



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 13 JANUARY 2015
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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Committee Members Present:

Councillor S Akhtar
Councillor T Day
Councillor D Grant
Councillor N Hampshire
Councillor J McMillan
Councillor M Veitch (Convener)

Other Councillors Present:

Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor J Gillies
Councillor J Goodfellow
Councillor M Libberton
Councillor P MacKenzie
Councillor F McAllister
Councillor K McLeod

Council Officials Present:

Mrs A Leitch, Chief Executive
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services
Mr A McCrorie, Depute Chief Executive – Resources and People Services
Mr J Lamond, Head of Council Resources
Mr T Shearer, Head of Communities and Partnerships
Mr M Leys, Head of Adult Wellbeing
Mr D Proudfoot, Acting Head of Development
Mrs M Ferguson, Service Manager – Legal and Procurement
Mr P Vestri, Service Manager – Corporate Policy and Improvement
Ms E Wilson, Service Manager – Economic Development and Strategic Investment
Ms J Mackay, Media Manager

Clerk:

Ms A Smith

Apologies:

Councillor W Innes

Declarations of Interest:

None

1. MINUTES OF THE MEETING OF THE CABINET OF 11 NOVEMBER 2014

The minutes of the meeting of the Cabinet of 11 November 2014 were approved.

2. SUMMARY OF CONTRACTS AWARDED BY EAST LOTHIAN COUNCIL, 9 OCTOBER 2014 – 17 DECEMBER 2014

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of all contracts awarded by the Council from 9 October 2014 to 18 December 2014, with a value of over £150,000.

Councillor Currie remarked that Hart Builders had submitted the second lowest tender for the project referred to in the report appendix. He queried why local firms, despite submitting tenders for many contracts, were not successful. He added that firms awarded contracts often sub contracted the work to other firms, outwith East Lothian.

Councillor McMillan advised that the Council, through the Economic Development team, was working with local contractors and suppliers to raise awareness of the tendering process. He noted the point about sub contractors but this depended on the relationship between contractors and suppliers. He added that he would however pursue this issue with officers.

Morag Ferguson, Legal and Procurement Service Manager, advised Members that the Council did not maintain a list of approved sub contractors, this was due to issues concerning commercial freedom and transfer of risk.

Decision

The Cabinet agreed to note the award of contracts with a value of over £150,000, as listed in Appendix 1 to the report.

3. SCOTTISH LOCAL AUTHORITY BUSINESS LOAN FUND

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising Cabinet of the proposal to establish a Scottish Local Authority Business Loan Fund and seeking in principle approval to participate in the Loan Fund.

The Economic Development and Strategic Investment Service Manager, Esther Wilson, presented the report, drawing attention to the background and highlighting the key points regarding participation in the Loan Fund. She reported that nationally, a collective European Regional Development Fund (ERDF) bid from Scottish Local Government through the European Structural Funds Programme was being actively encouraged by the Scottish Government. Each member authority would be responsible for the delivery of the fund within its own area. Although local authorities would be able to join the fund at any time, only those authorities who were members of the fund at the time of the ERDF allocation would be able to benefit from the initial 3 year ERDF allocation. She outlined the resource implications.

In response to questions from Councillor Hampshire regarding the investment required and level of control, Ms Wilson advised that it would be for the Council to specify the actual amount, within the figures stipulated; the amount would be ring fenced and managed within the Council's approved Treasury Management and Investment Strategy.

Councillor McMillan welcomed the report and the range of interventions and initiatives to create growth. He made reference to the current bank lending position, stating that given this, any measures that would assist small and medium sized businesses (SMEs) were worth supporting. He commended the report to colleagues.

Councillor Currie welcomed any attempts to encourage small to medium business growth. He also made reference to the bank lending position, remarking that banks had become risk adverse; unless this was addressed it would be for the Scottish Government and local authorities to provide funding.

Councillor McAllister also welcomed the report and echoed Councillor Currie's comments about the banks reticence to lend.

Decision

The Cabinet agreed:

- i. to approve the Council's membership of the new loan fund, in principle;
- ii. to delegate authority to the Head of Council Resources and Interim Head of Development to consider and assess the operational aspects of the Loan Fund as these become available and to agree the Council's ultimate participation or otherwise; and
- iii. to note the commitment of between £30,000 and £60,000, in principle, to the Fund, annually for 3 years.

4. INTERIM DISCOUNTED HOUSING FOR SALE MODEL

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval for an interim Discounted Housing for Sale model which would meet the requirements of the Council's Affordable Housing Policy.

Ms Wilson presented the report. She informed Members that the delivery of affordable housing tenures was realised through a range of mechanisms. To deliver the numbers of affordable homes which were required in East Lothian, the Council needed to promote a flexible approach to the tenures delivered through its Affordable Housing Policy. Research had been commissioned to better understand need and demand for intermediate tenures in East Lothian. The research would enable the Council to identify and prioritise the delivery of appropriate tenures of affordable housing across different localities in the county and to understand the merit in different mechanisms for delivery. She drew attention to the proposed interim model, detailing the arrangements for administration and the eligibility and priority criteria. The interim model would be reviewed following the findings of the research.

Ms Wilson responded to several questions from Councillor Currie. She clarified that the main difference between this model and the Help to Buy scheme was that Help to Buy was not accepted as an affordable product but was an economic stimulus to support the housebuilding industry. Help to Buy was assistance to an individual to purchase a property up to a particular market value; this model was a discount scheme and applicants would be assessed by criteria. Referring to the number of people on the housing list, Councillor Currie queried why council houses were not being built. Ms Wilson referred to the longstanding Affordable Housing Policy (2003); advising that the Council aimed to deliver 80% of housing as social rent and 20% as other tenures, this was the framework for any negotiations with developers. She stated that social rent housing continued to be the priority. In response to further questions about the interim model, Ms Wilson clarified the process if the property was sold at a later date. With regard to the number of houses being considered she indicated that no target had been set, but possibly around 50.

In response to questions from Councillor McAllister, Ms Wilson stated that in relation to the 80/20 split, the Council proactively did not seek a commuted sum from developers; the intention was always to deliver housing on site.

Douglas Proudfoot, the Interim Head of Development, added that this model was another meaningful delivery option, within a range of options, to assist in delivering mixed and balanced housing in East Lothian's communities. It was not seeking to replace social rented housing.

Councillor Hampshire highlighted the need for development of housing options. He referred to the significant level of housing need established across East Lothian; drawing attention to the requirement for 10,000 homes over the next 10 years, 25% of which allocated for affordable housing. Other options were needed; this model was one proposal. Research to identify need and demand was currently being carried out, which would help to deliver a greater mix of housing and create balanced communities. This would be progressed and delivered. This model would assist people having difficulty getting on to the housing market; many families across East Lothian would regard this as an opportunity.

Councillor Currie stated that the biggest area of demand in East Lothian was for 1 bedroom properties; this demand was not being met by the private sector. The first priority should be to build houses for rent. He expressed several concerns about this proposal. He stressed that if 50 houses could be built they should be built as council houses. The housing problem in East Lothian would only get worse if this was not addressed.

Councillor Goodfellow welcomed the report. A variety of affordable housing was needed and this model was an alternative way of providing this for families in East Lothian and enabling them to get on the housing ladder.

Councillor Akhtar also welcomed the report; it illustrated the Council's innovative approach. This would make a difference to families in East Lothian. It was appropriate to commission research to identify need and demand. It was also appropriate to look at all 7 wards, as the need could be different across the various wards.

Councillor Veitch agreed with his Cabinet colleagues. This was a good model, which would provide mixed tenure and was welcomed.

Decision

The Cabinet agreed:

- i. to approve the proposed interim Discounted Housing For Sale model which would meet the Council's Affordable Housing Policy;
- ii. to delegate authority to the Interim Head of Development to put in place detailed operational criteria in relation to eligibility and priority in consultation with the Cabinet Member for Environment, as outlined in the report; and
- iii. to note the interim nature of the model, which would be reviewed following conclusion of research which had been commissioned to improve understanding of the need and demand for intermediate tenures in East Lothian.

5. CHARGING POLICY

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval for the Charging Policy.

The Corporate Policy and Improvement Service Manager, Paolo Vestri, presented the report, informing Members that an Audit Scotland report published in October 2013 had found that few local authorities had a consistent approach to charging for services. The Council

Management Team had considered that report and had agreed to undertake a benchmarking exercise and to develop a charging policy. The draft Charging Policy was attached as Appendix 1; it outlined the basis for charges, roles and responsibilities for officers and how charges would be set. Also attached, as Appendix 2, was the Adult Wellbeing Charging Policy, which was aligned to and supported the corporate Charging Policy. He referred to the benchmarking exercise, drawing attention to the results, which had highlighted some major differences in charges across the local authorities concerned. The full results of the benchmarking exercise would be lodged in the Members' Library.

Councillor MacKenzie, referring to the background papers, asking why the report to Cabinet last January on service user contributions was not listed, it was very relevant; Cabinet had approved the recommendations but these had not been implemented. Mr Vestri advised that the report referred to did not act as background to this report but did to the Adult Wellbeing Charging Policy. Murray Leys, the Head of Adult Wellbeing, added that the report referred to had been subject to further consultation with services users and others, the external consultation process had led to the Adult Wellbeing charges. He informed Members that section 6.9 of the Adult Wellbeing Charging Policy stipulated that an equalities impact assessment of any charges relating to this service area was required.

Responding to a query from Councillor Currie, Ms Ferguson clarified that the changes to Standing Orders approved at the December Council were to confirm the new arrangements, that proposed new charges would be approved by Cabinet. She advised that Councillor Innes had given an undertaking that, for the current Administration's remaining term, reports proposing the introduction of new charges would be brought to Council for decision; this was a personal undertaking and not withstanding changes to Standing Orders.

Councillor Grant stated that Audit Scotland had acted as a catalyst and had done local government a service in identifying the inconsistent approach to charging for services. Their report had highlighted that East Lothian raised a relatively low income from charges. The Council needed a clear and transparent charging policy; this draft set out the principles and provided a basis to go forward. It was also appropriate that the Adult Wellbeing Charging Policy, of a distinct nature, should be separate. He welcomed and supported the report.

Councillor MacKenzie, referring to comments about the report to Cabinet last year, stated that a number of carers of adults with learning disabilities had visited his surgery extremely concerned about the increase in charges, which would have had a huge impact. However, looking at the Adult Wellbeing Charging Policy he was encouraged; it seemed to be a lenient and caring policy and supportive of the disadvantaged members of the community.

Councillor Currie remarked that it should be a source of pride that this Council did not charge as much as other local authorities. Referring to the benchmarking exercise, he asserted that to get to an equivalent starting point could, in some instances, mean a significant increase in charges; the purpose of this paper was income maximisation. He expressed concern that Adult Wellbeing charges would increase within the financial year outwith the budget process.

Angela Leitch, the Chief Executive, clarified that the Council Management Team would be transparent at all times regarding charges. She welcomed this report and confirmed that charges would be set as part of the budget setting process. She reiterated that this report had been brought forward as the result of an Audit Scotland process and that East Lothian Council had been identified as the lowest charging council.

Councillor Hampshire stressed that the aim of the draft Charging Policy was not to increase charges. A thorough review, including consultation with service users, and a benchmarking exercise, had been carried out, resulting in this Council wide draft Charging Policy. All Members would like to keep charges low however these were very difficult financial circumstances and if introducing a charge would maintain a particular service then that had to be considered.

Councillor Akhtar drew attention to section 4.1 of the Adult Wellbeing Charging Policy, which stated that charges would be affordable and account would be taken of the ability of an individual to pay. The Council needed a framework, which this draft Charging Policy provided and there were safeguards for service users.

Councillor McLeod stated that as Convener of the Audit and Governance Committee he welcomed the Chief Executive's comments regarding transparency. He added that charges should also be communicated to Members for awareness.

Councillor McMillan welcomed the introduction of a Council wide Charging Policy; this would ensure a consistent approach. He drew attention to sections 6.7 to 6.9 of the draft Charging Policy, which detailed the guidelines for setting charges. He also referred to section 8 of the Adult Wellbeing Charging Policy, which outlined the evaluation criteria for monitoring the impact of this policy.

Councillor Veitch stated that all councillors, across all political parties, would wish to keep charges as low as possible but these must also be affordable, not, at least, to keep services available for the people of East Lothian.

Decision

The Cabinet agreed to approve the Charging Policy and noted that services would review charges taking into account the principles of the Charging Policy and the results of the benchmarking exercise.

6. PUBLIC MINUTES OF THE MEETINGS OF THE LICENSING SUB-COMMITTEE HELD ON 4 NOVEMBER 2014 AND 13 NOVEMBER 2014

The public minutes of the meetings of the Licensing Sub-Committee held on 4 November 2014 and 13 November 2014 were approved.

7. MINUTES FOR NOTING

The minutes of the Safe and Vibrant Communities Partnership of 18 August 2014 and the Resilient People Partnership of 10 September 2014 were noted.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Cabinet unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraphs 3 and 6 (information relating to any particular applicant for, recipient or former recipient of a service provided by the Authority; information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

Sub-Committee Minutes

The private minutes of the meetings of the Licensing Sub-Committee held on 4 November 2014 and 13 November 2014 were approved.

The private minute of the meeting of the Homelessness Appeals Sub-Committee held on 20 November 2014 was approved.

REPORT TO: Cabinet

MEETING DATE: 10 March 2015

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Summary of Contracts Awarded by East Lothian Council,
18 December 2014 – 25 February 2015

2

1 PURPOSE

- 1.1 To advise Members of all contracts awarded by the Council from 18 December 2014 to 25 February 2015 with a value of over £150,000.

2 RECOMMENDATIONS

- 2.1 To note the award of contracts with a value of over £150,000 from 18 December 2014 to 25 February 2015, as listed in Appendix 1 to this report.

3 BACKGROUND

- 3.1 Details of all contracts awarded by the Council are lodged in the Members' Library Service. Appendix 1 to this report contains details of all contracts with a value of £150,000 and above which have been awarded since the last meeting of the Cabinet.
- 3.2 Members are asked to note that reports relating to contracts can be accessed via the following link to the Members' Library Service on the Council's eGov system:

http://www.eastlothian.gov.uk/site/scripts/meetings_committees.php?headerID=102

4 POLICY IMPLICATIONS

- 4.1 None

5 EQUALITIES IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

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

7 BACKGROUND PAPERS

- 7.1 None

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DATE	25 February 2015



**SUMMARY OF CONTRACTS AWARDED WITH A VALUE OF £150,000 AND ABOVE
FOR THE PERIOD 18 DECEMBER 2014 – 25 FEBRUARY 2015**

Originator	Report Title/Project Summary	Contract Awarded To	Contract Value	Members' Library Reference
Depute Chief Executive (Partnerships and Community Services)	Proposed Extension to Sanderson's Wynd Primary School, Tranent	Messrs Clark Contracts Ltd (Paisley)	£389,390.03	Ref: 6/15 (January 2015 Bulletin)
Depute Chief Executive (Partnerships and Community Services)	Proposed Reconstruction of Tennis Courts at Lewisvale Park, Neilson Park, Polson Park and Longniddry Tennis Club	Messrs Ecosse Sports Ltd (Newbridge)	£545,129.00	Ref: 7/15 (January 2015 Bulletin)

25 February 2015

REPORT TO: Cabinet
MEETING DATE: 10 March 2015
BY: Depute Chief Executive (Resources and People Services)
SUBJECT: Financial Review 2014/15 – to end of December (Q3)

3

1 PURPOSE

- 1.1 To record the financial position at the end of the 3rd quarter of the financial year 2014/15.

2 RECOMMENDATIONS

- 2.1 Members are recommended to;
- Note the financial performance of services at the end of December 2014.

3 BACKGROUND

Budget Summary

- 3.1 At its meeting of 11 February 2014, the Council approved a budget for the 2014/15 financial year and an outline budget for two subsequent years.
- 3.2 The 2014/15 budget can be summarised as follows;
- Government general revenue grant initially confirmed as £169.7 million.
 - Expenditure of £217.954 million.
 - The removal of reliance in 2014/15 of General Reserves, with a transfer from the Housing Revenue Account of just under £1.0 million.
 - The requirement to deliver £3.6 million of efficiency measures / savings / increased income across Business Groups, including a further £1 million of VERS (Voluntary Early Release Scheme)

savings, recognising the full year impact of VERS departures during 2013-14.

- Gross General Services capital budget of £19.941 million.

3.3 In addition there have been a number of refinements to the approved 2014/15 Budget as set out above.

- A number of 2014/15 budget adjustments were approved by Council on 10 February 2015. In total an additional £1.009m of funding (most notably in respect of the delivery of Free School Meals, Early Years and Discretionary Housing Payments) has been allocated to a number of service areas and these have been reflected within Appendix A.
- Cabinet approved a revised General Services Capital plan on 11 November, with further refinements presented as part of the 2015-18 Capital Budget approved by Council on 10 February 2015.

General Services Summary for Quarter Three

3.4 A summary of the financial position across each of the Business Groups at the end of December 2014 is detailed at Appendix A.

3.5 The unadjusted position at the end of December 2014 is an under-spend compared to budget of £1.544 million. A further under spend of £552,000 relates to the Devolved School Management budgets, which taking both into consideration presents a total under spend as at December 2014 of £2.096 million.

3.6 We have continued to provide an assessment of the progress in implementing the efficiency measures/savings/increased income required for the 2014/15 financial year. Based upon our judgement and knowledge, each Business Group has been assigned a rating reflecting our assessment of progress being made against the planned 2014/15 efficiency savings, and these are set out in Appendix A. The categories are as follows;

- Red – Less than 50% of budgeted efficiency savings are likely to be achieved by the end of the year;
- Amber – Between 50%-100% of budgeted efficiency savings are likely to be achieved by the end of the year;
- Green – 100% of budgeted efficiency savings are likely to be achieved by the end of the year.

3.7 Most service areas are on target to deliver the planned efficiency savings which were identified within the approved 2014/15 budget. The Q1 and Q2 reports for 2014/15 have previously rated the delivery of planned efficiencies within Adult Wellbeing and Children's Wellbeing Service as Amber or Red status, and it remains unlikely that these planned efficiencies will be delivered in full.

- 3.8 In overall terms, there has been an increase of £521,000 in the reported under spend from the Q2 position reported to Cabinet in November. Most of this relates to a combination of: pressures within the Health & Adult Care Partnership Directorate and Children's Wellbeing Service; offset by an increase in the reported under spend within the Partnership & Services for Communities area, largely relating to a continuation of vacancies within the service and higher than anticipated income from planning applications. A financial risk assessment of all service budgets has been made in order to assess the likely net expenditure levels at the financial year end. The risk categories are set out in more detail within Appendix B, with the assessment on a service level set out in Appendix A. In summary, most of the Risk Ratings have remained fairly static from those reported at the Q2 position. The Secondary Schools budget has been downgraded from 'Medium' to 'Low'. Two service areas continue to remain within the 'High' risk category (Adult Wellbeing and Children's Wellbeing), one at 'Medium' (Primary Schools) with the large majority of service areas categorised as 'Low' risk. The risk ratings continue to be kept under close review particularly as we progress through the final quarter of the financial year.
- 3.9 All the Corporate Income budgets such as Council Tax, Joint Board requisitions and debt charges are performing broadly in line with expectations, with an additional benefit of £544,000 now due to be received from the Scottish Government in respect of the 2012/13 Business Rate Incentivisation Scheme (BRIS). This scheme was based on national targets and provided each Council with the potential to retain 50 per cent of any increase in business rates income over and above the agreed target by maximising their existing business rates income and growing their tax base. The 2012/13 BRIS targets have been the subject of on-going discussions between COSLA and the Scottish Government, with agreement now reached relating to the quantum of this target. A new BRIS scheme has now been agreed to be introduced from 2014/15 targeting local buoyancy the outcome of which will need to be closely monitored.
- 3.10 The majority of the budget pressures are a continuation of emerging trends noted in the previous quarterly reports to Cabinet. Within Resources and People Services this includes;
- **Children's Wellbeing Group** – the Children's Wellbeing Group at the end of December reported a budgeted overspend of £556,000. As set out in Quarter 2 report, there continues to remain a number of significant pressures within the Children's Wellbeing service and as such a 'High' financial risk rating continues to remain in place. Given this, the Head of Children's Wellbeing was asked to prepare a budget recovery plan setting out the main financial pressures, and the steps which will be taken in order to exercise financial control. The plan identified a number of savings which will be used to partly offset against the current overspend position. Furthermore, additional funding in 2014/15 of £371,000 has also been received by the Council for Children's Wellbeing service and was approved as part of

the 2014/15 budget adjustments in February 2015, this funding will be used to support existing budget pressures. The Head of Children's Wellbeing and her service management continue to operate enhanced budgetary control measures aimed at reducing expenditure in a variety of areas to help offset these spending pressures however it is unlikely that this pressure will be fully mitigated, and there continues to remain a high likelihood that the service will overspend their budget allocation for 2014/15.

- The **Primary School budget** continues in line with the previously reported Quarter 2 position. Whilst overall the Primary School sector is reporting an under spend of £86,000, this figure is inclusive of individual primary school budgets with a total reported under spend of £472,000, and which is likely to fall within their current approved carry forward limits. Centrally held budgets for the primary sector remain under pressure; with a reported overspend of £490,000, largely due to delays with the wider review of Janitorial Services which is unlikely to deliver the planned efficiency savings identified within the 2014/15 budget.
 - Although the **Secondary Schools budget** to the end of December 2014 is reporting an overspend of £59,000, this figure includes underspending on individual secondary school budgets with 4 out of the 6 schools reporting an under spend. The Head of Education remains actively engaged in identifying solutions to manage the range of budget pressures within the schools group and it is still anticipated that overall, this service will spend within approved budget at the year end.
- 3.11 Within the Health & Adult Care Partnerships Directorate there continues to be a wide range of pressures with the Quarter 3 position reporting an overspend of £990,000 representing 3.0% of the approved budget.
- 3.12 The main pressure areas continue to be in line with those areas set out within the previous reports for 2014/15, in particular relating to the purchase of care packages for the elderly and individuals with learning disability. In addition, there are pressures associated with delayed discharges, increased home care hours and care home placements. The 'High' financial risk rating which was previously identified for the service remains in place. As set out in the Q2 report, the Director of Health and Social Care and Head of Adult Wellbeing were asked to prepare a budget recovery plan setting out the steps which will be taken in order to exercise financial control. Management continue to apply appropriate control measures and identify further efficiencies which could reduce/constrain expenditure in the current year and for the future, and this position will continue to be reviewed. Nevertheless, significant financial and demographic pressures continue to exist within this Group and it remains highly unlikely that expenditure will be contained within approved budget levels.

- 3.13 The majority of Partnerships & Services for Communities budgets are performing well within approved budgets. The Q3 position until the end of December 2014 is reporting an increased level of under spend within this Group of £2.308m, an increase from the reported £1.455m per Q2 report. The savings accrue from a mixture of; staffing budgets; a relatively mild winter, and higher than anticipated planning fee income. Our assessment suggests that most areas are likely to deliver well within approved annual budgets, however many of the service areas continue to be subject to on-going Service Reviews, and as these reviews are completed it is likely that a number of staffing positions will be filled.
- 3.14 Within the decisions taken as part of setting the 2015/18 budgets, a General Services underspend of around £1m has already been anticipated and it remains highly likely that the Council will deliver this position but this will be kept under constant review between now and the end of the financial year.

Housing Revenue Account

- 3.15 At the end of December 2014 the Housing revenue budget was reporting an under spend of £232,000. Most areas of expenditure remain broadly in line with budgets, however the recovery of rental income is less than anticipated, and void rent levels continue to be higher than expected. These pressures will continue to be closely monitored for the remainder of the year.
- 3.16 Details of the Housing Revenue Account capital budgets are included at **Appendix C**. The total capital budget approved for the HRA was £22.184 million. To the end of December 2014, the actual spend was £10.603 million representing around 48% of the annual total.
- 3.17 Modernisation expenditure as at December 2014 is £5.696 million representing around 56% of the approved budget. Despite this, it is expected that most of the larger budgets are expected to deliver broadly in line with expectations, however some slippage may result. This position will continue to be closely monitored.
- 3.18 To the end of December only one Mortgage to Rent application had been received with actual expenditure of £84,000. Since then, one further application has been approved however it is unlikely that any more applications will be received within the financial year.
- 3.19 The Quarter 2 financial report presented to Cabinet in November advised that outwith the Council's direct control, a number of proposed new developments/sites have been slower to come forward than expected and as such the new housing subsidy provided by the Scottish Government was potentially at risk. In order to prevent this, it was agreed to purchase a number of Open Market Acquisitions (OMA), which would be used in part to deliver the Housing Strategy investment needs whilst allowing us to maximise available Housing Subsidy. The Q3 report sets out the actual position as at December 2014, however since then, a

total of 19 properties have been purchased under OMA to the cumulative purchase value of £1.987million.

- 3.20 Overall, our current assessment suggests that whilst there may be some slippage on the Housing Capital programme relating to; lower than anticipated Mortgage to Rents, and slower than anticipated progress relating to the proposed new developments, it is expected that a large proportion of planned expenditure will be realised in the last quarter of the financial year, and close monitoring of this position will be maintained until the year end.

