



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

**TUESDAY 27 OCTOBER 2015
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

1a

Committee Members Present:

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

Council Officials Present:

Mrs A Leitch, Chief Executive
Mr A McCrorie, Depute Chief Executive (Resources and People Services)
Ms M Patterson, Depute Chief Executive (Partnerships and Community Services)
Mr D Small, Director of East Lothian Health & Social Care Partnership
Mr J Lamond, Head of Council Resources
Mr R Montgomery, Head of Infrastructure
Mr D Proudfoot, Head of Development
Mr T Shearer, Head of Communities and Partnerships
Ms P Bristow, Communications Officer
Ms M Ferguson, Service Manager – Legal and Procurement
Ms S Fortune, Service Manager – Business Finance
Mr I Patterson, Homelessness Manager
Ms L Penman, Communications Officer
Mr P Vestri, Service Manager – Corporate Policy & Improvement

Visitors Present:

Mr A Shaw, KPMG, LLP (for Items 1-5)

Clerk:

Mrs L Gillingwater

Apologies:

None

1. MINUTES FOR APPROVAL

The minutes of the Council meetings specified below were submitted and approved.

East Lothian Council – 25 August 2015

Matters arising:

Item 10 – Councillor Berry noted that Councillor Caldwell would be the Independent Member on the Police, Fire and Community Safety Scrutiny Committee.

Item 4 – Councillor Akhtar asked for an update on the Local Government Boundary Review. The Head of Council Resources, Jim Lamond, reported that a response from the Council on the proposed methodology and ward redesign had now been submitted, and that a letter had been sent to the Boundary Commission on 22 October in relation to a procedural regularity, specifically that they had failed to consult the Council on a proposal that had been presented for public consultation. He reiterated that the Council was opposed to the proposed changes and that the cross-party and officer working group had made a request within the letter for a local inquiry into the proposals. He further noted that CoSLA was opposed to the methodology used by the Boundary Commission.

2. MINUTES FOR NOTING

The minutes of the meetings specified below were noted:

East Lothian Partnership – 13 May 2015

Local Review Body (Planning) – 27 August 2015

Local Review Body (Planning) – 17 September 2015

3. ANNUAL AUDIT REPORT TO MEMBERS AND CONTROLLER OF AUDIT

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

Mr Shaw presented the Audit Report to Members, advising that the Council's financial statements had been signed on 28 September and that the Council had been given an unqualified opinion on the 2014/15 annual accounts. He highlighted a number of key aspects of the report, including the use of reserves, borrowing and capital expenditure. He set out the risks and challenges facing the Council, noting that he was satisfied with the actions taken and judgements made by the Council's Management Team. On the integration of health and social care, he reported that the East Lothian Integration Joint Board was progressing in line with those of other authorities. He thanked Council officers for their support and cooperation during the audit process.

In response to a question from Councillor Berry and comments from Councillor Currie in relation to how the Council's borrowing was reported, Mr Shaw explained that previous reports had included an Audit Scotland comparison of councils, but this report had set the information out in a different way. He confirmed that East Lothian still had the highest level of net debt, but that the ratios were improving. He added that the auditors took a long-term view of the Council's financial strategy, including the servicing of debt.

Councillor Forrest asked how this report compared with previous audit reports. Mr Shaw stated that as regards the preparation of statements and responses from management, this report was more positive. He noted that there had been improvements year on year, and that the working relationship between management and the auditors had been strengthened. He also pointed out that from a financial position, the report was more positive than in previous years.

Councillor Akhtar asked for information on future scrutiny plans. Mr Shaw advised that the Local Area Network was in the process of developing its scrutiny activities for next year.

On the matter of the Council being under-spent, Mr Shaw outlined the aspects of Council business that were considered during the audit process, including the management of risk, efficiencies and savings, and he commented that where there were key areas of under-spending the auditors would seek further information from management.

The Provost thanked Mr Shaw for his attendance and presentation.

Councillor Veitch opened the debate by welcoming the report, which he believed confirmed that the financial strategy being pursued by the Council was the correct one. He drew attention to the importance of building a strong base of reserves in order to meet future challenges.

Councillor Currie expressed concern at the current level of surpluses. He called on the Council to increase investment in capital projects and Council housing, remarking that delivery of affordable housing was at its lowest level in years, at a time when borrowing rates were favourable.

Councillor Akhtar thanked officers for their efforts to continue delivering services in spite of the financial challenges. She noted that customer satisfaction remained high and highlighted investment in schools and the new communication facility in Haddington. She commended the report to the Council.

Councillor Berry echoed Councillor Currie's comments as regards affordable housing and criticised the Administration's decision to transfer £1m from the Housing Revenue Account to support general services. Councillor Hampshire responded, remarking that the previous Administration had also used HRA funds in this way and that the current Administration had made plans to end this annual transfer. On housing, he advised that the Administration was committed to delivering houses and was working with private sector developers to achieve this. He also praised the commitment of Council staff.

Councillor Innes stated that in order to protect services and jobs for the future, the Council had to ensure it was in a strong financial position. He welcomed the report, which endorsed the Council's financial strategy, but warned that there were further financial challenges ahead.

Decision

The Council agreed to note the report.

4. EAST LOTHIAN COUNCIL ANNUAL PUBLIC PERFORMANCE REPORT 2014/15

A report was submitted by the Depute Chief Executive (Partnership and Community Services providing Members with the Council's Annual Performance Report 2014/15.

The Service Manager – Corporate Policy and Improvement, Paolo Vestri, presented the report, highlighting the progress being made in achieving the Council Plan across all four key objectives. He advised that indicators would be updated on receipt of benchmarking data later in the year.

On housing and homelessness, Councillor Berry asked about the Council's performance in achieving the Scottish Housing Quality Standard (SHQS), given that the standard of East

Lothian's council housing was of a high quality. The Head of Communities and Partnerships, Tom Shearer, advised that the Council had to comply with a range of indicators in order for the SHQS to be achieved, and that he would discuss this further with Councillor Berry out-with the meeting.

Councillor Currie asked about recycling rates and the air quality in Musselburgh. The Head of Development, Douglas Proudfoot, undertook to circulate a briefing note on air quality to all Members. Members were also advised that the new waste collection arrangements had been well received and had resulted in a substantial increase in recycling rates. A report on recycling would be presented to PPRC in due course.

In response to a question from Councillor Akhtar regarding feedback on Council services from customers, Mr Vestri reported that in the most recent Scottish Household Survey, the Council had performed well and was in the top quartile for all eight indicators. He added that the latest report from the Citizens Panel was currently being produced, and that also indicated a high level of satisfaction across the various services.

Councillor MacKenzie welcomed the report, but commented that there was still work to do to close the attainment gap between those children who were most advantaged and those who were most deprived.

Councillor Berry also welcomed the report, drawing attention to a number of areas where the Council was performing well, including the proportion of 18-24 year-olds claiming Job Seekers' Allowance and the cost of the democratic core per 1000 population. However, he noted the fall in the average tariff score of pupils from the most deprived 30 per cent of East Lothian, and called on the Council to pay close attention to this indicator.

Councillor Currie expressed concern about delayed discharge figures and the challenges facing the Integration Joint Board (IJB) in ensuring that finance and capacity issues were addressed. On Council housing, he believed that new sites were not being brought forward quickly enough to address the affordable housing crisis within the county, suggesting that at least 100 new houses a year for the next decade were required.

On delayed discharge, Councillor Grant pointed out that the formula used to allocate funding had disadvantaged East Lothian, and that the IJB would be looking into this as a priority.

Councillor Akhtar highlighted a number of areas where progress had been made, including the number of looked after children being based in a community setting, school exam results and the number of 18-24 year-olds claiming Job Seekers' Allowance. She also referred to a number of initiatives underway in schools to improve numeracy and literacy levels. She paid tribute to the Head of Education, Darrin Nightingale, who would shortly be leaving the Council.

Councillor Hampshire concluded the debate by mentioning that the Council was working with partners in the private sector and housing associations to deliver affordable housing, and suggested that the Scottish Government should be providing funding to alleviate the housing problems.

Decision

The Council agreed to note the progress being made to achieve the Council Plan and approve the Annual Performance Report 2014/15.

5. COUNCIL PLAN UPDATE

A report was submitted by the Chief Executive presenting the Council with an update on the progress being made in achieving the Council Plan 2012-17 and the priorities for the remaining two years of the Plan.

The Service Manager – Corporate Policy and Improvement, Paolo Vestri, presented the report, summarising the achievements since October 2014 and the key areas of activity. He drew attention to the appendix to the report, which set out the priorities for 2015-17.

In response to a question from Councillor Berry regarding investment in nursery provision, the Chief Executive advised that there had not been a reduction in early years' education investment. She further noted that user satisfaction of public service nursery provision was high and that the Council was piloting a number of approaches to meet the requirements of working parents. Councillor Berry was also advised that factors other than examination results were used in measuring attainment.

As regards the provision of affordable housing, the Chief Executive explained that the Council was looking at land and property that it owned with a view to meeting the housing demand, and that further reports on this would be presented to Members in due course.

Councillor Currie claimed that a number of commitments set out in the manifestos of the Administration had not been delivered and called on the Administration to provide an explanation for this.

Councillor Veitch welcomed the report, commenting that it demonstrated that the Administration was delivering on its commitments in the Council Plan. He highlighted a number of key areas, particularly the need for improved rail and road infrastructure to meet the demands placed on the Council to deliver an additional 10,000 homes, noting that Scottish Government investment and support was required to deliver this. Councillor Veitch also highlighted the priorities as regards transportation.

Councillor Berry shared concerns raised by Councillor Veitch in relation to infrastructure challenges. He called on the Council to lobby the Scottish Government. He did, however, criticise the Local Transport Strategy, arguing that it was out of date. He spoke of the importance of the City Deal initiative and the future of the former Cockenzie Power Station site. He also suggested that the Council's priorities should be ranked in order of priority.

Councillor Akhtar drew attention to a number of achievements in the Council Plan, including an increase in positive destinations for school leavers, the development of Area Partnerships and the new construction academy in Musselburgh.

Councillor Innes concluded the debate by commenting that the report demonstrated the progress that had been made, both by the Council itself and working in partnership with other agencies.

Decision

The Council agreed to note the update on the progress being made in achieving the Council Plan 2012-17 and approve the recommendations for priorities for the remaining two years of the Plan.

6. SYRIAN REFUGEES

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising the Council of the progress made since it passed a resolution on 8 September 2015 to support and assist both the UK and Scottish Government in resettling Syrian refugees.

Ian Patterson, the Homelessness Manager, presented the report, advising that the Council was working with CoSLA and other local authorities to assist in the resettlement of Syrian Refugees. He estimated that the Council was looking at housing c.30 people per year, and that officers were considering the most appropriate locations to house incoming refugees.

A number of Members referred to a recent public meeting on the refugee crisis, which had been well attended and supported by Councillors and the local MP and MSP.

Responding to questions from Councillor Currie as regards the timescales for the arrival of families and the resettlement of single men, Mr Patterson advised that an indicative timescale of 8-10 weeks had been put forward by the Council, but there was scope to accelerate this. As regards single men, he pointed out that the UK Government's Syrian Programme was aimed at families and that the Council's housing supply also pre-determined families.

Councillor Veitch welcomed the cross-party and community support for resettling refugees, and called for the Council to create a 'hub' where families could meet and receive support.

Councillor Berry called on the Council to lobby the Government for powers to resettle more people.

Councillor Innes noted that, in accordance with UK Government policy, refugees would be coming from camps in the Middle East rather than from Europe. He highlighted the importance of Council and community support for the refugees, and also advised that he would be writing to the Prime Minister requesting that a more flexible approach be adopted in resettling families. He added that the Council's policy would also need to be flexible.

Decision

The Council agreed to note the contents of the report and approve the continuation of the action taken by officers to establish an agreement with the Government to resettle up to seven families per year for the next five years, estimated to be 30 refugees per year.

Sederunt: Councillor Trotter left the meeting.

7. FORMER COCKENZIE POWER STATION SITE – UPDATE REPORT

A report was submitted by the Depute Chief Executive (Partnership and Community Services) providing the Council with an updated position with regard to site ownership, community engagement and master-planning arrangements for the former Cockenzie Power Station site.

The Head of Development, Douglas Proudfoot, presented the report, informing Members that engagement with the current owner of the site and with community representatives was ongoing. He advised of the process involved in developing the masterplan for the site.

Councillor Berry called for the Council to take a more proactive approach to the development of this site and asked why the report did not contain details as to what was permissible. He also voiced concern that the site could be allocated for housing. Mr Proudfoot advised that the masterplanning specification document was designed to be shared with community groups as a discussion document, and that there should be no constraints at this point. He spoke of the importance of the site having a positive economic impact for the Council and the community. He also reminded Members of the commercially sensitive nature of the discussions with the site owner.

Councillor Libberton welcomed the report and the appointment of external agencies to work with the community, and advised that she shared Councillor Berry's views as regards housing.

Councillor Brown commented that securing ownership of the site was crucial to its future development, and commended the involvement of the community. He remarked that this site provided a once-in-a-lifetime opportunity to provide high-quality jobs in the area. Councillor Innes reassured him that the Administration was seeking to achieve ownership of the site.

Councillor McMillan spoke of the importance of the various stakeholders having a shared vision for the site. He praised the partnership-working approach being taken.

Decision

The Council agreed:

- i. to note the ongoing discussions with Scottish Power with regard to site ownership;
- ii. to note the continuing positive engagement with stakeholders through meetings of the Cockenzie Community Forum; and
- iii. to note the collaborative approach being taken to specifying the master-planning work to be commissioned and the approved route proposed to initiate this work.

8. FINANCIAL ASSURANCE – HEALTH AND SOCIAL CARE INTEGRATION

A report was submitted by the Depute Chief Executive (Resources and People Services) advising of the commencement of the process for the undertaking of due diligence and financial assurance of the financial resources that would be delegated to the Integration Joint Board (IJB) from 2016/17. The report also reviewed the 2014/15 performance of the East Lothian Health and Social Care Partnership, including Adult Wellbeing, East Lothian CHP and wider NHS Lothian, and it took into consideration the 2015/16 performance to date and identified future financial implications that could impact on the budget going forward.

The Head of Council Resources, Jim Lamond, presented the report, stating that the Scottish Government required the Council, the NHS and the IJB to undertake financial assurance work. He drew attention to the financial health of Adult Wellbeing services and of NHS Lothian, noting that both were experiencing a period of significant financial challenge. He advised that the financial position of both the Council and NHS would be continually monitored.

Responding to questions from Councillor Berry, Mr Lamond provided an explanation of the information contained in Tables 1 and 2 of the report. He also warned of the challenges and financial pressures facing both organisations as regards planning for the future, and the potential risks and impacts of these challenges. He noted that a risk-sharing protocol was

still to be developed. David Small, the Director of Health and Social Care further advised that where financial risks emerged, the parent bodies would deal with them in accordance with the risk-sharing protocol. He accepted that the more significant financial risks currently lay with the NHS.

Councillor McMillan asked if further information would be presented to Members on risk, savings and resource management. Mr Lamond informed him that another report would come to Council which would cover the financial settlement and forward planning.

Councillor McAllister expressed concern at the future funding and viability of day centres. Mr Lamond explained that the shift of resources away from acute care was a critical aspect of integration. Mr Small assured Councillor McAllister that the future of day centres would feature in the IJB's Strategic Plan. He added that one of the tasks for the IJB was to look at redirecting money into preventative services and early intervention.

Councillor Currie commented that there was a need to address the issue of hospital readmissions, as this incurred a significant cost. He highlighted the need to redirect funds from the acute sector into community and prevention work.

Councillor Grant informed Members that a preferred candidate for the IJB Chief Finance Officer post had been identified, and hoped that this would be confirmed at the IJB meeting on 29 October. He also advised that the IJB would be establishing an audit committee, and that it was anticipated that the Strategic Plan would be in place by 1 April 2016.

Councillor McKenzie paid tribute to the staff and volunteers within East Lothian's day centres, and emphasised the value that these services provided to the community.

Decision

The Council agreed:

- i. to approve the proposed process for undertaking the due diligence and financial assurance review;
- ii. to note the initial due diligence work undertaken to date; and
- iii. that further financial updates on the due diligence work would be presented to Council prior to formal consideration of the IJB's Strategic Plan.

Sederunt: Councillor McLeod left the meeting.

9. AMENDMENTS TO STANDING ORDERS: SCHEME OF ADMINISTRATION AND SCHEME OF DELEGATION

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of proposed changes to the Schemes of Administration for the Education Committee and Joint Consultative Committee, and to the Scheme of Delegation.

The Service Manager – Legal and Procurement, Morag Ferguson, presented the report, advising of the proposals to change the quorum for Education Committee and the membership of the JCC. She also advised of the need to change the Council's Scheme of Delegation to reflect joint appointments following the integration of health and social care.

Councillor Berry questioned the proposed increase in Trades Union membership of the JCC when membership of Trades Unions was low.

Decision

The Council agreed:

- i. to approve the proposed change to the Scheme of Administration for the Education Committee in relation to the quorum, as outlined in Section 3.1 of the report;
- ii. to approve the proposed change to the Scheme of Administration for the Joint Consultative Committee in relation to an increase in Trades Union representation, as outlined in Section 3.2 of the report;
- iii. to approve the proposed changes to the Scheme of Delegation, as set out in Appendix 1 to the report; and
- iv. to note that the approved Scheme of Administration and Scheme of Delegation would be updated and published on the Council's website as soon as practicable.

10. REPLACEMENT MINUTE OF AGREEMENT IN RESPECT OF MUSSELBURGH JOINT RACING COMMITTEE

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval for a new Minute of Agreement regulation the constitution and operation of the Musselburgh Joint Racing Committee (MJRC).

