



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 28 OCTOBER 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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of business, the Provost announced that Item 14 – Application to Musselburgh Common Good Committee, had been withdrawn from the agenda pending further investigation into issues concerned with the application.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