General Services Capital Budgets

- 3.21 **Appendix D** sets out the 2014/15 expenditure against the revised Capital budget, with actual expenditure totalling £10.123m, representing 47% of the current budget.
- 3.22 The majority of the capital budgets are under spent at the end December, and whilst it is expected that overall there is likely to be some slippage on the capital programme, around 90% of planned expenditure will be realised by the end of March 2015. This includes significant known spending commitments on various large projects including Pinkie St Peters and Windygoul Primary Schools, Coastal Car Parks and Toilets, Replacement Vehicles and the Roads Programme. This position will continue to be closely monitored.

4 POLICY IMPLICATIONS

- 4.1 None.

5 EQUALITIES IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

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

7 BACKGROUND PAPERS

- 7.1 Council 11 February 2014 – Item 1 – Council Financial Strategy 2014/17

- 7.2 Council 22 April 2014 – Item 5 – Revisions to Capital Plan 2014-2017
- 7.3 Council 26 August 2014 – Item 4 – 2013/14 Financial Review
- 7.4 Cabinet 21 October 2014 – Item 3 – Financial Review 2014/15 Quarter 1
- 7.5 Cabinet 11 November 2014 – Item 2 – Financial Review 2014/15 Quarter 2
- 7.6 Council 10 February 2015 – Item 1 – Council Financial Strategy 2015-18

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REVENUE BUDGET PERFORMANCE at 31 DECEMBER 2014

Appendix A

	Budget for the year £000	Actual to 31/12/14 £000	Budget for the period £000	(Surplus) / Deficit for period £000	(Surplus) / Deficit %	Financial Risk Assessment	Change since last assessment	Progress with efficiency savings etc
Resources & People Services								
Children's Wellbeing	12,120	9,431	8,875	556	6.3%	High	No change	
Pre-school Education & Childcare	6,130	4,981	5,569	(588)	(10.6%)	Low	No change	
Additional Support for Learning	7,857	6,354	6,402	(48)	(0.7%)	Low	No change	
Schools - Primary	30,845	21,650	21,736	(86)	(0.4%)	Medium	No change	
Schools - Secondary	36,005	26,079	26,020	59	0.2%	Low	Decrease	
Schools Support Services	2,731	2,014	2,114	(100)	(4.7%)	Low	No change	
Financial Services	1,406	996	1,067	(71)	(6.7%)	Low	No change	
Revenues & Benefits	1,527	673	829	(156)	(18.8%)	Low	No change	
IT Services	1,743	1,377	1,381	(4)	(0.3%)	Low	No change	
Legal & Procurement	608	481	527	(46)	(8.7%)	Low	No change	
Human Resources & Payroll	1,261	909	974	(65)	(6.7%)	Low	No change	
Licensing, Admin and Democratic Services	1,879	1,205	1,273	(68)	(5.3%)	Low	No change	
	104,112	76,150	76,767	(617)	(0.8%)			
Health & Adult Care Partnership								
Adult Wellbeing	44,395	34,170	33,180	990	3.0%	High	No change	
	44,395	34,170	33,180	990	3.0%			
Partnerships & Services for Communities								
Planning & Environmental Services	2,366	1,398	1,795	(397)	(22.1%)	Low	No change	
Economic Development & Strategic Services	2,370	1,745	1,726	19	1.1%	Low	No change	
Asset Planning & Engineering	2,451	2,303	2,619	(316)	(12.1%)	Low	No change	
Property Maintenance	(490)	(508)	(277)	(231)	83.4%	Low	No change	
Facility Support Services	3,295	1,653	1,641	12	0.7%	Low	No change	
Landscape & Countryside Management	5,548	3,705	3,936	(231)	(5.9%)	Low	No change	
Roads, Transportation & Waste Services	12,885	7,934	8,327	(393)	(4.7%)	Low	No change	
Healthy Living	3,959	2,502	2,498	4	0.2%	Low	No change	
Community Housing	2,660	2,731	2,999	(268)	(8.9%)	Low	No change	
Housing Revenue Account (HRA)	0	(8,219)	(7,987)	(232)	2.9%	Low	No change	
Communications & Marketing	424	309	344	(35)	(10.2%)	Low	No change	
Policy & Improvement	843	500	609	(109)	(17.9%)	Low	No change	

Community Partnerships	2,205	1,518	1,519	(1)	(0.1%)	Low	No change
Arts, Museums & Music	1,206	728	722	6	0.8%	Low	No change
Community Development	2,629	1,964	1,963	1	0.1%	Low	No change
Customer Services, Libraries & Safer Communities	3,725	3,229	3,366	(137)	(4.1%)	Low	No change
	<u>46,076</u>	<u>23,492</u>	<u>25,800</u>	<u>(2,308)</u>	<u>(8.9%)</u>		
Total All Departments	<u>194,583</u>	<u>133,812</u>	<u>135,747</u>	<u>(1,935)</u>	<u>(1.4%)</u>		
Corporate Management							
Revenue Support Grant (inc. NNDR)	(170,715)	(109,956)	(109,956)	0	0.0%	Low	No change
Council Tax	(47,345)	(48,333)	(48,366)	33	(0.1%)	Low	No change
Debt Charges/Asset Management	14,239	6,378	6,378	0	0.0%	Low	No change
Joint Board Requisitions	674	506	506	0	0.0%	Low	No change
Other	9,389	6,256	6,450	(194)	(3.0%)	Low	No change
HRA Transfer	(995)	0	0	0	0.0%	Low	No change
Transfer to Reserves	170	0	0	0	0.0%	Low	No change
	<u>(194,583)</u>	<u>(145,149)</u>	<u>(144,988)</u>	<u>(161)</u>	<u>0.1%</u>		
Total All Council	<u>0</u>	<u>(11,337)</u>	<u>(9,241)</u>	<u>(2,096)</u>	<u>22.7%</u>		



Appendix B

Financial Risk	Factors	Implications
High	<ul style="list-style-type: none"> - The Business Group has been assessed as likely to overspend in the financial year - There has been a history of overspending within Units / Groups - There are new or revised funding arrangement and / or legislature changes with financial significance - Trading Accounts are in deficit for the year. -Grant schemes, on which the Council is reliant are either unconfirmed or have not been confirmed -The service is demand led and the Council has restricted control over the level and form of service - New Services are planned 	<ul style="list-style-type: none"> -Cabinet & Members Library reports with financial implications are not passed under delegated powers -Directors / Heads of Service will be asked to prepare a financial recovery plan -The Head of Council Resources may take enforcement action to ensure budgetary control
Medium	<ul style="list-style-type: none"> - There is significant potential that Business Group could overspend in the financial year - There have been previous incidences of some overspending within Units / Groups - There are new or revised funding arrangement and / or legislature changes with financial significance - Trading Accounts are having difficulty meeting financial targets -Grant schemes, on which the Council is reliant are either unconfirmed or have not been confirmed 	<ul style="list-style-type: none"> -Members library reports are only passed when financial implications are addressed -Directors / Heads of Service will be asked to identify actions necessary to ensure expenditure is within budget by the year-end.
Low	<ul style="list-style-type: none"> -Finances are generally under control for the current financial year -Stable legislature, trading and funding environment -The service is supply led - i.e. the Council can decide the level and form of service -Finances in previous financial years have been controlled -Grant schemes are stable and not anticipated to change significantly 	<ul style="list-style-type: none"> -Members library reports are approved promptly under delegated powers

Appendix C

HOUSING CAPITAL SPEND & FINANCING TO DECEMBER 2014

	Budgeted (£000s)	Actual (£000s)	Over/(Under) (£000s)
Mortgage to Rent	662	84	(578)
Modernisation Spend	10,231	5,696	(4,535)
<u>detail of Modernisation Spend:</u>			
Fees	533		(533)
Disabled Adaptations	758	308	(450)
Central Heating/Leasing Purchases	1,616	965	(651)
Electrical Re-wiring	1,717	1,118	(599)
Fencing Programme	201	161	(40)
Energy Efficiency	351	10	(341)
Kitchen Replacement Prog.	1,788	981	(807)
SHQS Abeyance incentive	50		(50)
Roofing / Roughcasting	606	477	(129)
Stair Improvement Programme	30	15	(15)
Groundcare			-
Roads / Walkway pre-adoption works	246		(246)
Structural surveys / works	200	94	(106)
Dispersed Alarms	51	1	(50)
Local Initiatives:Projects	202	52	(150)
Window & Door Replacement Prog.	20	101	81
Bathroom Replacement	951	650	(301)
Extensions	306	77	(229)
Lead Water Pipes	202	287	85
Asbestos Works	353	368	15
IT Projects	50	31	(19)
Gross Affordable Homes spend	8,989	4,823	(4,166)
Open Market Acquisition	2,302		(2,302)
Gross Total Housing Capital Spend	22,184	10,603	(11,581)
Financed By:			
Grants	7,807		(7,807)
Assets Sales/Capital Reserves	2,502	1,271	(1,231)
Borrowing	11,875	9,332	(2,543)
	22,184	10,603	(11,581)

Appendix D

GENERAL SERVICES CAPITAL SPEND - TO DECEMBER 2014

Name of Project	Budgeted Spend	Actual Spend	Over/(Under)
	2014/15 £000	2014/15 £000	(£000s) £000
New Day Centre - Gullane	62	7	(55)
Fa'side Tranent - New residential home and day centre	2,141	2,100	(41)
Haddington Day Centre	60	118	58
Haddington Town House - Steeple Work	104	79	(25)
Gypsy Traveller Site	31	4	(27)
Property Renewals	965	300	(665)
Property Fees/Internal Architect etc fees	1,445	-	(1,445)
Environment Fees	111	-	(111)
Brunton Hall - Theatre and Main Hall refurbishment	225	123	(102)
John Gray Centre Haddington	79	2	(77)
Tranent Library	40	1	(39)
North Berwick Museum - refurbishment	100	60	(40)
North Berwick Community Centre - Lift	68	57	(11)
Community Intervention	330	-	(330)
Ormiston Bowling Club (Community Intervention)	-	130	130
Support for Business - Town Centre Regeneration	550	155	(395)
Haddington IS / St Mary's RCPS - New shared Campus	210	159	(51)
Sandersons Wynd PS - additional Classrooms	35	7	(28)
Secondary School Communication Provision	50	-	(50)
Dirleton Classroom Extension	13	7	(6)
Dunbar Primary - Phase 2 Comms Unit	-	18	18
Macmerry PS Extension	12	7	(5)
Pinkie St Peter's PS Extension/Levenhall Nursery reprovision	1,100	402	(698)
Law Primary School	5	-	(5)
Windygoul PS additional Classrooms	750	88	(662)
Wallyford PS - New PS/Pro-rata ELC share	50	-	(50)
Replacement Vehicles	2,200	56	(2,144)
Pavilions	358	82	(276)
East Lothian Legacy Project - Meadowmill Alterations	59	-	(59)
Sports Centres - refurbishment & Equipment	200	87	(113)
Musselburgh Tennis Court Upgrade	60	-	(60)
Expansion of 3G pitch provision	305	196	(109)
Schools IT	764	445	(319)
Corporate IT Program	316	315	(1)
Server Room Upgrade	130	-	(130)
Core Path Plan Implementation	137	11	(126)
Cuthill Park	79	-	(79)
Amenity Services Machinery & Equipment - replacement	124	128	4
Coastal Car Parks/Toilets	790	334	(456)
Peppercraig Depot Haddington	558	567	9
Coastal Protection/Flood	466	423	(43)
Promenade Improvements - Fisherrow	50	5	(45)
Pencaitland Paths/Community Car Park	200	23	(177)
Cycling Walking Safer Streets (Ring-fenced grant funded)	153	-	(153)
Roads	5,250	3,509	(1,741)
Parking Improvements	300	-	(300)
Purchase of New Bins/Food Waste Collection	475	118	(357)
	21,510	10,123	(11,387)

REPORT TO: Cabinet

MEETING DATE: 10 March 2015

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Investing in our Communities – Support to Community Councils

4

1 PURPOSE

- 1.1 This report has been prepared to secure Cabinet support for proposed levels of funding to be made available to community councils in East Lothian for the financial year 2015/16.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to approve the allocation of Community Council Administration Grants and Local Priorities Scheme Budgets for 2015/16, as detailed in Appendices 1 & 2.
- 2.2 Cabinet is asked to approve the funding of public liability insurance for community resilience purposes, as mentioned in 3.4 below.

3 BACKGROUND

3.1 Community Council Funding

Community councils continue to play a vitally important role in East Lothian community life providing valuable support and effective influence within the communities they represent. The council has a positive and effective working relationship across our network of 20 community councils. The council's working partnership with community councils can be seen as both empowering and mutually beneficial and despite the very challenging financial circumstances posed by public sector spending constraints, the council is keen to maintain funding support at the maximum possible levels.

It is proposed that the longstanding financial assistance provided in respect of Administration Grants and the Local Priorities Scheme should continue. However, in order to balance budgets within Licensing, Administration and Democratic Services, it has been necessary to

reduce the pro rata amount of funding available to the Local Priorities Scheme to assist with meeting the savings to be found within Licensing, Administration and Democratic Services.

3.2 Administration Grants

Community councils receive a basic grant allocation for administrative support services. This allocation comprises a fixed sum element, supplemented by a per capita sum reflecting the size of the electorate. Provision is also made to include a small administration grant to support the Association of East Lothian Community Councils. Precise details of the proposed allocations for each community council amounting to **£14,050** for financial year 2015/16 are contained within Appendix 1.

3.3 Local Priorities Scheme (LPS)

The success of our Local Priorities Scheme has long been recognised nationally as leading practice and remains one of the most successful aspects of the council's partnership with local communities. It provides the local communities with financial resource to support their own locally determined priorities. This funding is enhanced by grants awarded to some community councils through Sport, Countryside and Leisure's Civic Pride Fund, Economic Development, Leader and local fundraising, which support mutually beneficial projects.

As with the administration grant, allocations are made to individual community councils taking into account the size of the electorate in each area. Full details of the proposed allocations for financial year 2015/16 totalling **£116,000** are given in Appendix 2.

3.4 Community Resilience

As a result of the very successful Community Resilience Workshop, held last year, it is proposed that financial assistance should be made available to community councils, in order to facilitate local community resilience arrangements. This will be by way of payment of public liability insurance for all 20 community councils. The cost will be £2,740, which it is proposed will be met from the Community Partnership budget.

4 **POLICY IMPLICATIONS**

- 4.1 All of the proposals contained within this report reflect continued application of council policy as determined by both the Council Plan and Community Planning Partnership's Single Outcome Agreement. The proposals continue to demonstrate effective partnership working between the council and East Lothian community councils.

5 EQUALITY IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial – the detailed financial implications have been assessed in conjunction with relevant colleagues in the Finance Team. The specific funding allocations, made in recommendations 2.1, can be contained within the approved 2015/16 budget for Licensing, Administration and Democratic Services. The financial implications mentioned in 3.4 can be contained within the approved budget for Community Partnerships.
- 6.2 Personnel – Significant support and advice is provided to community councils by the Democratic Services Officer, whose post is already part of the approved staffing establishment. This support and its delivery will be subject to review in the near future.
- 6.3 Other – additional support and advice is provided to many community councils by officers in service areas throughout the council from within existing resources.

7 BACKGROUND PAPERS

- 7.1 Access to further supporting information can be made available to elected members on request.

AUTHOR'S NAME	Jim Lamond
DESIGNATION	Head of Council Resources
CONTACT INFO	Lilian Pryde X 7377 or e-mail lpryde@eastlothian.gov.uk
DATE	16 February 2015

2015/16 COMMUNITY COUNCIL GRANT ALLOCATION					
	<u>Fixed</u>	<u>Variable</u>	<u>Total</u>	<u>Electorate</u>	<u>Payable</u>
<u>Community Council</u>	<u>Amount</u>	<u>Amount</u>	<u>Grant</u>	<u>Roll</u>	<u>1st June</u>
					<u>2015</u>
	<u>£</u>	<u>£</u>	<u>£</u>		<u>£</u>
Cockenzie & Port Seton	350	396	746	4,279	746
Dunbar	350	580	930	6,273	930
Dunpender	350	218	568	2,348	568
East Lammermuir	350	97	447	1,049	447
Garvald & Morham	350	35	385	383	385
Gifford	350	84	434	913	434
Gullane	350	379	729	4,105	729
Haddington	350	722	1,072	7,822	1,072
Humbie & Saltoun	350	83	433	898	433
Longniddry	350	216	566	2,344	566
Macmerry & Gladsmuir	350	115	465	1,241	465
Musselburgh	350	1,424	1,774	15,415	1,774
North Berwick	350	499	849	5,401	849
Ormiston	350	158	508	1,715	508
Pencaitland	350	154	504	1,669	504
Prestonpans	350	672	1,022	7,280	1,022
Tranent & Elphinstone	350	865	1,215	9,364	1,215
Wallyford	350	209	559	2,268	559
West Barns	350	49	399	532	399
Whitecraig	350	95	445	1,031	445
TOTALS	7,000	7,052	14,052	76,330	14,050
CHECKS		7,050	14,050		
Association of Community Councils			150		150

COMMUNITY COUNCILS - LOCAL PRIORITIES SCHEME - INCLUDING XMAS LIGHTS ALLOCATION													
BUDGET 2015/16													
											PER ELECTOR		
											FIXED	PRO	TOTAL
BUDGET CODE						COMMUNITY COUNCIL	ELECTORATE	FIXED	PRO	TOTAL	FIXED	PRO	TOTAL
								SUM	RATA	SUM	SUM	RATA	SUM
								£	£	£	£	£	£
1 - 05 - 150 - 2 - 25 - 245 - 5137						COCKENZIE & PORT SETON	4,279	1,500	5,060	6,560	0.35	1.18	1.53
1 - 05 - 150 - 2 - 25 - 245 - 5138						DUNBAR	6,273	1,750	7,420	9,170	0.28	1.18	1.46
1 - 05 - 150 - 2 - 25 - 245 - 5139						DUNPENDER	2,348	1,000	2,780	3,780	0.43	1.18	1.61
1 - 05 - 150 - 2 - 25 - 245 - 5140						EAST LAMMERMUIR	1,049	1,000	1,240	2,240	0.95	1.18	2.14
1 - 05 - 150 - 2 - 25 - 245 - 5141						GARVALD & MORHAM	383	500	450	950	1.31	1.18	2.48
1 - 05 - 150 - 2 - 25 - 245 - 5142						GIFFORD	913	750	1,080	1,830	0.82	1.18	2.00
1 - 05 - 150 - 2 - 25 - 245 - 5143						GULLANE	4,105	1,500	4,850	6,350	0.37	1.18	1.55
1 - 05 - 150 - 2 - 25 - 245 - 5144						HADDINGTON	7,822	2,000	9,250	11,250	0.26	1.18	1.44
1 - 05 - 150 - 2 - 25 - 245 - 5145						HUMBIE & SALTOUN	898	750	1,060	1,810	0.84	1.18	2.02
1 - 05 - 150 - 2 - 25 - 245 - 5146						LONGNIDDRY	2,344	1,000	2,770	3,770	0.43	1.18	1.61
1 - 05 - 150 - 2 - 25 - 245 - 5147						MACMERRY & GLADSMUIR	1,241	1,000	1,470	2,470	0.81	1.18	1.99
1 - 05 - 150 - 2 - 25 - 245 - 5148						MUSSELBURGH	15,415	2,500	18,220	20,720	0.16	1.18	1.34
1 - 05 - 150 - 2 - 25 - 245 - 5149						NORTH BERWICK	5,401	1,500	6,390	7,890	0.28	1.18	1.46
1 - 05 - 150 - 2 - 25 - 245 - 5150						ORMISTON	1,715	1,000	2,030	3,030	0.58	1.18	1.77
1 - 05 - 150 - 2 - 25 - 245 - 5151						PENCAITLAND	1,669	1,000	1,970	2,970	0.60	1.18	1.78
1 - 05 - 150 - 2 - 25 - 245 - 5152						PRESTONPANS	7,280	2,000	8,610	10,610	0.27	1.18	1.46
1 - 05 - 150 - 2 - 25 - 245 - 5153						TRANENT & ELPHINSTONE	9,364	2,250	11,070	13,320	0.24	1.18	1.42
1 - 05 - 150 - 2 - 25 - 245 - 5154						WALLYFORD	2,268	1,000	2,680	3,680	0.44	1.18	1.62
1 - 05 - 150 - 2 - 25 - 245 - 5155						WEST BARNES	532	750	630	1,380	1.41	1.18	2.59
1 - 05 - 150 - 2 - 25 - 245 - 5156						WHITECRAIG	1,031	1,000	1,220	2,220	0.97	1.18	2.15
							76,330	25,750	90,250	116,000	0.34	1.18	1.52
								25,750	90,250	116,000			

REPORT TO: Cabinet

MEETING DATE: 10 March 2015

BY: Depute Chief Executive (Partnerships and Communities)

SUBJECT: Partnership Funding 2015/16

5

1 PURPOSE

- 1.1 To make recommendations on awards to agencies and organisations from partnership funds budgeted for by East Lothian Council in financial year 2015/16. The report also continues a “One Council Approach to Partnership Funding.”

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to:
- (i) Approve the proposed allocation of funding from Partnership Funding budget sources, totalling £1,925,469 as recommended in Appendix 1
 - (ii) Remit officers to continue to review all grants awarded in the financial year 2015/16; and
 - (iii) Note that it is a condition of all grant awards that organisations reports on progress, expenditure and outcomes achieved.

3 BACKGROUND

- 3.1 In April 2014 East Lothian Council established a “One Council Approach” to Partnership Funding this resulted in £1,275,507 being released from Council to organisations in the first tranche.
- 3.2 Subsequently work has taken place to tighten systems of grant issue, feedback, monitoring, expenditure and outcomes achieved.
- 3.3 Work has continued to overhaul and redesign the application process which requires applicants to evidence linkage to the Council Plan and the

Single Outcome Agreement. Award recommendations contained within this report have been arrived at having taken account of the reserves that organisations have available to them. It is a condition of award that all successful applicants will require to submit monitoring statements and evaluations to evidence impact of the grant award.

- 3.4 This report covers the funding made available to projects/activities that are not contracted and where some existing Service Level Agreements (SLAs) are in place. Existing contracted services/SLA arrangements will be the subject of future reports as and when contracts/SLA periods expire.
- 3.5 This report includes providing £2,740 to cover the cost of public liability insurance for all 20 community councils to facilitate local community resilience as discussed at the very successful Community Resilience Workshop.
- 3.6 A report detailing funding services for Children's Wellbeing entitled Payments to Partners and Voluntary Organisations (Service Level Agreements) 2015/2016 will be taken to the Cabinet meeting in May.
- 3.7 Citizens' Advice Bureaux (CABx) and other advice services are subject to a current review which will lead to a tendering exercise, the outcome of which will be reported to Cabinet in due course. The principle aim of this is to secure a single service specification for advice services and secure economies of scale.
- 3.8 The Service Level Agreement with Police Scotland is to continue for a further year.
- 3.9 The 2015/2016 budget allocated for Community Partnerships (CP) is £2,301,000, which includes Community Intervention (£100,000) and match Village Halls funding (£50,000) leaving a remaining budget of £375,531. It is proposed to award £1,925,469 from this current stream of funding.
- 3.10 Budget realignment across service areas is being actioned as appropriate in configuring 2015/2016 service budgets to provide a balanced approach to spend.

4 POLICY IMPLICATIONS

- 4.1 The allocation of Partnership Funding as recommended in this report will assist the Council to achieve the agreed outcomes in the Single Outcome Agreement and the Council Plan.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 The report at this stage, has not been Equality Impact Assessed however, future arrangements for Partnership Funding activity will be the

subject of Equality Impact Assessment across all Council grant and financial assistance awards.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – The recommendations contained within this report, totalling £1,925,469 can be accommodated within approved 2015/2016 budget provision.
- 6.2 Personnel - There are no personnel implications arising from this report at this stage.
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Pro forma applications submitted by bodies seeking funding
- 7.2 Information supplied by East Lothian Council Officers.