Declarations of Interest: Councillors Caldwell, Forrest, Libberton and McNeil declared an interest as members of the Musselburgh Joint Racing Committee and left the Chamber for the duration of this item.

The Service Manager – Legal and Procurement, Morag Ferguson, presented the report, drawing attention to the proposed substantive changes to the Minute of Agreement, particularly the circumstances in which the Agreement can now be terminated, and advising of the proposal to appoint an independent valuer to undertake an interim review of the rental of the Racecourse.

Councillor Currie expressed concern that the proposed changes to the Minute of Agreement would not be approved by the Lothian Racing Syndicate (LRS) unless the rent review was approved. Mrs Ferguson confirmed that the rent review had been requested by the LRS, and that the MRJC had agreed to this request. She also confirmed that in the event the Racecourse was sold, the LRS would be given first refusal to buy the business.

Responding to questions from Councillor Williamson about the rent level, Mrs Ferguson advised that it was currently £150,000 per annum, and that this rate had been set by the District Valuer. She further advised that the Council was being asked to approve a departure from the terms of the existing contract, but that this would not set a precedent because every such request would be considered on its own merit.

Councillor Berry asked a number of questions as regards investment in the Racecourse and as to how the governance arrangements for the Racecourse differed to those of EnjoyLeisure. Mrs Ferguson pointed out that the District Valuer had been given all relevant information as regards investment and accounts during the rent valuation process. She noted that the MJRC was not considered as an arms-length external organisation as it did not provide Council services; rather, the MJRC was an associated committee of the Council,

it was included in the Council's group accounts, and financial aspects of the business were reported to the Audit & Governance Committee. She added that when the MJRC was established, it was awarded an element of commercial freedom to run the Racecourse, and that through the MJRC, the Council was protecting its financial interest in the property through the rental and reports to the Audit & Governance Committee; however, the Council did not require reports on operational activities from the MJRC as to how it was being run. She further noted that the MJRC appointed its own auditors.

Mrs Ferguson provided Members with an explanation as to the restrictions on the disposal of Common Good land.

Councillor Currie reiterated his concerns outlined earlier in the debate and advised that the SNP Group would not be supporting the recommendations.

Councillor McMillan welcomed the report and the opportunity to revise the Minute of Agreement. He spoke of the unique and positive partnership between the Council and the Racecourse and of the economic development and tourism benefits that the Racecourse brought to Musselburgh and East Lothian. He pointed out that the four Councillor members of the MJRC were supportive of the rent review.

Councillor Berry disputed Councillor McMillan's comments. He argued that the assets, including the Racecourse, the Musselburgh Old Course and the lagoons could be utilised much more effectively, especially out-with race days, and remarked that the MJRC had ignored suggestions to use the Racecourse facilities for other purposes. He proposed an amendment, that Recommendation 2.2 'Council is asked to agree to an interim review of the rental for the Racecourse, as set out in Paragraph 3.4' should be deleted. Councillor Currie seconded this amendment.

The Provost then moved to the vote on the amendment, as proposed by Councillor Berry and seconded by Councillor Currie:

For: 7
Against: 9
Abstentions: 1

The amendment therefore fell, and the Provost moved to the vote on the Recommendations set out in the report:

For: 9
Against: 7
Abstentions: 1

Decision

The Council agreed:

- i. to approve the terms of the Minute of Agreement, attached at Appendix 1 to the report; and
- ii. to an interim review of the rental for the Racecourse to be carried out, as set out in Section 3.4 of the report.

Sederunt: Councillors Caldwell, Forrest, Libberton and McNeil rejoined the meeting.

11. MEMBERSHIP OF COMMITTEES AND APPOINTMENTS TO OUTSIDE BODIES

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of proposed changes to the membership of committees and representation on outside bodies.

The Clerk advised of the proposed changes to committee membership, as proposed by the Leader of the Opposition. She also confirmed that Councillor Caldwell would be the Independent Member on the Police, Fire and Community Safety Scrutiny Committee, and that Councillor Gillies had been nominated by the Administration to replace Councillor Hampshire on the Edinburgh and Lothians Greenspace Trust.

Decision

The Council agreed:

- i. to approve the following changes to committee membership, as proposed by the Opposition:
 - o Joint Consultative Committee – Councillor Fraser McAllister to replace Councillor Steven Brown
 - o Licensing Sub-Committee – Councillor Stuart Currie to replace Councillor Fraser McAllister
- ii. to note that Councillor John Caldwell would be the Independent Member on the Police, Fire and Community Safety Scrutiny Committee; and
- iii. to approve the nomination of Councillor Jim Gillies to represent the Council on the Edinburgh and Lothians Greenspace Trust, replacing Councillor Norman Hampshire.

12. NOTICE OF MOTION – COUNCIL TAX OVERFUNDING

A Notice of Motion was submitted to the Council by Councillors McLennan and McAllister:

‘Council notes the recent briefing from the Scottish Parliament Financial Scrutiny Unit which confirms that the Council Tax Freeze has been overfunded by Scottish Government to the tune of £164.9m, which equates roughly [to] £3.3m for East Lothian based on population share.

Council wishes to comment Scottish Government on this overfunding and to work with Scottish Government in the years ahead.’

Councillor McLennan introduced the motion, stating that the Administration had, on a number of occasions, claimed that the Council Tax freeze had been underfunded by the Scottish Government. He drew attention to the briefing from the Scottish Parliament Financial Scrutiny Unit (referred to as the SPICe Report) that had confirmed that Local Government had in fact been overfunded. He drew attention to a number of aspects of the report that supported his motion, and claimed that the Council Tax freeze had saved Band D households approximately £140 per month over the period of the freeze.

Councillor McAllister seconded the motion, observing that the Council Tax freeze had also been included in the Labour Party manifesto. He called for an overhaul of the Council Tax system, which he believed no longer reflected property values, and hoped that local authorities would be given greater devolved tax powers.

Councillor Goodfellow claimed that the SPICe report was based on assumptions, and argued that those assumptions did not tally with the settlement for local government spending, nor was there any mention of Council Tax reimbursement in the Council's financial settlement. He argued that since the beginning of the Council Tax freeze, the Council had been underfunded by £10m.

Councillor Currie referred Councillor Goodfellow to the Scottish Government finance circular for details of the Council Tax reimbursement. He added that had the Council raised Council Tax in line with the Retail Price Index, the Council would have received less money over the period of the Council Tax freeze.

A lengthy debate followed, with a variety of different views on the SPICe report and the financial settlements being presented by Members. Concerns were also expressed as to budget reductions and measures being taken by other Scottish councils, including reductions in services and staff redundancies.

Summing up, Councillor McLennan argued that the Council Tax freeze had saved Scottish residents £140m, whilst in the same period in Wales, Council Tax had increased by 150%. He remarked that the Labour Party had no policy on Council Tax reform.

The Provost then moved to the vote on the motion, as proposed by Councillor McLennan and seconded by Councillor McAllister:

For: 7
Against: 13
Abstentions: 1

The motion therefore fell.

Sederunt: Councillor Hampshire left the meeting.

13. SUBMISSIONS TO THE MEMBERS' LIBRARY, 13 AUGUST – 14 OCTOBER 2015

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

Councillor Berry asked why Item 142/15 had not been reported to Council. The Chief Executive advised that this consultation was not related to the closure of the Sheriff Court, but was about community justice authorities being disbanded and the responsibility for this function being devolved to local authorities.

Decision

The Council agreed to note the reports submitted to the Members' Library Services between 13 August and 14 October 2015, as listed in Appendix 1 to the report.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Council 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.

Application to Musselburgh Common Good Committee

A private report seeking approval of an application for funding from Musselburgh Common Good Fund was approved by the Council.



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

**TUESDAY 17 NOVEMBER 2015
VENUE 1, BRUNTON HALL, MUSSELBURGH**

1b

Committee Members Present:

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

* These Councillors left the meeting prior to the commencement of Item 1.

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 East Lothian Health & Social Care Partnership
Mr J Lamond, Head of Council Resources
Mr R Montgomery, Head of Infrastructure
Mr D Proudfoot, Head of Development
Mr T Shearer, Head of Communities and Partnerships
Ms P Bristow, Communications Officer
Ms M Ferguson, Service Manager – Legal and Procurement
Mr P Forsyth, Team Manager – Assets and Regulatory (Transportation)
Mr I McFarlane, Service Manager - Planning
Ms E McLean, Service Manager – Strategic Asset and Capital Plan Management
Mr D Oliver, Service Manager – Environmental Health
Ms E Shaw, Corporate Finance Manager
Ms J Squires, Planner (Policy & Projects)
Mr A Stubbs, Service Manager – Roads
Mr A Stewart, Principal Planner (Policy & Projects)
Ms E Wilson, Service Manager – Economic Development and Strategic Investment
Mr P Zochowski, Principal Planner (Policy & Projects)

Visitors Present:

None

Clerk:

Mrs L Gillingwater

Apologies:

Councillor P McLennan

Councillor T Trotter

Prior to commencement of business, a minute's silence was held to mark the recent terrorist attacks in Paris.

The Provost opened the meeting by making a number of announcements in relation to health and safety, advice for the press and public in attendance, the use of electronic and audio/visual devices and the timings for the meeting.

The Provost then called for any declarations of interest.

Declaration of Interest: Councillor Currie declared an interest in respect of the Musselburgh cluster, in particular the proposed development of the site at Goshen Farm. He advised that he was opposed to the development of this site and, having taken advice from both the Council's Service Manager for Legal and Procurement and the Commissioner for Ethical Standards, he confirmed he would leave the room for the duration of the debate on this cluster.

In accordance with Standing Order 11 (Procedural Motions), Councillor Currie moved that Item 1 – East Lothian Local Development Plan: Draft Proposed Plan – be continued to a future meeting. He stated that over the past six months the SNP Group had requested that their proposed development strategy should be presented to Council, and that this request had been denied. He argued that it was unacceptable for Councillors to make such a crucial decision without having access to all the information.

Councillor MacKenzie seconded the procedural motion to continue Item 1 to a future meeting.

The Provost called on Iain McFarlane, Service Manager – Planning, to address the points raised by Councillor Currie.

Mr McFarlane advised that it had taken over two years to bring the Local Development Plan to this stage, and that it had involved a significant amount of technical work, research and consultation. He referred to the need to establish the view of the Council as regards the strategy, and stated that it was not feasible to complete the technical work until the strategy and sites were approved; to engage officers in technical work on a range of options, strategies and sites would be very expensive and time-consuming. Mr McFarlane confirmed that full information as regards the draft Local Development Plan, the Main Issues Report, supporting documentation and the transport assessment had been communicated to all Councillors in good time, and that to delay the process now would have significant implications for the Council, namely that the Council would not be able to demonstrate a five-year housing land supply and would be operating without a Local Development Plan. He recommended that Councillors should not continue this item to a future meeting, emphasising the importance of making a decision at this meeting in order for the necessary technical work to be carried out; this would allow for a definitive proposed Local Development Plan to be submitted to the Scottish Government.

The Provost moved to the vote on continuing Item 1 – East Lothian Local Development Plan: Draft Proposed Plan to a future meeting:

For: 6
Against: 14
Abstentions: 1

The procedural motion therefore fell.

Councillor Currie declared that the SNP Group could not continue with the process on the basis that they were being asked to make a decision without the full facts being made available to them.

Sederunt: Councillors Brown, Currie, MacKenzie, McAllister McLeod and Williamson left the meeting.

1. EAST LoTHIAN LOCAL DEVELOPMENT PLAN – DRAFT PROPOSED PLAN

(a) Presentation of Summary Report

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval of the draft proposed Local Development Plan (LDP), to enable officers to finalise essential technical work on cumulative impacts and produce a Proposed Local Development Plan to submit for examination by Scottish Ministers.

Iain McFarlane, Service Manager – Planning, presented the report in detail, recommending that the Council should approve a compact growth strategy as the most appropriate strategy for the LDP and recommending approval of the sites identified in the draft proposed Plan. He outlined the Council's statutory and legal obligations, the national and strategic planning context for the LDP, and the LDP objectives. He advised Members of the remaining stages of the process.

Mr McFarlane advised that the SESplan Strategic Development Plan (SDP) set out targets for 10,050 homes to be built in East Lothian between 2009 and 2024, noting that these targets were based on the outcome of the Housing Needs and Demand Assessment (HNDA). He confirmed that sites previously allocated would contribute to the supply for the new period. He also advised that the Council was required to demonstrate a 5-year housing land supply, provided information on proposals for 76 hectares of employment land, and mentioned the requirements on the Council to meet climate change targets.

Referring to comments made by Councillor Currie prior to his departure from the meeting as regards the compact growth strategy, Councillor Hampshire remarked that there had been no objections from Councillors to the SESplan SDP, which had recommended a compact growth strategy. He asked why this strategy was the preferred option for East Lothian and whether the Council could have rejected the SESPlan proposal for this strategy. Mr McFarlane advised that the west of the county was well served by public transport links and had a strong housing market, as well as having greater water and drainage capacity. He noted that other factors, such as carbon emissions and reducing travel distances also had to be taken into account. He added that there were infrastructure issues that would need to be addressed, such as school and road capacity, and these would be considered as part of the further technical work to be carried out. He pointed out that the SDP did allow for greater dispersal of growth, and that this had been debated as part of the MIR. He indicated that some Councillors had indicated at that stage that they were not necessarily supportive of the preferred compact strategy; however, the technical work undertaken to date supported the

compact growth strategy and this had been evidenced in discussions with officers and Elected Members.

In response to additional questions by Councillor Hampshire, Mr McFarlane advised that the proposed Plan would require 25% of new housing units to be designated as affordable housing, which would amount to approximately 2500 affordable units being delivered across East Lothian. As regards the requirement to deliver infrastructure, Mr McFarlane reported that the extent of this would depend on the outcome of technical assessments on the cumulative impact of developments; however, he confirmed that all major developments would have to provide the required infrastructure.

Councillor Berry asked how the Council could ensure that infrastructure, such as rail and medical services, was delivered in parallel with housing developments. Mr McFarlane pointed out that a number of aspects of infrastructure were outwith the Council's control, but that as part of the LDP process the Council would work with other agencies to deliver this. As an example, he mentioned that work was scheduled for January as regards lengthening North Berwick railway station platform.

On roads, Councillor Berry was advised that a limited number of new roads had been built in East Lothian in the past 20 years, but that there had been significant investment in the existing road network. The approval of the sites in the draft proposed LDP would determine the amount of new investment required for roads.

Councillor Berry also questioned the strategy being proposed, remarking that it did not appear to be a compact strategy. Mr McFarlane advised that a compact strategy did not preclude development in other areas and that housing had to be provided in areas where there was a demand. He also provided an explanation as to why the sites at Blindwells and Letham Mains, included in the 2008 LDP, had not yet been delivered, but was confident that these sites would now come forward.

Councillor Berry asked how communities could retain their distinct identities. Mr McFarlane suggested that the character of an area was driven by the residents as well as buildings, adding that it was important to ensure that new developments linked with the existing community and that incoming residents used community facilities and town centres.

Councillor Innes asked if the LDP identified sites for fracking and opencast mining. Mr McFarlane stated that this was not the case, reminding Members that the Scottish Government had placed a moratorium on fracking. He advised that where there was an application to develop a site for fracking or opencast mining in the future, the Council would need to have a robust policy that would assess the application in relation to impacts and as to whether that activity was appropriate. He confirmed that there were no designated sites for fracking and opencast mining in the proposed Plan.

Referring to suggestions made by George Keravan MP as regards communities developing their own LDPs, Mr McFarlane pointed out that the Council was obliged to comply with national policy and the HNDA, and that he was not convinced that community-led LDPs would deliver what was required. He noted that for the current SDP period, the HNDA identified a 40% affordable housing need; for the next SDP period, it identified a 60% affordable housing need.

Councillor Akhtar asked if the Council had met the Scottish Government's requirements for community engagement during the LDP process. Mr McFarlane confirmed this to be the case, advising that the Council had consulted on the Main Issues Report (MIR) for 12 weeks, rather than the statutory minimum of 6 weeks. He also commented positively on the scale and quality of the responses received during the MIR consultation.

Councillor McMillan asked if sufficient information had been made available as regards the additional work to be carried out once the draft proposed Plan was approved. Mr McFarlane believed that sufficient information had been provided as regards work already carried out and what was still to be done in terms of assessing the cumulative impacts of approved sites.

Councillor Day opened the debate by highlighting the importance of the decision to be taken by the Council on the draft proposed Local Development Plan. He expressed concern at the scale of the development required in East Lothian and at the potential impact that this could have on communities. He also had concerns about the roads infrastructure and how improvements would be funded, as well as the capacity of the east coast main line. He believed that the Plan would result in a reduction to the quality of life of residents in East Lothian, and that the level of growth was not sustainable without the support of the Scottish Government and partner agencies. He stated that he would adopt a constructive approach to supporting the best possible deal as regards infrastructure and mitigating the impact on East Lothian.

Councillor Veitch voiced his disappointment that the SNP Group had sought to delay the progress of the LDP, especially as their views were contrary to that of the Scottish Government. He pointed out that during the MIR consultation, the majority of views expressed were supportive of a compact growth strategy. He welcomed the proposed strategy, remarking that a dispersed strategy would have resulted in the urbanisation of the countryside, which would have had a disastrous effect on the county. He accepted that it would not be easy to deliver the required housing, and shared Councillor Day's concerns as regards pressure on the road and rail infrastructure. He noted that he was satisfied with the LDP's framework on windfarm development and welcomed the safeguarding of the Torness site for future power generation.

