



**MINUTES OF THE MEETING OF  
THE CABINET**

**TUESDAY 10 MARCH 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 W Innes (Convener)  
Councillor M Veitch

**Other Councillors Present:**

Councillor D Berry  
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  
Councillor J McNeil  
Councillor J Williamson

**Council Officials Present:**

Mrs A Leitch, Chief Executive  
Mr A McCrorie, Depute Chief Executive – Resources and People Services  
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services  
Mr D Small, Director of Health and Social Care Partnership  
Mr R Montgomery, Head of Infrastructure  
Mr D Proudfoot, Acting Head of Development  
Ms M Galloway, Service Manager – Community Partnerships  
Mrs M Ferguson, Service Manager – Legal and Procurement  
Mr P Forsyth, Senior Area Officer East (Transportation)  
Ms S Fortune, Service Manager – Business Finance  
Mr D Heaney, Service Manager – Resources (Adult Wellbeing)  
Mr E John, Service Manager – Sport, Countryside and Leisure  
Mrs K MacNeill, Service Manager – Licensing, Administration and Democratic Services  
Mr I McFarlane, Service Manager – Planning  
Ms J Ogden-Smith, Communications Officer  
Mr S Pryde, Principal Amenity Officer  
Mr A Stubbs, Service Manager - Roads  
Mr P Vestri, Service Manager – Corporate Policy

**Clerk:**

Mrs L Gillingwater

**Apologies:**

Councillor J McMillan

**Declarations of Interest:**

Item 5 Councillor Caldwell (Member of Fisherrow Trust)  
Councillor Day (Director, Scottish Seabird Centre)  
Councillor Grant (Trustee, Lothian Mineworkers Convalescent Home)  
Councillor Innes (Trustee, Pennypit Community Development Trust)

**1. MINUTES OF THE MEETING OF THE CABINET OF 13 JANUARY 2015**

The minutes of the meeting of the Cabinet of 13 January 2015 were approved.

**2. SUMMARY OF CONTRACTS AWARDED BY EAST LoTHIAN COUNCIL, 18 DECEMBER 2014 TO 25 FEBRUARY 2015**

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of all contracts awarded by the Council from 18 December 2014 to 25 February 2015, with a value of over £150,000.

Referring to the contract for the Proposed Extension to Sanderson's Wynd Primary School, Councillor Currie asked if consideration could be given to developing a framework for sub-contractors. Douglas Proudfoot, Acting Head of Development, advised that officers were looking at ways of helping local firms bid for work, and that the issue of sub-contracting could also be explored.

Members welcomed the investment in tennis courts in Musselburgh, Haddington, Tranent and Longniddry.

**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. FINANCIAL REVIEW 2014/15: QUARTER 3**

A report was submitted by the Depute Chief Executive (Resources and People Services) recording the financial position at the end of the third quarter of financial year 2014/15.

The Service Manager – Business Finance, Sarah Fortune, presented the report, setting out the Council's financial position as at December 2014. She drew attention to the key aspects of the report and highlighted the pressures facing the Council, particularly in Adult Wellbeing and Children's Wellbeing, but noted that the Council was on track to deliver an overall favourable financial position in 2014/15.

In response to a question from Councillor MacKenzie in relation to the Children's Wellbeing budget, Ms Fortune advised that a budget recovery plan was in place with controls to monitor expenditure and achieve further savings. She warned that the pressures on that service remained due to demand-led services. The Head of Children's Wellbeing would continue to monitor the situation. Councillor MacKenzie also asked about the possibility of

reducing costs further through partnership working. Ms Fortune noted that the Head of Children's Wellbeing would be able to provide further information on that.

Councillor Currie asked if it was expected that the Children's Wellbeing and Adult Wellbeing budgets were expected to be a high financial risk at the end of the financial year. Ms Fortune advised that both of these services were expected to remain as high or medium risk at the year end. She added that the budgets approved in February had been set to address the pressures on these services but that some demand-led services would create additional pressures. Councillor Currie asked if the efficiency savings set were not achievable. The Chief Executive stated that there were a number of improvement measures currently under consideration, and that the integration with the NHS would also result in changes. She noted that there were demographic pressures to deal with, a result of which was that new models of service provision were required. Members were advised that any proposals in relation to changes of policy would come to Council/Cabinet for approval.

Councillor Berry questioned under-spends and surpluses in relation to a number of service areas and asked how this was affecting service delivery. Ms Fortune provided an explanation as regards a number of services, and also noted that vacancies in some areas were being held pending completion of service reviews. The Chief Executive added that officers were delivering services that had been committed to, and that any negative feedback on service delivery was taken seriously.