AUTHOR'S NAME	Myra Galloway
DESIGNATION	Service Manager, Community Partnerships
CONTACT INFO	mgalloway@eastlothian.gov.uk
DATE	24 February 2015

Community Partnerships Grant Funding 2015-16

CP Budget 2015-16	£2,301,000
Awards Committed 2015-16	£1,925,469
Difference	-£375,531

Organisation	Award 2014-15	Applied 2015-16	Awarded 2015-16	Area	Purpose of Grant
Adoption UK	£1,000	£1,045	£1,000	Edinburgh	Organise Support Activities for Adoptive Families in EL
Amisfeld Preservation Trust	£20,000	£12,500	£12,500	Dunbar	To Fund Salary of Volunteer Co-ordinator in 2015-16
Anti Bullying East Lothian	£79,000	£82,621	£79,000	Musselburgh	Continue to Develop/Improve Support for Parents/Carers in EL
Area Partnerships	£0	£350,000	£350,000	County	Area Partnership to confirm use
Arts Drama & Music Awards	£1,700	£1,500	£1,500	Haddington	Support Pupils in EL to attend Arts/Music Courses
Battle of Prestonpans(1745) Heritage Trust	£5,000	£5,000	£5,000	Prestonpans	Support Re-enactment
Birthlink	£1,340	£1,340	£1,340	Edinburgh	Support Agency
Borders Scrap Store	£7,150	£7,150	£7,150	County	Rent/Salaries/Vehicle/Open Days and Training Costs at Fisherrow
Bridge Centre	£15,000	£16,000	£15,000	Haddington	Develop Community Work & Day to day Running Costs
Bridges Motorcycle Project	£22,000	£25,000	£22,000	Haddington	Support Annual Salary of Projects Worker
Bridges Project	£95,000	£95,000	£95,000	Musselburgh	Support Young People to Acquire Skills They Need to Progress in Life
Carefree Kids	£17,000	£17,000	£17,000	Tranent	Continue to Employ Projects manager on a Full Time Basis
Carers of East Lothian	£77,000	£77,000	£77,000	Musselburgh	Assistance with Running Costs
Changeworks - Affordably Warm & Well	£43,758	£43,758	£43,758	Edinburgh	Organisation Support Costs
Coastal Communities Museum Trust	£10,000	£10,000	£7,500	North Berwick	To Meet Eligible Costs for Operating under Contract for Services with ELC
Community Councils Insurance	£0	£2,740	£2,740	County	ELC support with Insurance
Couple Counselling Lothian	£10,000	£10,000	£10,000	Edinburgh	Support Running Costs
Dadswork	£30,000	£66,840	£60,000	Musselburgh	Providing Services Covering Salaries for Project Co-ordinator, Male Parent Development & Bookkeeper
Dunbar Community Development Company (Hallhill)	£52,560	£77,560	£77,560	Dunbar	Support Running Costs
Dunbar Harbour Trust	£17,300	£17,500	£17,500	Dunbar	Partial Funding of Harbour Master & Assistant
Dunbar Music Festival	£1,500	£2,000	£1,500	Dunbar	Musicians and Children's Workshops, Promote and Advertise Festival
East & Midlothian Violence Against Women	£0	£15,000	£15,000	Musselburgh	Support Work of Edinburgh Women's Rape and Sexual Assault Centre
East Lothian Indoor Bowling Club	£6,000	£6,000	£6,000	Tranent	Ongoing Annual Costs, Contributing to Upgrading Catering Facility
East Lothian Junior Golf League	£1,000	£1,000	£1,000	North Berwick	To Run Individual Championships in 2015
East Lothian Marie Curie Support	£0	£6,000	£4,000	County	To Support Running Costs
East Lothian Play Association	£3,600	£2,000	£2,000	Port Seton	Expanding Play Resource Library/Holiday Playscheme/Website
East Lothian Roots & Fruits	£35,100	£35,100	£35,000	Dunbar	Ongoing Running Costs
East Lothian University of the Third Age	£1,000	£1,000	£1,000	North Berwick	Ongoing Running Costs
East Lothian Works Skills for Work Programme	£0	£7,380	£7,380	County	Employability Tutor Costs
East Lothian Young Carers	£45,000	£45,000	£45,000	Cockenzie	Assistant with Support Groups
Family Mediation Lothian	£9,740	£13,000	£9,500	Edinburgh	Fund Staff/Management Support/Contact Centre Staff and Support Workers
First Step	£184,700	£208,700	£208,700	Musselburgh	Running Costs
Fisherrow Trust	£30,000	£30,000	£30,000	Musselburgh	To Support General Running Costs
Friday Friends	£9,500	£9,500	£9,500	Haddington	Continued Services of Project Administrator/Operate the Jericho
Haddington CAB	£154,272	£154,272	£38,568	Haddington	Review of Service
Haddington Garden Trust	£10,200	£12,000	£10,200	Haddington	To Support Running Costs
Haddington Music Initiative	£1,700	£1,700	£1,700	Haddington	Assistance with Costs
Into Work East Lothian	£34,000	£34,000	£34,000	Edinburgh	To Pay for Full Time Employment Support Worker and Part Time Welfare Rights Officer
John Muir Birthplace Trust	£8,500	£8,500	£8,500	Dunbar	Ongoing Support
Lammermuir Community Transport	£3,000	£10,000	£3,000	Tranent	General Running Costs
Lamp of Lothian Trust	£20,000	£34,000	£20,000	Haddington	Operating and Maintain the Elizabeth Hamilton Buildings
LAYC	£1,000	£1,000	£1,000	Edinburgh	To Support the Core Work of the LAYC
Lothian Disability Sport	£2,950	£2,950	£2,950	Edinburgh	Support Employment of a Disability Sport Co-Coordinator
Lothian Mineworkers Convalescent Home	£5,000	£5,000	£5,000	Musselburgh	Provide Ten Day Holiday Respite Break During Summer Months
Music in Hospitals	£1,700	£1,635	£1,635	Edinburgh	Part Fund 15 Concerts for People in Care Homes
Musselburgh Amateur Musical Association	£3,000	£4,000	£3,000	Musselburgh	Venue Hire/Costumes/Auditions and Rehearsal Costs
Musselburgh Art Club	£0	£3,000	£3,000	Musselburgh	Assistance with Rent
Musselburgh CAB	£144,290	£144,290	£36,073	Musselburgh	Review of Service
New Opportunities East Lothian (NOEL)	£6,625	£6,625	£6,625	Haddington	Operational Resource Support for Learners
New Year Sprint	£3,000	£3,000	£3,000	Bonnyrigg	To Support Running Costs
North Berwick In Bloom	£1,000	£2,000	£1,000	North Berwick	Hanging Baskets Assistance
North Berwick Youth Project	£30,000	£35,000	£30,000	North Berwick	Support Young People by Providing Life and Employability Skills
North Berwick Highland Games	£3,000	£3,000	£3,000	North Berwick	Ongoing Support
Pennypit Trust	£74,000	£99,000	£99,000	Prestonpans	General Running Costs
Pennypit Special Needs Youth Club	£32,160	£48,000	£32,160	Prestonpans	Staff Training/Overheads for Café
Peter Potter Gallery	£15,000	£15,000	£15,000	Haddington	Support for Gallery Core Costs to Enable Delivery of Outreach Work and Education Programme
Preston Athletic Football Club	£6,000	£6,000	£6,000	Prestonpans	Overall Running Costs
Recharge Friday Evening Drop In	£10,000	£17,000	£17,000	Tranent	Securing Lease of Church Street Building
Red School Youth Centre	£7,322	£7,322	£7,322	Tranent	Diversionsary Youth Work
Richmond's Hope	£0	£11,020	£0	Edinburgh	Provide Individual Specialist Bereavement Support for Children & Young People in EL
Risk Factory	£9,545	£9,545	£9,545	Edinburgh	General Running Costs & Delivery of Community Safety Education
S6 '2Moros Driver' Road Safety	£5,000	£5,000	£5,000	Haddington	Diversionsary Costs
Safer Communities Drive 2B	£4,000	£4,000	£4,000	Tranent	Diversionsary Costs
Safer Communities Police Contribution	£79,000	£79,000	£79,000	County	Support to Police Team
Sandcastle Playgroup	£0	£2,000	£0	Port Seton	Upgrade and Improve Facilities

Scottish Fire & Rescue Service	£6,076	£6,076	£6,076	County	Ongoing Support
Scottish Seabird Centre	£12,750	£27,940	£12,750	North Berwick	Assistance with Running Costs
Sports Award Scheme	£10,000	£10,000	£10,000	Tranent	Ongoing Support to Individuals
Star Youth Club	£3,700	£3,700	£3,700	North Berwick	General Running Costs
Stepping Out	£6,800	£6,800	£6,800	North Berwick	General Running Costs
Stoneyhill Community Centre	£25,000	£25,000	£25,000	Musselburgh	Centre Running Costs
Supporting Vulnerable Parents in East Lothian	£50,945	£44,262	£44,262	Musselburgh	Employ a Family Outreach Worker
The Action Group	£20,976	£20,976	£20,976	Edinburgh	Ongoing Support
The Ridge	£0	£97,280	£0	Dunbar	To Help Move Project Towards Long Term Sustainability
VDEL/STRIVE MOBEX - KYGYO Project/Adventure	£14,625	£14,000	£14,000	Musselburgh	Pay Direct Costs of Prestonpans Office Base Storage Garage and Rates
West Barns Arts - Stickeen, Phase 1	£10,000	£10,000	£0	Dunbar	General Running Costs
Winterfield Golf & Sports Club	£17,500	£17,500	£17,500	Dunbar	General Maintenance & Running Costs
Grand Total	£1,685,584	£2,353,627	£1,925,469		

Match Village Halls Improvement Fund 2015-16	50,000.00
Less Saltoun Fletcher Hall Project	- 14,610.00
Less Lynton Hall Door Upgrade	- 1,525.00
	33,865.00

REPORT TO: Cabinet

MEETING DATE: 10 March 2015

BY: Director of Health and Social Care Partnership

SUBJECT: Adult Wellbeing – Payments to Third Sector Agencies

6

1 PURPOSE

- 1.1 To seek Members' approval to make payments to third sector agencies in 2015/16.

2 RECOMMENDATIONS

2.1 Members are asked to:-

- i) Agree to award annual payments, for 2015/16, as shown in Appendix 1 to this report. This funding is within the approved budget for Adult Wellbeing, and maintains levels of payments made in 2014/15.
- ii) Agree that a proportion of the Section 10 budget, detailed in Appendix 1, is allocated to Day Centres for 2015/16 and that at conclusion of agreed Service Level Agreements, shall be transferred into a specific budget for Older Peoples Day centres.

3 BACKGROUND

- 3.1 Partnership working with the third sector is central to the achievement of positive outcomes for adults who need social care supports in East Lothian, and a total of 30 agencies are currently funded through the Section 10 budget, which invests £1.36m into the voluntary sector.
- 3.2 Throughout 2014/15, Adult Wellbeing has continued to work alongside the sector to review the impact and effectiveness of this investment. Throughout 2015/16 we will continue to work in partnership with the sector to ensure the continued effect deployment of resources.
- 3.3 The Section 10 budget provides support to East Lothian's ten older peoples day centres. These provide a range of support to older people

across the county and all ten are currently in the process of applying for registration with the Care Inspectorate. Once registered, their activities and services will be inspected. It is appropriate at this stage to consider whether it is best for the day centres to continue to receive funding from the Section 10 grants programme on an annual basis, as the Care Inspectorate expects registered services to be able to demonstrate a robust business model.

- 3.4 Following the proposed awards to be made for 2015/16, we consider it would now be more appropriate for the centres to have a more secure form of funding through a process of service level agreements and are moving towards this, working in partnership with individual day centres and the Day Centres Association.
- 3.5 It is proposed therefore that in future, the element of Section 10 funding currently awarded to the affected day centres is transferred into a separate budget heading to fund service level agreements. This will ultimately result in £686,168 of the Section 10 budget being allocated for the support of day centres, with the remaining balance of £664,247 available for other existing projects. This change will be applied following conclusion of the Service Level Agreement process and will be confirmed in a separate Members Library Report.

4 POLICY IMPLICATIONS

- 4.1 There are no immediate 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 - This report proposes payments to third sector organisations for 2015/16. This is detailed in Appendix 1. This highlights the amount to be retained in the Section 10 budget in 2015/16, and the amount to be held separately in respect of Service Level Agreements for the day centres.
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

7.1 None.

AUTHOR'S NAME	David Heaney
DESIGNATION	Service Manager (Resources)
CONTACT INFO	Tel. 7894
DATE	26/02/15

APPENDIX 1

SECTION 10 PAYMENTS

Organisation	Recommended award
Alzheimer's Scotland	£4,548
CAPS	£57,830
Capability Scotland	£126,202
Carers of East Lothian	£63,503 (including payment for mental health collective support)
Changes	£41,263
Deaf Action	£50,025
East Lothian Community Care Forum	£59,230
East Lothian Council on Alcohol	£10,755
Haddington CAB*	£8,500*
Lothian Centre for Integrated Living	£42,201
Macmerry Day Centre	£742
North Berwick Voluntary Car Scheme	£944
Partners in Advocacy	£37,800
Pencaitland Day Centre	£1,626
RNIB	£61,887
Scottish Huntington's Association	£7,159
Stepping Out	£60,207
VDEL Befriending Service	£14,359
Whitecraig & Wallyford Lunch Club	£789
WRVS	£14,677
Total	£664,247

*This represents half-year funding, linked to the ongoing corporate review of advice services.

PROPOSED TRANSFER TO SERVICE LEVEL AGREEMENTS FROM SECTION 10 BUDGET

Dunbar Day Centre	£39,545
Gullane Day Centre	£48,769
John Bellany Day Centre	£106,640
Haddington and District Day Centre	£61,258
Harlawhill Day Centre	£106,406
Hollies Dementia Group	£18,422
Hollies Day Centre	£23,225
Hollies Musselburgh Lunch Club Transport	£39,041
Lynton Day Centre	£42,690
North Berwick Day Centre	£99,465
Primrose day Centre Ormiston	£36,137
Tranent Day Centre	£64,570
Total	£686,168

REPORT TO: Cabinet

MEETING DATE: 10 March 2015

BY: Depute Chief Executive (Partnerships and Community Services)

7

SUBJECT: Response to consultation by the Scottish Government on two sets of Further Environmental Information (FEI) relating to the Section 36 application for a windfarm known as Aikengall 2A: (1) containing changes including a revised windfarm layout comprising 19 wind turbines, 5 within East Lothian and the remainder within Scottish Borders Council area, and associated infrastructure at land north of Nether Monynut Cottage, Cockburnspath; and (2) updating visual information relating to a viewpoint at Crichness

1 PURPOSE

- 1.1 To advise Cabinet that Scottish Ministers have asked the Council for its views on the above proposal and to recommend the position the Council should take.

2 RECOMMENDATIONS

- 2.1 It is recommended that Members object to the application due to its adverse landscape and visual impact, which is contrary to East Lothian Local Plan 2008 policies DC1 Development in the Countryside and Coast, NRG3 Wind Turbines; NH4 Areas of Great Landscape Value; DP1 Landscape and Streetscape Character and DP2 Design; and also its impact on Oldhamstocks Conservation Area, a site of historic interest.
- 2.2 Should Members wish to approve the application it is recommended that they request conditions be placed on the consent, with the response to be treated as an objection if these or similar conditions are not included. The conditions would be based on the Scottish Government's model conditions for windfarms with due consideration of specific requirements as highlighted in this report.
- 2.3 It is recommended that drafting of the response to Scottish Ministers including proposed conditions be delegated to officers in the terms decided by Members.

- 2.4 It is recommended that Members make no comment on the Further Environmental Information (2) submitted in relation to the viewpoint at Crichness in the Scottish Borders.

3 BACKGROUND

Statutory Procedures and History

- 3.1 Community Windpower Limited has applied under Section 36 of the Electricity Act 1989 for a windfarm at land north of Nether Monynut Cottage and referred to as Aikengall 2A (A2A). Scottish Ministers are the decision makers for Section 36 applications but are required to consult the Council for the area in which the site lies, in this case East Lothian Council and Scottish Borders Council. If either of these Councils objects and does not subsequently withdraw their objection, a Public Inquiry must be held; if they do not object, Scottish Ministers may at their discretion order a Public Inquiry but they are not obliged to do so. In either case, the ultimate decision on the project rests with Scottish Ministers. Consent under this Act allows Scottish Ministers to direct that planning permission for the project be deemed to be granted, subject to such conditions as they see fit.
- 3.2 There is no set format for a response. The Council may, instead of objecting or not, respond with advice or comments for Scottish Ministers, such as considering the removal of particular turbines. As a statutory consultee, it is expected that Scottish Ministers would have regard to the Councils' advice, however the advice may not be reflected in full or at all in the final decision.
- 3.3 The application requires Environmental Impact Assessment. It is for Scottish Ministers to decide if they consider the Environment Statement (ES) that accompanies the application is adequate.
- 3.4 The Council and Scottish Borders Council were previously consulted on a larger scheme, including 3 further turbines within East Lothian (see Members Library Report 9 September 2014). A response was given to Scottish Ministers objecting to the proposal on the grounds of (1) adverse landscape and visual impacts, contrary to East Lothian Local Plan 2008 (ELLP) Policies NRG3 Wind Turbines; NH4 Areas of Great Landscape Value; DP1 Landscape and Streetscape Character and DP2 Design; (2) lack of information provided on cultural heritage for a proper assessment to be made; and (3) inadequacy of the Habitat Management Plan. Scottish Borders Council also objected to the proposal.

Further Environmental Information

- 3.5 Revisions to the scheme have been presented as Further Environmental Information. The revised scheme proposes the development of a windfarm adjacent and generally to the south of the existing consented windfarm at Wester Dod, but with turbines also located to the west of this. The site is centred on Heart Law Hill and is located some 12.5km

south of Dunbar and some 6km south of Innerwick. The site area is some around 869 hectares (reduced from some 1101 hectares). The proposal is for the installation, operation and decommissioning of a 19 turbine windfarm. Five of the proposed turbines would be located in East Lothian, with the remainder in SBC area. The windfarm would have a typical capacity of around 75.5MW comprising 18 turbines at 145m to blade tip and 1 at 125m to blade tip (which is in SBC area), with crane pads, and associated infrastructure including:

- On-site access tracks connecting the turbines to each other; and to consented tracks at Wester Dod;
- Underground cables to each turbine;
- A 90m meteorological mast;
- 33/132kv connection to a grid supply point (this will use the surplus available grid connection for the consented Wester Dod windfarm which in turn connects to the substation at Crystal Rig);
- Forestry felling and replacement planting;

In addition during construction there would be two borrow pits, both in SBC area, a temporary substation construction compound at the head of Ling Hope in East Lothian and a temporary construction and storage compound towards the summit of Heart Law in SBC area.

- 3.6 Construction would require delivery of large items of plant and equipment to the site. The proposed access route for all construction traffic is via the A1 trunk road, to then follow the existing route to Aikengall/Wester Dod, leading from the A1 junction at Thurston, south through Thurston Mains, before entering the Aikengall valley road. The site is then accessed via the existing track that leads to the Aikengall windfarm and consented Wester Dod windfarm.
- 3.7 Alterations from the original proposal are that Turbines 1, 2, and 27 in ELC area and 17, 18, 23, 25, 26 in SBC area are removed and others relocated, with other related changes including: removal of Borrow Pits A, B and D leaving no borrow pits in East Lothian and removal of 2 construction compounds in SBC area; revised site boundaries; alterations to proposed forestry felling; and finalisation of the access route on Access Route B through East Lothian, which is now the only access.
- 3.8 The carbon calculation shows a carbon cost of 125,761 tonnes CO₂, with a carbon reduction of 99,538 tonnes per annum, giving a payback time of 14.4 months. 2,314 tonnes of sulphur dioxide and 694 tonnes of nitrogen dioxide are also expected to be displaced per year.

Updated Socio-economic information

- 3.9 An update to the economic benefits of the scheme is included to reflect its reduced scale with annual investment of around £10 million

anticipated, including rate payments, rental payments to landowners, electrical, turbine and general site maintenance. In terms of job creation 100 jobs are anticipated in the construction phase and the ES states there will be 2 permanent jobs in the operational phase.

- 3.10 The FEI provides an update on community benefits. A community turbine and capital trust fund will no longer be provided (Scottish Planning Policy paragraph 83 notes that decision-making should generally support community-owned energy): the other community benefits are not a planning consideration.

Landscape and visual

- 3.11 The revised layout was undertaken with the stated aim of avoiding perceived encroachment into the lower Lammermuir fringe landscapes, increasing visual and physical separation between this and other windfarms. It would increase integration with Aikengall and Crystal Rig windfarms, reinforcing the location of the proposed development in the upland landscape, reducing the prominence and level of visibility on the skyline and simplifying the appearance of the development.
- 3.12 A revised Landscape and Visual Impact Assessment has been carried out. The findings (not the assessment of ELC Landscape Officer) are below.
- 3.13 For cumulative assessment, changes in the baseline since the original application are identified. These are: Blackhouse Cottage and Ferneylea are now operational with Penmanshiel under construction; Brunta and Rowantree have been refused at appeal, and Clockmill refused; Crystal Rig 3 and Girthgate have reduced layouts; Crystal Rig 4 is at Scoping stage, Hoprigshiels, Moorhouse, Neart Na Gaoithe (offshore) have been consented (the latter is subject to legal challenge) and application has been made at Muircleugh.
- 3.14 The impact of physical effects on rough grassland and moorland remains assessed as not significant. The effect on coniferous forestry is judged significant but temporary due to re-stocking.
- 3.15 The impact on Landscape Character was assessed in the ES/FEI. The ES identifies a landscape character sub-unit, Lammermuir Uplands with Windfarm, on the basis that “wind farms provide a defining influence on the landscape character so that while other characteristics are still apparent, wind farms provide a strong overlying influence that unifies those two areas and distinguishes them from other areas of Lammermuir Plateau. The two areas of Lammermuir uplands with wind farm include areas of dissected plateau moorland, central Lammermuir Plateau and East Lammermuir Plateau. The ES states that for the purpose of assessment the variations in the characteristics of these landscape types are considered to be relatively minor in comparison to the unifying and overlying influence of wind farm development. This character sub-unit is considered to cover the application site as well as the existing and consented windfarms. The ES assessed the impact as significant in the

south-eastern part of the sub-unit but not significant elsewhere. The FEI notes a reduction in the magnitude of change. For the Eastern Lammermuir Fringe, there is an increase in the distance of the receptor to the nearest turbine (now 600m), and reduction in visibility from some areas. The magnitude of change will reduce slightly but overall the assessment remains the same (significant adjacent to the site and on elevated ground on Blackcastle/Cocklaw hills; not significant elsewhere in the character area). From the remaining assessed character areas (in SBC area), the overall assessment remains the same, though the magnitude of change in many cases reduces. Turbines 3 – 7 impact directly on the Lammermuir AGLV.

- 3.16 Viewpoints within East Lothian were re-assessed as follows. From VP1, Wester Dod, a high point on the Monymut edge and within the footprint of the consented windfarm Aikengall 2, the impact remains significant. The magnitude of change reduces to medium. The removal of T1 and T2 ensures that views to the coast to the east/north east remains open. Removal of T25, T26 and T27 opens up views to the east/south east and ensures that the gap between Penmanshiel and Quixwood is no longer bridged, and other changes. From VP8, Cockit Hat, Oldhamstocks, the impact remains significant though the magnitude of change is judged to have been reduced. The turbines which are predicted to extend the spread of windfarm development on the horizon from this point are T16, T20, T22, T15 T19, T24, T9, T11 and T21.
- 3.17 From VP9, Blackcastle Hill, the impact remains significant, though the magnitude of change is judged to have reduced. There was no change of assessment at VP14, Bilsdean, judged to be unable to receive a significant impact. The assessment of VP15, John Muir Way near Torness states that there will be a reduction in effects of the proposed development, but overall the assessment remains the same (not significant, as being of medium sensitivity and receiving a medium-low impact). VP16, Brunt Hill, the assessment remains the same (not having the potential to undergo a significant effect). VP23, Moss Law (on the B6355 Gifford to Whiteadder Road) was again assessed as not having the potential to undergo a significant effect (including cumulatively). From this point, T8, T9, T10, T11, T12, T13 and T14 appear beyond and to the south of Spartleton Hill from the B6355 road from Gifford to Duns.
- 3.18 For VP28 Dunbar Harbour, VP29 St Baldreds Cradle, VP30 Whitekirk Golf Club, VP31 Lammer Law, and VP34 North Berwick Law, the assessment remains the same (not having the potential to undergo a significant effect).
- 3.19 Viewpoints within SBC are also assessed; some of these contain views of turbines within East Lothian, or views into East Lothian, or affect users which may be linked to East Lothian. Of note are VP7, Southern Upland Way where overall assessment remains the same, namely a significant effect; VP11, Cockburnspath Old A1 where the magnitude of change reduces slightly and overall the effect remains insignificant; VP18 Cockburn Law where the sensitivity of the view is Medium-high, the

impact medium low, therefore not significant, as per the original ES although the magnitude of change reduces slightly; and VP22 Wether Law where assessment remains as not significant.

- 3.20 In summary, for all viewpoints, overall the assessment has remained the same, though in some cases the magnitude of change has reduced. The effect remains significant at VP1 Wester Dod, VP8 Cockit Hat Oldhamstocks and VP9 Blackcastle Hill.
- 3.21 For local paths, the overall assessment remains, namely that significant effects occur where paths gains a clear, open and high visibility view of the proposed development, but not significant elsewhere.
- 3.22 The second FEI, submitted in January, was the replacement of the visual information from the VP 2 Crichness in Scottish Borders Council area.

Residential amenity (visual)

- 3.23 The FEI includes updated information on the impact on residential properties within 2km of the site, of which there are none within East Lothian.