Councillor Hampshire thanked all those who had taken part in the consultation on the LDP process. He pointed out that in accordance with national policies, the Council was required to develop a compact growth strategy that would concentrate the majority of development in the west of the county, and in the Strategic Development Area (SDA). He recognised that delivering the LDP would be challenging and acknowledged the concerns raised by communities during the MIR consultation. He emphasised the importance of ensuring that infrastructure was improved to meet demand and hoped that the planning system would be reviewed to allow a fairer and quicker delivery of that infrastructure.

Councillor Berry reiterated his view that what was being proposed was not a compact growth strategy, but he accepted that it would not be possible to adopt such a strategy when there was a requirement for 10,050 homes to be built. He called on the Council to be more demanding in its approach as regards the provision of the required infrastructure. He also suggested that settlement statements should be included in the Plan, in order to preserve the identity of communities, and he proposed that a development vision was needed.

Councillor McMillan drew attention to the opportunities provided in the Plan for economic development, commenting on high street regeneration, retail, the City Deal initiative, the opportunity to develop the former Cockenzie Power Station site, and the rollout of high-speed broadband.

Councillor Innes spoke in support of the concerns raised in relation to infrastructure and of the challenges in delivering the required housing. He commented that East Lothian was a desirable place to live and that this had led to an increased demand for housing. He accepted that the decisions to be taken would be difficult, but noted that there was no credible alternative.

The Provost then invited Mr McFarlane to present the proposals for each of the seven cluster areas.

(b) Musselburgh Cluster

Mr McFarlane reported that the Plan contained significant allocations for housing within the Musselburgh cluster, and provided a summary of those proposed allocations. He highlighted the challenges in providing infrastructure to support the proposed development, noting that there was still technical work to be done to address those challenges. As regards land for economic development, he advised that 65 hectares had been allocated in this cluster. In relation to education provision, Mr McFarlane indicated that there would be significant implications, particularly as regards secondary education, and proposed that the preferred site for a new secondary school in land use terms was within the MH9 (Goshen) site. He pointed out that the proposals would have an impact on the green belt, with the proposals for MH1, MH2 and MH3 requiring a redefinition of the green belt boundary. He confirmed that the proposals would allow for the separation of communities to be maintained.

There were no questions to officers as regards the Musselburgh cluster.

The Provost announced that there had been an amendment submitted by Councillors Hampshire and Innes in respect of the Musselburgh cluster (as outlined below), and invited Mr McFarlane to comment on that amendment.

Musselburgh Cluster Amendment, as submitted by Councillors Hampshire and Innes

- The removal of the Housing proposal MH9 for 1,000 units, Goshen.
- The removal of proposal (MH10) Goshen New Secondary School, noting specifically that whilst the 2nd item of business will consider the secondary school option and location, officials are instructed to undertake further work around developer contributions such that those developments that benefit from the new education facility are required to contribute to its cost.
- The removal of proposal MH11 at Drummohr, currently a housing land safeguard.
- Changing the proposal MH13 land from a safeguard to an allocation of land for housing development for 600 units.
- The inclusion of Howmire, a site west of Barbachlaw, as land suitable for housing development for 100 units.
- The allocation of the 55ha of land between the freight loop, the A1 and Millerhill Marshalling Yards (within MH1) as suitable for mixed use development. Officials are instructed to undertake necessary technical work to explore further the housing allocation at Craighall (MH1). This to be in line with a viable secondary education facility developed for the Musselburgh cluster taking account of pupil roll and developer contributions towards infrastructure requirements.
- The inclusion of Dolphinstone North as land suitable for housing development of up to 160 units.

Mr McFarlane responded to each of the points contained within the amendment as follows:

- The removal of the Housing proposal MH9 – he noted that site MH9 was a logical extension of Musselburgh, with good transport links and in close proximity to both Wallyford and the park and ride site. He advised that the site is largely free from technical issues, there had been no significant objections to development of this site from statutory consultees, that this site could deliver regeneration benefits, and that services and infrastructure could be delivered. He argued that the removal of this site from the Plan could have a significant impact on the Plan's allocation of the most appropriate housing sites in Musselburgh, regeneration benefits, and secondary school provision.
- The removal of proposal MH10 – he advised that in land use terms this site was the most appropriate potentially available site for a new secondary school, noting its good transport links and relation with primary school catchments. He indicated that further work was required as regards developer contributions and that the Scottish Government was carrying out a review on this.
- The removal of proposal MH11 – he reported that the Plan proposed this land as a housing safeguard, and that removal of this safeguard would undermine the direction of future development and would reduce future development options.
- The change to proposal MH13 – he expressed concern that allocation of this site would not result in an early delivery of housing and might result in delays to the full delivery of the existing Wallyford site. That is ready to commence, and an application for the first detailed housing development had been received. He noted that MH13 would be a logical expansion of Dophinstone in the future, hence it being safeguarded, and that the officer view was that this site should be safeguarded rather than allocated in order to secure that land for the future.
- Land at Howmire – he advised that this was a small site that had been considered and rejected during the site selection process for the MIR. He informed Members that Historic Scotland had concerns that development of the site raises issues of national importance and may object to development on this site, with the potential for a Reporter to remove the site at examination.
- The allocation of 55ha of land within MH1 for mixed use development – he indicated that officers would need to undertake further work as regards housing on this site, noting that it had been considered by officers as inappropriate for housing. He advised that a new access to the site would be required, that overhead power lines crossed the site, that Network Rail had indicated that their intention to increase their use of the Millerhill Marshalling Yards and that it is close to the approved waste to energy plant at Millerhill. He proposed that land for economic development should be retained as there was potential for significant economic growth there, and advised that Queen Margaret University had a masterplan for business use covering that area. He advised that the amendment promotes a bad housing land allocation over a good employment land opportunity and would undermine the capacity of the Plan to deliver the best opportunities for both housing and economic growth.
- Land at Dolphinstone North – he reminded Members that on 3 November 2015, the Planning committee had granted planning permission in principle for housing development on this land (subject to a Section 75 Agreement), adding that it would be appropriate to include this site in the Plan.

Councillor Berry expressed concern as regards the proposed removal of the land for a new secondary school at Goshen (MH10). He also questioned the inclusion of Dolphinstone North, arguing that this proposal was contradictory to the principle of green belt land and would result in Wallyford being joined to Prestonpans. Councillor Hampshire stated his view that the Goshen site was not appropriate for development and that alternative sites for the school could be considered.

Councillor Hampshire then moved his amendment. He stated that the Council would not get Scottish Government support for the Plan unless it was in compliance with the SESplan

Strategic Development Plan, and that in order to achieve this, the Council had to support the compact strategy. Concerning the Musselburgh cluster, he reported that developing sites in the Wallyford area would allow people to benefit from good public transport links and the proximity of the A1, reduce the need for people to cross busy roads to access services, support the retention of a quality environment at the Goshen site, provide a new primary school in Wallyford, and improve community cohesion in the Wallyford area. He also believed that developing the Goshen site would remove the last piece of countryside between Musselburgh and Prestonpans, resulting in a loss of identity for both communities. He called on Members to support his amendment.

Councillor Innes seconded the amendment.

Councillor Caldwell opened the debate by expressing concern at the potential increase in congestion at a number of sites in the Wallyford area. He spoke in support of the proposed site at Howmire and against development at Goshen. As regards the proposed development at Whitecraig, he believed that this would benefit the village and improve facilities and public transport links.

Councillor McNeil made reference to previous concerns as regards development in the west of Musselburgh, and welcomed the proposed amendment. However, he warned that there would be increased pressure on health services and called for early discussions between the Council and NHS Lothian.

Speaking in support of the amendment, Councillor Forrest pointed out that there had been public opposition to developing the Goshen site for some five years. He noted that the proposals may have an impact on the Battle of Pinkie site.

Councillor McMillan commented on the opportunities for economic development land at Queen Margaret University.

The Provost advised that the vote on the amendment would take place at the end of the debate on Item 1.

(c) Prestonpans Cluster

Mr McFarlane drew attention to the key sites in this cluster, particularly EGT1, and referred Members to the guidance on this site, as set out in the Plan. He advised that National Planning Framework 3 (NPF3) had to be taken into account, but noted that with the Scottish Government's review of NPF3, the status of this site may change. He highlighted the importance of Council involvement in discussions about this site. Mr McFarlane informed Members of an error on the plan for this cluster at Longniddry, in that PS1 and PS2 had been incorrectly labelled. He clarified that there was a proposed allocation of 450 houses in PS1 with PS2 being safeguarded for future housing development.

In response to a number of questions from Councillor Berry, Andrew Stewart, Principal Planner, explained that NPF3 identified this site as a national development for thermal generation and that it needed to be safeguarded for that purpose, although there may be scope for other energy development on the site, and there may also be surplus land available. He reiterated that the primary focus for the site would be to safeguard NPF3, adding that depending on the outcome of the review of NPF3, supplementary guidance could be developed to reflect a change to the status of that land. The Plan set out what the Council was required to conform to, and provided some flexibility as to the future use of the site should there be a change of circumstances. Mr McFarlane stated that planning officers would not support housing development on site EGT1.

As regards the Battle of Prestonpans site, Mr McFarlane reminded Members of the planning permission in principle that had been granted for an electricity sub-station close to the site, but that had not yet been developed. He noted that there was an ongoing debate with Historic Scotland as to what were the key parts of the battlefield, and that there was a mechanism through supplementary guidance to manage the site and the scope of what could be developed there.

The Provost announced that there had been an amendment submitted by Councillors Innes and Akhtar in respect of the Prestonpans cluster (as outlined below), and invited Mr McFarlane to comment on that amendment.

Prestonpans Cluster Amendment, as submitted by Councillors Innes and Akhtar

With regard to the proposal for Longniddry, to allocate land for development and identify an area for safeguard, I note the plan and the text have the plan policy numbers reversed:

- Remove Prop PS2 Longniddry South Housing Land Safeguard, once corrected.

Mr McFarlane responded to the proposal contained within the amendment, advising that the amendment would correct the error as regards PS1 and PS2. He explained that by removing the safeguard at Longniddry there would be no safeguarded land for future development in that area. He recommended that safeguards should be used where appropriate, and that in this case the proposed safeguarded land could be integrated into the village and was also close to a rail halt.

Mr Stewart added that the SESplan SDP requested councils to consider where future developments could be located beyond the current LDP period. He emphasised that safeguards did not contribute to the housing land within the Plan period, that they were not a statutory requirement, but that they should be considered in principle. He informed Members that, through the MIR consultation, the land at Longniddry may be considered as competing with future development of the site at Blindwells, and that there was further technical work to be carried out in this regard.

Councillor Innes then moved his amendment. He argued that there had to be a reason to justify safeguarding a site, and that the fact that the site could accommodate 500 houses was not a compelling reason. He went on to say that there were significant strategic reasons to safeguard land at Blindwells, but that he could not support safeguarding the site at Longniddry on the basis that it would remove the choice of local people in the future.

Councillor Akhtar seconded the amendment.

Councillor Hampshire commented that the Council had supported safeguards in other areas, and that the safeguarding process did allow for developments to move forward more quickly; however, in this case, the scale of the potential development was a matter of concern, and he supported the removal of PS2 from the Plan.

Councillor Berry questioned the proposal to remove a safeguard that was close to a rail halt at a time when the Council was seeking to promote a green travel plan. He also observed that the Plan did not include anything about a village centre in Longniddry.

The Provost reminded Members that votes on the amendments would take place at the end of the debate on Item 1.

(d) Blindwells Cluster

Mr McFarlane reminded Members that the 2008 LDP had allocated land at Blindwells for 1,600 houses, as well as 10 ha of commercial and economic development land. He advised that this allocation would be continued into the Proposed LDP, with additional land safeguarded at BW2, to include a town centre. He explained that one of the problems in developing the Blindwells site was that it had a number of owners who had differing views on the development of the site. He advised that discussions with the landowners were ongoing, with a view to securing agreement to deliver it as a new town. He emphasised that this was a significant piece of work, requiring agreement on a long-term vision, but that it would provide a significant level of growth, as well as employment opportunities, without impacting on neighbouring communities.

Councillor Berry asked why a rail halt at Blindwells had not been included in the Plan. He also questioned the inclusion of the town centre in the safeguarded area, rather than in the allocated area. Mr Stewart pointed out that the rail halts at Longniddry and Prestonpans were considered sufficient to service Blindwells, adding that the Council owned land at Prestonpans that would provide a direct connection between Blindwells and Prestonpans railway station. In addition, the current LDP safeguarded land for a new rail halt at Blindwells; however, this was not within the Council's control, and he considered that it was more likely that a rail halt could only be established at Blindwells once the larger settlement was developed. As regards the town centre question, Mr McFarlane highlighted the extent of the work involved in creating a new town, advising that the existing development framework suggested a local centre within BW1 with scope to develop further in the wider site. Ray Montgomery, Head of Infrastructure, added that transport issues would be addressed within the masterplan for the Blindwells site.

Councillor McMillan asked if the development brief would cover all aspects of the development, including education, transport and economic development. Mr McFarlane confirmed this to be the case, adding that it would be brought forward as supplementary guidance.

Councillor Hampshire spoke of the importance of the Blindwells site, given that every community in East Lothian had limited capacity for development. He welcomed the inclusion of the site in the Plan.

Referring to rail links, Councillor Berry expressed concern that the town would have to be easily accessible in order for people to use it, and he called on the Council to lobby Network Rail and Abellio to create capacity on the East Coast Main Line. He proposed that new stations on sidings could be created and Prestonpans station could be expanded. He was also critical about the town planning proposals for Blindwells.

In response to Councillor Berry's comments, Councillor Veitch remarked that no progress had been made on developing Blindwells when Councillor Berry was the Council Leader. He suggested that the Council should lobby the Scottish Government as regards providing longer trains on the Edinburgh to North Berwick line.

(e) Tranent Cluster

Mr McFarlane set out the areas for allocation, safeguard and economic land in the Tranent cluster, advising that there was a need to safeguard future access through south Tranent. He drew attention to an error as regards development proposals in East Saltoun, noting that the land was allocated for 75 houses, not 50.

Councillor Grant asked if any land to the east and west of Tranent had been considered for allocation. Mr Stewart indicated that the MIR had included, as an alternative proposal, land to the east of Tranent for allocation of 1000 houses, but this had not been taken forward. He added that land to the west of the town had been included in previous plans for a bypass.

Councillor Berry commented on the proposed developments in the villages in this cluster and suggested that site TT4 should be expanded. He also questioned the proposals for TT1, 2 and 3, as these sites may prevent a bypass being developed in future. Mr Stewart advised that SESplan policies supported small-scale allocations, as they contributed to the Council's five-year housing land supply. He added that smaller settlements also had a demand for housing. As regards TT4, he noted that ownership beyond the allocated site was unclear. On the possibility of a future Tranent bypass, Mr Stewart explained that the TT1, 2 and 3 sites would provide a connection between the Elphinstone and Pencaitland roads, providing a loop around that settlement. He went on to say that, in previous Local Plans, the land to the west had been considered for a bypass but that it had never progressed because it would have been difficult to deliver. Furthermore, the MIR had suggested that there may be scope for the land to the east to be allocated for a bypass; however this was not being promoted in the proposed Plan.

Councillor Akhtar asked a question in relation to developer contributions. Mr Stewart informed her that where a development would have an impact on the community a contribution would be required, and this would be determined as part of the technical work. He added that once the sites in the Plan had been confirmed, the potential impacts of developments would be considered.

Councillor Hampshire expressed concern as regards the capacity of the A1 junctions and asked how this issue could be addressed. Mr Stewart advised that the LDP would require a transport appraisal, following the guidance of Transport Scotland, which would look at a range of issues, including trunk roads. He indicated that where interventions were required compulsory purchase powers could be used to safeguard land in order to ensure capacity, and that there would be funding from Transport Scotland to deliver this.

Councillor Grant voiced regret that the failure to establish a settlement at Blindwells had resulted in the need to develop in the villages surrounding Tranent. He also raised concerns as regards access to some of the proposed sites, as well as the impact on primary schools, and was disappointed that land to the west of Tranent was not included in the Plan. He did, however, welcome the safeguarding of land for a future bypass, and he accepted that compromise was required in relation to the sites for Tranent, on the basis that there were no credible alternatives.

As regards public transport services in this cluster, Councillor Veitch advised that the Council was looking into a community transport option for the Humble area, which currently had no bus service at all. In response to comments made by Councillor Berry as regards expanding villages, Councillor Veitch stated that the Council's allocation was simply too great to be confined only to the towns.

Councillor McMillan commented that, in order to make villages sustainable and to create a sense of community, village halls should be protected. He supported small-scale development in villages, as this would preserve the social and cultural aspects of the community going forward. Councillor Berry argued that some villages were poorly serviced by buses because no one used these services. He believed that the villages were taking too big a share of the development in this cluster.

At this point the meeting was adjourned for 45 minutes.

(f) Haddington Cluster

Mr McFarlane informed Members of the proposed allocations for the Haddington cluster, advising that planning permission had already been granted for developments on most of these sites, and that these and the additional sites proposed would provide for 748 homes and 12.3ha of employment land. He also noted the inclusion of a new community hospital in Haddington.

Councillor Berry asked if there was a possibility that the railway line to Haddington would be reinstated. Mr Stewart explained that the railway walk between Haddington and Longniddry was safeguarded in the Plan as part of the Council's core path network. He indicated that the A1 would undermine the prospect of a railway line to Haddington.

Councillor Berry also asked what the Herdmanflat hospital site would be used for once the new community hospital is built. Mr Stewart advised that the Plan acknowledged that there could be housing on that site in the longer term, but it was not allocated or safeguarded for a specific purpose at this time. David Small, the Director of Health and Social Care, added that the intention was to move services from Herdmanflat to the new community hospital, and that the NHS would then dispose of the Herdmanflat site. Mr McFarlane noted that the future use of that site would be determined by planning application and that it was premature to comment further on this.

