of Education	Staffing Report – Creation of Temporary Role to Support the Teacher Education Partnership in the Development of Masters Level Courses, Professional Enquiry and Associated Accreditation	Private
210/14	Head of Council Resources	Staffing Changes within Corporate Finance Service	Private
211/14	Head of Council Resources	Confirmation of Outcome of Application for Re-Evaluation of Job	Private
212/14	Acting Head of Development	Grant of Extension to Lease for Dunbar Day Centre, Westgate, Dunbar	Private
213/14	Head of Council Resources	Staffing Report – Creation of a Modern Apprentice post HR & Payroll	Private
214/14	Head of Education	Innerwick Primary School – Amendment to Reserving Places	Public
215/14	Head of Communities and Partnerships	Landlord Performance Report to Tenants 2013/14	Public
216/14	Head of Council Resources	East Lothian Next Generation Internet Connectivity Strategy	Public
217/14	Head of Infrastructure	Road Services Contracts – Windymains Road, Carriageway Structural Repairs and Overlay 2014-15	Public
218/14	Head of Infrastructure	Road Services Contracts – Application of Carriageway Markings and Road Studs 2014-17	Public
219/14	Head of Infrastructure	Road Services Contracts – Granolithic Repairs 2014-15	Public
220/14	Head of Infrastructure	Road Services Contracts – Grass Cutting 2014-15	Public
221/14	Head of Infrastructure	Road Services Contracts – Supply and Maintenance of Bus Passenger Shelters 2014-17	Public
222/14	Head of Infrastructure	Road Services Contracts – Footway Slurry Surfacing 2014-15	Public
223/14	Depute Chief Executive (Partnerships and Community Services)	Cycling, Walking and Safer Streets, Proposed Projects 2014-15	Public
224/14	Head of Communities and Partnerships	Sports Award Scheme – Special Award	Public
225/14	Depute Chief Executive (Partnerships and Community Services)	Building Warrants issued under Delegated Powers, 1-31 October 14	Public
226/14	Head of Infrastructure	Reservoirs Act – Consultation Response	Public
227/14	Acting Head of Development	Formal Discharge of a Servitude Right of Access for Land at Mid Road Industrial Estate, Prestonpans	Private
228/14	Head of Adult Wellbeing	ELC Home Care Service – Implementation of Revised Working Agreement and New Rota Pattern 13 th October 2014	Public

229/14	Depute Chief Executive (Partnerships and Community Services)	Staffing Report – Transfer of Posts from Corporate Policy and Improvement to Community Partnerships	Private
230/14	Head of Adult Wellbeing	Staffing Report – Criminal Justice Service Review	Private
231/14	Depute Chief Executive (Partnerships and Community Services)	Staffing Report – Amendment to Facilities Management Structure	Private
232/14	Depute Chief Executive (Resources and People Services)	Staffing Report – Creation of a Modern Apprentice Post at Preston Lodge High School	Private
233/14	Depute Chief Executive (Resources and People Services)	Staffing Report – Revenues Service	Private
234/14	Head of Communities and Partnerships	St Andrew’s Kirk, Kirk Ports, North Berwick	Public
235/14	Acting Head of Development	Sale of Land - Musselburgh	Private
236/14	Depute Chief Executive (Partnerships and Community Services)	Delegated Response to Scottish Government Consultation on Main Issues Report for National Planning Framework 3	Public
237/14	Depute Chief Executive (Partnerships and Community Services)	Proposed New Rural Business Units, Mid Road Industrial Estate, Prestonpans	Public
238/14	Depute Chief Executive (Partnerships and Community Services)	Staffing Report – Business Adviser Contract Extension	Private
239/14	Acting Head of Development	Assignment of Ground Lease at Plot 1A, Newhailes Industrial Estate, Musselburgh	Private
240/14	Acting Head of Development	Variation of Terms of the Leases for Belhaven Bay and Tantallon Caravan Parks	Private

3 December 2014