Ecology

- 3.24 Further information was submitted with an updated National Vegetation Classification survey covering a wider area as requested by SEPA. Mitigation has taken place to remove and relocate turbines within areas of Groundwater Dependent Terrestrial Ecosystems. T14 (within SBC area) remains within the buffer distance, with pollution prevention measures detailed as further mitigation. A revised draft Habitat Management Plan was also submitted.

Cultural Heritage

- 3.25 The original ES did not include a satisfactory assessment of impacts on cultural heritage within East Lothian. This has now been included in the FEI. The approach was discussed with ELC heritage officers and included Zone of Theoretical Visibility Diagrams with cultural heritage interests overlaid (Scheduled Monuments, ELC heritage sites, Listed Buildings, Inventory of Gardens and Designed Landscapes).
- 3.26 The FEI identifies Low impacts on the following: Kae Heughs, Traprain Law, Bass Castle, French Camp, Blackcastle Hill, Seacliff Tower, Kingston Hill, Whitekirk Parish Church, Tantallon Castle. 'Negligible' impacts are predicted to occur on other cultural heritage receptors, sometimes due to taking into account the impact of the existing consented turbines.

Peat

- 3.27 Further information on peat including a depth survey has been included at SEPA's request. The maximum peat depth found was 38cm, with an average of 22.8cm across the site.

Noise

- 3.28 Updated noise information has been provided. The East Lothian properties included in the assessment were at Stottencleugh, Aikengall and Wester Aikengall. The FEI states that the noise limits set for Aikengall 2 would be met comfortably at all neighbouring dwellings. Some of these are properties where the owner has a financial interest in one or more of the neighbouring windfarms.

Forestry

- 3.29 Further details in respect of felling phases, restocking and species composition have been supplied.

Other considerations

- 3.30 Further information is given on the impact of users of the path through the site from Monynut to SBC area. This includes that this route is not currently well used, and that improvements to the path network are under discussion. The FEI states that recreational use of the existing Aikengall windfarm area has increased since the construction of the windfarm. It is envisaged that proposals to improve accessibility will be incorporated into a detailed Habitat and Land Management Plan, to be included as a condition of planning consent.
- 3.31 The impact on tourism is briefly considered. There are gains, from windfarm workers using local facilities. There are potential losses, if there is an adverse landscape and visual impact, from deterrence of visitors; this is cross referenced to preceding information on access, which may encourage visitors.
- 3.32 For aviation lighting, it is expected (not certain) that only infrared lighting will be required.

Representations

- 3.33 Representations are made to Scottish Ministers and it is for them to take these into consideration.
- 3.34 As of 20 February, Scottish Ministers had received 6 objections and 52 letters of support from members of the public for the scheme.
- 3.35 **Scottish Natural Heritage (SNH)** do not object however on landscape and visual issues they consider there to be a range of key and adverse landscape and visual impacts, as advised for the previous scheme. They highlight:

- The adverse, dominant and widespread effects on the local landscape character and visual amenity arising from the proposal combined with the existing Crystal Rig Wind Farm (all constructed phases) and Aikengall windfarm, and the consented Aikengall 2 development
 - The adverse effects on local landscape character and the potential for visual confusion arising from the combined effects of the proposal (plus the baseline of existing Crystal Rig and Aikengall sites) with the nearby consented wind turbine developments at Hoprigshiels, Ferneylea and Neuk Farm
 - The wider cumulative landscape and visual impact issues and the implications arising from the proposal in relation to strategic planning issues relevant to the Eastern Lammermuir Hills and Northern Berwickshire sub region.
- 3.36 SNH consider the layout and appearance to be improved with regard to the original scheme however re-iterate the message of their previous response.
- 3.37 SNH do not comment on the revised draft Habitat Management Plan at this stage. They consider the proposal could affect the River Tweed Special Area of Conservation (into which the proposal site partly drains) however that if the proposal is carried out in accordance with the mitigation measures described in the ES, the proposal will not adversely affect the integrity of the site.
- 3.38 **Scottish Environment Protection Agency (SEPA)** have no objection provided their suggested conditions on environmental management and pollution prevention, restoration and protection of the water environment are attached to any consent.
- 3.39 **Historic Scotland** note some setting impacts, however, no objection is made.
- 3.40 **Visit Scotland** do not object but suggest a Tourism Impact Assessment would be useful and recommend that any potential detrimental impact of the proposed development on tourism be identified and considered in full.
- 3.41 The **Forestry Commission** are content with the approach outlined in the ES, and that it meets the Scottish Government's Policy on Control of Woodland Removal. They request a role in the Habitat Management Plan process.
- 3.42 Aviation safeguarding and radio communications network interests: **NERL Safeguarding, Civil Aviation Authority, NATS en route** make no objection, nor does **BT radio network**.
- 3.43 **CH2M Hill** (advising on peat slide risk) are content that peat is generally absent so further assessment is not required.

- 3.44 The **Ministry of Defence** objects due to interference with radar at Brizlee Wood, pending assessment of proposed mitigation. If this is overcome, they will request 25 candela omni-directional or infrared flashing lighting.
- 3.45 **East Lammermuir Community Council** recognise a range of views within the community, however, they are clear about local people's views where turbines impinge on Oldhamstocks Conservation Area as 'the FEI clearly indicates they will'. They object on the grounds of the precedent set by the construction of the proposed turbines at Aikengall 2a, as it contravenes the ELC planning guidance on wind turbines which are too large for this location. As the turbines would be clearly visible from many points within the Oldhamstocks Conservation Village Area, the visual and landscape impact of this proposal on the Conservation village is unacceptable. There would be cumulative impact – the proposed turbines above Oldhamstocks would add to the sense of being surrounded by turbines in every direction, and would impact on visual and landscape amenity. Residential amenity would be affected due to visual, noise and psychological impacts. They also raise concerns about re-instatement of the access road and impact of construction and maintenance related traffic as well as some non-planning matters. **Cockburnspath and Cove Community Council** (in SBC area) also object on landscape and visual grounds.
- 3.46 The **RSPB** responded and did not object but make comment on the draft Habitat Management Plan. The **Mountaineering Council of Scotland** made no further comment. **Scotways** raise concerns over turbine proximity to a recreational route, and object on grounds of impact on recreational amenity.

Internal consultations

- 3.47 The Team Leader, **Business Development** commented on the original application that it is essential that East Lothian retains and protects its landscape, visual character and natural environment, but also recognises there may be economic benefit to the area. He notes the turbines will be visible over a wide area of the county including Dunbar and villages and viewpoints in between. No further comments have been received on the FEI.
- 3.48 The **Environmental Health Officer** noted on the original application that the predicted noise from Aikengall 2a as regards East Lothian will meet the existing daytime noise limits derived using ETSU-R-97 methodology, and will, even in the worst case, meet night-time noise limits of 40dB (45dB for financially involved properties) or 5dB above background at all locations. No further comments have been made on the FEI.
- 3.49 The **Biodiversity Officer** noted on the original application that the existing commercial forestry at Fernylea, Dunglass and Monynut has had a negative impact on the ecological value of the landscape by smothering heather moorland and watercourses, and as such its removal is not a cause for concern. He further commented that the restocking of

the woodland should be regulated by the Forestry Commission to ensure compliance with the relevant UK Forestry Standard Guidance

- 3.50 He comments on the FEI that, notwithstanding the removal of the objection by the Forestry Commission, the restocking proposal does not meet current UK Forestry Standards and does not account for other environmental issues in the area. With regard to the Dunglass plantation, proposed sitka spruce planting at 85% is higher than the UK Forestry Standard which allows a maximum of 75% of a single species. There is a lack of open space in the Monynut restocking plan. He advises there is also a missed opportunity to feather edges of woodland to support declining Black Grouse, to introduce wider public benefits as may be expected through delivery of green networks and for multi-functional land use principles.
- 3.51 The Biodiversity Officer previously stated he did not consider the draft Habitat Management Plan (HMP) to be adequate. He still considers it is not adequate. A completed woodland plan should form part of the submitted HMP; areas and methods of reducing grazing pressure including fence marking are not shown; the proposed Farmland Wader Plan and Moorland Management Plan is not included; petty whin planting areas are not shown; pond locations are not shown; and measures of success are ill-defined. He considers that these matters could be managed by use of conditions.
- 3.52 The **Access Officer** commented on the original proposal that there is a cumulative impact of having windfarms across the Lammermuirs, cutting across old rights of way, and having a visual impact on recreational (and other) users of the hills. He requests mitigation for the impact on hill walkers in the form of improved access around the windfarm should the proposal be approved. For the FEI he reiterates the requirement for mitigation in the form of improvements to the local path network.
- 3.53 The **Heritage Officer** now considers the information in the FEI sufficient to make an assessment. He considers that the proposal will have a significant adverse impact on the Oldhamstocks Conservation Area, which contains a number of listed buildings, having an unacceptable impact upon its essential character due to the further cluttering of the skyline and the extension of the turbines across the skyline. Although the turbines fall outside the Conservation Area they will be visible either as part of a wider group of turbines or in individual 'glimpses' from a variety of locations with the area. As the outlook of the village is acknowledged as an essential part of the conservation area in the Conservation Area Statement there is a high potential for adverse impacts to arise from these turbines.
- 3.54 He identifies the following other main impacts on cultural heritage:
- 3.55 The view from the Scheduled Monument, listed Building and designed Garden and Landscape at the French Fort, Dunglass will be further cluttered to the south east. Although there are consented turbines for this view point (Aikengall 2, Ferneylea and Hoprigsheil) the turbines from

Aikengall 2a will fill in the gaps between the turbines which will change the 'open feel' of the vista. The relationship between the surrounding landscape and the Fort as well as the Listed Gazebo and the elements of the designed landscape on the fort is important to understanding these monuments and landscape.

- 3.56 The view from the scheduled Monument of Spartleton Cairn_south west will be further cluttered and the impact of turbines extended along the skyline. Although there are a number of consented wind turbines within this view (Aikengall and Aikengall 2) the introduction of Aikengall 2a will fill in gaps in the skyline and extend to view of the turbines virtually across the whole of the skyline. The cairn was presumably located in its position to be a marker and was likely designed to be located from a distance or to serve as a waypoint. As such the relationship with the landscape views and in particular the skyline were likely important to this monument. The introduction of turbines from Aikengall 2a will give the site an almost 'enclosed' feel.
- 3.57 Long distance views to Hill Forts (North Berwick Law, Traprain Law, Kae Heughs etc), the views from these Scheduled Monuments will be impacted upon by a further cluttering of the skyline. Although Aikengall 2a will be seen in relation to a number of other consented windfarms, the addition of these extra turbines will create a layering effect which will further impact upon the setting of these monuments. It is considered that in particular hill forts were located in at least part for their all round views and the so the relationship with the skyline and surrounding landscape is key to not only understanding these monuments but also to the modern visitor experience.
- 3.58 The **Road Service Officer** did not object to the original proposal, however, he requires conditions covering any damage to the roads and traffic and road safety provisions were it to be granted. No further comment is made in respect of the subsequent revisions to the proposals.
- 3.59 The **Landscape Officer** commented on the original scheme stating there would be adverse landscape and visual impacts from the proposed scheme including the following:
- Increased prominence of development and bringing development forward towards the Lammermuir edge;
 - Development on the skyline, viewed from all directions;
 - Siting of turbines on high ground contrary to the Landscape Capacity Study for Wind Turbine Development in East Lothian 2005 and Guidance for Windfarms of 12MW or over;
 - Recreational users will receive adverse cumulative landscape and visual impacts;

- adverse effect on landscape character including on the AGLV, including the siting of Turbines 3 – 7 on an area of intact moorland;
 - an adverse effect on surrounding viewpoints;
 - Adverse cumulative impact;
 - Adverse impact from onsite of tracks and borrow pits;
 - Potential difficulties in re-instatement of the site;
 - Contradicts SNH guidance on Siting and Designing Windfarms in the Landscape; and
 - Adverse impact on Oldhamstocks Conservation Area
- 3.60 The Landscape Officer, having reviewed the information in the FEI states that her previous advice still applies to this application. She considers that the proposal would have a detrimental visual and landscape impact on natural features, distinctive public views and would harm the landscape character and appearance of this part of the Lammermuir AGLV.
- 3.61 Night lighting has not yet been finalised.

Discussion

- 3.62 The previous response to Scottish Ministers objected to this proposal for the reasons detailed in the Members Library Report of 9 September 2014. These issues were, briefly, the adverse landscape and visual impact (including cumulative impact), impact on Oldhamstocks Conservation Area and the Lammermuir Area of Great Landscape Value, all contrary to East Lothian Local Plan 2008 policies DC1 Development in the Countryside and Coast, NRG3 Wind Turbines, NH4 Areas of Great Landscape Value, DP1 Landscape and Streetscape Character and DP2 Design; and lack of information on cultural heritage and the inadequacy of the Habitat Management Plan.
- 3.63 The issue of the lack of information and, therefore, potential adverse impact on aspects of cultural heritage, has been resolved.
- 3.64 The recommendation is to continue to object to the proposal on landscape and visual grounds in the same terms as previously, and also to object on grounds of the impact on Oldhamstocks Conservation area. This follows advice from the Landscape Officer that previous concerns over the scheme remain and is in line with SNH concerns over landscape and visual impact and the views of the Heritage Officer following the provision of information on cultural heritage that there will be a significant adverse impact on Oldhamstocks Conservation Area.
- 3.65 Concerns remain over the Habitat Management Plan, however, these can be dealt with by condition.

- 3.66 Maximising the generation of electricity from renewable sources is a national objective with sustainable economic growth the main purpose of the Scottish Government. The Scottish Government has made this clear through strong policy support including in Scottish Planning Policy, and decisions following public inquiries.
- 3.67 The Council has accepted in previous windfarm applications that windfarm development is in principle acceptable within ELLP DC1 areas, and also within AGLV's, however this is subject to among other things, meeting visual and landscape requirements of these policies.
- 3.68 For this proposal, taking into account the changes, adverse landscape and visual impacts, including cumulative impacts, remain. These include:
- The landscape impact on the receiving landscape character area including on the AGLV from the turbines and associated infrastructure
 - The landscape impact on adjacent landscape character areas including the blurring of distinction between different character areas
 - Visual impacts which are contrary to SNH guidance and guidance contained within the Guidance for Windfarms of 12MW including prominence of wind turbines on the skyline; extent of wind turbines on the skyline; wind turbines apparently 'spilling off' the Lammermuir Plateau, complexity and spread of design due to number and location of turbines; reduction of the impression of Spartleton as a focal point in the landscape and in particular as an endstop to development as viewed from the B6355 (the main route across the Lammermuirs); poor containment of the development; impact on Oldhamstocks Conservation Area; dominance of turbines over some areas; visual impact of tracks
 - Adverse effects experienced by users of the path network and rights of way including disruption of views from the right of way over Wester Dod
 - Cumulative impact with other windfarm development including Aikengall, Crystal Rig, Wester Dod, Ferneylea, Hoprigshiel, Woodhall and others, including transition towards a windfarm dominated landscape; perception of scale and distance is distorted due to variable sizes of wind turbines; bridging of the gap between existing windfarms without adequate visual or actual separation exacerbated by lack of containment; impact on the Lammermuir AGLV; impact on Oldhamstocks Conservation Area
- 3.69 The proposal is contrary to ELLP Policy DC1 Part 5 in that it does not integrate into the landscape and reflect its character and quality of place, due to its location on intact moorland (T3-7). It does not minimise visual intrusion and landscape impact as some of the turbines (see Landscape Officers comments above) are prominent from key viewpoints and areas

(though Borrow Pit A has been removed from the scheme), in particular in views from the site itself, from Oldhamstocks Conservation Area, the Brunt, the B6355, the John Muir Way, Moss Law, Wether Law, and Blackcastle Hill. Further views such as Lammer Law, Dunbar Harbour and North Berwick Law also receive adverse affects, as do views from SBC area.

- 3.70 The proposal is contrary to ELLP NRG3(1). Wind Turbines as it changes the landscape character in an unacceptable way in regards to T3-7 as they are located on intact moorland, which is rare in the East Lothian, and due to apparent spilling off the Lammermuir plateau towards other character areas. Contrary to NRG3(2) there will be an unacceptable visual impact on landscape including distinctive public views over and from Oldhamstocks Conservation Area, from Wester Dod, Blackcastle Hill, from the John Muir Way, from the B6355 and others. Contrary to NRG3(7) there will be unacceptable cumulative impacts with existing development in the area in particular Aikengall/Wester Dod, Crystal Rig, Ferneylea and Woodhall, but also with other windfarm development to the east in SBC area (Drone Hill and others noted above and below). The proposal is not integrated into its surroundings, contrary to ELLP Policy DP1(1). It is contrary to ELLP Policy DP2(1) as it is not appropriate to its location in terms of positioning, size, form, and scale.
- 3.71 The proposal is contrary to ELLP Policy NH4 in that it harms the Lammermuir Areas of Great Landscape Value due to the proportion of the area which would now be taken up by or dominated by windfarm development, as well as the landscape impacts noted above and below.
- 3.72 The Guidance for Windfarms of 12MW is also relevant. T1, 2, and 27 and Borrow Pit A were within the Area of Significant Constraint in that Guidance and have now been removed from the scheme, which is welcomed. The methodology for spatial frameworks in this guidance is now outdated following review of Scottish Planning Policy, however, the cumulative issues identified remain relevant. The Guidance for Windfarms of 12MW generally supports the idea of 'cluster and space', as focussing wind development in clusters can allow it to use existing infrastructure and may give reduced impacts overall from a similar amount of development split into more than one area. However, here achieving the highest yield could result in harmful effects especially as this results in placing turbines on the higher, and therefore more visible, land. The Guidance notes in its principles for development in the Lammermuir Hills (Para 3.13 onwards) the importance of the skyline, retaining the backdrop of the Whiteadder and Faseney valleys, the landscape setting and character of Conservation Areas, the quality of views out from the Lammermuir Hills to the wider landscape and avoiding significant visual clutter.
- 3.73 The following examples illustrate the above concerns (see also comments of ELC Landscape Officer above). From VP1 Wester Dod, the viewer is in a landscape characterised by wind turbines, and also in proximity to a wide range of wind development. The proposals would

result in the filling of undeveloped gaps in the landscape and views from the site would be interrupted. This effect would occur over much of the existing path across the site, from where some fine views can currently be obtained (and will still be obtained with the construction of the consented development). Walkers and riders would experience increased landscape impacts over a wider area than at present. T1 and T2 have been removed from the scheme, improving its impact on the fine coastal views which are obtained from the Wester Dod viewpoint. However, the impact on views to SBC area which are obtained on reaching the tops from the East Lothian side, which are also fine, remain. The intact moorland visible from this area would be developed, impacting on the AGLV and landscape character of the area.

- 3.74 From some viewpoints in SBC area (e.g. VP6, by Ecclaw) some of the wind turbines appear as spilling off the plateau into the Lammermuir fringe. This has the effect of blurring the landscape character areas, which is not desirable and effects East Lothian Council area as well as SBC area.
- 3.75 From VP 9 Blackcastle Hill, the consented development appears as well spaced and has a simple relationship with the ridgeline, in accordance with SNH guidance. The addition of the proposed turbines disrupts this relationship, introducing a more visually cluttered arrangement, as well as extending development considerably along the skyline (see Landscape Officer's comments above). The revised scheme does not eliminate the cluttering effect, and in addition introduces a gap between T20, T22, T16 and T24 which makes these turbines appear separate from the remainder of windfarm development further unbalancing its appearance.
- 3.76 From VP23 Moss Law (on the B6355) there is a mass of turbines already visible. The proposed turbines would add turbines taller than those already built, and also further to the south. The 'endstop' currently provided by Spartleton, which helps give the totality of development in this area containment (also provided by Bransly Hill and Bleak Law and Rangely Kip to the east) would be lost. This is also further development on the skyline.
- 3.77 From VP 8 Cockit Hat (above Oldhamstocks, within the Conservation Area), 9 turbines are predicted to be visible. The proposal extends development along the existing undeveloped skyline and considerably reduces the gap between the smaller Ferneylea wind turbines and larger scale development. This effect is repeated from other viewpoints within the Oldhamstocks Conservation Area.
- 3.78 The ZTV shows that visibility across the Oldhamstocks Conservation Area is not restricted to this particular viewpoint but is reasonably widespread from the north and east. In the central core of the village there will be some increased visibility of blades and hubs, while on and on rising ground to the east, and from Woollands to the west, the extension along the skyline of the development is considerable, with both

hubs and blades visible. This would have an adverse visual impact on Oldhamstocks Conservation Area.

- 3.79 Infra-red night lighting is expected to be agreed by the MOD but this has not been confirmed. In this area, which is currently dark at night, there could be impacts from night lighting if it is red lighting.
- 3.80 The access has been agreed for the consented Wester Dod, and the impact of this new proposal would be to extend the time of use of the route, rather than any further physical changes. Conditions could be requested to cover traffic impact, road safety and reinstatement of any damage to the road were the proposal to go ahead however there is no objection in principle. There will be an adverse impact on recreational users of the site and mitigation of this in the form of path improvements and signage could be requested as a condition if the development were to be approved. A programme of archaeological work could be requested by condition were the proposal to be approved. The carbon balance of the development is addressed by SEPA.

Conclusion

- 3.81 The landscape and visual impacts and impacts on Oldhamstocks Conservation Area historic site are not considered to be outweighed by the desirability of generating renewable energy.

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 Equality Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – costs for participation in a Public Inquiry
- 6.2 Personnel - none directly; however staff time is likely to be required for preparing and appearing at a Public Inquiry
- 6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 Application and Environment Statement for Aikengall 2a windfarm submitted to Scottish Ministers, with 2 sets of Further Environmental Information material as submitted to this Council
- 7.2 Representations made by consultees on this project as forwarded to this council by the Energy Consents Unit
- 7.3 SESplan Strategic Development Plan, June 2013
- 7.4 The East Lothian Local Plan 2008
- 7.5 Landscape Capacity Study for Wind Turbine Development in East Lothian
- 7.6 Scottish Planning Policy, National Planning Framework 3 and Planning Advice Notes 60 (Planning for the Natural Heritage), 1/2011 (Planning and Noise) 2/2011 (Planning and Archaeology), 1/2013 Environmental Impact Assessment
- 7.7 Scottish Governments Energy Generation Policy Statement
- 7.8 Scottish Government Policy on Control of Woodland Removal
- 7.9 2020 Renewable Energy Routemap
- 7.10 Guidance for Windfarms of 12MW or over
- 7.11 SNH publications Siting and Designing Windfarms in the Landscape and Assessing the Cumulative Impact of Onshore Wind Energy Developments.

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REPORT TO: Cabinet

MEETING DATE: 10 March 2015

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Burial Ground Strategy

8

1 PURPOSE

- 1.1 To seek Cabinet approval for the adoption of the East Lothian Council Burial Ground Strategy - which will allow the Council to move forward with development of new burial ground provision, allow officers to take an agreed strategic approach to determining the long-term inputs required to meet the needs of the growing population and formally adopt the revised regulatory and administrative controls required to deliver the burial service.
- 1.2 To seek Cabinet approval to introduce a Management Fee of £100 in respect of applications to erect a memorial stone to contribute towards the long-term responsibility the Council will carry in respect of safety and structural upkeep and for this fee to be reviewed annually in line with the established burial ground charges.
- 1.3 A copy of the Strategy and related papers has been lodged in the Members Library (Ref: 27/15, March 15 bulletin).

2 RECOMMENDATIONS

- 2.1 Members are asked to approve the adoption of the Burial Ground Strategy.
- 2.2 Members are asked to approve the introduction of a Management Fee for erection of memorial headstones.

3 BACKGROUND

- 3.1 The Council has a statutory responsibility to provide a means of burial and with a growing and ageing population and a reducing land resource, the Council requires to set out how it will meet this statutory responsibility for the long-term.

- 3.2 The Council consulted widely with the local community in 2010 and has used the information gathered during this consultation to complete a detailed review of the way it delivers and manages its burial ground services.
- 3.3 A draft of the Strategy was presented to Cabinet in June 2013 and general support was given to the recommendations contained within the Strategy at that time. However, Cabinet did highlight some concerns with regard to shared use of burial ground sites with other amenities and also some proposals to provide burial sites that were shared between clusters.
- 3.4 Taking into account the concerns raised previously, sections of the Strategy have been amended. The amendments now focus on an approach towards providing individual burial facilities for each discrete community where possible or on a cluster basis where individual provision is not possible. The Strategy recommends that the needs of each community will be considered separately and proposals for new burial space will be brought forward on a site by site basis for consideration by the Council.
- 3.5 In terms of the management of the burial service, the Strategy identifies the need for a number of changes to the Rules and Regulations for the Management of Burial Grounds and adjustments to the administration procedures to be applied. In all cases these changes have been consulted on with stakeholders, reflect best practice and are generally in operation at present.
- 3.6 At Cabinet in June 2013, officers were given approval to acquire land for new facilities at Tranent and Dunbar and negotiations are ongoing with land owners in this regard. Options for future provision in the Musselburgh and Preston, Seton & Gosford clusters are currently being explored by officers along with what should be straightforward to deliver in respect of on-site extensions to West Byres, East Saltoun, Pencaitland, Gladsmuir, Dirleton and Whitekirk which will also address traffic safety issues for visitors in those locations. Sites such as Aberlady and East Linton require detailed archaeological investigation, the outcome of which may pose difficult questions in the future.
- 3.7 A summary of the strategic policies and prescriptions contained within the Strategy is provided in Section 17 of the Strategy.
- 3.8 As detailed within the Burial Ground Strategy, the Council as owners of the land are legally responsible for ensuring the health and safety of visitors and employees within the burial grounds. A significant risk to safety exists from the current condition of approximately 8000 memorial headstones, the owners of which are generally deceased or absent.