Councillor McMillan welcomed the proposals for the Haddington cluster, in particular the inclusion of employment land in the area and the work to re-energise Haddington High Street. He did, however, express concern as to the development at Dovecot in terms of access and infrastructure. The Provost agreed with the comments made by Councillor McMillan.

Councillor Berry also supported the proposals for this cluster, but was concerned at the shortage of green space to the north of the town. He also suggested that there was a need to address traffic congestion in Haddington, especially in the Sidegate/Hardgate area.

Councillor McMillan highlighted Section 4.24 of the Plan which states that the Council recognises the potential of the former Longniddry–Haddington railway line to be used as a public transport link between Haddington and Edinburgh in the longer term.

(g) Dunbar Cluster

Mr McFarlane provided a summary of the proposed development sites in the Dunbar cluster. He drew attention to the existing allocation at Hallhill, indicating that this could provide for additional growth in the future, as well as the potential to provide more land for the extension of the primary school. He advised that sites DR5 and DR6 were currently subject to planning applications for housing, and that DR7 had an existing allocation for employment land. In addition to the established supply, Mr McFarlane advised that the Plan proposed an allocation of 760 homes and 1ha of employment land in this cluster.

Councillor Hampshire expressed concern at the proposals for 240 houses on the site at DR5. Mr McFarlane advised that this proposal was currently under discussion and that the proposal may change, adding that it would come before the Planning Committee in due course.

Councillor Berry asked what plans were in place to link the south of the town to the north, particular as regards the provision of pedestrian access. Mr Stewart accepted that there was a need to improve connections between both parts of the town, and noted that there

was a proposal in the Plan to link DR5 and DR7. He advised that further discussions were required with other agencies to find a solution to this issue.

Councillor Veitch commented that he was satisfied with the allocation of 100 new homes in East Linton, close to the new development at Orchardfield. He spoke in support of the view of the National Trust as regards protecting the eastern end of the village. He also welcomed the safeguarding of land for a new rail halt in East Linton. He did however, voice concern at the proposed development in Innerwick, and at the scale of development in Dunbar, which would have an impact on the road network and education provision.

Councillor Hampshire stated that he had been supportive of the expansion of Dunbar and felt that it had served the town well. He did have concerns as regards the links between the north and south of the town, both for pedestrians and vehicles, and recognised the need to find alternative connecting routes – this would require the support of Network Rail. In relation to development in East Linton, he highlighted the costs involved in providing a new rail halt, and warned that on delivery of the rail halt there would be an increased demand for housing in East Linton and he was unsure if the proposed development there would be sufficient to meet this demand. He noted his support for the proposals in this cluster.

Councillor Berry echoed the concerns of Councillor Hampshire as regards connectivity between the north and south of Dunbar, proposing that there was a requirement for a new pedestrian underpass and a new vehicular underpass. He welcomed the inclusion of new employment land, but suggested that more office accommodation was required in order to attract professional employment. He remarked that the Council should be looking for increased support to deliver the rail halt at East Linton.

(h) North Berwick Cluster

Mr McFarlane advised that 665 new homes and 1ha of employment land were allocated for this cluster. He provided a summary of existing and proposed allocations for North Berwick and the surrounding villages.

Councillor Day asked about the implications for the Ferrygate site, given that the applicant was now appealing the first decision made as regards that site. Mr McFarlane explained that the first application had a larger site area, and that the applicant was now seeking to pursue an appeal on the extended site. He advised that this matter was now with the Scottish Government's Planning and Environmental Appeals Directorate, who would make a determination on the case. In the event that the appeal was granted, the Council would have to consider extending the site area, but it was not clear if this would result in an increased number of units. He added that by approving the Plan, the chance of a successful appeal by the applicant would be limited to a degree, as the Council would have a set of sites to support the strategy, which would include Ferrygate.

Councillor Goodfellow asked why there were no allocations for Athelstaneford. Paul Zochowski, Principal Planner, advised that land to the east of the village, which was an extension to a site included in the 2008 LDP, had been included in the MIR. However, there were concerns as regards water, drainage and education provision, and it was considered that further development of the village would not be appropriate.

Responding to a question from Councillor Goodfellow as regards development in Gullane, Mr Zochowski confirmed that the site allocated at Saltcoats would be restricted to 130 units, with the potential to expand the school and open space to the west of that site.

Councillor Goodfellow also asked a question about developer contributions for those sites in North Berwick that had already been allocated. Mr McFarlane advised that the developer

contributions for the Tantallon Road site in North Berwick had not yet been set, and that there was further technical work to be done as regards the potential impact of that site.

Councillor Berry raised a number of questions in relation to parking provision and employment land in North Berwick. Peter Forsyth, Team Manager – Assets and Regulatory (Transportation) reminded Members that a parking study had been undertaken that identified parking sites in North Berwick, and that a parking management strategy was now being prepared which did not include provision for a park and ride at this time. Mr Zochowski advised that there was a small allocation for employment land in North Berwick.

The Provost announced that there had been an amendment submitted by Councillor Berry in respect of the North Berwick cluster (as outlined below), and invited Mr Zochowski to comment on that amendment.

North Berwick Cluster Amendment, as submitted by Councillor Berry

In accordance with: 1) Objectives and Outcomes (page 9 [of the draft proposed LDP], particularly the first and fifth bullet points); 2) compliance with Para 2.152 (Mixed use at Mains Farm); 3) giving the wording of 2.170 a clarity equivalent to the five other clusters; and 4) proper implementation of para 3.19, Table EMP1 (page 62) is to be augmented by adding the following lines immediately after “NK4 Tantallon Road South”:

New Prop	Site	Opnl Land	Undev	New Alloc	Dev Brief	Comments	Policy
NK12	South Mains Farm	-	-	3.0 HA	-	Subdivision of NK1 but exclusively reserved for Class 2 or 4 use only	ENV1
NK13	Haddington Road East	-	-	2.0HA	-	Land owned by ELC, now partly split by realigned Haddington Road	ENV1
NK14	West Heugh	-	-	4.0 HA	-	Land at N end of field across Heugh Rd recently removed from Law SSSI	ENV1
NK15	East Imperial	-	-	1.0 HA	-	Eastern section of Imperial car park to have offices built above	ENV1
NK16	Williamston	-	-	5.0 HA	-	Land E of Gas Works Lane between Southgait and Williamston Farm	ENV1
NK17	Old Gasworks	-	-	1.0 HA	-	Doubling extent of existing Class 5 usage on former gasworks site	ENV1
NK18	Gullane Fire School	-	-	1.0 HA	-	Along S edge of site adjacent to proposed SUDS pond	ENV1

Mr Zochowski advised that there was an allocation for 76ha of employment land in East Lothian, which was in line with the SESplan Strategic Development Plan and also met the objectives of the Council’s Economic Development Strategy. He noted that most of the employment land allocation was close to the Strategic Development Area, and acknowledged that North Berwick had a small amount of employment land in comparison to the other clusters. He proposed a modification to Councillor Berry’s amendment, as set out below (with changes marked in italics), which would allow for further consideration of Councillor Berry’s proposals. He noted that the proposals would need to be assessed in detail to ascertain if they were suitable, and that it was therefore not appropriate to include Councillor Berry’s amendment in the LDP without further technical work being carried out.

North Berwick Cluster Amendment, as submitted by Councillor Berry, with amendment proposed by planning officers

In accordance with: 1) Objectives and Outcomes (page 9 [of the draft proposed LDP], particularly the first and fifth bullet points); 2) compliance with Para 2.152 (Mixed use at Mains Farm); 3) giving the wording of 2.170 a clarity equivalent to the five other clusters; and 4) proper implementation of para 3.19, Table EMP1 (page 62) is to be augmented by *adding sites for employment uses taken from the table below to the North Berwick cluster area, the location and details of which will be determined following assessment and technical analysis to be undertaken by the Planning Service:*

New Prop	Site	Opnl Land	Undev	New Alloc	Dev Brief	Comments	Policy
NK12	South Mains Farm	-	-	3.0 HA	-	Subdivision of NK1 but exclusively reserved for Class 2 or 4 use only	RCA1 (formerly ENV1)
NK13	Haddington Road East	-	-	2.0HA	-	Land owned by ELC, now partly split by realigned Haddington Road	RCA1
NK14	West Heugh	-	-	4.0 HA	-	Land at N end of field across Heugh Rd recently removed from Law SSSI	RCA1
NK15	East Imperial	-	-	1.0 HA	-	Eastern section of Imperial car park to have offices built above	RCA1
NK16	Williamston	-	-	5.0 HA	-	Land E of Gas Works Lane between Southgait and Williamston Farm	RCA1
NK17	Old Gasworks	-	-	1.0 HA	-	Doubling extent of existing Class 5 usage on former gasworks site	RCA1
NK18	Gullane Fire School	-	-	1.0 HA	-	Along S edge of site adjacent to proposed SUDS pond	RCA1

Councillor Berry indicated that he was happy with the proposed modification to his amendment, which would see all the sites outlined assessed for use as employment land.

Councillor Day confirmed that he was prepared to second the amendment, as amended.

Councillor Berry then moved his amendment, as amended. He believed that the allocation of employment land included in the Plan was not balanced. He accepted that this was the case because North Berwick was not in the Strategic Development Area; however, he believed that a greater proportion of employment land was required given the scale of the proposed housing development. He emphasised that it was quality office space that was required in the cluster.

Seconding the amendment, as amended, Councillor Day remarked that the North Berwick cluster had not been well served during the LDP process, referring to the decisions taken as regards Ferrygate and Tantallon Road. He supported Councillor Berry's views in relation to the need for quality employment space and opportunities for businesses in the cluster area. He also expressed concern at the potential impact of the housing development on health services, the road network and railway station parking facilities. He spoke in support of the proposed allocations for Dirleton and Aberlady, but was concerned about the proposal for Saltcoats in Gullane, which had attracted significant opposition from within the community.

Councillor Goodfellow echoed the comments made as regards business land in this cluster. He also voiced his concern at the Saltcoats allocation, arguing that it would result in the village being unbalanced. However, he accepted that compromise was required and that it was not possible to safeguard this land.

Councillor Hampshire commented on the concerns from within the community about further expansion of the North Berwick cluster. He voiced his disappointment that land at Drem had not been safeguarded, given the rail links and existing employment land in that area.

Councillor McMillan concluded the debate on the clusters by stating that one of the Council's key goals was to be recognised as Scotland's leading coastal and food and drink area. He recognised the difficulties involved in developing coastal and countryside communities, and warned that difficult decisions would have to be taken as regards future development in these areas.

The Provost reminded Members that the votes on amendments would take place at the end of the debate on Item 1.

(i) Policy Development

Mr McFarlane summarised the key changes to the proposed Plan policies, as set out in Sections 3.50 – 3.60 of the report.

As regards town centres, Councillor Berry remarked that the high streets in a number of towns in East Lothian were not delivering on retail and asked if a 'mall' approach had been considered, with the introduction of chain stores being interspersed with independent retailers. Mr McFarlane explained that town centres were partly driven by the market, and that there was a need to work with the market to develop and improve town centres. He referred to a number of initiatives, such as the Haddington Conservation Area Regeneration Scheme. He also pointed out the need to consider that many of East Lothian's town centres were historic, adding that a significant amount of work was being done to encourage businesses to relocate to East Lothian. He took Councillor Berry's comments on board, advising that these points could be considered when taking the policy forward.

Councillor Berry also asked how the Council could achieve the delivery of affordable housing. Mr Stewart accepted that improvements could be made in delivering a mix of housing. He noted that Scottish Planning Policy had changed since the adoption of the current Local Plan, in that councils were now obliged to provide up to 25% of affordable units in housing developments.

Esther Wilson, Service Manager – Economic Development and Strategic Investment, explained that prior to the policy of providing 25% of affordable housing, there had been varying ratios set across different areas of East Lothian. She noted that the Housing Needs and Demand Assessment 2 identified a need for 60% of new housing to be designated as affordable. She referred to the Council's past success in securing Scottish Government subsidies to deliver affordable housing, but warned that it was likely that future subsidies would decrease significantly.

As regards the delivery of affordable housing at Blindwells, Mr Stewart confirmed that the allocations would be carried forward from the current LDP, which proposed a 30% affordable housing level for that cluster.

Mr McFarlane responded to a number of questions from Councillor Goodfellow in relation to development in the countryside, and the policies that determine such development. Councillor Goodfellow also commented on the need for clear design briefs to ensure that

new developments blend in with existing communities. Mr McFarlane commented that the Council worked with developers on the design of site layouts, designs and finishes. Councillor Goodfellow's comments were supported by Councillor Berry, who remarked that more had to be done to protect the built environment.

Councillor Innes asked if there would be a further opportunity to refine policies at a later stage. Mr McFarlane confirmed that further work was required on the policies and that direction from Members would be noted. Referring to policy DC4(ii), Councillor Innes believed that the Council should do more to support rural communities in order to allow young people to remain in those communities.

Councillor McMillan concluded the debate by commending the approach of the Council in developing the Local Development Plan.

(j) Vote on Amendments

The Provost moved to the vote on the amendments, as proposed, seconded and debated during the meeting.

Musselburgh cluster

Amendment as proposed and seconded by Councillors Hampshire and Innes (see 1(b)):

For:	11
Against:	3
Abstention:	1

The amendment was therefore carried.

Prestonpans cluster

Amendment as proposed and seconded by Councillors Innes and Akhtar (see 1(c)):

For:	13
Against:	1
Abstention:	1

The amendment was therefore carried.

North Berwick cluster

Amendment, as amended, as proposed and seconded by Councillors Berry and Day (see 1(h)):

For:	14
Against:	0
Abstention:	1

The amendment was therefore carried.

(k) Vote on Draft Proposed East Lothian Local Development Plan

The Provost then moved to the vote on the draft proposed East Lothian Local Development Plan, as amended:

For: 14
Against: 0
Abstentions: 1

Decision

The Council agreed:

- i. to approve the compact growth development strategy set out in the draft proposed Local Development Plan as the competent planning strategy for development in East Lothian over the period of the LDP;
- ii. to approve the sites, as amended, and proposals of the draft proposed Local Development Plan as the best fulfilment of the compact growth development strategy; and
- iii. to approve the policies of the draft proposed Local Development Plan as the means of delivering and managing development appropriately;

all subject to the required technical work on cumulative impacts, presentational and editorial amendment for publication and to be brought before Council in due course for ratification as the Council's Proposed Local Development Plan.

The Provost declared that the draft proposed East Lothian Local Development Plan, as amended, had been approved. He instructed officers to conclude the work on impact assessment, capacity modelling and mitigation interventions alongside the finalisation of policy work, as directed by the Council, prior to bringing back a proposed Plan document for representation.

The Provost then invited the Council's Spokesperson for Environment, Councillor Hampshire, to make a statement.

Councillor Hampshire announced that, with the decision on the draft proposed Plan, as the view of the Council on where and how development should happen in East Lothian, there was an opportunity for developers to work with Council officials on their plans for sites. He advised that to help promote early delivery of houses in the first Plan period, developers were encouraged to engage in detailed discussions with officials on the delivery of sites to support the Plan, to fully understand where there were constraints and opportunities, and how any constraints could be overcome.

SUMMARY OF PROCEEDINGS

A private report submitted by the Depute Chief Executive (Resources and People Services) concerning Additional Secondary Education Provision in Musselburgh was withdrawn, on the basis that the recommended site for the school was no longer feasible. It was agreed that further report would be presented to Council for consideration as soon as practicable.

This page is intentionally blank



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

**THURSDAY 19 NOVEMBER 2015
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

2

Committee Members Present:

Councillor N Hampshire (Chair)
Councillor W Innes
Councillor J Goodfellow
Councillor S Currie

Advisers to the Local Review Body:

Ms E Taylor, Planning Adviser to the LRB
Mrs M Ferguson, Legal Adviser/Clerk to the LRB

Others Present

Mr J Maxwell, Chair, Bothwell Gardens Proprietors' Association
Mr A MacKay, Vice Chair, Bothwell Gardens Proprietors' Association

Committee Clerk:

Mrs F Stewart

Declarations of Interest

None

Apologies

Councillor D Grant

Councillor Hampshire was elected to chair today's meeting by Councillors Innes, Goodfellow and Currie. Duly elected, Councillor Hampshire welcomed everyone to the meeting.

Morag Ferguson, Legal Adviser, stated that there was one planning application being presented today in the form of written submissions and that a site visit had been carried out prior to the meeting today. She also advised that a Planning Adviser, who had had no involvement with the determination of the original application, would provide information on the planning context and background of the application.

**1. REVIEW AGAINST DECISION (REFUSAL)
PLANNING APPLICATION No: 14/00943/P – REMOVAL OF CONDITION 5
OF PLANNING PERMISSION 00/00811/FUL AT PLAY PARK ADJACENT
TO BOTHWELL GARDENS, DUNBAR**

The Legal Adviser stated that the ELLRB was meeting today to review the above application which had been refused by the Appointed Officer. Members had been provided with written papers, including a submission from the Case Officer and review documents from the applicant. After hearing a statement from the Planning Adviser summarising the planning policy issues, Members would decide if they had sufficient information to reach a decision today. If they did not, the matter would be adjourned for further written representations or for a hearing session and Members would have to specify what new information was needed to enable them to proceed with the determination of the application. Should Members decide they had sufficient information before them, the matter would be discussed and a decision reached on whether to uphold or overturn the decision of the Appointed Officer.

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

Emma Taylor, Planning Adviser, stated that the application site was a toddlers play park at Bothwell Gardens, Dunbar which was installed as a condition (condition 5) of planning permission 00/00811/FUL for the erection of the 40 houses at Bothwell Gardens. Permission was being sought for the deletion of condition 5 to allow for the removal of the play park and the laying to grass of the area of land.