Councillor Berry then expressed his concern about the level of under-spend in some services, and over-spend in others, noting that officers needed to anticipate demands and plan accordingly. He highlighted the challenges facing the Adult Wellbeing budget, commenting that he did not foresee significant savings resulting from the integration of health and social care.

On under-spending, Councillor Hampshire indicated that officers were working to spend their allocated budgets and that there were situations where work was underway or completed that had not yet been paid for.

Councillor Currie also voiced his concern as regards the under-spend and slippage on the capital programme and warned that the Council may not be able to fund the capital programme in future years if capital spending limits were reduced. He also believed that the budgets set for Adult Wellbeing and Children's Wellbeing were inadequate.

Councillor Akhtar paid tribute to the work of Council staff in delivering services and to staff in Finance. She remarked that a degree of the Council's financial challenges were due to the Council Tax freeze and the increase in demand for social care services.

Councillor Grant welcomed the report. He informed Members that other local authorities were facing similar challenges as regards demand for social care services.

Councillor Innes concluded the debate by stating that the Council was not receiving the funding required to meet the increasing demands on services. He added that the Administration valued the commitment of staff in continuing to deliver services.

## **Decision**

The Cabinet agreed to note the financial performance of services at the end of December 2014.

#### 4. INVESTING IN OUR COMMUNITIES – SUPPORT TO COMMUNITY COUNCILS

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval for the proposed levels of funding to be made available to community councils in East Lothian for the financial year 2015/16.

The Service Manager for Licensing, Administration and Democratic Services, Kirstie MacNeill, presented the report, drawing attention to the proposed grant and local priorities scheme allocations. She also made reference to financial assistance being made available to community councils to facilitate community resilience arrangements.

Councillor Currie welcomed the report. However, he expressed disappointment in the reduction in funding of the local priorities scheme and requested that this be reconsidered by the Administration.

A number of Members paid tribute to the work carried out by community councils.

#### Decision

The Cabinet agreed:

- i. to approve the allocation of Community Council Administration Grants and Local Priorities Schemes Budgets for 2015/16, as detailed in Appendices 1 and 2; and
- ii. to approve the funding of public liability insurance for community resilience purposes.

#### 5. PARTNERSHIP FUNDING 2015/16

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) recommending awards to agencies and organisations from partnership funds budgeted for by East Lothian Council in financial year 2015/16.

**Sederunt:** Having declared an interest as a member of Fisherrow Trust, Councillor Caldwell left the meeting.

Councillor Hampshire noted that he would not be declaring an interest as he did not stand to gain financially from any of the proposed grants. Morag Ferguson, Service Manager – Legal and Procurement, reminded Members of their duties in respect of declarations of interest and of the specific exclusions set out in the Councillors' Code of Conduct. She also mentioned that further training on the Code would be delivered to Members on 12 May.

**Sederunt:** Councillor Grant declared an interest as a Trustee of the Lothian Mineworkers' Convalescent Home and left the Chamber.

Councillor Currie welcomed the report. He proposed that officers should consider allocating funding on a longer term basis to provide organisations with financial security. He noted the ongoing tender exercise as regards advice services and requested that the outcome of this review be reported back to Members. Councillor Innes undertook to report back to Council or Cabinet in due course.

Councillor Berry spoke of the value of the grants to voluntary organisations. He also commented that the Council should try and help The Space in North Berwick, an organisation that was having to leave their current premises.

A number of Members highlighted the work done by various organisations and paid tribute to the volunteers involved in providing services.

## **Decision**

The Cabinet approved the awards listed alphabetically from A to L.

**Sederunt:** Councillor Grant returned to the meeting. Having declared an interest as a Trustee of the Pennypit Community Development Trust, Councillor Innes left the meeting.

## **Decision**

The Cabinet approved the awards listed alphabetically from M to P.

**Sederunt:** Councillor Innes returned to the meeting. Having declared an interest as a Director of the Scottish Seabird Centre, Councillor Day left the meeting.

## **Decision**

The Cabinet agreed:

- i. to approve the proposed allocation of funding from partnership funding budget sources, totalling £1,925,469, as recommended in Appendix 1;
- ii. to remit officers to continue to review all grants awarded in the financial year 2915/16; and
- iii. to note that it was a condition of all grant awards that organisations report on progress, expenditure and outcomes achieved.

**Sederunt:** Councillor Day returned to the meeting

## **6. ADULT WELLBEING – PAYMENTS TO THIRD SECTOR AGENCIES**

A report was submitted by the Director of the Health and Social Care Partnership seeking approval for payments to third sector agencies in 2015/16.