- 3.9 The Council recently adopted an approach of installing all memorial headstone foundations and requires that monumental sculptors erect stones to the current industry code of practice. Therefore the likelihood of these stones presenting significant risk in future is greatly reduced.
- 3.10 However, there remains a requirement to inspect headstones on a minimum three yearly cycle and expedite repairs to any stone found to present a danger of collapse. In order to minimise this long term financial burden to the Council, it is proposed to introduce a Management Fee payable on approval of application to erect of £100 over and above the current Foundation Fee of £133. On a rolling financial year basis income from these fees will assist with the cost of stabilising the existing stock of memorial headstones and cover the cost of inspecting, recording and undertaking preventative repairs to the whole stock.
- 3.11 Introduction of the combined Foundation and Management Fee would generate income of £233 per application which sits within a range of £61 - £339 and an average of £168 from the 16 local authorities who provided benchmark figures although the local authorities at the lower end of the fee scale also charge for permits for additional inscriptions, cleaning, secondary vases and plaques at an average of £42.

4 POLICY IMPLICATIONS

- 4.1 This report supports the Council in delivering its statutory responsibility to provide burial provision.
- 4.2 The Strategy makes recommendations to secure housing developer contribution that will address the additional burial space required that will arise as a direct result of the related population increase that such housing development will generate.
- 4.3 Introduction of the Headstone Management Fee is in line with the Council Charging Policy 2015 in so much as it lessens the need for Council Tax payers to subsidise the cost of headstone maintenance.

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 – Provision of the additional facilities and administration improvements will be delivered in line with the current and future approved Capital Plan, revenue budget and income stream generated by the service

- 6.2 Personnel - There are no personnel implications directly resulting from the Burial Ground Strategy.
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 East Lothian Council Burial Ground Strategy 2015 and related appendices have been lodged in the Members Library (Ref: 27/15, March 15 bulletin).

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EAST LOTHIAN COUNCIL BURIAL GROUND STRATEGY



EAST LoTHIAN COUNCIL
STRATEGY FOR
THE PROVISION AND MANAGEMENT OF BURIAL GROUNDS
EXECUTIVE SUMMARY

East Lothian Council has a statutory duty to provide space for burial of the dead and must plan for future provision. The Council currently provides an effective burial service that is held in high regard by stakeholders. Staff who deliver the service are highly skilled, experienced and motivated by a desire to deliver an exemplary public service.

However, the service needs to consider diminishing land resources, dilapidation of the existing amenities, changing trends towards environmentally friendly means of burial, best practice in service delivery and ongoing review of related legislation.

The Council's burial service administration and regulation processes were last reviewed in 2000 and since that time, service issues have been recorded and monitored and the emerging patterns governed the need for a further review of our procedures.

Most of the administration arrangements, regulations and procedures have been reviewed and the burial service is now being operated within those revised procedures which reflect best practice nationally. Formal adoption of the revised procedures will require approval by the Council.

There exists a need in most cases to extend the existing provision to meet the needs of the community for the next 50 – 75 years. The level of capital investment required to deliver the needs of the community currently exceeds the limitations of the Council and is likely to do so for a number of years to come. Accordingly, the investment programme needs to be carefully timetabled to eventually deliver the long-term needs while balancing available finance, income generated from within the burial service and alternative short and medium-term income generation opportunities that can be developed in parallel with the required land acquisition.

KEY OBJECTIVES OF THE STRATEGY

- To ensure adequate supply of burial space in East Lothian for a minimum of 50 years and build in options for a period of up to 75 years
- To regulate service provision and produce information and guidance in a manner that is clear, consistent with best practice and ensures customers have a full understanding of what their options and responsibilities are and expectations should be
- To develop and offer a wider choice and range of options that are inclusive and better fit the needs of the whole community
- To deliver a burial service that is sustainable for the long-term with regard to capital investment, revenue expenditure, income levels and meeting local needs
- To clarify inter-departmental areas of responsibility and establish service level agreements between stakeholders
- To reflect the outcome of the Scottish Government review of Death Certification, Burial and Cremation.
- To protect and develop record and administration systems that offer improved accuracy and options for digitisation and greater public access
- Explore alternatives to burial, such as crematorium provision through private sector or partnership arrangements
- To develop a range of helpful guidance, publications and information to better inform customers and stakeholders about service range, administrative and regulatory matters

MISSION STATEMENT

East Lothian Council will provide and manage its burial services to the highest possible standard of customer care, offering choice, compassionate and efficient professional management, consistency of service and best value in all aspects of delivery to provide a sustainable, environmentally friendly service that meets the needs of customers and stakeholders for the long-term.

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THE STRATEGY

1.0 Introduction

- 1.1 This strategy examines all aspects of burial ground provision and management to ensure that proper consideration is given to the future development of burial grounds in East Lothian. The strategy has been developed at a time of possible change for burial ground legislation in Scotland and a growing population within East Lothian. While some of the issues likely to be covered within any new legislation and predicted population increases are allowed for within the strategic recommendations, this strategy should be treated as a working document and should be subject to regular review, to ensure it remains fit for purpose.
- 1.2 The strategy considers both short-term and long-term development of the service. In the shorter term, assessment must be made of the likely changes in burial law and any impact such changes may have on the service. It also considers the existing organisation and financial controls employed by the Council, prescribing new operating models that will benefit the Council and stakeholders and ensure high standards of service delivery are provided. In the longer term the strategy takes account of the increasing need of the community for burial facilities and extended choice for the bereaved and their relatives.
- 1.3 The strategy is divided into three sections
 - General background, giving some historical and legislative context to the strategy
 - Current position with the service in relation to standards of provision
 - Future development of sites, management and administration for burial and related provision whilst considering the views of the stakeholders, likely future legislative changes, extending choice and information and guidance provision.
- 1.4 The subject matter considered by the Strategy was identified as a result of an extensive consultation and review process undertaken by the Institute of Cemetery and Crematoria Management (ICCM). This subject matter has been further explored by a number of focus groups representing cross departmental interests and audited by a Steering Group with Elected Member representation.

BACKGROUND

2.0 Legislation

- 2.1 The legislative position with regard to management of burial grounds has changed very little in Scotland over the years. The last substantive piece of legislation relating specifically to the management of cemeteries was the Burial Grounds (Scotland) Act 1855. Transfer of the burial grounds has been dealt through the Church of Scotland (Property & Endowments) Act 1925 and the Local Government etc (Scotland) Act 1994.
- 2.2 In response to the lack of statutory burial ground guidance and as burial law is once again being considered in England and Wales, the Scottish Parliament has carried out detailed consultation and has issued a set of recommendations to be considered for future burial law. It should be noted that no timetable has yet been published for legislative change in Scotland however the recommendations indicate a commonality with other UK burial legislation.
- 2.3 The procedures and regulations established as part of the development of this strategy have taken account of the set of recommendations to be considered for future burial law, published by the Scottish Government. However, the procedures and regulations will require further review following any legislative change and to take account of suggested best practice.

3.0 Administration

- 3.1 The administration of burials has traditionally been undertaken in East Lothian by Cluster based Registrars and assistants, operating in and covering the 6 geographic sub-districts of the county. However recent adjustments designed to provide efficiencies in front of house servicing have seen the administration move centrally to Haddington.

4.0 Statistics

- 4.1 The following chart shows the population, registered deaths and numbers of burials between 2004 and 2013:

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Averages
Population	92170	92730	93850	94440	97470	98340	99140	99920	100850	101360	97139
Deaths	996	1013	1017	1028	1070	1081	1076	1047	947	930	1020
Burials ¹	422	426	400	425	446	393	373	390	375	357	401
% Burial	42.37	42.05	39.33	41.34	41.68	36.35	34.66	37.24	39.59	38.38	39.31

- 4.2 The following chart shows the number of burials and new lair sales from 2004 to 2013

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Deaths	996	1013	1017	1028	1070	1081	1076	1047	947	930
Burials ¹	422	426	400	425	446	393	373	390	375	357
New Lair Sales	282	277	301	243	282	244	202	157	170	195
% New Lairs Versus Burials	67	65	75	57	63	62	54	40	45	54

1- Excludes Interment of Ashes at average of 90 per year

During 2009 a gradual implementation of the policy of not selling lairs in advance of immediate need was introduced across most of the main town cemeteries, this only having been in place in a few specific sites previously. While this resulted in an initial reduction in new lairs sales, the 2013 figure seems to suggest that the sale of lairs for immediate need is starting to climb again and will revert to an average of 270 new lair sales per year based on the current population. This gives a 50 year need for new lair space of 13,500.

- 4.2 The Council in its last Local Development Plan was required to find development sites for 10,000 house units in East Lothian which, with current trends towards burial, could produce a demand for burial space in the region of 5000 lairs in addition to the 13,500 needs of the current population. The Council is currently undertaking consultation on its Main Issues Report which will inform the significant growth required within the county. All of this adds to the increase need of burial provision.
- 4.3 Based on the 2011 Census, 98% of the population described themselves as either of no religion, Church of Scotland, Roman Catholic, Other Christian or gave no response. Of the remaining 2%, the largest non-Christian group is Muslim followed by Buddhist, Hindu, Jewish and then Sikh and 1% described as Other Religion. However, depending on the design brief for any large-scale new housing development, inclusion of new-build places of worship may have a positive impact on the religious diversity of the area and this will require to be monitored to ensure that burial provision keeps pace with population trends and diversity.

STRATEGY DEVELOPMENT AND POLICY PRESCRIPTIONS

5.0 New Burial Space Provision

- 5.1 Consultation by the ICCM with community representatives drew the following conclusions with regard to locality of cemetery provision;

Central provision – the provision of one main burial ground designed to provide for all deaths for at least a 50 year period, accounting for the gradual closure of more local facilities. This type of provision would allow resources to be most effectively utilised and could provide a wide range of facilities for the bereaved, however, initial consultation shows a strong preference for local facilities to be maintained where possible.

Local provision – the continuance of the provision of local burial grounds is deemed to best meet the expectations of East Lothian residents, based on a consultation exercise already completed. Such a policy would also go some way towards meeting environmental targets to reduce the amount of vehicular travel in the County as the bereaved travel to visit the burial grounds on a regular basis. However, there are difficulties in continuing to add to existing burial grounds, particularly when considering the requirements of Groundwater Regulations 1998 as enforced by SEPA. This will require groundwater risk assessments to be carried out prior to the approval of any new burial grounds or extensions to old burial grounds. There are also geographic and geological restrictions in some cases that make extension of existing sites impossible and historic, archaeological and planning issues that may determine some sites as unsuitable for extension

Combined approach – this approach is the more favourable as it balances the wishes of the community against the restrictions listed above and capabilities of the Council to secure additional ground. Accordingly, it is proposed that the Council will make future provision by combining local and cluster based provision, according to the discrete options and restrictions that apply to each area.

- 5.2 In developing the combined approach, a balance has to be sought between the community favouring local provision and the physical, legislative and historic restrictions, the level of investment required to facilitate expansion and the likely operating life of the expanded facility. The approach therefore needs to be developed, based on a sound business case and a smart plan.

The following model will therefore be adopted by the Council in determining priorities for developing sites

- a) A proposed cemetery location must be free from restriction to develop as a result of SEPA, Historic Scotland or Local Plan determination or the costs associated with complying with such restrictions must fall within the financial model described in b) No dispensations are available from Planning or SEPA with regard to development and provision of burial grounds so, all proposed sites must comply with the associated regulations and guidelines operated by those authorities.
- b) The overall cost of a proposed facility, inclusive of any archaeological investigation, ground survey, acquisition, construction, servicing and fees must equate to no more than

£630 per created lair as at 2014. This figure is based on the average sale of a Right of Burial according the Council Charges Book at 2014 with the long-term maintenance site covered as part of the interment fee and headstone management fee

- c) A site will only be considered suitable for development if it is capable of serving either the immediate geographic community, ward or cluster for a minimum of 50 years
- d) To be considered for development, new sites must pass the criteria contained within the Land Acquisition Check List: Appendix 1
- e) New build housing developments will be required to demonstrate how burial provision needs can be met within their respective master plans for the defined 50 year period. In all cases the required provision will allow for 38% of the additional households at a rate of 4.5 burial spaces per household.
- f) Each discrete housing development will be considered in relation to availability of land already secured by the Council and if such facility exists or can be provided, developers will require to contribute a capital sum equal to the investment required to provide serviced lair space on an existing site to the volume required to meet the projected burial space needs of that development. In cases where no opportunity exists to extend an existing facility or, the scale of the extension would have an adverse effect on the identity of the facility, the developer will be required to allocate land and set aside funding to develop this land within the housing development footprint.
- g) The Council will also explore opportunities to develop, either directly or with partnership arrangements, green burial options that can contribute to the aims of protecting and enhancing the natural environment and allow for appropriate recreational use of such land

5.3 Based on current trends towards burial and taking account of existing and estimated population growth, in order to meet a minimum 50 year demand, on cluster provision, the Council would require new lair space at estimated cost as follows;

Cluster	No. of New Lairs	Hecterage	Purchase Cost	Development Cost
Dunbar	2500	1.50	£20,000	£852,000
North Berwick	1600	1.00	£13,000	£552,000
Haddington	1300	0.90	£20,000	£538,000
Tranent	2650	1.60	£24,000	£1,054,000
Prestonpans	3100	1.90	£24,000	£1,054,000
Musselburgh	2300	1.40	£18,000	£782,000
New Housing Demand ⁽¹⁾	5000	3.00	(£39,000)	(£1,704,000)
East Lothian	18450	8.30	£124,000	£4,938,000

(1) Dispersed according to the outcome of the MIR and development of the new LDP and costs excluded from total as developer contributions will require to be negotiated according to each discrete location and circumstance

(2) Figures quoted refer to estimated total development costs within each cluster but development will be phased in line with uptake of space and income from lair sales

5.4 Taking account of community aspirations where possible, considering these against land that may be available to purchase and develop, the following table represents the Council's

proposed intent and required delivery date, with regard to the current active burial sites, to provide the lair space needed for the next 50 years and, in some cases, beyond. This takes account of recently completed or proposed, new build housing

5.5

Site	Land Available Locally	Comments	Solution	Due Date	Total Cost
Dunbar, Deerpark	Yes	New provision locally according to most suitable design solution	Confirm the extension to existing facility is no longer a cost effective solution and explore acquisition of land on opposite side of main road	Immediate	£690k
Prestonkirk	Yes	Site of significant Archaeological Interest, cost likely to be excessive	Investigate feasibility cost of full archaeological site examination or cover by Dunbar if local solution is cost prohibitive	2019	£110k +
Thurston			No action required		
Oldhamstocks			41 Years new ground left		
Spott Church	Yes	Agricultural land	Create extension to existing facility	2042	£36k
Stenton Church	Yes	Agricultural land	Create extension to existing facility	2040	£36k
Athelstaneford Cemetery		Monitor Drainage	No action required on lair space.		
East Saltoun	Yes	Agricultural land. Local car parking issues	Create extension to serve Humbie, Saltoun and Bolton	Immediate	£46k
Gifford Kirk	No	No suitable adjacent land available and significant ground water issues suggesting SEPA approval unlikely	Cover by Haddington Cluster	2018	£41k
Humbie Kirk	No	No suitable ground available for extension	Cover by East Saltoun	Immediate	£41k
Morham Church			No action required		
Haddington St Martin's	No	Available land too close to river making SEPA approval unlikely	New, out of town site to serve Cluster	2041	£430
Musselburgh, Inveresk	No	No adjacent ground available	New out of town site to serve Cluster	2021	£800k
Dirleton Cemetery	Yes	Agricultural land	41 Years new ground left but safety concerns for car parking determine land acquisition and car park should be brought forward		
Aberlady Kirk	Yes	Site of significant Archaeological Interest, cost likely to be excessive	Complete desktop archaeological review of area to establish if local provision is possible, if not cover elsewhere in cluster	2018	£174k
North Berwick	Yes	Would require relocation of depot or extend to the east	Consult locally on options and identify suitable site for purchase	2031	£348k
Whitekirk	Yes	Agricultural land with very shallow bed rock	Cover by North Berwick unless Church gift Glebe Field	2014	£30k
Gladsmuir Kirk	Yes	Agricultural land which seems suitable for extension	Create extension to west of access road to serve established catchment and include off road car park	2015	£105k
Pencaitland	No	Would require new site across road	Investigate suitability of agricultural field across road or cover by Tranent or West Byres	2020	£87k
Tranent	Yes	Greenfield Site to Church Street side of cemetery	Create extension to serve cluster	2015	£844k
West Byres	Yes	Urgent need for car park	Acquire section of field to north of cemetery	Immediate	£41k
Prestonpans	No	Cemetery Park needs to be retained for recreation and would only provide 10 year use because of underground services. Agricultural land to south and east of town covered by Scheduled	New out of town site to west of town serve cluster	2015	£1,078k

		Ancient Monument.			
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Estimated land purchase costs of £124k, based on agricultural values are not included in above table

Consolidated Investment Requirements

Period	Immediate	2014 - 2019	2020 - 2029	2030 - 2039	2040 - 2049
Combined Cost	£818,000	£2,469,000	£800,000	£348,000	£502,000

The stated development costs are based on 2013 estimates and the final cost for each period would to be indexed to the prevailing rates at the time.

With the current pressure on public sector finances and the likelihood that this austerity will continue for a number of years to come, the required capital investment must be recognised as being in excess of the finance available to the Council at present. Accordingly, there exists a need to programme the development of facilities within acquired land packages, in close alignment with short-term needs, phasing each stage with more accurately assessed needs based on emerging burial trends. This approach will still deliver the 50 to 75 year aims of the strategy but will do so in a way that;

- Acquires the long-term land needs in the immediate future, securing and protecting that land for later development.
- Provides land in Council ownership that can generate income from uses such as agricultural tenancy until lair space development becomes essential.
- Gives the Council and the community, security in the knowledge that they can plan future provision and use respectively.
- Allows development of lair space provision to be undertaken in line with income from burial services and land ownership, in accordance with developing trends and needs.
- Facilitates the advance sale of renewable rights of burial with the knowledge that acquired land can be readily developed in alignment with generated income.

Proposals for each discrete site / cluster will be brought forward for approval by the Council with a separately costed proposal in line with the current approved Capital Plan and anticipated income from lair sales and burials.

6.0 Lair Sales

- 6.1 The community as a whole are concerned about the long-term shortage of lair space and recognise that some hard choices have to be made. However, there also remains a need among service users to have the knowledge and peace of mind that their wishes in death are taken care of. Families traditionally have, on the loss of a relative, bought additional lair space to meet their extended family needs.
- 6.2 Under Section 18 of The Burial Grounds (Scotland) Act 1855, the Council has the power to sell rights of burial in perpetuity or for a limited period, under such restrictions as they think proper.

- 6.3 Traditional arrangements within the Council have meant that, when Right of Burial in a Lair is granted to someone, this right has been in perpetuity. Recent studies have shown that as many as 4% of lairs sold in advance of need are unused and are likely to remain this way. The accumulated total of this, over the operational life of a cemetery, can equate to the new ground sales of that cemetery for a year, and could contribute significantly to increasing the operational life of a cemetery that is currently short of space.
- 6.4 Where appropriate, in circumstances dictated by extreme shortage of space, the Council may consider applying a ‘generational’ categorisation of 75 years to all such pre-sold lairs and take appropriate steps to try to recover the unused ground where it can be released for immediate use.
- In implementing this policy the Council will need to apply the following steps;
- Prioritising of sites according to greatest need
 - Detailed survey of Lair Books and subsequent on-site assessment
 - Positioning of any headstone and associated costs of relocation of same from centre of double / adjacent plots
 - Accessibility of the lair with regard to trees, adjacent headstones, etc
 - Accurate checking of the status by test digging to ensure no previous, inaccurately recorded interments
 - Address the legal requirements to demonstrate that reasonable steps have been taken to trace lair holders, including advertising the intention
- 6.5 The Council will continue to buy back the right of burial from any lair holder who wishes to relinquish their right, in accordance with the regulations published at the time of the buy back.
- 6.6 With regard to future arrangements, while recognising that the community wish to have the opportunity to advance purchase ground, this arrangement cannot be sustained where multiple lair purchases in perpetuity are made. Such practice is a particular problem in sites that are becoming short of space and the community, being aware of this have demonstrated a tendency towards buying lairs well in advance of need, greatly reducing availability of lair space for those with immediate need. It is also recognised that the recent policy of selling one lair for immediate use and one more for future use isn’t an appropriate solution as this discriminated against larger families. Accordingly, the following model for Lair Sales will be adopted;
- In burial grounds where the availability of new ground equates to more than 5 years of average sales, and an active proposal exists to extend required provision beyond that 5 year period, the Council will advance sell Right of Burial up to a maximum of 3 Lairs regardless if those lairs can accommodate 2 or 3 coffin interments
 - Applicants with a direct spousal connection will be limited to one purchase application but offspring over 16 years of age, siblings and other direct relatives can make separate applications
 - In burial grounds where the availability of new ground equates to less than 5 years of average sales, the Council will reserve the right to sell ground for immediate use only

- In cases where new ground availability equates to less than 5 years, the Council will only sell Right of Burial for cremated remains in full sized lairs on completion of the actual interment of the cremated remains
- In all cases, those with Right of Burial in a lair will only be granted permission to erect a memorial marker on the lair following interment of coffin or cremated remains

The current arrangements for pre-selling of lairs are detailed in Appendix 2

Operating this approach will best meet community expectation through affording reassurance that their needs are catered for, ensuring those who don't wish to advance purchase, have the surety that their needs will be catered for at the time.

- 6.7 An increasing trend is also emerging whereby lair space is requested for the interment of cremated remains. In recognising this trend, the Council will, in developing any new burial spaces, design in discrete space for this purpose and the charging structure will reflect the more efficient use of space. However, in order to maintain an element of choice, the council will continue to sell full sized lair space in cemeteries where Ashes Only lairs are not available. In such cases the perpetuity rights for future interment will be limited to 25 years unless the lair is subsequently used for interment of coffin remains by the Lair Holder.
- 6.8 In certain circumstances, an individual may only require room for one interment in a lair, resulting in less efficient use of the available ground. In some circumstances, such as in Social Work managed interments, the lair could be identified as being available for future one person interments or, an individual could express a wish to share with others in similar circumstances. This option could afford a reduced purchase price and should be publicised in literature to make customers aware of the option and encourage take up.

7.0 Procedures, Regulations & Choice

- 7.1 The Council undertook a review of its Burial Ground Regulations and Burial Procedures in 2011, this exercise having been previously undertaken in 2000. The Council is also aware of the current Scottish Government review of Death Certification, Burial and Cremation legislation and, in developing revised and updated procedures, has taken account of the national consultation process completed in October 2010 as part of the governmental review.
- 7.2 Revised regulations and procedures are attached to this strategy as Appendices 3 & 4 and, while subject to further review on adoption of any legislation arising from the governmental review, will be considered as having been adopted by the Council as part of this strategy.
- 7.3 In setting these revised regulations and procedures, the Council has considered the needs and wishes of the majority, looked at examples of best practice within other local authorities, taken account of issues that have emerged since the 2000 review, brought standardization to procedures throughout the county, all towards the aim of ensuring that the service can be provided in a sustainable manner and reducing medium to long-term risk to the Council, staff and general public.

- 7.4 These regulations will be fully enforced across all sites and lair holders, where in breach of any rules, may be subject to retrospective enforcement action, particularly in matters relating to fencing and kerbing and related embellishment around lairs where this has a direct detrimental effect on neighbouring lair holders
- 7.5 The Council wants to ensure that the burial services offered reflect the various religions, beliefs and secular lifestyles within the population of East Lothian and to ensure that all groups and individuals are able to receive appropriate services at relevant times where reasonably practical.
- 7.6 The Council also recognizes the need to accommodate some freedom of choice within its procedures. However, this has to be balanced with long-term sustainability with particular reference to maintenance, safety, avoiding detriment to others and general risk to the Council. Accordingly the Council has considered examples of best practice and adopted these principles within the revised procedures and regulations.
- 7.7 With regard to extending the choice of facilities available for interment, the Council recognises the increasing popularity and environmental benefits of green burials. The principals associated with such practices are covered in Section 14 of the Strategy.
- 7.8 In order to reflect the specific needs of those who are unfortunate enough to require to bury an infant or person below 5 years of age, where possible, the Council will set aside specific space for such interments, that is designed in such a way as to allow additional decoration and commemoration suited to the circumstances
- 7.9 East Lothian currently has one privately managed woodland burial area and has worked in partnership with the owners to develop this site. However, woodland, meadow and other less formal places of burial can be further extended, both to increase choice for customers and provide a more sustainable method of service delivery. Accordingly, the Council, in considering new sites for burial, commenting on design briefs for new housing developments and accepting invitations for partnership working, will promote this approach towards burial, whenever opportunity exists.