The Planning Adviser stated that the Planning Act requires decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicated otherwise. The development plan consists of the approved Strategic Development Plan for Edinburgh and South East Scotland, known as SESplan, and the adopted Local Plan 2008.

The Planning Adviser advised that the site was within a residential area of Dunbar designated under local plan policy ENV1. The main policy consideration relevant to the application was that of amenity and the provision of adequate play facilities for the residents of the housing development at Bothwell Gardens, in accordance with Policy C2 of the adopted East Lothian Local Plan 2008. She stated that the application had been refused by the Appointed Officer on the basis that the play park was easily accessible to the residents of Bothwell Gardens and provided a local facility for residents with young children. The loss of the play facility, therefore, would be to the detriment of the amenity of future residents of the Bothwell Gardens housing development.

The applicants' request for a review to allow the removal of the play area had been overwhelmingly approved by the Bothwell Gardens Proprietors' Association, the body responsible for managing the common areas of the Bothwell Gardens development. The request was made for 3 reasons; the ongoing costs for inspecting and insuring the facility and replacement to meet safety requirements, the installation of the Ashfield Playpark at Lochend Road and the fact that the majority of householders of Bothwell Gardens were senior citizens. The Council's Principal Amenity Officer was consulted on the application and had advised that the larger play park built on the south side of Lochend Road was within the catchment of the houses of Bothwell Gardens.

The Chair asked his fellow Members if they now had sufficient information to proceed to determine this application today and they unanimously agreed to proceed. He opened the debate recalling that, when the application for the housing development at Bothwell Gardens had come before the Planning Committee originally, there had been little in the way of play park facilities in that location. If the Ashfield Play Park had been in place at that time, he considered that a play park at Bothwell Gardens would not have been necessary. He noted that the occupants of the houses in Bothwell Gardens were now predominantly older people and was concerned that parks, if not used, become abused. He was therefore satisfied that there was now no requirement to have a play park at Bothwell Gardens and intended to vote to overturn the decision of the Appointed Officer, thereby removing Condition 5 from the consent for this application.

Councillor Currie noted that the Council's Principal Amenity Officer had stated that the Ashfield Play Park was within the catchment area for homes in Bothwell Gardens. Play park facilities would therefore still be readily available if the play park at Bothwell Gardens was removed. Councillor Currie also questioned the high cost of upkeep of the Bothwell Gardens play park if the facility was not being used and was confident that the Bothwell Gardens Residents would landscape the area should today's appeal be upheld. He too was therefore minded to vote for Condition 5 to be removed from the consent for this application.

Councillor Innes stated that he accepted the case put forward by the applicants. He also considered that there was compelling evidence to support their case in the Council's Amenity Service consultation response which stated that '*a facility exists that will adequately service the needs of Bothwell Gardens making their facility effectively redundant*'. He added that it was clear the facilities had not been neglected and had been well maintained, but residents were advising that the facilities were no longer being used. He would therefore also vote to overturn the original decision of the Appointed Officer.

Councillor Goodfellow took a different view. He advised that play areas were required in terms of the current East Lothian Local Plan and, while there were currently elderly occupants in the homes at Bothwell Gardens, ownership changes. He also stated that play park facilities at a distance of 150m from Bothwell Gardens was a considerable distance for toddlers to walk. Councillor Goodfellow also considered that the Bothwell Park play park added amenity to the area and he was minded therefore to uphold the decision of the Case Officer.

Decision

The ELLRB agreed by a majority vote 3:1 to overturn the decision of the Appointed Officer to refuse the application, subject to the following condition:

1. Within the first planting and seeding season following the removal of the play park the area of land shall be landscaped in accordance with details to be submitted to and approved in writing in advance by the Planning Authority and thereafter the landscaping shall accord with the details so approved. Any trees, shrubs or plants which within a period of five years from the removal of the play park die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

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

REPORT TO: East Lothian Council

MEETING DATE: 15 December 2015

BY: Monitoring Officer

SUBJECT: Decision of Standards Commission for Scotland in Hearing
of Complaint against Councillor Paul McLennan

3

1 PURPOSE

- 1.1 To fulfil the statutory duty on the Council to:
- a) consider the findings of a decision by the Standards Commission for Scotland within 3 months of receipt; and
 - b) respond to the direction given on behalf of the Commission, by advising its Executive Director of any decision made by the Council in relation to the Commission's findings.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Council:
- a) agrees to note the recent decision of the Standards Commission for Scotland following the Hearing held on 13 November 2015 into a complaint concerning the conduct of Councillor Paul McLennan;
 - b) agrees that the decision it makes in respect of paragraph 2.1 above be communicated to the Commission through the Commission's Executive Director.

3 BACKGROUND

- 3.1 A complaint was made to the Standards Commission for Scotland about the conduct of Councillor Paul McLennan, alleging that he had breached the Councillors' Code of Conduct in respect of the claiming of expenses and in a failure to register interests including remunerated employment and non-financial interests during his current term of office as a councillor from May 2012 onwards.

- 3.2 The Office of the Commissioner for Ethical Standards in Public Life investigated the complaint. The Commissioner, Mr Bill Thomson, concluded that Councillor McLennan had breached paragraphs 3.6, 4.1, 4.2, 4.7, 4.8 and 4.22 of the Councillors' Code of Conduct and reported his findings to the Standards Commission for Scotland. The Standards Commission then held a hearing into the allegations on 13 November 2015 in the Town House, Haddington. The Commission's Executive Director wrote to the Chief Executive with their decision on 25 November.
- 3.3 The Council has a statutory duty under Section 18 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 to consider the findings of the Standards Commission within 3 months of receipt of their decision and has been directed by the Executive Director of the Commission under Rule 10.9 of the statutory Rules for the Conduct of Hearings of the Standards Commission, to advise of any decision made by the Council.
- 3.4 **Standards Commission Findings [and Post-Hearing Recommendation]**
- 3.4.1 The findings of the Standards Commission are set out in their Decision Report in which they found that Councillor McLennan had breached paragraphs 3.6, 4.1, 4.2, 4.7, 4.8 and 4.22 of the Councillors' Code of Conduct.
- 3.5 **Sanction**
- 3.5.1 The Standards Commission panel decided to suspend, for a period of three months commencing 20 November 2015, Councillor McLennan's entitlement to attend all meetings of the Council and any committees or sub-committees of the Council on which he is a representative. This suspension will end on 19 February 2015.
- 3.6 **Implications for Other Elected Members**
- 3.6.1 Although the Standards Commission did not make any specific recommendations to the Council as a whole, officers think it appropriate to bring to the attention of all Elected Members the concerns expressed by the Hearing Panel in its report:
- i) that the Respondent had failed to participate in the training provided by the Council and the Standards Commission;
 - ii) that the Respondent, in his "chronic failure ... to register his interests", had demonstrated a lack of understanding of the Councillors' Code of Conduct and its implications for the role of a councillor;
 - iii) that they needed to emphasise that the registration of interests (including remuneration and non-financial interests) is a fundamental requirement of the Code, and that a failure to register these interests removes the opportunity for openness and transparency in a councillor's role and denies any member of the

public the opportunity to consider whether a councillor's interests may or may not influence the decision-making process.

4 POLICY IMPLICATIONS

4.1 There are no direct policy implications.

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 – none.

6.2 Personnel - none.

6.3 Other – none.

7 BACKGROUND PAPERS

7.1 Ethical Standards in Public Life, etc. (Scotland) Act 2000:
<http://www.legislation.gov.uk/asp/2000/7/contents>

7.2 Councillors' Code of Conduct:
<http://www.scotland.gov.uk/Publications/2010/12/10145144/0>

7.3 Rules for the Conduct of Hearings by the Standards Commission for Scotland :
http://www.standardscommissionscotland.org.uk/webfm_send/401

7.4 Decision of the Hearing Panel of the Standards Commission for Scotland following the hearing into allegations of breach of the Councillors' Code of Conduct by Councillor Paul McLennan:
<http://www.standardscommissionscotland.org.uk/content/decision-hearing-panel-standards-commission-scotland-following-hearing-held-town-house-haddi>

AUTHOR'S NAME	Monica Patterson
DESIGNATION	Monitoring Officer
CONTACT INFO	Ext 7541
DATE	1 December 2015

REPORT TO: East Lothian Council

MEETING DATE: 15 December 2015

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Roads Collaboration Proposal for Edinburgh City, East Lothian, Midlothian, West Lothian, Scottish Borders and Fife Councils

4

1 PURPOSE

- 1.1 To inform Council that Edinburgh, East Lothian, Midlothian, West Lothian, Scottish Borders and Fife Councils have been working in partnership to explore opportunities for increased collaboration in roads services.
- 1.2 This report outlines the process taken to explore opportunities for collaboration with other local roads authorities (within the Edinburgh, East Lothian, Midlothian, West Lothian, Borders and Fife (ELBF) area), and seeks approval from the Council for the creation of a shadow joint committee.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Council:
 - approves the creation of a Shadow Joint Committee for collaborative road services
 - appoints the East Lothian Council representatives on the shadow joint committee

3 BACKGROUND

- 3.1 The National Roads Maintenance Review (NRMR) final report was published in July 2012, following a recommendation from Audit Scotland to:

“Consider a national review on how the road network is managed and maintained, with a view to stimulating service re-design and increasing the pace of examining the potential for shared services.”

- 3.2 The NRMR explored the optimum delivery of roads maintenance services, concluding that sharing of services should be explored by all roads authorities, with the onus on authorities to demonstrate that change could be delivered effectively and driven forward at a local level.
- 3.3 The NRMR has led to the establishment of the Roads Collaboration Programme to support the recommendations of the review and to explore the opportunities to share services amongst Scotland's 32 local roads authorities and Transport Scotland.
- 3.4 Prior to the report being published, a group of senior officers from Edinburgh, East Lothian, Midlothian, West Lothian, Borders and Fife (ELBF) Councils formed to explore the benefits of sharing road maintenance resources.

Benefits of Sharing

- 3.5 Improving performance and efficiency through collaboration may lead to direct financial savings through reduced overhead costs and greater buying power. However, the main benefits of sharing are associated with resilience and sustainability. These include:
- Sharing of expertise and staff pools to achieve greater output with the same resource, avoiding the risks associated with single point of failure
 - Standardisation of processes and specifications, leading to a consistent standard and quality of service
 - Increased capacity through the elimination of duplication and access to joint resources
 - Improved business intelligence through shared best practice and management information and expertise
 - More opportunity to develop future workforce planning strategies
 - More effective use of specialist assets together with the benefits of improved joint investment planning for staff, plant and equipment
 - More effective procurement and better value for money
- 3.6 ELBF has recognised the substantial benefits associated with formal collaboration for some time, and joined the Governance First Project in April 2014 to explore more formal governance options that will allow the participating authorities to benefit from collaboration.

- 3.7 Substantial sharing is already underway within ELBF, with a variety of agreements in place to ensure the successful delivery of these initiatives on a collaborative basis. Initiatives include:
- Maintenance of traffic signals
 - Collaboration in Road Safety Audits
 - CLARENCE Customer Care Call Centre
 - Collaboration in roads repairs
 - Provision of rock salt and winter gritting equipment
 - Professional services and advice in relation to Flood Risk Management
 - Single Development Control Guidelines document
 - Street lighting installation and maintenance procurement framework
 - ISO9001 Quality Assurance System
 - Winter weather forecasting
 - Proprietary road surfacing projects (eg bond-coat)
- 3.8 There are different degrees of participation from the six authorities in the above initiatives but they form a strong basis for future activity.
- 3.9 The extent of future collaboration will be considered and agreed by the governing body, with the individual participating authorities taking the decision on whether or not each proposal should be taken forward. This can include either the establishment of a fully integrated shared service or sharing in specific service areas only. Any collaboration will require appropriate legal documentation.
- 3.10 It is anticipated that the approach to sharing will initially be one of 'small demonstration projects' to identify baselines, increase performance levels and to begin to identify areas of potential savings. Eleven areas of roads services have been identified where the greatest benefits from new or increased collaboration are anticipated. These can be taken forward on a project-by-project basis:
- Asset Management
 - Joint Procurement
 - Flood Risk Management
 - New Roads & Streetworks Act – co-ordination of road works
 - Weather Forecasting
 - Traffic Signal Maintenance
 - Road Safety

- Structures
- Street Lighting
- Training
- Packaging of Roads Maintenance Contracts

Governance First

- 3.11 The concept of 'Governance First' refers to the creation of a formalised governing body as the fundamental first step to developing shared services, undertaken prior to the design of the shared service in terms of operational delivery.
- 3.12 By setting up a governance arrangement first, prior to looking at specific areas of service collaboration, partner authorities benefit from working under a formal governance 'umbrella' where a common vision for the service can be agreed and options for working collaboratively can be explored and implemented.
- 3.13 Creating a governing body inclusive of Elected Members at the early stage has the added benefit of ensuring that they are involved in setting the direction of the service from the outset.

Proposed Governance model

- 3.14 ELBF officers carried out an options appraisal of the models available, with support from the Roads Collaboration Programme and advice from Burness Paull LLP.
- 3.15 The options considered included:
- Joint Committee
 - Joint Board
 - Company Limited by Guarantee
 - Company Limited by Shares
 - Limited Liability Partnership
- 3.16 The options appraisal concluded that a joint committee was the preferred governance model to allow effective collaboration, with a formal body established under the Local Government (Scotland) Act 1973 to enable the partner authorities to carry out their functions jointly. A summary of the options appraisal is outlined in Appendix 1.
- 3.17 In the absence of a definitive range of services to be included in the collaboration, a remit for the committee cannot be outlined at this time. Therefore, it is recommended that, in the first instance, a shadow joint

committee be established, which can be formalised into a joint committee within the next 12 months.

- 3.18 A shadow joint committee is not a formal body in the same way as a joint committee and it does not have to operate in line with the rules stipulated by the Local Government (Scotland) Act 1973. It does, however, provide greater flexibility in the interim period and allows the Elected Members from the partner authorities to form a group, set the direction of collaboration and define the remit of the joint committee.
- 3.19 During the options appraisal, a limited liability partnership was also identified as an appropriate governance model for future consideration and this can be explored further as the scope of the collaboration is defined in the interim period.
- 3.20 The different timescales for each council to consider participating in the proposed shadow joint committee may mean that the shadow joint committee will not have the involvement of all six local ELBF authorities from the start, but an initial involvement of at least four councils will allow the new governance arrangements to proceed.
- 3.21 A proposed term of reference for the shadow joint committee is outlined in Appendix 2.
- 3.22 Managing collaborative activity/shared service under a formal governance arrangement increases the likelihood of achieving the benefits (highlighted in Item 3.1) by ensuring local authorities are working to an agreed common vision for the future.
- 3.23 Creating a formal governing body to act as an 'umbrella' under which to deliver improvements promotes transparency and simplifies the processes associated with sharing.
- 3.24 Burness Paull LLP provided advice to the Improvement Service (as above) on:
- the means by which local authorities can share services;
 - the establishment of a formal governance arrangement, such as a joint committee; and
 - compliance with procurement legislation.
- 3.25 The Service Manager, Legal and Procurement will provide the necessary legal support in relation to the Council's involvement in establishing the new governance body.

4 POLICY IMPLICATIONS

- 4.1 There are no Policy implications at this time.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Equality Impact Assessment has been carried out and no negative impacts have been found.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - As the shadow joint committee is not a legal entity, a Lead Authority will be identified on a case by case basis to provide business and administrative support, with agreement reached between the participating councils on how any associated Lead Authority costs will be shared.
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 None

AUTHOR'S NAME	Ray Montgomery
DESIGNATION	Head of Infrastructure
CONTACT INFO	7658
DATE	3 rd December 2015

Governance Model Options Appraisal

To determine the most appropriate governance model, ELBF officers carried out an options appraisal of the models available, taking into account perceived benefits and risks associated with each. The group was fully supported in their appraisal by the Roads Collaboration Programme team, inclusive of an external senior solicitor from Burness Paull who provided essential legal guidance to allow the group to make informed decisions when selecting the most beneficial model.

Two potential models were identified by the programme team for consideration by ELBF:

Model 1 – Co-operation - this model is based on the strand of European law which permits public authorities to enter into arrangements for collaboration and co-operation without those arrangements having to be the subject of a procurement process.

Based on procurement law principles, the key features of Model 1 – in the context of roads authorities – would be as follows:

- there would require to be a joint governance structure – most likely a joint committee;
- each of the authorities would require to commit to some element of sharing of resources;
- the financial contributions would require to be based on the sharing of costs – with no margin/profit element for any of the participating authorities;
- it would be viable for assets currently owned by each authority to continue to be held by them, i.e. it would not be a pre-requisite that assets had to be transferred out of the ownership of any of the existing authorities;
- the staff teams of each authority would be deployed in accordance with decisions of the joint committee;
- the joint committee would serve as a framework, providing overall governance and accountability

Model 2 – Joint Body - based on the principles of EU procurement law, a model involving the use of a jointly controlled corporate body would represent a viable model for collaboration and joint service delivery in the context of roads authorities.

The key features of Model 2 would be as follows:

- a legal entity would be formed, such as a company limited by guarantee or a limited liability partnership (LLP); or alternatively (involving additional formalities and a longer timescale) a joint board established;
- all participating authorities would require to share control of the legal entity – but voting rights need to be equal;

- all participating authorities would require to access some level of service from the joint legal entity – but the volumes of work need not be equal;
- the “essential part” of the corporate body’s activities must be with the participating authorities – the current threshold is 90% but will change to 80% when the relevant Directive is introduced into Scots law;
- the corporate body would hold its own assets and/or directly employ its own staff;
- the joint body could act as a central purchasing authority for the participating authorities – procuring materials or services, or a private sector strategic partner;
- the corporate body must not have any private sector shareholding, but could access loan finance from any source (bonds);
- a subsidiary legal entity could potentially operate on the market, winning work from other authorities and potentially:
 - preserving/expanding the workforce;
 - maximising community benefits (e.g. apprenticeships);
 - delivering additional income to support core services.