The Service Manager, Resources (Adult Wellbeing), David Heaney, presented the report. He drew particular attention to the proposed funding for day centres, advising that all ten were in the process of applying for registration with the Care Inspectorate, and that funding would be allocated to support this process. He also noted the funding for Haddington Citizens' Advice Bureau only covered part of the year due to the ongoing service review.

In response to a question from Councillor MacKenzie on the funding of day centres, Mr Heaney advised that the proposed service level agreements (SLAs) would be put in place annually, with the Council having the option to continue these for an additional two years. Reports on this matter would be presented to Cabinet for consideration, as required. Councillor MacKenzie paid tribute to the day centre committees and staff for their work in preparing for care inspectorate registration. He also commented that a three-year funding allocation through the SLAs would allow day centres to plan more effectively.

Councillor Veitch asked if the proposed changes would provide a more equitable funding mechanism. Mr Heaney explained that day centres had evolved over a number of years and that their funding bases therefore varied. He anticipated that the proposed changes would take account of the various services provided and would result in a more equitable support structure.

Councillor Veitch welcomed the report, in particular the increased funding to day centres. He sought assurance that the commitment to support day centres would be a key component of the Council's care strategy in future. His comments were supported by Councillor Currie, who commended the work done by volunteers and the value of day centres within their communities.

Councillor Grant stated that day centres would be required to submit robust business models for their organisations, as required by the Care Inspectorate. He also supported the Council's commitment to working with the voluntary sector in the provision of services.

## **Decision**

The Cabinet agreed:

- i. to award annual payments for 2015/16 as shown in Appendix 1; and
- ii. that a proportion of the Section 10 budget, detailed in Appendix 1, was 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.

## **7. PROPOSED RESPONSE TO CONSULTATION BY SCOTTISH MINISTERS ON A PROPOSAL FOR A WINDFARM KNOWN AS AIKENGALL 2A**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising Cabinet that Scottish Ministers had asked the Council for its views on the proposal and recommending the position the Council should take.

Iain McFarlane, Service Manager – Planning, presented the report, advising Members of the officer recommendation to object to the application on the grounds of adverse impact on the landscape and the impact on the Oldhamstocks Conservation Area. He drew attention to the key aspects of the report, in terms of environmental information, socio-economic information and the impact on the landscape and neighbouring residential areas. He also highlighted representations made in respect of the application, and noted that Scottish Borders Council had objected to the proposal.

Councillor Hampshire asked if the Council's policies had been revised to take account of new guidance issued by the Scottish Government in June 2014. Mr McFarlane advised that policies would have to be revised and would also need to take account of the Local Development Plan guidance. This had not yet been done, but he noted the need to maintain and protect East Lothian's landscape.

Councillor Berry asked how many turbines would be visible from Oldhamstocks and from other areas in East Lothian. Mr McFarlane was unable to provide exact details on the numbers; however, he noted that this particular application would have a significant visual impact due to the positioning of the proposed turbines. He undertook to provide more visual information for Members for future reports.

Responding to a question by Councillor Currie, Mr McFarlane advised that the report had not been finalised prior to the request for it to be presented to Cabinet. He noted the different requirements in place as regards the Planning Committee Scheme of Delegation list.

Councillor Veitch welcomed the report and the recommendation to object to the application. He voiced his concern at the increasing number of applications to erect wind turbines in the Lammermuirs and surrounding countryside. He called for Scottish Ministers to respect local democracy and reject the proposals.

Councillor Hampshire warned that there would be more applications for windfarm developments and that the Council would have to defend areas deemed to be sensitive. He suggested that the Council would be in a stronger position in the future if it supported this particular application. He pointed out that only four of the turbines would be located in East Lothian, and that a number of bodies, including Scottish Natural Heritage and Historic Scotland had not objected. He also noted that there was already a connection to the national grid in the proposed location, and that there would be economic benefits associated with this project. He proposed that the Council should not object to the application.

Councillor Hampshire's views were shared by a number of Members, including Councillor MacKenzie, who commented that this area was not one frequented by hill walkers, and that a significant amount of power would be generated by the windfarm.

Councillor Berry expressed his sympathy for residents living close to the proposed windfarm. However, he remarked that Torness Power Station had a much greater visual impact on this area.

Councillor Innes reminded Members that there was a policy in place that presumed against developments such as this one and that the tests applied by Planning officers had not been met by the application. He advised that on this basis, he would be supporting the recommendations.

The Council Leader then moved to the vote on the recommendations set out in Section 2 of the report:

For: 5  
Against: 1  
Abstentions: 0

## **Decision**

The Cabinet agreed to object to the application due to its adverse landscape and visual impact, which was 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.