8.0 **Crematoria and Related Provision**

- 8.1 In 2000, the Council undertook a detailed feasibility study into the possible provision of a crematorium for the county. At that time, it was reported that with neighbouring crematoria in Edinburgh having surplus capacity of some 40% and the ratio of burial to cremation in East Lothian being higher than the national average, the business case for a crematorium would neither withstand scrutiny nor have a positive impact on the burial space required for the future.
- 8.2 Further scrutiny in 2011, of the work undertaken in 2000, suggests that the status quo remains and that the Council could not justify the capital expenditure, nor guarantee the

income required to recover that expenditure and repay the initial investment. Indeed, the provision of a crematorium within Scottish Borders Council area is likely to have further weakened the case.

- 8.3 However, in the interests of providing enhanced facilities for the local community and perhaps contributing to a further reduction in burial numbers, the Council is committed to working with any partners who may wish to develop a local facility as a commercial venture and is particularly interested in exploring other options for disposal of the dead and development of greater choice such as Promession or Resomation facilities.

9.0 **Management of Sites**

- 9.1 The Council currently manages 34 individual churchyards and burial grounds, 11 of which are considered closed for new ground but still have lairs that can be reopened for coffin or ashes interment.
- 9.2 Under Section 17 of The Burial Grounds (Scotland) Act 1855, the Council has power of general management, regulation and control of burial grounds and under health and safety legislation. The Council also has a duty of care to ensure that the environment of a burial ground presents no danger to operatives, visitors or other professional staff engaged to deliver services within a burial ground.
- 9.3 Common to the older established sites are problems relating to headstone safety, access, car parking, security and maintenance / repair of walls, gates and paths. Where reasonably practicable, the Council has an obligation to ensure access to sites complies with the Disability Discrimination Act and a moral obligation to cater for the mainly older people that wish to visit the sites.
- 9.4 The Council has reviewed the Regulations for the Management of Burial Grounds (Appendix 3) and has determined that these regulations will be upheld and, where appropriate enforced, particularly with regard to the management of headstones and related graveside embellishments
- 9.5 The Council also has a duty of care with regard to headstone and memorial safety and a visual inspection of the sites has identified that there are many memorials that pose a potential danger to the public and staff. The safety of headstones and the need to implement a system of inspection and maintenance is included in the Council's Risk Register. The detailed procedures to be applied to addressing this issue are contained in Appendix 5
- 9.6 With regard to installation of new memorials, applicants will be required to comply with the East Lothian Council Burial Ground Regulations with regard to overall dimensions of the memorial. The Council will also undertake installation of foundations for new memorials and require Monumental Sculptors to comply with appropriate, current codes of practice for erection of memorials.
- 9.7 Where appropriate to the site, the Council will install pre-formed strip foundations for erection of memorials in all newly developed burial grounds. A charge for erection of a headstone will be applied in all cases, to reflect the cost of the foundation.

- 9.8 In all cases, a management fee will be charged for each headstone, to reflect the long-term maintenance burden the Council will carry with regard to stability, inspection and general safety obligations. The council will not accept responsibility for cosmetic or inscription repairs and reserve the sole right to determine if a particular headstone is beyond economic repair, is incapable of being stabilised and requires to be completely removed from site, without providing a replacement.
- 9.9 In the case of historic memorials, the Council has no legal obligation to undertake renovation or consolidation work to such stones, only a duty of care to ensure no danger is presented to staff or public as a result of dilapidation of the memorial. However, the Council will support and assist the efforts of any community group, body or individual seeking to undertake a programme of restoration or consolidation in accordance with current guidance from Historic Scotland. Where required, the Council will undertake works to memorial stones to remove any danger to the public or its employees generally by taking down and digging in stones to a third of their depth. Generally the Council will only undertake full repair of a memorial stone by way of a replacement foundation and pinning of the stone in cases where the full cost of such works can be recovered from the lair holder or their successor.
- 9.10 Parking and vehicle management are governed by existing site conditions for established sites and there exists, little or no opportunity to improve such facilities. However, where such opportunity presents itself, or in the case of new sites, the Council will take the opportunity to build in appropriate facilities to cope with need, adequate safeguards to protect sites from damage by vehicle access and disturbance to visitors yet provide adequate access for the elderly and infirm.
- 9.11 With regard to security of burial grounds, it is deemed impractical to restrict public access by time to existing burial grounds because of the often remote location and limited boundary security. Likewise, in order to maintain free access for legitimate purposes, it isn't deemed appropriate to build such security into new developments and this would be detrimental to the visual amenity and general ambience of burial sites. Incidences of anti-social behaviour within cemeteries, while recognised as being particularly distressful to those affected by acts of vandalism, are at a low level and the impact of such acts is best minimised through careful maintenance regimes and targeting of community policing initiatives.
- 9.12 The Council recognises the right to freedom of expression with regard to the way relatives of the deceased mark the lairs of their respective loved ones. However, cemeteries are both a working environment and a place of diverse view and opinion on the way they should be managed. Experience has shown that manageability and sustainability are often in conflict with individual expressions of grieving. Equally though, many members of the community object to the levels of decoration applied to their respective neighbouring plots and are left feeling frustrated and annoyed at being upstaged and overshadowed by certain expressions of commemoration. Accordingly, the Council is obliged to manage such matters in accordance with standards of common decency and giving priority to long-term safety and sustainable maintenance. The Regulations for the Management of Burials Grounds, which have been revised in 2011 and are attached as Appendix 3 take account of the foregoing.

- 9.13 Community Service for Offenders Orders and Community Payback Orders are now considered a valuable means of enhancing the levels of maintenance given to cemeteries and burial grounds, while ensuring those responsible for acts of criminal and antisocial behaviour gain a greater appreciation of the feelings of vulnerable sections of the community. Community Payback Orders, served within a burial ground environment, also demonstrate the benefits and outcomes of such a system in a high profile, face to face environment. The Council is committed to developing this system by investing in the specialist training and equipment required to facilitate a programme of headstone consolidation and stability work to the benefit of absent relatives, preservation of the heritage and history associated with burial grounds and the enhanced safety and security of the wider community.
- 9.14 Increasingly, the wider community wish to take a hands-on role in maintaining and preserving cemeteries. Accordingly, the Council will work to develop Friend's Groups, possibly with charitable status, who will, among other matters, contribute towards;
- Conserving the heritage of burial grounds
 - Managing and developing the ecology and biodiversity of burial grounds
 - Restoring historic memorials and attracting external funding for such projects
 - Recording and mapping memorials and inscriptions
 - Assisting with security
 - Developing and publishing guidebooks and on-site interpretation

10.0 Administration and Burial Management

- 10.1 Consultation with stakeholders identified that procedures, timings and general approach towards burial administration varied from cluster to cluster and that such, albeit minor, variations led to confusion and difficulty in managing their respective areas of service delivery. Communication across the 6 operational districts often leads to delays in agreeing funeral times and co-ordinate between families, clergy and caterers. Accordingly, the management and administration of burials needs to be delivered in such a way as to ensure consistency across the county.
- 10.2 Absolute accuracy and consistent standards of professionalism are required in the management and administration of burials. In order to ensure these demands are met, the Council has established a centrally based administration operation. This unit deals with record keeping, administration and booking of burials and headstone management. Also in conjunction with the business unit responsible for front line service delivery, rules and regulation reviews, production of customer information leaflets, development of a digitized record system, stakeholder consultation forums and annual reporting vehicles are all undertaken or will be delivered in due course.
- 10.3 The range of records maintained by the Council has been reviewed and is considered as being generally fit for purpose. However, taking account of the fact that burial rights are often held by persons who subsequently decease, the Register of Lairs will be expanded to contain information on a proposed intended successor to the right of burial and also a list of names of those intended to be buried in the lair.

- 10.4 Burial records will also be amended to include information that allows the recording of the religious or ethnic group to which the deceased belonged. This will assist the Council in determining the demand for burial services from different religious groups and will inform any future provision of burial sites across the county.
- 10.5 The service currently relies on paper based records. Many of the Lair Registers and Registers of Interment date back to the 1800's and have significant historical value. While most have undergone a recent restoration and consolidation programme, it is recognised that these records now require to be treated with conservation in mind.
- 10.6 It will therefore be an aim of the Council to have all such records digitized and to use the digital version as the future management tool, however, paper based records will also be maintained as back up. Over a period of time, the older records will be placed in suitable storage that will allow access by appointment for appropriate research purposes.
- 10.7 Digital records will be considered for public viewing on line, with appropriate limits to allow for Data Protection and access by way of a scale of charges to cover the cost of developing and maintaining the digital archive.

11.0 Increased Use of Existing Burial Space

- 11.1 Many burial authorities are considering sympathetic and practical ways of reusing old lair space for new burials. There are obviously a number of practical and legal hurdles that need to be overcome to deliver such practices but the Council is committed to exploring such options.
- 11.2 Burial authorities, under Section 17 of the 1855 Act have the power to manage, regulate and control burial grounds and can, under that act, propose justifiable means to meet their obligation to provide lair space for burial
- 11.3 The Dig & Deepen approach, whereby existing skeletal remains are exposed and reburied at a depth in excess of 2.3m has, during the course of community consultation, met with reserved support. A restricted application of the method, whereby people with a direct family/blood connection to the interred person, met with wider support. Accordingly the Council will consider application of this approach to increasing the burial space, on a lair by lair basis, within its existing burial grounds where;
- Only skeletal remains exist and there are no solid coffin remains
 - The required legal documentation and processes can be put in place that would facilitate such action and establish the blood line right of the applicant to be interred in a particular lair
 - The bloodline claim to reuse a lair can be established beyond reasonable doubt and not be subject to competing claims of right from other relatives
 - A satisfactory Risk Assessment can be provided on each occasion

- An agreeable trigger point can be established based on a generational category from the date of last interment
- A fee that reflects the outputs from the Council can be recovered from the client

12.0 Financial Management

- 12.1 In reviewing the administration arrangements for burial ground management, the decision to centralise this activity affords the opportunity to consolidate budgets for cemetery maintenance and management. At present, budgets are spread between the Registration, Property Maintenance and Amenity Services business units. In order to manage the overall service, ensure development costs are at least kept in line with income and to accurately demonstrate cost of service, the Council will consider drawing all burial grounds related costs into one budget heading.
- 12.2 At time of publication, an accurate assessment of the revenue cost of addressing headstone stability is not available. However, a detailed survey of the implications of addressing headstone stability is being undertaken and will be available in the near future. It is though known that, of the 34 burial grounds managed by the Council, all have a percentage of headstones that require some remedial work to stabilise the structures and some of those require urgent attention.
- 12.3 A recent exercise to establish the costs of restoring the stability of headstone in St Andrews Churchyard, Gullane a site of fairly sparse headstone population and generally small sized stones, 54 stones (42%) from 127, required stabilisation works at a cost of £9,000 This does though reflect the age of that particular cemetery and other active sites could be reasonably expected to have closer to a 30% stabilisation requirement
- 12.4 As stated elsewhere in the strategy, it is the intention of the council to minimise these costs through development of fund raising friends groups and use of Community Payback Orders.
- 12.5 The detailed cost analysis, when completed, will be attached to this strategy within Appendix 5 but initial assessments put the cost of the work in the region of £1.3m to completely restore and consolidate unstable memorial stones and this is clearly beyond the ability of the Council in the current financial climate so the emphasis will be placed on digging in memorial stones to remove the risk to the public and avoid further damage and loss of historic information
- 12.6 The costs to develop an IT based management system are estimated to be £20k, including the initial digitisation of existing records and purchase of appropriate software. A separate business model to deliver this will be developed and digitisation only introduced if the financial model can be shown to be self funding in terms of administration costs and reduction of risk to the Council

13.0 Community / Stakeholder Liaison

- 13.1 The Council recognises that relatives of the deceased, the wider community, Funeral Directors and Monumental Sculptors will all have an interest in and valuable contribution to make towards the development and management of burial grounds. The general public are increasingly aware of the environmental issues arising from burial provision and the costs associated with providing such services. Likewise, funeral and commemoration service providers are developing increasingly higher levels of professionalism, building and adopting best practice and offering wider choice.
- 13.2 East Lothian is also building an increasing diversity of culture and religion and the Council must, while adopting the ‘live together, die together’ culture, strive to accommodate the needs of the whole community wherever practically possible.
- 13.3 Accordingly, the Council will establish and facilitate a stakeholder forum whereby all parties with an interest in the development and management of burial services can contribute to that development and ensure that the services provided, best meet the needs of the community within the resources available.
- 13.4 The Council, through consultation with those stakeholders, will also develop Service Level Agreements that will clearly define the inputs and outputs required by all parties involved in the provision of burial services

14.0 **Environmental Management**

- 14.1 Many processes and practices utilised in burial of the dead have a detrimental impact on the environment. Materials used in coffin construction and embalment will leach out into the soil, visitors will make often daily car trips to visits lairs of the deceased relatives, maintenance regimes are, by tradition, intensive involving fuel, chemicals and green waste generation, floral tributes generate a high carbon footprint in production and are often housed on non-degradable materials.
- 14.2 In designing cemetery provision for the future, the Council is committed to reducing the impact of its operations on the environment and enhancing the biodiversity of the county within a regime of meeting the needs of the community, providing extended choice for burial and working within the available land resource.
- 14.3 Where possible, future cemetery provision will;
- Be located in such a way as to minimise the need for private car transport and encourage pedestrian and public transport travel
 - Incorporate space for woodland and meadowland burial where nature takes precedence over high amenity maintenance
 - Comply with or exceed the stipulations of all relevant legislation regarding the Groundwater Protection Policy for Scotland
 - Incorporate enhanced waste reduction as a principal of the design
 - Provide and encourage the take up of cremated remains plots
 - Maintain on-site turf farms to replace turf lost during warm weather.
 - Incorporate recycling facilities for floral tributes and related waste

- 14.4 The Council is also keen to explore alternative means of disposal to cremation and burial and will work with any interested partners to develop means of disposal using alternative technologies such as Promession or Resomation
- 14.5 The Council will also encourage and promote the use of burial materials from sustainable sources, using materials that compost naturally in the soil such as untreated timber from sustainable sources and present no long-term threat to the environment. While some materials may be seen as inappropriate for staff to handle, such as basic shrouds, the Council will work towards developing systems that allow families wishing to use such materials to do so on a self-help basis.

15.0 Fees and Charges

- 15.1 Traditionally, the Council has heavily subsidised the cost of burial within East Lothian, to the extent that right of burial costs and interment charges have been significantly lower than the national average. In 2010 those charges were increased to more closely reflect the cost of burial and long-term maintenance but still fall below the national average. Charges applied as at 2014 more accurately reflect the cost of service and also recover an annual sum to offset some of the development costs of new provision. Taking account of the significant capital investment and subsequent revenue implications, the Council must recover these costs from service users.
- 15.2 Charges are compared on an annual basis between all Scottish local authorities and show East Lothian to be recovering less by way of fees than that of neighbouring authorities, even allowing for surcharges already in place. This creates a potential increasing pressure on burial space in East Lothian through clients from neighbouring areas opting for burial in East Lothian.
- 15.3 Customers have an increasing element of choice, both through the private sector and emerging alternative means of cremation and green burial and this choice will be further extended as the aims of this strategy are delivered. Accordingly, because of this greater element of choice, it is appropriate for the Council to reduce or remove adult subsidies for residents, continue to implement outwith area surcharges for non-residents and secure sufficient income to manage the long-term burden of grounds and memorial maintenance.
- 15.4 Bereaved families can often gain financial support through one-off benefit grant claims and such benefits significantly reduce any financial hardship that families may experience while arranging a funeral.
- 15.5 Accordingly, the Council will adopt a policy full recovery of cost of service and will reflect this in the range of charges levied and the level at which those charges are set following annual review.
The list of fees to be applied in 2015/16 will be finalised following the Council budget settlement and reviewed on an annual basis.

16.0 Staff / Stakeholder Development and Training

16.1 In order to ensure the efficient and effective delivery of burial services, the Council recognises the need to develop and train, management and front-line staff in all aspects of service delivery. Where appropriate, such training will be extended to stakeholders to ensure a consistency of approach and mutual understanding of the respective parties' role in delivering an effective and respected service. Such training will include, but not be limited to;

- Religious and ethnic diversity awareness
- Customer care
- Health and Safety as related to burial services
- Memorial and Headstone maintenance
- Compliance with procedures and practices

17.0 Policy Summary

The following represents a summary of the key strategic policies and prescriptions;

Section	Summary
5.2	The Council will develop new burial ground provision on a combined cluster and individual community basis, according to the discrete restrictions and opportunities presented in each area
5.2 e	The Council will seek land or financial contributions from housing developers to reflect the additional burial space requirements that such developments will generate
5.4	The Council will commence a programme of capital investment aimed at providing additional burial space that reflects the needs of the area for the next 50 – 75 years
6.6	The Council will allow advance selling of lair space subject to their being sufficient capacity in each discrete community to meet immediate need for a minimum of five years of operation
7.4	The Council has reviewed the Regulations for the Management of Burial Grounds and will enforce those regulations, applying retrospective corrective actions where appropriate
7.5	The Council will endeavour to reflect the diversity of religion, belief and secular lifestyles that exist within the population with regard to provision of its burial services
7.8	Where possible, the Council will design in, specific areas for the exclusive burial of infants and young children that will allow for greater choice in terms of decoration and commemoration
7.9	The Council will develop and facilitate development of alternatives to traditional burial such as woodland or meadowland burial sites
8.0	The Council cannot present a solid business case to justify the capital expenditure required to provide a dedicated Crematorium for East Lothian. However, the Council will work with potential partners who may wish to provide a privately funded facility to the benefit of added choice for the community
9.5	The council will commence a programme of assessments and related stabilisation works for headstones
9.6	The Council will install individual or strip foundations as appropriate for all new memorials
9.8	The Council will introduce a management fee for erection of headstones which will offset the long-term maintenance obligations the Council will have to bear
9.10	Vehicle access to cemeteries will continue to be permitted for elderly or infirm visitors
9.11	Burial grounds will not be the subject of restricted access times
9.13	Community Service Orders and Community Payback Orders will be utilised to enhance levels of cemetery maintenance and repair unstable memorials
9.14	The Council will seek to establish Stakeholder and Friends groups to assist in developing burial provision in the future and in preserving the existing facilities
10.6	The Council will digitise all existing burial related records
10.7	Appropriate levels of public access will be allowed to burial records for the purposes of research, charged at appropriate levels to maintain the costs of providing that service
11.3	The Council will adopt the Dig and Deepen method of increasing burial space for re-use of lairs where a direct family link can be established
13.3	The Council will establish and maintain a stakeholder forum to allow greater community and partner involvement in the regulation, running and development of burial services
14.0	The Council will develop and promote a more sustainable and environmentally friendly approach towards burial services
15.3	The Council will remove any subsidisation given for adult burial and aim to recover the full cost of service from customers electing to be buried within East Lothian including continuing to apply surcharges to residents from

	outwith East Lothian.
16.1	The Council will implement a range of stakeholder training to ensure consistent and accurate delivery of services.

STRATEGY REVIEW AND PERFORMANCE MONITORING

The Council will undertake a minimum 3 year cycle of review of this strategy with particular regard to changes in population numbers, burial culture and practices and legislative change and national best practice. Such reviews will be undertaken in conjunction with stakeholders, will consider performance of the service against agreed standards and report to the Council on all such matters.

ACTION PLAN

A timed and costed action plan will be developed that will set out agreed actions to be taken to deliver the Burial Ground Strategy, who will be responsible for the various actions and when those actions are to be delivered based around the key priorities of the strategy and discrete cluster needs.

REPORT TO: Cabinet

MEETING DATE: 10 March 2015

BY: Depute Chief Executive (Partnership and Community Services)

9

SUBJECT: North Berwick Parking Strategy Update

1 PURPOSE

- 1.1 To advise Cabinet of the consultation exercise undertaken to establish public support for additional parking provision in North Berwick and introduce or amend Traffic Regulation Orders necessary to deliver the North Berwick Parking Management Strategy.

2 RECOMMENDATIONS

- 2.1 That Cabinet approve a 3 year strategy to amend or make the necessary Traffic Orders to purchase the requisite land, to obtain the necessary consents and construct new car park provision as detailed in Appendix 1.

3 BACKGROUND

- 3.1 There have been a number of parking, traffic and environmental studies undertaken in North Berwick since 2000: Halcrow Fox – North Berwick Town Centre Improvement Study July 2000; Setting Strategic Direction - East Lothian Parking Strategy 2009; Delivering Strategies – North Berwick Car Park Site Appraisal 2012 all of which to some degree have highlighted the need to increase parking provision by various methods such as maximising the efficiency and the operation of parking, improving control and turn-over, increasing supply and demand management techniques.
- 3.2 MVA Consultancy was commissioned in 2011 to undertake an appraisal of a number of potential sites for the provision of new car parking capacity in North Berwick. In addition they were asked to assess the current status of parking and identify problems and conflict.

- 3.3 A report presented to Cabinet on 9th April 2013 recommended new parking provision at a number of locations including Recreation Park Rugby Club – long stay car park (107 spaces – now completed); extending Glebe car park – short stay (26 spaces); Law Road/St. Margaret's Road – medium stay car park (99 spaces) Tantallon Terrace – seasonal car park available (114 spaces) subject to a further consultation period.
- 3.4 A questionnaire was placed on the Council's Consultation Hub between 24th March – 5th May 2014, seeking a consensus of opinion on various parking and traffic related issues. A summary of the outcome of this questionnaire has been lodged in the Members Library (Ref: 28/15, March 15 bulletin).
- 3.5 A total of 658 responses were received, 97 paper and 561 via the Consultation Hub. Eight paper copies were removed from the count as being obvious duplicates.
- 3.6 A petition was heard on 12th June 2014, PET **1404**: Calling on East Lothian Council to maintain Coo's Green indefinitely as a green space for the enjoyment of residents and visitors to North Berwick. The Committee agreed that the petition did have merit and they therefore referred the matter to the Cabinet Spokesperson for Environment for further consideration. However, in discussion with the Cabinet Spokesperson it was agreed the matter would be better served being referred to Cabinet for full and detailed consideration.
- 3.7 The main findings of the questionnaire are:
- Support for the provision of:
- additional parking provision at the Upper Glebe;
 - agreement on short, medium and long term off street length of stay parking proposals;
 - support to upgrade and increase the capacity of beach front car parks;
 - a majority want to increase the scope of the resident parking scheme;
 - that the seasonal restriction should be retained and run from **1st June - 30th September**;
 - that a drop off point be formed on West End Place to facilitate the golf club;
 - that School Road be kept as one way;
 - that waiting, loading and unloading restrictions be placed on Lochbridge Road to address indiscriminate parking problems;

- that loading bays be designated on the High Street;
 - that restrictions be introduced to restrict overnight parking by campervans;
 - that formal designated places be made available for ice cream vans
- 3.8 The public did not support the introduction of off street parking at Coo's Green nor St. Margaret Road. These proposals should no longer be pursued. Furthermore, no support was registered for creating a taxi rank in the town.
- 3.9 A 3 year programme of short term recommendations is detailed in Appendix 1. An indicative cost for each proposal and delivery risks is highlighted.

4 POLICY IMPLICATIONS

- 4.1 These proposals are expected to contribute towards East Lothian's Single Outcome Agreement Outcome 7 – *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 3 – Communities in East Lothian are able to adapt to climate change and reduced natural finite resources. People walk, cycle and use public and community transport more often, and travel less in cars.*
- 4.3 These proposals are expected to contribute towards East Lothian's Single Outcome Agreement Outcome 8 – *East Lothian has high quality natural environments.*

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 – Financial provision of £350,000 has been made available in the Capital Budget 2015/16 for parking improvements and provision will be made within the Road Services Revenue budget for amending the Traffic Regulation Orders.
- 6.2 Other – None

7 BACKGROUND PAPERS

- 7.1 North Berwick Parking Strategy – Summary of Questionnaire has been lodged in the Members Library (Ref: 28/15, March 15 bulletin).

AUTHOR'S NAME	Peter Forsyth
DESIGNATION	Snr Area Officer - Transportation
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DATE	18/2/15

Appendix1 - Summary of Proposed Parking Improvement Recommendations.