It was agreed that both model 1 and model 2 were viable options and should both be explored in greater detail taking into account the various options that could be developed within each model.

Out with the status quo option (‘do nothing’), there were five possible options considered within the two models outlined:

- Joint committee
- Joint board
- Company limited by guarantee
- Company limited by shares
- Limited liability partnership

When considering the advantages and disadvantages of each in an initial high-level appraisal, officers discussed the key features of each model with advice from Burness Paull.

Following a SWOT analysis, it was concluded that the greatest opportunities were present in the Joint Committee or LLP options. The key reasons for this decision were:

- The status quo model can no longer be seen as a long-term viable option for delivering roads services as the current economic climate will continue to put substantial pressures on services. In order to collaborate on a more substantial basis, authorities will be required to establish a formal legal framework for collaboration, to comply with procurement law.

- The Joint Committee model is very familiar and well established in local government and is particularly beneficial in terms of the speed in which it can be established.
- While a Joint Board offers additional benefits to that of a Joint Committee, the time involved in the parliamentary procedures needed to establish the body would outweigh any benefits.
- An LLP offers all the benefits of a joint committee plus additional benefits offered by the establishment of a legal entity (model 2).
- An LLP is particularly attractive over a Company Limited by Guarantee and a Company Limited by Shares, as the profits of an LLP – where membership is made up of local authorities – is exempt from tax. Any profits can be reinvested in the LLP or drawn off by the participating authorities – in each case with no tax being payable.

A further comparative analysis was then undertaken to assess and compare the Joint Committee and LLP options.

Edinburgh, Lothians, Borders and Fife Forum Comparison of Joint Committee and Limited Liability Partnership

1. Key Features of Each Model

	Legal Entity?	Governed by...	Set up by.....	Ongoing admin. tasks	Legal duties on board members	Other features
Joint Committee	No	Local Government (Scotland) Act 1973	Participating local authorities themselves	Servicing meetings (agendas, reports, minutes), accounting, financial reporting to participating authorities	Those applying under local government law plus (possibly) duties applying under general case law to those serving in a position of trust	Only local authorities can participate (not other public bodies); also, at least two thirds of the committee members must be elected members
Limited Liability Partnership	Yes	Limited Liability Partnerships Act 2000	Companies House	As for Joint Committee, plus annual return to Companies House, annual accounts complying with statutory requirements (with formal audit if above thresholds)	Those applying under local government law; plus (possibly) duties applying under general case law to those serving in a position of trust; plus any duties specifically set out in the LLP Agreement	No restrictions regarding the types of bodies who can participate; and no restrictions on who can serve on the board

2. Main Advantages and Disadvantages

There are a number of key issues to be considered when considering the main advantages/disadvantages of a Joint Committee against an LLP:

	Issue	Comparison of both models against this issue
Legal entity or not	<p>If the joint structure is not a legal entity, it cannot enter into contracts, employ people, or have other formal legal relationships in its own name. That then means that one of the authorities has to take the role of lead/host authority in contracting with third parties, employing/managing any joint staff team, holding funds etc. This can (a) distort the overall dynamic of decision-making; (b) make it more difficult to hold all participating authorities to account on an equal basis; and (c) cause difficulties in sharing risk (since the lead authority is the immediate target for third-party claims). It would be possible to split roles so that one authority was lead authority for third party contracts, another took the role of employer, another as fund holder.</p>	<p>A Joint Committee is not a legal entity.</p> <p>The LLP is a legal entity, and can thus enter into legal relationships in its own name. That gives a direct connection between decisions of the joint board, and implementation of those decisions – rather than this having to be routed through one of the participating authorities. Where contracts are entered into directly by a joint body, no one authority is exposed to third-party claims - so that creates better balance in decision-making. Also, the existence of a joint body (with a joint staff team directly managed by that joint body) can help to create a more level playing-field in holding all participating authorities to account.</p>
Governing legislation	<p>The formation of a structure governed by local government legislation, rather than LLP legislation, could be seen as “home ground”, and thus less of a significant step for a local authority to take. Having said that, there is an increasing trend for local authorities to set up companies or LLPs as offshoots (e.g. leisure/culture trusts), so this is not unfamiliar territory in the way that it used to be.</p>	<p>An LLP is governed by the Limited Liability Partnerships Act 2000 (which in turn refers to various provisions of the Companies Act 2006, adapted to fit the LLP model).</p>

<p>Set-up process</p>	<p>While the setting-up of an LLP involves Companies House, this is largely a form-filling exercise – typically adding only a few days to the much more significant task of tailoring a constitution for the joint body. The tailoring of a constitution - whether a minute of agreement (joint committee) or LLP agreement (LLP) – would need to be carried out and neither requires a more complex constitution than the other (though in practice, local authorities tend to favour a lighter-touch minute of agreement in the context of Joint Committees).</p>	<p>The Joint Committee is a little simpler to set up, as there is no need to involve any regulator.</p> <p>The administrative set-up costs for a Joint Committee is likely to be less than an LLP, but in either case this will not be a significant cost.</p> <p>However, with no lead authority associated with an LLP, dedicated senior management and some support resource would be required for an LLP, the costs of which would be shared amongst partners. In the case of ELBFF it is likely that this cost could be in the order of £60,000 per year at least initially.</p>
<p>Ongoing admin. tasks</p>	<p>The prospect of having to deal with additional administrative tasks is often off-putting to those considering the creation of a joint body. In reality, the additional administration is likely to be minimal (over and above the tasks that are inevitably associated with servicing <i>any</i> form of joint decision-making group) – except that the implications of having to carry out a formal audit should be borne in mind.</p>	<p>A Joint Committee involves the minimum by way of additional ongoing administration, as compared with the LLP.</p> <p>For a Joint Committee, the lead authority would normally be expected to provide this.</p>
<p>Legal duties on board members</p>	<p>The idea of board members having to take on duties over and above those that attach to them already under local government legislation may be seen as challenging.</p>	<p>A Joint Committee would not impose any special legal duties on committee members – over and above the duties that members already have under local government legislation.</p> <p>As regards the LLP model, the LLP legislation does not impose any duties on LLP board members; there are legal duties on the LLP <i>members</i> – in this case, that would be the participating authorities, as corporate bodies – relating to for example filing of accounts and other formal matters.</p>

<p>Involving others</p>	<p>It may be felt appropriate to bring other public authorities (e.g. Transport Scotland or the relevant Regional Transport Partnership) into the governance model on an equal footing to the local roads authorities. That would be inconsistent with the rules relating to Joint Committees. However, the legislation would allow co-option of people drawn from Transport Scotland or an RTP onto the joint committee, so long as the “minimum two-thirds elected members” requirement was still met.</p>	<p>If it is felt essential that bodies other than local authorities should participate directly in the governance model, then a Joint Committee should be considered carefully. The same point applies if it is felt that having a minimum of two-thirds elected members on the board is not appropriate.</p>
<p>Tax</p>	<p>The issue of tax is an important factor, particularly if there is a risk that surpluses generated by the joint body might be substantial in future years (and taking account of any aspirations round developing income from the provision of services to a wider range of bodies).</p>	<p>Tax on surpluses does not come into play in relation to a joint committee as these fall within the general tax exemptions applying to local authorities. If there is a risk that tax liabilities might arise in the future, tax considerations would point to the use of an LLP model. An LLP does not pay tax; it is the members of an LLP who pay tax, based on the profits of the LLP that are allocated to them. Where – as in this case – the members are local authorities, the general tax exemption for local authorities comes into play and thus no tax is payable on the profits of the LLP. That applies irrespective of whether the profits are left within the LLP to fund working capital requirements or future investments or are drawn off by the local authorities – so there is full flexibility.</p>

3. Strengths, Weaknesses, Opportunities & Threats

Joint Committee Model

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> ❖ Provides a strong governance framework ❖ Familiar model within the local government field, so unlikely to cause concerns to elected members ❖ Can provide an overarching framework, compatible with procurement principles round collaboration in the performance of a public task, under which individual projects can be taken forward 	<ul style="list-style-type: none"> ❖ As compared with an LLP, a Joint Committee is not a legal entity, so contracts etc. need to be dealt with through a lead authority ❖ Selection of lead authority may be difficult (there is the possibility of different authorities taking responsibility for staff, finance, contracts etc. – but that adds complications) ❖ Lead authority is directly exposed to third party claims – so that may distort the dynamic of decision-making as the lead authority may refuse to take steps agreed on by the Joint Committee if they would expose it to liability/risk
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> ❖ A Joint Committee would provide a platform for more rapid progress with shared services ❖ Over time, the participating authorities may become more familiar/confident about sharing of resources etc., and that in turn may facilitate moving to a Limited Liability Partnership model 	<ul style="list-style-type: none"> ❖ The lead authority arrangement could potentially represent a source of friction, if there is a sense among the other participating authorities that the dynamic of decision-making is not working as it should ❖ The fact that the lead authority takes the primary risk as regards third party claims may inhibit progress with more ambitious projects (the other authorities can agree to reimburse a proportion of the lead authority's liability from third party claims, but that is not a perfect solution) ❖ As compared with an LLP, a Joint Committee tends to be more

	exposed to changes in the political agendas
--	---

Limited Liability Partnership Model

<p style="text-align: center;">STRENGTHS</p> <ul style="list-style-type: none"> ❖ As compared with a Joint Committee, an LLP provides a jointly-controlled legal entity, which can itself enter into contracts, take on staff, hold its own funds, etc. ❖ The commitments of the participating authorities can be pinned down in a more robust way through legally-binding agreements between each of them and the joint legal entity ❖ Those serving on the board have a legal duty to take decisions in a way that will best promote the success of the company in achieving its purposes ❖ A Limited Liability Partnership has a major advantage of being tax-transparent 	<p style="text-align: center;">WEAKNESSES</p> <ul style="list-style-type: none"> ❖ As compared with a Joint Committee, there may be a perception among elected members that the formation of a LLP displaces their role and/or represents a first step towards privatisation ❖ The principle of profit distribution – even if that not envisaged to happen in practice in the short to medium term – may distort the fundamental principles of what the shared services arrangements are intended to achieve
<p style="text-align: center;">OPPORTUNITIES</p> <ul style="list-style-type: none"> ❖ As compared with a Joint Committee, an LLP can act as a flexible model – not just dealing with initial feasibility but (once approved by the participating authorities) directly taking forward joint projects 	<p style="text-align: center;">THREATS</p> <ul style="list-style-type: none"> ❖ If the participating authorities are concerned about issues of control, they may impose tight restrictions on what the LLP can do without the consent of all participating authorities – with the effect that the LLP is unable to achieve its

❖ An LLP could serve as the vehicle for a wide range of shared services projects and initiatives	potential
--	-----------

Shadow Joint Committee – Roads Services

1. Membership:

Each local authority will provide one elected member.

2. Chair:

The Chair will rotate between the local authorities on an annual basis.

3. Substitutes:

Each local authority will also name an elected member who will be able to act as a substitute for their substantive member.

4. Officers

Officers will normally attend to support meetings.

5. Remit

- a) To explore options for the member local authorities sharing roads services and associated assets.
- b) To evaluate proposals for shared services and joint working, and make recommendations to the relevant member local authorities on the preferred collaboration model.
- c) To discuss and develop draft governance arrangements for a formal decision making joint body.

6. Code of Conduct

The Councillors' Code of Conduct (paragraphs 3.14 – 3.15) specifies members' responsibilities regarding private information.

7. Meeting (and papers):

The Shadow Joint Committee will meet a minimum of four times per year, with papers circulated fourteen days in advance of meetings.

REPORT TO: East Lothian Council
MEETING DATE: 15 December 2015
BY: Acting Chief Social Work Officer
SUBJECT: Annual Report of the Chief Social Work Officer 2014/15

5

1 PURPOSE

- 1.1 To provide Council with the Annual Report of the Chief Social Work Officer (CSWO) on the statutory work undertaken on the Council's behalf. The report also provides Council with an overview of regulation and inspection, and significant social policy themes current over the past year.

2 RECOMMENDATIONS

- 2.1 Council is asked to note the Annual Report of the Chief Social Work Officer

3 BACKGROUND

- 3.1 The requirement that every local authority should have a professionally qualified CSWO is contained within Section 45 of the Local Government (Scotland) Act, 1994. The particular qualifications are set down in regulations. This is one of a number of officers, roles or duties with which local authorities have to comply. The role replaced the requirement in Section 3 of the Social Work (Scotland) Act, 1968 for each local authority to appoint a Director of Social Work.
- 3.2 This report is prepared in line with the guidance on the role of the CSWO published by the Scottish Government in 2011 – 'prepare an annual report to the local authority on all the statutory, governance and leadership functions of the role'.
- 3.3 The CSWO Advisor, in consultation with CSWOs, the Care Inspectorate, ADSW and the Scottish Government, created a new template for the annual CSWO report. This template is designed to create parameters around the information provided. It does not ask for new information to

be produced but is designed to draw out key information in a more focused way and to create a more analytical and reflective report.

4 POLICY IMPLICATIONS

The attached CSWO report highlights the extensive work that social work is involved with in East Lothian. There have been a number of improvements made to service delivery alongside cost saving measures. The impact of the Health and Social Care Partnership should have positive effects on service delivery.

5 EQUALITIES IMPACT ASSESSMENT

5.1 This report is not applicable to the wellbeing of equalities group 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 CSWO Annual Report 2014/15 – Appendix 1

AUTHOR'S NAME	Fiona Duncan
DESIGNATION	Acting CSWO
CONTACT INFO	(01620) 827897 fduncan@eastlothian.gov.uk
DATE	23 rd November 2015

East Lothian Council

Chief Social Work Officer Annual Report

2014/2015

1) **LOCAL AUTHORITY OVERVIEW**

East Lothian is the 21st largest area out of Scotland's 32 local authorities in terms of population, with its total population forecast to grow by 23.3% between 2012 and 2037. The highest growth is anticipated to be in the over 65 age group and in the 25-39 age group, and at the same time there is expected to be significant growth in the 0-15 age group.

Only 33.2% of East Lothian's population live in urban landscapes, unlike nearly 70% of the population of Scotland who live in large urban towns or other urban areas. Nearly two thirds of East Lothian's residents are in the west of the area.

East Lothian has lower levels of deprivation than most local authorities in Scotland. However there are small areas of Prestonpans, Tranent and Musselburgh (particularly) that fall within the most deprived 20% of areas in Scotland. Child Poverty measured by the campaign group End Child Poverty showed that 18.6% of children in East Lothian were living in poverty after housing costs in 2013.

There are significant differences in life expectancy between the west and east of the County, with men and women living an average of 4 years longer between the longest lived areas of the east compared to the shortest lived areas of the west.

This results in different patterns of need between the west and east of the county. In broad terms the west has proportionately more need arising from the consequences of deprivation such as substance misuse, mental health, multiple morbidity at a younger age, child protection etc, whilst the east has proportionately more need arising from the consequences of older age such as frailty, dementia, delayed discharge etc.

The impact of substance misuse not only has devastating effects on the individual, but also on their family and wider society. For instance some 1800 children are estimated to live in households in East Lothian where one or both parents have some level of problematic alcohol abuse with some 320 children affected by a parent with a problematic drug use. The misuse of substances not only affects the quality of life and eventually, the physical wellbeing of the individual but in many cases results in family breakdown; affects the sense of community and public safety; and may lead to episodes of criminality.

Although East Lothian is generally considered to be an area of high employment and general affluence there is considerable variation in economic activity, unemployment and the financial position of households between and within East Lothian's wards. Whilst East

Lothian is an area that is generally more affluent than the Scottish average, it does have a low wage economy which sees many people commuting out of the area for employment.

The largest employer in East Lothian is East Lothian Council with around 4,000 staff employed directly and through partner agencies. The NHS is the second largest employer with the effect that a significant proportion of the County's residents are employed in the public sector. A number of private companies based within East Lothian also employ a significant number of people. These include Belhaven Brewery, Charles River Laboratories, Lafarge, and Torness Power Station.

The EL Plan 2013-23, sets out our understanding of East Lothian, the challenges we face and the strengths and opportunities provided, which are supported by East Lothian By Numbers and the related Strategic Assessment.

From this evidence and analysis, we have developed The East Lothian Plan with the following framework:

- One overarching priority – to reduce inequalities both within and between our communities.
- Three strategic objectives: sustainable economy - resilient people - safe and vibrant communities
- Ten high-level Outcomes, each with contributory outcomes, which provide a clear vision for East Lothian.

This framework aims to enable the Council and our partners to design and deliver the services that will make a real difference in the lives of our people and our communities ([The East Lothian Plan 2013-23](#)).

2) **PARTNERSHIP STRUCTURES/GOVERNANCE ARRANGEMENTS**

In East Lothian Council (ELC), the Chief Social Work Officer position is attached to the Head of Adult Services in our new integrated structure with NHS Lothian. In 2014/15 the role was part of the Head of Adult Wellbeing responsibilities. Our Head of Adult Wellbeing/CSWO resigned from ELC in February 2015. Fiona Duncan, who had been appointed Acting CSWO during the CSWO absence, has continued in this role to date. This post has been advertised as part of the new structure which is being designed as part of the Health and Social Care Partnership and it is hoped to fill the post on a permanent basis in the near future.

The CSWO of ELC is a Chief Officer, thus ensuring communication with senior management and elected members. Consequently, professional advice in the discharge of the local authority's statutory social work duties can be provided as and when required. This includes bi-weekly meetings of the Senior Council Management Team (Chief Executive, Deputy Chief

Executives; all Heads of Service, and the Director of the Health and Social Care Partnership). Formal CSWO meetings with the Chief Executive ensure that communication is clear and transparent as are weekly meetings with elected members. Regular management meetings with Service Managers in Adult and Children's services ensure that social work issues and requirements are discussed with clear links to practice identified.