## **8. BURIAL GROUND STRATEGY**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval for the adoption of the Burial Ground Strategy and the introduction of a management fee for the erection of memorial headstones.

The Service Manager – Sport, Countryside and Leisure, Eamon John, presented the report. He noted that Recommendation 2.2 concerning the proposed introduction of a management fee for the erection of memorial headstones would be referred to Council for a decision. Mr John reminded Members that a draft Strategy had been presented to Members in June 2013. Although there was general support at that time, there had been some concerns regarding shared burial ground sites. He indicated that the revised Strategy aimed to provide burial grounds within specific communities and, where possible, within cluster areas. He advised that supporting paperwork was available via the Members' Library.

Councillor Berry asked if there was sufficient space at Whitekirk for additional burial ground. Stuart Pryde, Principal Amenity Officer, reported that the Church had suggested giving an area of ground to the Council for this purpose and that the piece of ground had been deemed suitable for burial.

Councillor Veitch asked when the findings of the archaeological study would be made available in respect of ground at Prestonkirk and if any alternative sites had been identified in East Linton. He also highlighted the urgency of providing additional burial space in Dunbar. Mr Pryde advised of the intention to deliver all high priority sites first, noting that Dunbar was now at a critical stage. He also noted that the costings for Prestonkirk had not yet been fully explored, but that burial space would be delivered in local communities wherever possible.

Responding to questions from Councillor McAllister as regards trends of burials and cremations, Mr Pryde explained that the pattern of burials had been recorded over a 10-year period, with a burial rate of 30-40%. He anticipated that having a crematorium in East Lothian would not have a significant impact on these figures. He also noted that the Council no longer offered advance sale of burial plots in a number of cemeteries to allow for space for immediate need.

Referring to the June 2013 report which had included provision for allotment space, Councillor Currie asked when a report on allotments would be presented to committee. Mr John advised that the allotment proposal had not been supported in 2013 and would be revisited at a later date.

Councillor Berry welcomed the report and the provision of burial space within communities. He did, however, voice his concern at the limited space in some areas, e.g. Aberlady and Whitekirk, and suggested that local connection should be considered in some cases with a view to allowing advance purchase of plots. He also asked officers to look into parking provision at Dirleton Cemetery.

Mr Pryde pointed out that parking provision and safety improvements at a number of cemeteries, including Dirleton, Gladsmuir and West Byers, were being considered as a priority. As regards advance purchase of plots, he cautioned against changing this policy on the basis that immediate need had to be protected.

Councillor MacKenzie remarked on the importance of maintaining headstones.

## **Decision**

The Cabinet agreed:

- i. to approve the adoption of the Burial Ground Strategy; and
- ii. that the proposal to introduce a Management Fee for the erection of memorial headstones would be referred to Council for a decision.

## **9. NORTH BERWICK PARKING STRATEGY UPDATE**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising Cabinet of the consultation exercise undertaken to establish public support for additional parking provision in North Berwick and seeking approval to introduce or amend Traffic Regulation Orders necessary to deliver the North Berwick Parking Management Strategy.

The Service Manager – Roads, Alan Stubbs, presented the report, reminding Members of the appraisal of potential sites and the consultation exercise undertaken. He drew attention to the summary of recommendations, set out in Appendix 1 to the report.



Peter Forsyth, Transportation Senior Officer Area East, responded to questions from Members on the proposals, particularly in relation to parking locations and access to parking areas.

Councillor Day welcomed the report, commenting that there was no simple solution to address parking issues in the town. He remarked that the absence of traffic wardens had had a significant on the town centre, and spoke of the need to enforce traffic restrictions through decriminalisation. He added that people should be encouraged to park outwith the town centre.

Councillor Goodfellow also noted that a lack of parking in North Berwick was having an impact on local businesses.

Councillor Berry welcomed the proposed investment to improve the situation, which he believed would have a positive effect, both on the local community and on tourism.

### **Decision**

The Cabinet agreed to 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.

## **10. MINUTES FOR NOTING**

The minutes of the Sustainable Economy Partnership held on 29 October 2014, the Safe and Vibrant Communities Partnership held on 17 November 2014 and the Resilient People Partnership held on 19 November 2014 were noted.

## **11. PUBLIC MINUTE OF THE MEETING OF THE LICENSING SUB-COMMITTEE HELD ON 11 DECEMBER 2014**

The public minute of the meeting of the Licensing Sub-Committee held on 11 December 2014 was approved.

## **SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

The Cabinet 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.

### **Sub-Committee Minutes**

The private minute of the meeting of the Licensing Sub-Committee held on 11 December 2014 was approved.