No	Location	Description	Target Date	Delivery Risks	Estimated Cost
1	Upper Glebe,	Construct new car parking (1400 sq.m) potential for 58 Spaces	March 2017	<ul style="list-style-type: none"> • Land ownership • Planning permission • Level differences 	£200,000
2&3	All Off Street Car park excluding Tantallon Terrace, St. Margarets Road	Introduce maximum length of stay restrictions - 90 mins (short) , 4 hours (medium) and 12 hours (Long stay)	June 2015	<ul style="list-style-type: none"> • Objections to Order. • Review, design and fabricate of appropriate directional car parks signing 	£12,000
4	Castle Hill – Marine Parade and Sewage Works Haugh road	Upgrade and increase capacity of car parks.	March 2016	<ul style="list-style-type: none"> • Scottish Natural Heritage consultation • Planning permission. 	£350,000
5	Core town centre	Review residents parking permits and amend the TRO to increase scope to include outlying areas, if appropriate.	August 2017	<ul style="list-style-type: none"> • Objections to Order. 	£5,000
6 & 7	North Berwick	No change to TRO required.		none	£0
8	North Berwick	No change to TRO required.		none	£0
9	West End Place	Formation of coach drop off point and amend TRO	August 2017	<ul style="list-style-type: none"> • Objections to Order. 	£15,000
10.	School road	Promote permanent TRO	August 2017	<ul style="list-style-type: none"> • Objection • Direction of flow 	£500

11.	Station Court, Abbey Court and May Terrace	Monitor and review on street parking provision. Amend TRO, if appropriate	August 2017	<ul style="list-style-type: none"> • Objection to order. • Further displacement • Community support 	£1500
12.	Lochbridge Road and Dundas Road	Amend TRO to prohibit waiting on street.	August 2017	<ul style="list-style-type: none"> • Objection to order. • Further displacement 	£2000
13.	High Street	Review loading bay requirements, discuss with business community and amend TRO, if appropriate	August 2017	<ul style="list-style-type: none"> • Objection to order. • Disagreement with traders 	£1000
14.	Castle Hill – Marine Parade and Sewage Works Haugh road	Introduce TRO to ban overnight parking following 18 month experimental order to establish effectiveness and operational practicalities.	Dec 2015 and August 2017(permanent)	<ul style="list-style-type: none"> • Significant objections • Adoption of car parks • Completion of physical improvements 	£1500
15.	Core town centre	Monitor and review ice cream vans sites and designate on street locations. Amend TRO, if appropriate	August 2017	<ul style="list-style-type: none"> • Licensing committee agreement • Permit holder control • Objections to Order. 	£500
16.	Core town centre	No change to TRO required. Taxi ranks not supported		<ul style="list-style-type: none"> • none 	£0
17.	Royal Appartments, Station Road	Amend TRO to prohibit waiting, loading and unloading on street.	August 2017	<ul style="list-style-type: none"> • Objections to Order. • 	£500

East Lothian Partnership

MINUTES OF THE MEETING OF THE SUSTAINABLE ECONOMY PARTNERSHIP

Wednesday 29 October 2014, 14:00

East Lothian Council, Council Chambers, Town House, Haddington

10

Partnership Members Present:

David Leven, Head of Energy and Infrastructure, Scottish Enterprise (SEP chair)
Andrew White, Federation of Small Businesses (Vice Chair)
Manuela Calchini, Visit Scotland (MC)
Niall Corbett, Scottish Natural Heritage (NC)
Councillor Norman Hampshire, East Lothian Council (NH)
Councillor Stuart Currie, East Lothian Council (SC)
Councillor John McMillan, East Lothian Council (JMCM)
Jim McGonigle, Job Centre Plus, (JM)
Margot Crosbie, Skills Development Scotland (MC)

Others Present:

Douglas Proudfoot, East Lothian Council (DP)
Frank Beatie, Scottish Enterprise (FB)
Esther Wilson, East Lothian Council (EW)
Paolo Vestri, East Lothian Council (PV)
Veronica Campanile, East Lothian Council (VC)
Amber Moss, East Lothian Council (AM)
Alastair Ranyard, East Lothian Council (AR)

Partnership Members Apologies:

Angela Leitch, East Lothian Council
Ray McGowan, Edinburgh College
George Archibald, Mid and East Lothian Chamber of Commerce

WELCOME/APOLOGIES

JMCM welcomed everyone to the sixth meeting of the Sustainable Economy Partnership and took the Chair for the first section of the meeting

Douglas Proudfoot introduced himself as Acting Head of Development

1. MINUTES OF THE PREVIOUS MEETING

The minutes of the SEP of 25 June 2014 were approved, subject to:

- Spelling correction for: Manuela Calchini

2. MATTERS ARISING

2.1 QMU Development Plan

- JMCM advised there had been two meetings since the last SEP meeting: one between QMU, Midlothian and East Lothian Council and another between ELC, QMU and landowner Persimmon.
- AW had asked if a feasibility study had been carried out and DP confirmed that individual studies had been undertaken but not an overall feasibility study.
- DP confirmed further tri-partite discussions would be held between landowner, QMU and ELC to take the site forward.

2.2 Broadband

- JMCM advised that significant progress had been made on broadband rollout during business week and a strategy for dealing with “not-spots” is being taken forward by ELC officers with BT, other providers and Community Broadband Scotland
- JMCM confirmed that 95% coverage would be achieved by 2020, which however would still leave approximately 4,500 not connected, mostly in rural areas.
- JMCM confirmed business connections could be provided either through business or home connectivity and that if a business required a connection, then BT would ensure a service would be provided.
- JMCM confirmed that the broadband voucher scheme for business extends 10km beyond the boundary of City of Edinburgh (ie. to include Musselburgh).

2.3 Brand Wheel

- MC confirmed follow up of brand wheel workshop has been carried out and that a meeting with Susan Smith is scheduled to be held to take forward the actions identified through the brand wheel sessions.

3. PRIORITY ACTIONS

AW took up the chair

3.1 Total Place/Early Intervention Pilot

- JM updated on the employability aspects of the pilot. A range of programmes and projects are in place to support people into work, of particular note is close working with Fort Kinnaird at present'
- AW pointed to the danger of “spreading the jam too thin” and that perhaps action should be focused on one aspect of employability.
- JM pointed outlined statistics in relation to employment, showing improvements in numbers of people claiming Job Seekers Allowance overall and for the 18-24 year old age range.
- AW requested report on the impact of “Total Place “.

Decision on the Recommendations/Action

Report to be tabled on the impact of Total Place for next
SEP

3.2 Outcome 2: The cycle of poverty is broken for individuals and families in East Lothian

- PV presented report “Cycle of Poverty” update and report
- AW requested information on how benchmarking was being undertaken against action points
- PV identified that a number of grants are achieving benefits in terms of reducing poverty, these include: housing payments, community care grants and welfare fund. Along with joint working with CAB to access welfare and benefits advice.

Decision on the Recommendations/Action

The SEP:

noted the progress that has been made to address Outcome 2 and its contributory outcomes; and

noted that further work is being carried out to produce up-to-date data on the strategic outcome indicators for this outcome and this will be reported to a future meeting of the Partnership.

DL entered and took up the Chair

- DL introduced that he wanted to review the remit of the group: At SEP inception meeting the SEP was to be “challenging”, “light on paperwork”, “action orientated”, “focus on 2,3,4 issues”
- DL’s own review of the SEPs achievements was that the group had managed to be action orientated and had facilitated conversation but had achieved slower progress and had been heavy on paperwork than hoped.
- JMCM provided a summary of the Economic Development Strategy achievements
- There was agreement that Community Planning Partnerships, in general, in different localities were struggling to deal with a large, broad agenda.
- There was agreement that the group should provide “critical scrutiny” of plans and strategies being undertaken by the various partner organisations that make up the SEP.
- There was also agreement that the remit should be wider than “critical scrutiny” and should add value to the work being undertaken through partnership
- JM put forward that a lot of operational work would not have happened without the closer partnership work that was facilitated by the SEP, for example with Scottish Enterprise and Skills Development Scotland.
- There was consensus that the group should focus on one or two priority area, with others being secondary priorities, and that way the partnership may be able to achieve more. DP highlighted that it would be important not to lose sight of other outcomes which the SEP was responsible for delivering against
- The areas that were selected as priority were:
 1. Business Growth
 2. Employability

Decision on the Recommendations/Action

DL/AW/DP/EW to prepare a report setting out revised priorities in light of discussion today

3.3 Outcome 3: Communities in East Lothian are able to adapt to climate change and reduced finite natural resources

- Update on Strategy and Activity, Amber Moss presented the paper “Scottish Climate Change Declaration Governance & Reporting”
- NC put himself forward as the representative for SNH on the Climate Change Partnership Board

Decision on the Recommendations/Action

The Partnership welcomed and noted the contents of the report

ANY OTHER BUSINESS

There was no further business.

NEXT MEETING

Wednesday 25th February 2015, 14.00 – 16.00, Council Chambers, Town House, Haddington.

**MINUTES OF THE MEETING OF THE
SAFE AND VIBRANT COMMUNITIES PARTNERSHIP
17 NOVEMBER 2014**

Partnership Members Present:

Monica Patterson, Depute Chief Executive – Partnerships and Community Services (Chair)
Councillor Tim Day (Depute - Chair)
Councillor Jim Gillies, ELC
Councillor Peter MacKenzie, ELC
John Dickie, Scottish Fire and Rescue Service (SF&RS)
Dean Mack, Scottish Fire and Rescue Service (SF&RS)
Linda McNeill, STRIVE
Patsy King, East Lothian Tenants and Residents Partnership (ELTRP)
Julie Hayward, East Lothian Tenants and Residents Partnership (ELTRP)
Chief Inspector Andrew Clark, Police Scotland
Chief Superintendent Gill Imery, Police Scotland

Others Present:

Maureen Heron, PA, ELC (Minute Taker)
Paolo Vestri, Service Manager, Corporate Policy and Improvement, ELC
Veronica Campanile, Policy Officer, Corporate Policy and Improvement, ELC
David Hume, Scottish Police Authority (SPA)
Alan Stubbs, Service Manager, Roads Services, ELC
Kenneth Black, Safer Communities Team Leader, ELC
Heather Fleming, Team Leader, Community Learning, ELC
Fiona Duncan, Criminal Justice Manager, ELC (Joined the meeting from Item 4)
Amber Moss, Sustainable Development Officer, ELC (Joined the Meeting at Item 5a)
Martin Bonnar, Manager, Mid/East Lothian Drug and Alcohol Partnership (Joined the Meeting for Item 5d)

Apologies:

Claire Goodwin, Policy Officer, Corporate Policy and Improvement, ELC

1. WELCOME/APOLOGIES

Monica Patterson welcomed everyone to the meeting and introductions were made round the table. Ms Patterson welcomed colleagues from the Scottish Government who were there to observe the meeting to ascertain how the scrutiny role was operating within the Partnership. Apologies were noted as above.

2. MINUTES OF THE PREVIOUS MEETING

The minutes of the S&VCP meeting of 18th August 2014 were discussed and approved as a correct record.

The minutes of the follow up meeting held on 22nd September, was also approved as a correct record.

However, later in the meeting, D Hume, (SPA) asked for an amendment to be noted for Item 9A (Scottish Police Authority) as noted below:

Mr Hume asked that it be noted that there are two consultations ongoing. Review work is ongoing with regard to armed police and it was anticipated that this would report to the Board in December. The Scrutiny Review will take place over the next 18 months and there will be an opportunity for the S&VCP to feed in their views to this consultation process.

3. MATTERS ARISING

It was noted that all Matters Arising were listed on the agenda.

4. Feedback from the East Lothian Partnership Meeting on 8th October 2014.

Mr Vestri advised that the Improvement Service had contacted all members of the East Lothian Partnership to request the completion of a questionnaire which will help to identify areas of improvement. It is planned to hold a workshop on 9th January 2015 to consider the responses and identify areas of improvement and these will be presented for consideration at the next Partnership meeting on 21st January. Ms Campanile advised that the last date for responses was 17th November and urged all members of the S&VCP to complete the questionnaire if they had not already done so.

Mr Vestri advised that all Area Partnerships are now meeting and priorities are being identified for each area. Meetings are being held over the next month or so around health and social care integration. It was noted that all partnerships are making good progress and Area Plans should be produced early next year.

Mr Vestri went on to advise that a Community Engagement Framework had been considered and approved by the East Lothian Partnership at its meeting on 8th October 2014. A multi-agency group had been involved in developing the Framework, including partners from SF&RS, Police Scotland and STRIVE.

Mr Vestri circulated copies of the Performance Outcome Updates for the areas of responsibility of the S&VCP. Ms Campanile spoke to each of the Outcome Indicators in turn stating that information was still being updated by the relevant officers and that in future, the information will be provided in a different format.

Outcome 7

Key Points

Ms Campanile advised that the indicators identified related to strategic / long term Outcomes and that it was intended to try and avoid data that was already reported such as Police Scotland and SF&RS data.

Points Raised

Ms Patterson asked whether it was possible to have a more tangible target than “Reduction”. J Dickie replied that there is already a government target for reduction and this is the figure used in the SOA. CS Imery stated that Police Scotland also has a tangible target set nationally to reduce certain categories by 1.5% and these are the figures that locally are held to account. CI Clark undertook to provide Ms Campanile with these targets.

Outcome 6

Key Points

Contributory Outcome 1 - Ms Campanile advised that she is in discussion with K Black, Safer Communities Team Leader to update and populate this Outcome and Mr Black hopes to provide data by the end of the week. Ms Campanile stated that Police Scotland and ELC jointly provide some of the information to populate the Indicator. CI Clark advised that it had been agreed that he and K Black would take this matter forward.

Points Raised

Councillor MacKenzie asked about data for the number of repeat victims and K Black advised that it was anticipated that this information would be reported on an annual basis. Councillor MacKenzie suggested that a report target be considered.

Ms Campanile reported that information is yet to be provided for *Contributory Outcome 2 – People Experience Less Hate Crime* and CI Clark advised that this is work in progress. Councillor MacKenzie asked about the definition of hate crime and CS Imery provided information on the various categories and offered to provide breakdown figures if required. Ms Patterson felt it would be helpful to have the information for the next meeting but as background information only for the Indicator.

Ms Campanile then spoke about *Contributory Outcome 3 – People Experience Less Domestic Violence* advising that some of the data needed to be refined.

Contributory Outcome 4 – Fewer People Re-Offend – Ms Campanile reported that only trend data could be used.

Ms Patterson asked whether SF&RS could reflect national targets for *Contributory Outcomes 5 and 6* also.

Outcome 8

Ms Campanile advised that she is currently awaiting approval from the appropriate Head of Service.

Contributory Outcome 2 – Ms Campanile advised that the data has been produced but the Indicator has yet to be populated.

Outcome 9

Ms Campanile reported that Outcome 9 is complete.

Outcome 10

Ms Campanile stated that the information provided on *Contributory Outcome 4* was very good. Ms McNeill (STRIVE) advised that the information was taken from the Scottish Household Survey and that particular attention is given to the terminology used. Ms Campanile stated that it is planned to set targets wherever possible. Councillor Mackenzie asked about volunteering and thought it would be

interesting to have information on the numbers of volunteers for children and older people. Ms McNeill felt that it might be possible to ask organisations if they could provide this level of information.

Ms Patterson thanked Mr Vestri and Ms Campanile for the update and said she felt it was important that the Performance Framework was complete and used as a management tool.

Decision on the Recommendations/Actions

Police Scotland to provide national target figures

Police Scotland and K Black to provide data for Contributory Outcome 1

Police Scotland to provide information on various categories of Hate Crime

The East Lothian Plan (SOA) 2013 – This Partnership’s Outcomes

4. Outcome 10: East Lothian has stronger, more resilient, supportive, influential and inclusive communities

a) Community Centres – Service Provision

H Fleming spoke to the report. It was noted that there are 16 community centres within East Lothian with different management arrangements in place, many as a result of historical transfers from both the former East Lothian District Council and Lothian Regional Council. In East Lothian during 2013/14 the footfall at community centres was 307,296.

Key Points

- Community Centre Management Committees are able to access funding streams that are not accessible to local authorities
- Training for CC Mgt Committees is provided through STRIVE and the Council’s Community Learning and Development Services
- Planned future developments include reviewing management committee leases and to build on training and support

Points Raised

- Councillor Mackenzie indicated that at the meeting on 18th August, D Rose (Association of Community Councils) had raised an issue about a reduction in the opening times at Longniddry CC. Ms Fleming replied that there had been a short term staffing issue which was now resolved and the community centre was again operating at capacity.

Ms Patterson thanked Ms Fleming for her informative report.

Decision on the Recommendations/Action

The Partnership noted the content of the report on Community Centres

5. Outcome 7 : East Lothian is an even safer place

a) Police Scotland, Local Authority Scrutiny Report, East Lothian, 1st April 2014 to 30th June 2014 – Report by the Local Area Commander, Police Scotland

CS Imery spoke to the Quarterly Performance Report (Agenda Item 5a). She stated that Police Scotland is now into Year 2 and is looking to set priorities for Year 3.

CS Imery indicated she was aware that some members of the S&VCP had expressed views on priority setting and a desire to be involved at an earlier stage and stated that the priority for Year 3 will be to direct resources to meet the needs of local areas balanced against public expectation of dealing with crime across Scotland.

CS Imery advised that the Scottish Government will shortly announce changes to the drink driving limits. She also mentioned the local press coverage on the new psychoactive substances. CI Clark then spoke about the information contained in the Performance Update but drew attention to the Context Report which provided more detail on the statistics provided.

Local Priorities - CI Clark spoke about the increase in the number of house break-ins locally and advised that a number of organised groups travelling across Scotland and North England were suspected to be involved. From a preventative point of view CI Clark has tasked that a training package be pulled together for partner organisations that have staff entering people's houses as part of their daily tasks to feed information through a single point of contact. In relation to when a crime takes place, CI Clark said he is doing everything possible to ensure there is not a repeat and all domestic break-ins are being referred to a specialist unit. CI Clark said a patrol matrix is also being developed.

Priority 1 – Protecting People – CI Clark reported a reduction in the number of reported domestic abuse incidents and a slight increase in detection rates. While this trend is a positive sign, CI Clark urged caution until the trend continued over a period of a few years.

Priority 2 – Reducing Anti-Social Behaviour - CI Clark highlighted the reduction of ASB incidents by 10% and stated this was due to the joint work done by the Safer Communities Team and local Police Officers. It was also noted that there was a reduction in the number of Hate Crimes by over 38%.

Priority 3 – Reducing Violence - CI Clark reported a 6.9% reduction in the number of recorded incidents. It was noted that Positive Stop and Search figures had increased by 5% over the last year.

Priority 5 – Making Our Roads Safer – CI Clark reported an increase in the number of people killed or seriously injured although it was acknowledged that there had been no fatalities. He advised that analytical work is being done on all collisions.

Priority 6 – Tackling Serious Organised Crime - CI Clark reported an increase in the number of cash seizures through the Proceeds of Crime Act.

Key Points

- The Scottish Government are announcing changes to the drink driving limits
- Recent local press coverage of the new psychoactive substances
- Local challenges include an increase in street robberies and house break-ins
- Reduction in violent crime
- Detection rates for drug offences were similar to last year
- 41.3% of domestic house break-ins have been resolved

- Reduction in the number of reported domestic abuse incidents and slight increase in detection rates
- Reduction of ASB incidents by over 10%
- Reduction in the number of Hate Crimes by over 38%
- Reduction in the number of violent incidents
- Increase in the number of people killed or seriously injured on our roads
- Increase in cash seizures

Points Raised

- Councillor Day stated that traffic patrols were rarely seen on rural roads and appeared to be more visible on the main traffic network and asked about resources to patrol the area. CI Clark assured the meeting that there is a commitment to patrol East Lothian roads.
- Councillor Day stated that before the change to Police Scotland that there were previously two Road Safety Officers. CS Imery replied that road safety has now become a responsibility of the local authority.
- Councillor Day suggested that additional information, particularly on Priorities 1 -4, would be helpful where this could be produced. CS Imery felt that that it might be possible to provide certain additional information such as feedback on response times as new software had recently been installed which will allow clearer data. Councillor Day asked about the detection rate for house break-ins and CS Imery replied that the target noted was local to this division as it was felt that was a priority for this area.
- D Hume (Scottish Police Authority) stated that he did not anticipate any difficulties in accessing further detailed information.
- Councillor Day spoke about the impact on local town centres following the withdrawal of the traffic warden service and the difficulty in managing this issue. CS Imery replied that Police Officers are working to address inconsiderate and illegal parking. CI Clark advised that he had met with Councillors Day and Currie the previous week and both had raised their concerns.
- Councillor MacKenzie asked about traffic hot spots in East Lothian
- Councillor Day spoke about door step crime which had been highlighted in the Council's Living newspaper but felt it would be helpful to produce something jointly with the Council's Trading Standards Officer. CI Clark advised that he has asked Sgt Simpson (Local Authority Liaison Officer) to try to help identify people who are vulnerable to this type of crime and work is ongoing.
- Ms Patterson advised that A Stubbs chaired the Road Safety Sub Group and she was keen to do more about road safety in East Lothian. She asked for a commitment to support him in this task as she would like to jointly fill the gap left by the previous road safety officer post. The educational role re road safety requires discussion with all partner agencies including Education Services and Police Scotland and particularly the educational work that was done previously and how to move this forward in the future. It was agreed that discussion on this should take place outwith the S&VCP with A Stubbs and Police Scotland. A Stubbs advised that the next meeting of the Road Safety Sub Group would take place in February and that further feedback would then come to the Partnership. Ms McNeill (Strive) felt this was something the Third Sector could be involved in. Mr Stubbs stated that road safety did tie in with the Curriculum for Excellence but said each school worked independently.
- D Mack (SF&RS) stated that he did not feel that the Partnership had the in depth knowledge to make decisions such as Mr Stubbs suggested. He felt that a report should be brought to the Partnership once discussions had taken place with Education, Police Scotland, etc. Mr Stubbs said that it was an action point from the Sub Group meeting to highlight the issue with the S&VCP.

b) East Lothian Fire and Rescue Quarterly Performance Report, Quarter 1 2014/15 (1st April to 30th June) – Report by the Local Senior Officer, East Lothian Scottish Fire and Rescue Service

D Mack spoke to the Quarterly Performance Report and highlighted the main areas of activity and concern.

Key Points

- Objective 1: Reduction in Dwelling Fires – It was noted that there was a reduction in accidental dwelling fires although he pointed out that almost all of these involved single occupancy households. Work is ongoing to identify vulnerable people to enable preventative home visits to be carried out
- Deliberate Dwelling Fires - it was noted that there was an increase of one incident involving a caravan at Skateraw
- Objective 2 - Mr Mack advised that there had been no fatalities from the dwelling house fires and only two casualties both of whom were women living in single occupancy households. He said that there continues to be a focus on identifying vulnerable single occupancy households particularly involving single women between the ages of 25 -70. It was noted that in 90% of the house fires in East Lothian and across Scotland generally, alcohol and tobacco are the main factors
- Objective 3 - Deliberate House Fires , it was noted that there was a reduction in the overall figure and this was due in large part to the partnership working with the Safer Communities Team and work in schools with the Community Wardens
- Objective 4 – Reduction in Road Traffic Collisions – D Mack reported that the figure reported only relates to incidents where SF&RS are called to attend. There were 13 incidents but only 5 reported injuries. Mr Mack indicated that SF&RS would hope to take an active role in the Road Safety Sub Group
- Objective 5 – Reduction of Unwanted Fire Signals – D Mack that 13 premises have been given a first stage letter and are being actively monitored. It was noted that no Stage 2 letters have been sent yet. This scheme has only been in operation since December 2013 and it is anticipated that it will take some time to be effective
- Violence to Staff/Crews – D Mack reported that there have been no incidents in East Lothian
- Fire Safety Enforcement Audit – D Mack explained that the straight line shown on the graph is the target figure and the other line shown is the actual figure.
- Home Fire Safety Visits - It was noted that work is ongoing in East Lothian to target high risk and medium risk tenancies involving partnership working.
- Community Safety Engagement – This includes visits to schools, enhanced home visits identified through social work or from previous incidents. Looking to work more closely with partner organisations to identify vulnerable clients and work is continuing with Health and Social Care partners to identify vulnerable clients. Work is also being undertaken in terms of training for frontline Council staff to help them identify vulnerable clients who may be at risk of house fires.

Points Raised

- Councillor Day thanked D Mack and J Dickie for the work that has been done by the SF&RS. He mentioned preventative work within the housing stock in East Lothian and in particular whether there was any input they could make in relation to new build. J Dickie welcomed the opportunity to look at how this could be done and said they would be happy to engage with the appropriate staff.
- Councillor MacKenzie stated that there were 1,700 people suffering from dementia in East Lothian and welcomed any work that could be done to assist their safety. Ms Campanile advised that there were currently a number of Dementia Awareness events taking place.

Decision on the Recommendations/Action

The Partnership noted the report from Police Scotland

Discussions are to take place between ELC and partner organisations to move the road safety issues forward

The Partnership noted the report from the Scottish Fire and Rescue Service

The Partnership noted that SF&RS would take an active role in the Road Safety Sub Group

The Partnership noted the work being undertaken to identify vulnerable people across East Lothian

c. Antisocial Behaviour

K Black spoke to Item 5c on the agenda and tabled the joint Antisocial Behaviour Strategy 2014-2016 and provided information on the background to the production of the Strategy. It was felt that antisocial behaviour should be dealt with on a multi agency basis and that the partnership with Police Scotland and other partner organisations was working well. He highlighted the reduction in the number of antisocial behaviour incidents over the past four years since the introduction of the Strategy.