The CSWO also sits on the East and Midlothian Joint Public Protection Committee and its Performance and Improvement Sub-Group and on the East and Midlothian Joint Critical Services Oversight Group. With regard the Health and Social Care Partnership, the CSWO is a non-voting professional advisor member of the Integration Joint Board (IJB).

Throughout 2014/15, work continued apace in relation to the Health and Social Care Partnership. A shadow strategic planning group was set up in late 2013, with one of its aims being to develop the draft strategic plan for the IJB. This was consulted on in December 2014 and the second stage of public engagement on the plan will commence in September 2015. The Council and NHS Lothian submitted a Scheme of Integration in March 2015 which involved delegation of all adult health and social work functions to the IJB. This has been accepted with the IJB due to meet for the first time as a legal body in July 2015.

The Partnership will be responsible for delivering a range of nationally agreed outcomes which apply across adult health and social care. In order to support this we will:

- Integrate East Lothian's NHS and local authority adult health and social care budgets
- Although children's services are not delegated to the IJB, we intend to integrate the management of NHS Lothian and Local Authority Children's Services
- Increase the involvement of clinicians and care professionals, the third and independent sectors and local communities in the planning and delivery of health and social care services

As the integration process progresses, strategic partnership arrangements and management structures will change. Whilst these arrangements are not yet finalised, the CSWO is actively involved in these discussions, and is advising the Director and Chief Executive on social work matters, including a focus on professional leadership and governance in relation to statutory functions.

3) **SOCIAL SERVICES DELIVERY LANDSCAPE**

Within East Lothian, around 20% of adults still smoke (this is below the Scottish average of 25%). Alcohol deaths are below the Scottish average and the proportion of the population hospitalised because of alcohol or drugs is also significantly lower than the Scottish average.

However, we also know that there are increasing numbers of people of all ages with long-term conditions such as heart disease, lung disease and diabetes. In East Lothian, we have higher rates of high blood pressure, asthma, cancer, strokes and dementia than the Scottish average.

Inequalities in health outcomes between the most affluent and disadvantaged members of society are longstanding, deep-seated and have proved difficult to change. Across East Lothian, people living in the poorest neighbourhoods die four years earlier on average than people living in more affluent areas, and they spend more of their time in ill health.

Due to the increasing population within East Lothian, and particularly the growing number of older people in our communities, pressure is building on our services. Through robust prevention and early intervention strategies, we aim to reduce the level of demand by adapting our services accordingly.

The Health and Social Care Partnership provides an opportunity to work more efficiently and effectively. As individuals often have a multitude of need, working with partners throughout the community is vital. Examples include housing, financial advice, leisure facilities, third sector etc.

Community resilience is also to be encouraged. Giving choice to those in the community can, and does, increase independence. However, individuals need to take more responsibility in this, and working with voluntary organisations, third sector groups, carers groups, etc provides an opportunity for not only increasing capacity to work with people, but also to help reduce dependence on council services.

Children's Services are experiencing considerable change as well as facing increasing challenges. Research is telling us that we need to intervene earlier with many families in order to prevent the problems they experience from escalating. Late intervention incurs high costs not only in relation to budgets but also for children and families as the costs to them generally translate into poorer outcomes especially in the longer term. We are also experiencing a year on year increase in the number of vulnerable children and young people whom we require to respond to and support.

Between 1st April 2014 and 31 March 2015 there were 3,258 referrals to Children's Wellbeing. This represents a 15% increase on the previous year and translates into 63 contacts to Children's Wellbeing every week (in the last decade, referrals have increased by almost 60% though only a small proportion of these can be attributed to population growth).

Very few children are accommodated for short periods. More are in long term placements, where they will remain for several years, probably into early adulthood. Others are very young children who need to be looked after while long term plans are made, such as a safe return home, a move to kinship carers, adopters or long term fostering. These younger children often remain with carers for a year or two before moving on.

East Lothian has on average about 90 children in foster care at any one time. Unfortunately, we also have a disproportionate numbers of foster carers who are older and considering retirement, or, for health reasons, a reduction in capacity (one child rather than two, becoming respite carers rather than full time carers). Other foster carers move on once their own children are grown, while others give only a year or two to fostering before deciding that it's no longer for them. We therefore are in the position where we constantly need to attract new foster carers to care for East Lothian's most vulnerable children.

Substance misuse also impacts on the people of East Lothian. In 2014, there were 20 alcohol related deaths, an increase of 6 from the previous year. East Lothian residents accounted for 443 hospital discharges related to alcohol abuse in 2013-14, 91.9% of these discharges resulted from emergency admissions. There were approximately 800 people known to have problem drug use in East Lothian: 500 males and 300 females. The impact on the user and their families can be equally devastating to the effects of alcohol misuse. In 2014 there were 11 drug related deaths an increase of 3 from 2013.

Detailed analysis undertaken by the Lothian wide Drug Related Deaths Review Group indicated that, 'most were white, single, unemployed Scottish men who had a known history of substance misuse (to services and/or the police). More than half were known to be intravenous drug users. The majority of deaths occurred among those with a long term history of substance misuse (greater than five years)'.

4) **FINANCE**

During 2014-15, East Lothian Council continued to operate within a challenging financial environment. The total budget for Social Work services in 2014-15 was £60.391m (compared to £60.476m in 2013-14), with £13.179m allocated to Children's Wellbeing and £47.212m to Adult Wellbeing. Actual expenditure for the year totalled £61.134m.

Throughout the year, both service areas continued to face significant financial pressures as a result of increasing service and demographic demands. Within Children's Wellbeing, these pressures included increased number of placements within secure accommodation and residential schools, specialist care packages for children with disabilities and external foster placements. Recognising the extent of the financial pressures, additional financial controls were put in place, and following receipt of additional Government Grant, additional investment of £0.371 million was provided during the financial year. Despite this, as at 31 March 2015, the service overspent against planned budget by £0.52 million.

Similarly, during this financial year, the Adult Wellbeing service continued to face significant financial challenges particularly as a result of a growing elderly population. This resulted in increased pressures within the wider purchasing of external care packages in relation to the older people, but also for clients with a Learning Disability. Similarly, additional financial controls were put in place during the year in order to mitigate the extent of the impact of the financial pressures, but despite this the service overspent against planned budget by £0.391 million.

Despite the challenging financial environment, the annual monitoring report for the Council continues to show substantial progress has been made in delivering the commitments within the wider Council Plan, with key achievements delivered in 2014-15 including:

- Sourcing and supporting more foster care and kincare placements for vulnerable children.
- Enhancing respite service for older people
- Completion of the new Crookston Care Facility in Tranent.
- Movement towards reducing delayed discharges

Commitments to partnership working have seen creative and innovative investment in the East Lothian area through our joint working arrangements with services such as Children 1st, Circle, Royal Voluntary Service, Alzheimer's Scotland etc leading to the sourcing of additional third sector services and resources deployed in the East Lothian area.

2015 and Beyond

East Lothian Council area has a growing population, and by 2035, the Council is set to have the highest percentage change in population across Scotland. Given this, there remains significant demographic pressure on the services which the Council delivers at both ends of the age spectrum, young and old. This, coupled with a prolonged period of financial austerity, makes the continued delivery and improvement of the Council services significantly challenging.

Financial Challenges

East Lothian Council agreed in its budget for 2015/16 additional investment within both service areas of a further £0.229 million within Children's Services, and £0.900 million within the Adult Wellbeing service. Despite this, both service areas continue to face significant financial pressures within 2015-16 and beyond. In addition, there remains a wide range of legislative and contractual commitments within both service areas which have financial implications including the delivery of Children and Young People's Act; contractual commitments relating to National Care Home Contract Uplift and uplift on Specialist Care at Home Contract; and sleepover commitments as a result of European Union legal rulings.

Currently, Local Government only has grant settlement figures for 2015-16, with future years funding dependent on the outcome of the forthcoming Comprehensive Spending Review. The financial prospects for Local Government remain significantly challenging with further reductions in public spending levels expected to continue until at least 2019-20.

The Council's financial strategy has in recent years continued to focus on developing on-going sustainable budgets, through the continued implementation of:

- a Change Programme that will achieve recurring efficiency savings including the application of an Efficient Workforce Management Programme across the Council designed to ensure the services best meet the needs of communities and customers, whilst reducing the overall cost base
- constraining cost growth through effective demand management and negotiation with suppliers
- generating additional income
- progressing integrated working with our partners

To date, the strategy has continued to serve the Council well. However, as the period of financial austerity continues going forward, developing future sustainable budgets within a reduced cost base remains critical in order to meet new and emerging cost and demand pressures within the service areas.

The establishment of the East Lothian Integrated Joint Board on 1 July 2015 will set the strategic direction for both Health and Social Care services to work together to deliver services for adults over the forthcoming years. The strategic direction will need to take account of the wider financial pressures within both NHS and Local Government, coupled with rising demand for services and growing public expectations. Part of this process is the establishment of new integrated management and operational structures, which will allow joint planning of services in local areas to deliver shared goals, better experiences and better outcomes for the citizens of East Lothian.

It remains clear however that the ability to continue services and deliver the required outcomes for individuals within an environment of reduced resources and increasing demands continues to remain challenging for the foreseeable future. It is hoped that the establishment of the Health and Social Care Partnership will take us closer, working in partnership, to embed new ways of working which divert significant financial resources away from expensive bed based models of care into community based services, at the same time ensuring the outcomes for the community of East Lothian are delivered. We are in a strong position to take this forward having worked effectively with colleagues in health services for many years.

5) **SERVICE QUALITY AND PERFORMANCE**

Adult Services

The vision for adult social care in 2014/15 was to have modern, person-centred services which support people to live as independently as possible, exercising choice and control over the support and care they receive.

Commissioning strategy and activities followed guidance from the Care Inspectorate on commissioning for better outcomes for people linked to a process of *planning, doing, reviewing and analysing*.

The commissioning focus in 2014 was very much on Personalisation and commissioning for better client outcomes. There was an intention to link the commissioning process with care management and regard commissioning as cross –cutting and part of all areas of adult social care. Central within the process were service users and carers in order to focus commissioning on their individual needs and desired outcomes.

The Adult Social Care commissioning strategy was driven by Changing Lives: 21st Century Social Work and the modernisation agenda, in order to develop accessible and responsive services which involve the people using them. The commissioning intentions were also linked to national community care outcomes namely, Feeling Safe, Social Interaction and Satisfactory care packages.

The commissioning strategy was accompanied by commissioning plans focussing on older people, people with physical and sensory impairment needs, mental health, learning disability and substance misuse issues. Each plan detailed specific target outcomes. Examples of these include meeting the needs of an ageing population, enabling people to live independently, supporting healthier and active living and raising standards.

The strategic focus includes increased personal care at home, improved support for carers and reducing unplanned hospital admissions. Preparations for health and social care integration are well under way.

Some cross cutting themes emerged as high priority for service development across all care groups. These included:

- the need to continue focusing on the integration of health and social care services to deliver more seamless and effective services for people
- the need for a better range of living options to be available that range from care home with nursing, through various models of extra care and supported living to intensive support in people's homes, with a variety of tenure options
- supporting working age adults (including carers) into employment wherever possible
- increase choice and control for people through the development of Direct Payments and Individual Budgets and the personalisation agenda
- the need to ensure the protection of vulnerable adults in all our directly provided and contracted services
- ensuring that our services are culturally appropriate for people from a range of different community backgrounds
- continue to develop services that support carers as more people are cared for and supported in their own homes
- the need to refine our workforce strategy across the statutory, independent and voluntary sectors to ensure that there will be a sufficient supply of appropriately skilled staff to meet future needs
- developing an enabling culture within both in-house and contracted services, that supports people's independence and encourages people to self-care
- encourage the maintenance of a diverse range of third sector providers with which East Lothian Council may partner sustainably

- ensure that we have a preventative / rehabilitative approach to services which enhances community health and general well-being and aims to prevent deterioration

Self-Directed Support

2014/15 was a key year as it marked the start of Self Directed Support (SDS) and the need for local authorities to ensure that they offered clients the four options under the SDS legislation. The duty commenced in April 2014. This was coupled with the need to develop capacity within the community in order to better respond to individual directed support.

Whilst progress has been made in implementing SDS for all community care client groups within Adult Wellbeing, implementation has tended to focus on under 65's in East Lothian. Work on the assessment process has been ongoing. In Adult services this has focussed on making the assessment applicable to all client groups and more efficient. In children's services, the emphasis has been on carrying out the assessment on-line.

Members of Adult and Children's Wellbeing have attended a number of events run by Social Work Scotland and Community Planning Partnerships. There are also ongoing regular implementation team meetings with various stakeholders in both services.

Other developments in 2014/15

- The final year of the Change fund and Reshaping Care for Older People and planning the priorities for the Integrated Care Fund
- third and independent sector representation within community planning and integration local implementation
- six Local Area Forums and Local Area Plans
- Lothian Sensory partnership, redesign of sensory impairment services and development of SEE HEAR, Scottish Strategic Framework for Sensory Impairment and local implementation plans (see below).

With regard to the Lothian Sensory partnership, collaborative work has been extensive. One positive outcome of this is that hearing aid batteries are now available locally through libraries. This change has helped distribution by improving ease of access.

Partnership between ELC and Edinburgh College has been developed, particularly in relation to adults with learning difficulties. Examples include a music outreach group session now established in Fisherrow Hub, Musselburgh; and a drama/creative arts group.

The Help to Live at Home framework (providing care at home largely for older people) was in its second year of operating in 2014-15 and efforts focussed on addressing capacity within the framework. This resulted in recruitment events in partnership with Economic Development colleagues, colleges and other agencies. Outcomes from this were mixed.

Crookston Care Home was opened in September 2014. All residents and staff have now settled into their new environment and enjoying the space that the new home has to offer. Since opening, 18 residents have been admitted with over 70 interest visits taking place. Demand for places continues to grow. Within this building, the top floor is an NHS facility. Here, 20 step down beds are provided – this is proving effective in helping to address delayed discharge from hospitals. This joint ELC/NHSL managed facility may offer a potentially different type of working in the future although this still requires further exploration.

During 2014/15 a number of services were inspected by the Care Inspectorate including the Adult Placement Service, day services, care homes and the Council's Domiciliary Care Service.

In most cases the inspection findings were positive and reflected on the quality of the services and their management. However, the findings related to the Domiciliary Care Service from April 2014 were disappointing and a major action plan was developed and implemented to address the shortcomings. This resulted in an improved set of findings in July 2014 and December 2014. The improvement process has continued into 2015/16 with more improvement expected from the Care Inspectorate in October 2015.

The Care Inspectorate and Health Improvement Scotland will be carrying out a joint strategic inspection of Older People's Services from August to October 2015. Planning for this inspection started in 2014/15.

Children's Services

EL's Integrated Children's Services Plan 2013 – 17, is aimed at frontline service provision with a clear focus on providing better outcomes for vulnerable children, young people and their families.

The Scottish Government's Early Years Framework from 2008 and the more recently published Early Years Taskforce Shared Vision and Priorities paper (March 2012) are driving forward the need for all agencies to jointly commit to prioritising investment in prevention and early intervention especially during the early years of children's lives. The establishment of the Early Years Change Fund by the Scottish Government is intended to support this necessary shift in emphasis.

During 2014, consultation events were held to examine the Children and Young People (Scotland) Act 2014, to help understand the implications for Children's Services. The projected impact on the service, particularly in relation to capacity, is significant. The new legislative duties – whilst in the best interests of the child – will put financial pressure on the service as well as being resource intensive.

The planning for the above Act, added to the improvement plan (available at <http://emppc.org.uk/child/>) clearly demonstrates the commitment to improving quality and performance within children's services.

Consultation with parents of children with disabilities who accessed or plan to access a residential service is helping to inform the service. This included:

- Questionnaires being circulated and 2 focus groups held
- Feedback to date has been very helpful in terms of ascertaining what kind of support families want as well as facilitating discussion around making services more flexible – (in line with SDS)

Working in partnership with Third Sector and service users to identifying the best way forward in offering more choice and control to families. This includes application of Better Breaks.

Our Champions Board of current and previous looked after children in partnership with the Service Involvement Officer together provide a local resource that supports vulnerable young people and is developing a toolkit and training programme for workers and foster carers on how to better support young people at points of transitions.

The Care Inspectorate inspected Olivebank Child and Family Centre in July 2014. They highlighted the effective joint working which is positively impacting on the wellbeing of the children and their families. However, the need to drive efforts towards early intervention and prevention was identified as a priority.

Between February and March 2015, the Care Inspectorate carried out a low intensity inspection of the Fostering Service and the Adoption Service. These received very encouraging reports and highlighted the positive impact the services were having on service users and carers.

The Community Planning Joint Inspection of services for children concluded in the late spring of 2014 and provided valuable feedback regarding the Partnership's challenge in respect of improving the wellbeing of all of East Lothian's children and young people. New community planning arrangements (supported by thematic planning and delivery groups) for oversight, leadership and scrutiny of all services for all children were established in August 2014, along with a Partnership improvement plan for services for children.

Hope House provides an example of positive and effective partnership working between Children's Wellbeing Disability Team, Action for Children and the team around a looked after young person. Having exhausted local resources and to avoid a long distance residential school placement, we tendered for a partner to deliver a bespoke residential service using the young person's adapted home and put in a robust, delayed transition to her secondary school provision. We are now in year two of our partnership with Action for Children to deliver this service. The young person is living and thriving in her local

community, has regular contact with her family, and has made a successful transition to her secondary education provision.