Key Points

- ASB dealt with on a case by case basis
- Multi agency meetings held four weekly to discuss the most serious cases
- Weekly meetings involving Police Scotland, Scottish Fire and Rescue Service and Council colleagues are held to identify ASB hot spots. Resources are then deployed to these locations
- Resources available include 13 Council funded Police officers and 8 Community Wardens
- The Antisocial Behaviour Overview Group meets quarterly and receives reports from the ASB Officers Group and is charged with ensuring that the strategic aims of the Strategy are being met
- Community and Police Partnerships meet on a four weekly basis and are attended by representatives of the local community to discuss local issues
- The Council works closely with East Lothian Community Mediation Service with 65 referrals made during the current financial year
- It was noted that during 2013/14 there were 6,490 calls made to Police Scotland relating to ASB which was a reduction of 15% on the preceding three year annual average. During the current financial year there is an 18% reduction in ASB complaints and a 22% reduction in youth related calls

- The Council is required to report to the Scottish Housing Regulator as part of the Scottish Social Housing Charter (2012) and in 2013 the Council set targets for resolving ASB cases. These were that the Council would resolve 40% of all ASB cases within 2 months, 40% within 4 months, 10% within 12 months and the remaining 10% beyond 12 months. The percentage of cases resolved within these targets during 2013/14 was 82.6%. The national average is 75.8%.

Ms Patterson thanked Mr Black for his report. Councillor Day also thanked Mr Black and CI Clark and the team for the work they have done to reduce the incidents of ASB.

d. New Psychoactive Substances

Ms Patterson introduced Martin Bonnar, Manager of the Mid/East Lothian Drug and Alcohol Partnership to brief on the above subject.

Mr Bonnar began by asking that the term “Legal Highs” is not used when speaking of this subject as these drugs are not safe and can be very damaging. Mr Bonnar referred to the information contained within the report (Item 5d on the agenda) and asked that the Partnership agree with the proposal that a Psychoactive Working Group be set up to look at this issue. Mr Bonnar went on to provide some background information on the creation of the drugs and their use and how they are able to be sold in some outlets. It was noted that Police Scotland and Trading Standards carried out visits to premises which had been successful with two traders charged. Work is also ongoing with Adult Wellbeing and NHS colleagues to assist drug users.

Key Points

- Difficult to ascertain the level of use of the New Psychoactive Substances (NPS)
- Evidence suggests growing popularity among 15 -24 age group although current evidence suggests that is the older opiate injecting population who are switching from heroin to NPS
- Local newsagents and e-cigarette shops appear to be the main sellers of NPS in East Lothian
- Partner organisations involved in responding including Police Scotland, ELC, NHS Lothian and MELDAP
- MELDAP working with partners to share and develop information and resources
- Training has been provided to staff to help assist individuals including a seminar delivered by NHS Lothian to 160 professionals from Edinburgh and the Lothians
- MELDAP has developed an NPS Action Plan for 2014-16
- That an NPS Working Group, involving partner organisations, be set up to develop partnership activity

Points Raised

- Councillor Mackenzie asked whether any steps were being taken by the Scottish Government to register NPS as illegal. Mr Bonnar replied that this issue is currently being dealt with by the Home Office but there are a number of challenges around this.
- Ms Patterson asked if the Partnership agreed to the formation of a multi agency NPS Working Group. CS Imery asked if the initiative would be a separate forum from the ASB Overview Group. Mr Bonnar replied that he felt that there was enough work around NPS to have a separate working group but would be happy to review the position on a regular basis. CS Imery agreed to the proposal on that basis.

Ms Patterson thanked Mr Bonnar for his very informative report.

Decision on the Recommendations/Action

The Partnership noted the report from the Safer Communities Team Leader on Antisocial Behaviour

The Partnership noted the report on New Psychoactive Substances and agreed to the formation of a Multi-Agency Short Life Working Group to look at this issue which will be reviewed periodically. A report will be brought forward at the conclusion of the Working Group

6. Outcome 8 – East Lothian has quality natural environments**a. Scottish Climate Change Declaration Governance and Reporting**

Ms A Moss, Sustainable Development Officer, spoke to the report (Item 6a). Ms Moss advised the Partnership of the creation of a Climate Change Planning and Monitoring Group made up primarily of council officers from housing, planning, transport, environment and sustainability and community planning partners. The purpose of the group is to meet the East Lothian Partnership objectives under the Climate Change (Scotland) Act 2009.

Key Points

- To note the creation of a Climate Change Planning and Monitoring Group to meet the East Lothian Partnership objectives
- The group will be chaired by the Acting Head of Development and initially will meet twice yearly
- An annual report will be produced and report for 2013/14 is being prepared and will be submitted to Cabinet shortly
- It was noted that Outcomes 3 and 8 of the Single Outcome Agreement reference the environment
- Progress on Outcome 3 is reported through the Sustainable Economy Partnership
- Progress on Outcome 8 – East Lothian has high quality natural environments is reported through the S & VCP
- It is anticipated that the formation of the Climate Change Planning and Delivery Group and the development of a Climate Change Strategy aligned to the topics covered by the Scottish Climate Change Declaration reporting template will ensure that Outcomes 3 and 8 are met

Points Raised

- Councillor Mackenzie asked about the Scottish Climate Change Declaration template and Ms Moss undertook to circulate a copy to the Partnership members
- Ms Patterson asked if everyone was happy with the proposed membership of the group shown on Page 52 of the meeting paper pack. Councillor Mackenzie asked about the involvement of elected Members and Ms Patterson replied that this would be looked at and a response made to him.

Decision on the Recommendations/Action

The Partnership noted the content of the report.

Response to be given to Councillor Mackenzie on the involvement of elected Members in the Climate Change Planning and Monitoring Group

Ms Moss to circulate copy of the Scottish Climate Change Declaration template to the members of the Partnership

9. Any Other Business

D Hume from the Scottish Police Authority asked for an amendment to be made to the minute of the previous meeting and this was noted under Item 2.

10. Date of Next Meeting

The next meeting will be held on **Monday, 16th February 2015 at 2pm at the Scottish Fire Service College, Gullane.**

Ms Paterson thanked everyone for their attendance and the report authors for their reports.

East Lothian Partnership

MINUTES OF THE MEETING OF THE RESILIENT PEOPLE PARTNERSHIP

Wednesday 19 November 2014

The Boardroom, Edinburgh College, 24 Milton Road East, Edinburgh

Partnership Members Present:

Mike Ash, Chair, Health & Social Care Partnership (RPP Chair) (MA)
Alex McCrorie, Depute Chief Executive-Resources & People Services, ELC (AMcC)
Councillor Donald Grant, Health & Social Care Spokesperson, ELC (DG)
Councillor Shamin Akhtar, Education & Children's Services Spokesperson, ELC (SA)
David Small, Director of Health and Social Care for East Lothian Council and East Lothian
Community Health Partnership, Health & Social Care Partnership (DS)
Julie McCran, Vice Principal Customer and Student Services, Edinburgh College (JM)
Linda McNeil, Depute Chief Executive STRiVE, VAEL (LM) for Eliot Stark
Sally Egan, Associate Director & Child Health Commissioner, NHS Lothian (SE)

Others Present:

Carol Grandison, ELC (minute taker)
Darrin Nightingale, Head of Education, East Lothian Council (DN)
Dr Margaret Douglas, Deputy Director of Public Health, NHS Lothian (MD)
Sharon Saunders, Head of Children's Wellbeing (SS)
Veronica Campanile, Policy Officer, ELC (VC)

Partnership Members Apologies:

Alison Meiklejohn, Non Executive Board Member, NHS Lothian (AM)
Anna O'Reilly, Assistant Director Children 1st (AO)
Councillor Stuart Currie, SNP Group Leader, ELC (SC)
Danny Harvie, Director ELCAP, Coalition of Community Care & Support Providers (DH)
Eliot Stark, Chief Executive STRiVE, VAEL (ES)

WELCOME/APOLOGIES

Mike Ash welcomed everyone to the meeting and apologies were noted. Mike introduced Julie McCran, Vice Principal, Edinburgh College and asked members if they were happy to approve Edinburgh College as a new member of this Partnership. The proposal was approved and MA welcomed JM to the Partnership.

2. MINUTES OF THE PREVIOUS MEETING

The minutes of the RPP of 10 September were approved.

3. MATTERS ARISING

Item 5 Outcome 4

- Emerging Themes from Area Partnerships: Sharon Saunders reported that the Musselburgh Total Place Partnership Project Group had concluded their findings and had presented a report to the Chief Executive. A half day workshop is arranged for 1 December, to which all members of RPP are invited.
- East Lothian Autism Strategy: SS advised that the multi-agency working group have revised and redrafted the draft strategy which has been presented to the relevant Executive Officers of partner agencies for approval to release for Public Consultation. The Public consultation will run from 19 November to 22 December 2014 and would include two public workshop events. The Final Draft Strategy will be presented to the East Lothian Partnership on 21 January 2015 or to RPP on 28 February 2015. Post meeting note: link to the consultation - https://eastlothianconsultations.co.uk/policy-partnerships/east-lothian-autism-strategy/consult_view. The consultation period was extended to 12 January 2015.

Item 7 Mid Year review of this Partnership

- Governance Health and Social Care: The Draft Strategic Commissioning Plan will be completed in January and will be presented at the next meeting of the RPP. In the meantime, Veronica will circulate the link to the Integration Plan. **Action VC**
- Membership: VC noted that a meeting had been held with the Chair, Scottish Care and the network of local social care providers to progress the link between membership on the RPP and the East Lothian local network of social care providers.

4. Partners strategic issues: Edinburgh College with a presentation by Julie McCran, Vice Principal Customer and Student Services, Edinburgh College.

Julie McCran gave a brief presentation of her role within Edinburgh College and how the college would support the SOA. NB the presentation has been lodged with the papers of the meeting. Key points:

- Currently 22/23000 enrolments
- 1770 from East Lothian
- 886 female / 884 male
- Higher number of students from 16- 19 age group.
- Around 600 unsuccessful applications were from East Lothian
- Institute of Building Crafts is now on the curriculum due to high demand
- Increased offer for Positive Destinations in Health and Social Care
- Continued wide school and college partnership with various programmes on offer within the Community
- Specific Tutorial programmes, with continued team work, and activities involving discussion on career paths
- Quality Enhancement Team available to support ongoing development of courses and programme design
- Continued involvement with the Student Association
- Focus on retention and achievement
- Promote Health and Wellbeing through course projects
- Adult Day Services in Prestonpans and Haddington
- Access to industry and MELDAP for recovering drug and alcohol addictions.

Points raised:

- What can we do to improve skills and engage students in volunteering in East Lothian? JM and LM to discuss and report back to RPP

MA thanked Julie for a very helpful and informative presentation.

Decision on the Recommendations/Action

- Julie McCran and Linda McNeil to liaise on future involvement between Edinburgh College and STRIVE

4. Area Partnerships Update

Kaela Scott spoke to the report. Key points:

- Each Area Partnership has met several times and all are in the process of identifying key themes and priority areas for action in their ward. These will form the basis of the Area Plans.
- Themes with particular relevance to the Resilient People Partnership include:
 - Local provision of health and wellbeing services- Each Partnership has scheduled a meeting engaging with the Integrated Health and Social Care Strategy
 - Active Transport – Work has begun to identify priority options for improving and adding to the path network in different wards to encourage more cycling to school, support the use of active transport options to access local town centres and reduce congestion, and increase the safety and appeal of cycling between villages to access services activities and public transport.
 - Early Years- Recognition of the importance of early interventions with vulnerable families to ensure children have the best chance to succeed. Ongoing work to ensure stronger links with Support from the Start groups in an attempt to align our action plans and make use of lessons being learnt through the Early Years Collaborative and Total Place Musselburgh.
 - Opportunities for Children and Young People – This is being prioritised in each of the Partnerships but in each area the initial approach differs in response to local concerns and issues
 - Health Inequalities – This theme has emerged in Fa’side, Musselburgh and Preston Seton Gosford Area Partnerships in reaction to evidence of comparatively poor health outcomes in parts of these wards.
 - Support for Older People- There is recognition across whole of East Lothian, however Health and social care problems are different depending on each area so different needs are required.
 - Personal Resilience and Aspirations- Work includes: working with staff from Knox Academy to help young people explore the wider community’s attitude to and experiences of learning to understand how this shapes young people’s aspirations in the area and Mapping community facilities in the Fa’side area to determine what impact the lack of a community centre in Tranent and limited facilities in the surrounding villages has on the services and learning opportunities that are able to be offered in each ward.

Points raised:

- Links between the Health & Social Care Plan’s emphasis on capacity building - not just health - and local level concerns eg transport and the need for a community transport strategy.
- A number of emerging themes relating to Children and Young People correlate nicely with the new themes identified for the redevelopment of the Integrated Children’s Services Plan and also health inequalities. It would be useful for this Partnership to

pay attention to the themes emerging and allow them to fit with the East Lothian wide plans.

- MA and AMcC would like to attend an Area Partnership meeting in the future.

MA asked if the Partnership was happy to accept the recommendations and these were approved.

MA thanked KS for her informative report and asked her to liaise with VC to provide an update in six months time which could highlight any gaps.

Cllr. Grant also thanked KS for her work, especially in Fa'side where several subgroups were operating and the programme was going well.

Decision on the Recommendations/Action

- That the Partnership notes the themes and key issues emerging from the priorities and the opportunities for future engagement and partnership working that they present. **Noted**
- That the Partnership recognises the key role that the service providers from across the partnership will need to play in the development and delivery of Area Plans if they are to have a local impact on achieving the outcomes set out in the East Lothian Plan. **Noted and Agreed.**
- Alex McCrorie and Mike Ash to arrange to attend an Area Partnership meeting. **Action VC**

5. Feedback on the Performance Framework and Partnership Self-Assessment

Mike Ash spoke to this item. Key points:

- MA has met with the Chair of the Sustainable Economy Partnership, the Chair of Safe and Vibrant Communities Partnerships and Angela Leitch to look at progress on collating the information on the Performance Framework. The results varied for each of the Partnerships.
- Each Partnership and contributors will be asked to prepare a statement identifying specific priority actions that can be measured, may need to identify certain members from each Partnership to take ownership so people in their particular service area are aware of what is being measured and what is expected.
- Indicators and data against outcomes 4, 5 and 6 should be completed by Christmas.
- These will be reviewed by MA, SA, AMcC and DS and a draft document will be circulated for comment
- David Milne confirmed that all other Community Planning Partnerships are struggling around the Performance Framework self-assessment

Decision on the Recommendations/Action

- Alex McCrorie, Shamin Akhtar, Mike Ash, David Small and Veronica Campanile to meet to finalise the priorities and performance framework. **VC to arrange**

6. a Outcome 5: East Lothian’s Children have the best start in life and are ready to succeed

Sharon Saunders spoke to this item. Key points:

- Children Strategic Partnership Group continues to meet monthly
- Planning and Delivery Groups continue to meet regularly and are working towards the first Draft of their Implementation Plan
- Strategic Leadership and Partnership Workshop is arranged for 25 February 2015, all members of RPP are invited to attend.
- Early Years Planning and Delivery Group is collating work for “The Best start in Life”
- Early Years Collaborative (EYC) work between East and Midlothian continues: SS and DN attended Learning Session 6 which identified the priorities.
- East Lothian EYC Boot camp event arranged for 8 Dec to prepare an overview of the Improvement Plan around the Integrated Children’s Services Plan
- Early Development Instrument, a school based assessment on the readiness to learn of P1’s, is planned to be repeated in 2016
- Support from the Start - 6 community Groups continuing the local early years programme of community based activities
- Work on the 0-25 pathway which was agreed by the RPP is ongoing. SS has now taken on this piece of work and a report will be brought forward to the RPP.

NB. It was agreed to bring forward Outcome 6 to accommodate other commitments

6. c Outcome 6: In East Lothian we have healthy active and independent lives**Presentation on the Strategic Planning process for Health and Social Care**

NB The presentation has been lodged with the papers of this meeting

David Small spoke to this item. Key points:

- The Scheme of Integration had to be completed by 1 April 2015, which will establish the new Integrated Joint Board (IJB) / Health and Social Care Partnership.
- The Health and Social Care strategic plan has to be ready to be adopted by the new structure and in any case it is required by legislation May/June 2015
- The “blueprint” for how the HSCP will shape and deliver services to meet national health/wellbeing outcomes for which it is accountable and shift the balance of care
- The overarching strategic document for all services in scope.

- Divided into a minimum of two localities for this purpose, with the arrangements for each locality set out separately
- Required to deliver within a finite and challenging financial context.
- The regulations set out which health and social care functions must be delegated.
- Must include adult social care, adult primary and community health care and “aspects of adult hospital care that offer the best opportunities for service redesign
- Other services including children’s health and social care, criminal justice and housing can also be included if there is local agreement to do so. Agreed not include Children’s Wellbeing in this plan however they will be considered in future.
- Current Shadow Board will become the IJB and will adopt this plan
- East Lothian population is growing: more long term health conditions
- Unscheduled admissions to hospital continue to rise
- After two rounds of consultation the Strategic Plan will be finalised. Delivery plans with key milestones for each of the priority areas outlining the key steps required in 2015/16 and 2016/17 in order to implement the individual schemes within each locality will continue to be developed.

Decision on the Recommendations/Action

- **Members of RPP to respond to the Questions below via Carol Lumsden and David Small (Carol.Lumsden@nhslothian.scot.nhs.uk)**
 - *Does this Draft plan address the most important issues for East Lothian*
 - *Have we missed anything significant? If so what?*
 - *We are planning to look at services in 2 localities within East Lothian. Do you agree with the proposal?*

Health inequalities Strategy and action plan update

Margaret Douglas spoke to the report.

Key points:

- Outlined the focus of the health inequalities strategy and action plan in appendix 1
- This is intended to fit within the wider Reducing Inequalities Framework and Action Plan being developed by East Lothian Partnership
- The Health Improvement Alliance leading on the health inequalities work aims to help individuals and communities prevent the effects of inequality on health and wellbeing
- The HIA provides advice and support to partnerships and agencies to shape work on reducing inequality / improving wellbeing. See examples in points 3.8 and 3.9.

Points raised:

- MA thanked MD for her presentation and asked members to agree to the recommendations. They were agreed.

- MA added that this item should be commended to the East Lothian Partnership and that each group should be asked to evaluate how they are contributing to reducing health inequalities.

Decision on the Recommendations/Action

- Endorse the East Lothian Health Inequality Strategy and Action Plan. **Agreed**
- Note the current activity of the East Lothian Health Improvement Alliance. **Noted**

Action

- Commend the report to East Lothian Partnership for action by each of the supporting partnerships. **MA/VC**

6. b Outcome 4: East Lothian’s Children are successful learners, confident individuals, effective contributors and responsible citizens

Darrin Nightingale spoke to this item.

Key points:

- Latest Positive Destination for East Lothian 88.9%, slightly behind the national average and variation between schools is 87.4% - 95.4%
- Rates are rising for children who are looked after or have additional support needs
- Ongoing intensive meetings with Head Teachers regarding attainment, follow up sessions Feb/Mar 2015 focussing on key themes emerging from November meetings.
- School attendance has been identified as a key issue for positive destinations.
- Musselburgh Area Partnership is instigating a School Attendance Project with a view to improving attendance year on year
- Head Teacher Conference focused solely on Attainment and this is being followed up with each school. Common themes emerging: attendance, behaviour, parental involvement, appropriate curriculum for all learners.
- Summing up – the RPP could support by focusing on positive destinations and attendance.
- Positive destinations and attendance were suggested as the key topics for the RPP. These would be taken forward at a follow up meeting with MA, SA, AMcC and DS where all suggestions would be collated and brought back to the next meeting with proposal for adoption, subject to ratification by ELP.

Action

- The meeting in item 5 to include Positive Destinations and Attendance with other suggestions for key topics and present proposals for adoption to the next meeting

7. ANY OTHER BUSINESS

None

8. NEXT MEETING Wednesday 18 February 2015, 2.00pm, in the Doughty Centre, Herdmanflat Hospital, Haddington.



**MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE OF THE CABINET**

**THURSDAY 11 DECEMBER 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

11

Committee Members Present:

Councillor J McNeil (Chair)
Councillor F McAllister
Councillor J Caldwell
Councillor J McMillan
Councillor D Grant
Councillor J Williamson

Council Officials Present:

Mr I Forrest, Legal Adviser
Ms Catherine Molloy, Senior Solicitor (Items 1 and 2)
Ms D Elworthy, Licensing Administration Officer

Others Present

Insp A Hogarth, Police Scotland
PC Bowsher, Police Scotland

Clerk:

Mrs F Stewart, Committees Assistant

Apologies:

None

Declarations of Interest:

None

1. DELEGATION OF AUTHORITY UNDER CIVIC GOVERNMENT (SCOTLAND) ACT 1982

The Depute Chief Executive (Resources and People Services) had submitted a report to seek East Lothian Licensing Sub-Committee's agreement to delegate authority to the Service Manager, Licensing, Administration and Democratic Services) to carry out certain functions of the Sub-Committee in terms of the Civic Government (Scotland) Act 1982 ("Act").

Catherine Molloy, Senior Solicitor, presented the report. She stated that, on 12 December 2013, the Sub-Committee had approved a Scheme of Delegation to delegate authority to the Service Manager, Licensing, Administration and Democratic Services. Due to the introduction of new regimes (such as licensing Window Cleaners and Second Hand Dealers), it was proposed that delegated powers to dispense with these applications should be conducted by the East Lothian Council Licensing Team together with legal support; only in exceptional circumstances, such as a competent objection or a lengthy criminal record, would the decision to grant or renew a licence be referred to the Sub-Committee. Ms Molloy added that the Licensing Team would continue to meet with the Chair on a regular basis and discuss any concerns which may arise.

The Chair asked if applications involving OHSAS (Occupational Health and Safety Advisory Services) certificates would be processed under delegated powers and Ms Molloy confirmed that they would.

Decision

The Sub-Committee agreed, in the interests of efficiency, to delegate authority to the Service Manager, (Licensing, Administration and Democratic Services) to carry out the functions specified in sections 3.2 to 3.3 of the report.

2. MARKET OPERATOR'S LICENCE

The Depute Chief Executive (Resources and People Services) had submitted a report to seek the Sub-Committee's agreement that a Market Operator's Licence is required for markets to be held in premises to which a public entertainment licence already applies.

Catherine Molloy, Senior Solicitor, presented the report. She advised that the Council currently granted a Public Entertainment Licence for premises where the public are admitted or use the premises for the purposes of entertainment or recreation. The Council was aware that, from time to time, markets were being held in premises to which a Public Entertainment licence applied. However, the operation of a market in premises to which a Public Entertainment Licence applied did not exempt a market operator from being required to apply for a Market Operator's Licence. The Council was also aware that certain community groups held markets and the Solicitor invited Members of the Sub-Committee to offer any feedback on such markets in their wards.

The Chair expressed some concern over this proposal, particularly in regard to how it would be applied to fund raising events held by Community Councils and schools. The Solicitor replied that the law already required premises to have a Market Operator's licence to hold a market, even if a Public Entertainment Licence already applied to the premises.

The Police Constable advised that she was working closely with individuals and organisations to ensure that they understood which licence or licences they required for their events. She also advised that the Police had received a complaint from a Market Operator who considered it was unfair that he was required to pay £100 for a Market Operator's Licence while other groups operated without a licence. However, she agreed that there should be a clear definition between commercial and charitable enterprises. The Legal Adviser advised that there was, in law, a statutory exemption for schools. The Senior Solicitor added that an organisation's charitable status was clear if they were registered with OSCR (Office of the Scottish Charity Regulator).

Councillor McMillan enquired if it was correct that a Public Entertainment Licence applied to a building rather than an individual and this was confirmed. The Police Constable also clarified that a Market Operator's licence was required by the operator only and not by people or trades who may have a stall at a market.

The Senior Solicitor reminded Members that the report was not asking Members to approve a new regulation; it was highlighting the law as it stands and the Licensing Office wished to increase awareness of this legislation.

Councillor Grant requested clarification on the position for schools who wish to operate a market and the Legal Adviser stated that it would depend upon who was organising the event; the Act did include an exemption for 'Charitable Organisations'.

Councillor McAllister proposed that Members of the Committee could email any concerns they may have to the Senior Solicitor and she could in turn provide a list of groups which would be exempt from requiring a Market Operator's Licence. Notwithstanding the cost of a licence, he was concerned that the bureaucracy involved could discourage community groups from holding markets. He wanted community life to remain vibrant but to operate within the law.

Decision

The Sub-Committee agreed that a Market Operator's Licence is required in the event that a market is being operated on premises to which a Public Entertainment Licence applies.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Licensing Sub-Committee unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

3. APPLICATIONS FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

The Sub-Committee had received three applications for a licence; one was withdrawn, one was agreed and one was continued.

4. APPLICATIONS FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

The Sub-Committee had received 3 applications for renewal of a licence and all three were agreed.

5. APPLICATIONS FOR GRANT OF WINDOW CLEANER'S LICENCE

The Sub-Committee had received two applications for a licence and both were granted.