Another excellent example of collaborative working which developed during 2014, involved ELC Children's Services, ELC Housing Services and Blue Triangle Housing Association. Four flats were purchased in Musselburgh to allow looked after young people leaving care (16 year old) to receive support and advice within their 6 month tenancy placement. From here, they then progressed onto a 'starter flat'. Helping these young people to transition to community living within a planned and co-ordinated way has been very successful. We are now looking to see if we can build and expand this service further.

6) **STATUTORY FUNCTIONS**

Due to the overlap in service needs that many service users face, East Lothian and Midlothian Critical Services Oversight Group (CSOG) agreed to streamline its Committee structures and establish a single Public Protection Committee.

In July 2014, East Lothian and Midlothian Public Protection Committee (EMPPC) was established. This committee incorporated the duties and functions of the Adult Protection Committee, Child Protection Committee, Offender Management Committee and Violence Against Women Partnership, and ensured that robust links with Midlothian and East Lothian Drug and Alcohol Partnership (MELDAP) were created.

In 2014, East and Midlothian established a Public Protection Team, co-located in Brunton Hall in Musselburgh. This team aims to support operational staff across partner agencies by providing a level of expert advice and promoting consistency of practice. The team includes Adult Support and Protection, Child Protection and Violence Against Women staff co-located with the Police Public Protection Unit. The MELDAP team have also relocated to this building – with all of these services being on the same floor as the Criminal Justice Team.

Over the past year, the Performance and Quality sub-group of the EMPPC has developed a Performance Framework providing a framework for self-evaluation, audit and scrutiny. This was formally implemented from 1st April 2015. Alongside this, the Learning and Practice Development sub-group oversees the development and delivery of the EMPPC Learning and Development Strategy. The first East and Midlothian Public Protection Committee Annual Report was published in September 2015 ([2014/15 Annual Report](#)).

Adult Protection Summary

The EMPPC Annual Report reflects the implementation of the Scottish Government's National Data Set introduced on 1st April 2014 as one of the Five National Priorities. The

National Data Set provides a template and a collection table and guidance to support Local Authorities in completing these.

We are now no longer required to report on the activity of “Duty to Inquires” but are required to report on the number of Investigations undertaken where an Adult is at Risk of Harm. As we did not previously collect this information there is no comparison to previous years.

From this report, the following is of note:

- East Lothian Council received 427 Adult Support and Protection Concern referrals in 2014/15
- Of these referrals, 125 (29%) had progressed to Investigation where it was indicated that a visit to the adult had taken place,
- There were 93 (22%) Inter-agency Referral Discussions

Of the 125 investigations undertaken in East Lothian in 2014 the majority (88) were in relation to females; within that the largest group (31) were women aged 40 – 64 years; the second largest group (25) were females aged 85+. In comparison there were 37 investigations for males of which the largest age group was 40-64yrs (15).

The biggest client group was mental health (31) followed by “other” (25), the main category of this group is an “older” person who does not have a diagnosis of dementia and is not considered to be infirm due to age. The main type of principal harm reported was financial harm (33) and psychological harm (20).

During the year, there were 4 Large Scale Investigations undertaken in East Lothian. One was within a Care Home, one involved a Care at Home Service and the other 2 related to Care Homes that provides a combination of medical / nursing and care home service. All investigations have now been positively concluded.

Mental Health

East Lothian Council has previously had a higher than Scottish average of guardianship orders. The Council was noticeably higher than the Scottish rate per 100k 16+ population by having an average of 22 Local Authority guardianship orders in place, against a Scottish average of 13, while private guardianship orders were noticeably lower than the Scottish average.

The impact of the high number of Local Authority Guardianships is an increased demand of potentially complex work on the Mental Health Team, supporting the most vulnerable in our community. Applications for Guardianship Orders are made by the Local Authority where there is no other suitable candidate. The application procedure through the courts ensures close scrutiny and applications are only made when considered necessary and are in keeping

with the principles of the legislation – that they benefit the adult and are the least restrictive option available.

The Mental Welfare Commission AWI Act monitoring 2014/15 reports that nationally 25% of all local authority applications were granted on an indefinite basis. East Lothian Council was one of seven authorities where no orders were granted on an indefinite basis. The granting of an order for an indefinite period is not considered good practice, other than in exceptional cases, as it does not lend itself to automatic scrutiny of the need for the guardianship to continue or be varied. It is not in keeping with the principles of the legislation and could potentially be in breach of Article 5 of the European Convention. While this is actively supported through the MHOs practice, there is acknowledgement that the short duration of guardianships may result in reapplications at later dates.

Considering the primary cause of incapacity, with East Lothian having a growing percentage of older people in its population, dementia is the main primary cause of incapacity which leads to guardianship applications being made. However, learning disability is almost equally represented in the private guardianship and just less than dementia in the totals. This is indicative of good transitional work between Children's Wellbeing and Adult Services.

Criminal Justice

At the end of January 2015, Haddington Sheriff Court closed with all business being transferred to the Edinburgh Courts. This not only impacted on service delivery, it changed the dynamic that only a local Court can have with offenders and 'local' justice. We will be able to assess how/if this closure has impacted on the service at the end of next year.

CJS took advantage of the Health and Social Care Partnership by piloting an Unpaid Work agreement with NHS Lothian. It is hoped that opportunities to develop placements that could have a training element in them can be pursued.

With regard domestic abuse, links have been strengthened between all partners through processes such as MARAC (multi agency risk assessment conference) and MATAC (multi agency tactical assessment conference). These multi-agency meetings have enabled focussed assessments and plans to be drawn up for both victims and perpetrators.

The MAPPA (multi-agency public protection arrangements) continue to manage registered sex offenders within the community. There were no level 3 cases during this period, with the vast majority of cases being managed at the lowest level (level 1).

The Scottish Government announced a major change to CJS in Scotland with the abolition of Community Justice Authorities in 2017. Emphasis now being placed on community justice with partners working together to reduce offending. This offers many opportunities to improve services available to offenders and is something that the Service Manager will be focussing on over the next 1-2 years.

Child Protection Summary

East Lothian underwent a Community Planning Children's Services Inspection by the Joint Inspectorate towards the end of 2013. The findings of this Inspection have in turn informed the East Lothian Child Protection Improvement Plan.

This plan focuses on key areas for improvement including:

- providing help and support at an early stage through improving the quality of inter agency recording and information sharing within the child protection process,
- by assessing and responding to risk and needs through improving practice relating to risk assessment
- the effective management of children and young people who are placing themselves or others at risk and through
- planning for individual children and young people by ensuring that all child protection plans are SMART (specific, measurable, achievable, realistic and time managed) and result in improved outcomes for children, young people and their families.

Having invested in Signs of Safety, child protection numbers have reduced. By focussing more on early intervention rather than crisis intervention, the service is now starting to see positive outcomes. However, the actual volume of work has increased and capacity issues remain.

Early Intervention/Prevention Work

One of the biggest challenges we face is promoting early intervention and prevention work. Challenges are on different levels. Firstly, as budgets reduce, we will have to prioritise work – with child/adult protection understandably receiving priority. However, to intervene earlier to avoid crisis work, we will be working in areas that some may see as 'a luxury'. This potentially is where early intervention/prevention will be focussed. The second challenge is that to be successful, intervention will be multi-faceted, with various agencies involved. Again, all partners need to 'buy-in' to this agenda, otherwise it will fail.

ELC actively promotes social work as a collective responsibility, particularly through the 'One Council Approach'. This is evidenced accordingly:

http://www.eastlothian.gov.uk/download/meetings/id/17001/06_reducing_inequalities_through_prevention_and_early_intervention

The Musselburgh Total Place Pilot was established to identify the resources and assets that partners and agencies invest in vulnerable families. The first phase has just been completed. We are now in a position to move forward with this to identify how we can work better with vulnerable families in a localised and more effective way.

7) IMPROVEMENT APPROACHES

Adult Services

The Strategy and Review Team within East Lothian Council monitor and review care homes and care providers. Due to the Council spending several million pounds annually to purchase care home provision it is crucial that there is a comprehensive approach to evidencing the quality and performance of care home provision in place. A draft contract monitoring framework has been developed and is being piloted in 2015-16. This tool provides a mechanism for identifying the risks associated with a provider and helps determine the level of contract monitoring to be applied. This is particularly useful for the management of care homes in difficulty.

The service implemented a balanced scorecard approach to monitoring the performance of all of our Help to Live at Home framework providers. The tool takes account of qualitative and quantitative measures. Monitoring meetings are held regularly and managed based on levels of risk.

A Quality Assurance Checklist has been introduced for people who access East Lothian day opportunities which enables support plans to be reviewed and updated. This helps inform individual risk assessments. Reviews are carried out on a 6-monthly basis and are positively impacting on service users and staff alike.

We have actively shared our learning with other local authorities in relation to resource allocation. An equivalence model has been developed promoting equity and transparency across all service user groups. From this, local authorities have been able to develop their approaches, particularly in relation to assessment and review. This has significantly helped raise our profile.

There were regular meetings facilitated by the public protection unit and involving the Care Inspectorate to discuss performance of providers of older peoples' care.

Within Criminal Justice Services, clients are asked to complete various questionnaires, depending on what activities they are involved in – these not only focus on the quality of service they received, but also on how they believe their lives have improved (or not).

Self-evaluation completed on the risk assessment tool (LSCMI). From this, a smart action plan has been drawn up to improve service delivery for the client.

Children's Wellbeing

Children's Wellbeing has regular quarterly Service Monitoring Meetings in place with all agencies where there is a Service Level Agreement in operation. These meetings are in place to allow Children's Wellbeing to monitor and review the services provided and ensure that they are delivering the agreed outcomes detailed within the Service Specification. Agencies are required to provide reports for these meetings which documents work

undertaken within the previous quarter and also refer to any key performance indicators which are measured. The meetings are recorded and agreed actions are progressed.

Over the past year Children's Wellbeing have continued to self-evaluate these services. An exercise has recently been undertaken where we have consulted with a number of Service Users to obtain their views on the service. This process allowed staff members to meet Service Users face to face and obtain detailed feedback which has then influenced the preparation of future service specifications. This feedback also allowed management to identify areas for immediate improvement and improved the outcomes for Service Users where identified actions were highlighted and then implemented.

Children's Wellbeing has undertaken an exercise to receive feedback from staff prior to Service Monitoring Meetings. This process has provided staff with a useful mechanism to feedback any positive or negative information.

Children's Wellbeing produce a monthly performance management report which is shared with all partners, providing overview of service activity and trends, enabling partners to better understand and contribute to service development activity.

People affected by drug and alcohol misuse

MELDAP's Delivery Plan outlines the partnership's plans to deliver the vision of a 'healthier, happier and safer East Lothian and Midlothian, free from the harm caused by alcohol and drugs misuse where integrated coordinated and high quality services are based around the needs of individuals, families and communities'.

Throughout 2014-15, there were a number of developments associated with establishing a Recovery Orientated Integrated System of Care [ROISC]. In particular the need to provide an increase in the type and range of post treatment support available to people in the early stages of recovery as well minimise the risk to those still using substances in a problematic or harmful manner. This ROISC work was identified through consultation events. Recovery based initiatives such as the Starfish Recovery Cafe in Musselburgh and the MELDAP Recovery College were commissioned as a result of the consultation.

A Peer Support Worker based within a third sector partner worked closely with the East Lothian Substance Misuse Social Worker to provide support to a number of clients in the early stages of recovery as well as to some of the more difficult to reach female drug users. The specialist social worker has provided partners with excellent data on new psychoactive substances (NPS) use, particularly on the injecting behaviours of a group of experienced opiate users who have switched to NPS as well as contributing to NPS training for some 100 staff from a variety of partner agencies.

Efforts have been made in 2014/15 to improve the response of Health and Social Care services to individuals with a 'dual diagnosis' who are experiencing both mental health and substance misuse issues. Mental Health and Substance Misuse services are working more

closely together and attending each other's allocation meetings to ensure that these individuals do not fall between services.

The East and Midlothian Public Protection Committee Quality Performance sub-group, through the use of the Performance Framework, will be influential in enabling self-evaluation, audit and scrutiny. Further, the intention is for this group to scrutinise statistics that are being presented by drilling down into practice. From this, a narrative can be given regarding service performance, which then explains the facts behind the figures. For example, a reduction in the number of Adult Concern Referrals may or may not be a positive development and requires such scrutiny.

Finally, all social care services regularly use How Good Is Our Council (HGIOC) for self assessment, improvement planning and implementation.

Complaints and Compliments

During 2014-15, 81 complaints were received about social work services. Of these:

- 24 were dealt with at Stage 1 (directly at point of service)
- 57 were dealt with at Stage 2 (formal investigation and response)
- 2 complaints progressed to the Complaints Review Committee

A common theme related to communication. This included a lack of, or poor, communication, as well as how people interpreted what they had been told. Frustration was evident in some of these cases.

Regardless of what complaint is raised, it is vital that the complaints process is followed so that practice and decision making processes are transparent. When practice issues are identified in complaint findings, managers have to review their service/worker practice and make changes accordingly.

Compliments are often received within social services. 109 formal compliments were received, with the majority again being with Adult Wellbeing. These help to provide a balanced overview of services and give staff confidence in themselves and their service.

8) USER AND CARER EMPOWERMENT

Adult Services

ELC engages regularly with service users, carers and the wider community through engagement events and surveys. The Council has a range of planning groups involving

service users and carers (e.g. The EL Community Care Forum and Carers of EL) as well as advocacy groups.

The 6 Local Area Partnerships have drawn up demographic profiles of their area to help identify priority themes for their Area Plans. This is to encourage a more targeted approach for services, with local communities actively involved.

The Health and Social Care Partnership has drawn up a draft Communication and Engagement Strategy and Draft Action Plan. This sets out how the partnership will communicate and engage with professionals, service users, carers and local people in the development of the Strategic Plan.

Examples of other user and carer groups/forums are:

- The Association of East Lothian Day Centres
- Dementia Friendly East Lothian (facilitated through STRIVE – Third Sector Interface)
- East Lothian Tenants and Residents Panel

Key members of the Citizens Champions group have helped to develop and deliver learning and development opportunities to front-line staff in ELC. Feedback has been extremely positive with this having a direct impact on professional awareness.

Many CJS clients are faced with isolation and stigma. As such, building their self-esteem and encouraging positive choices in life is important. For those clients on Unpaid Work Orders, relationships are being built with a variety of community organisations such as East Lothian Tenants and Residents Association. Working with these groups, barriers are coming down and clients are feeling they have a place in the community.

Engaging with clients in an open and non-judgemental way is key to successful working relations. The need for this was made clear by service users to Midlothian and East Lothian Drugs and Alcohol Partnership (MELDAP) team during a series of local consultation events. The service users and partner agencies representative who attended spoke highly of the quality of the support they received from the East Lothian Substance Misuse Social Worker.

Children's Services

The Children's Strategic Partnership approved refreshed 'Golden Rules for Participation' <http://www.sccyp.org.uk/education/golden-rules>. These golden rules have been developed by Scotland's Commissioner for Children and Young People through consultation with children and young people across Scotland.

The views of children, young people and their families informed the evidence base behind improvement actions within the Children's and Young People's Plan 2015 - 2018. There is a commitment shared by all partners to involve children, young people and their families in ongoing self-evaluation, monitoring and review of the plan.

In East Lothian, there are a range of mechanisms that support engagement and participation of children and young people and their families. These include:

- Who Cares? Scotland – provide independent advocacy and children’s rights support to children and young people that are looked after and represent their views at an individual and strategic level. The Advocacy Worker and The Participation Worker (who is a care experienced young adult from East Lothian), support the involvement of care experienced young people in a range of local and national groups and events.
- Viewpoint- Children’s Wellbeing uses Viewpoint (Computer Assisted Interviewing Technology) as a tool to gain the views of children and young people. Results are used to inform their individual plans and reviews as well as multi agency service planning.
- Family Led Information Point (FLIP) - is a forum for parents and carers who have a child/relative with additional support needs. FLIP meets once a month and has an active Face book page where parents can access current information about support services both locally and nationally. Parents also share their views on a wide range of services including education, health, sports and leisure.
- Recruitment and selection -East Lothian Council has a commitment to involve young people in the recruitment and selection of senior staff in East Lothian, (ELC recruitment good practice guide).
- Listen More Assume Less – a six monthly report that shares the views and experiences of children and young people and their families. The report is shared with key partners, professionals and children, young people and their families. The report includes a section ‘You said, we did, so what’. This section is a way of telling children, young people and their families what outcomes derived from their engagement.
- Social Media – East Lothian is making better use of social media as a tool to engage with children, young people and their families. Facebook and Twitter are the popular forums where young people can access news and information and share their views.

9) **WORKFORCE PLANNING AND DEVELOPMENT**

In 2014/15, key outputs within Workforce Development and Planning have continued to focus on strategic priorities in particular the provision of essential learning and development programmes and qualifications for the Council’s Social Work and Social Care workforce. These priorities highlighted within our Workforce Development Strategy and Essential Learning and Development Policy include the delivery of Scottish Vocational Qualifications (SVQ) Levels 2, 3 and 4 in Health and Social Care and the successor Social Services and Healthcare Awards to the Social Care workforce in day care, care homes and home care services amongst others. Current SSSC professional registration requirements have therefore been met over this period, for example those for home care managers and supervisors. SVQ assessment with frontline home care staff has also been progressing in readiness for the commencement of registration in 2017.

Following the delivery of a Learning and Development Plan in relation to the introduction of the new Self Directed Support legislation in April 2014 which delivered approximately 550

training places to our Social Work assessment staff we undertook from April 2014 follow up SDS awareness training with staff in other parts of the service including care homes, day services and business support. We have begun from April 2014 to consider how we link further SDS related professional development to the broader public sector reform agenda. This focuses on the work underway within the East Lothian Health and Social Care Partnership to support Health and Social Care integration. The Partnership's Human Resource and Organisational Development Plan highlights key organisational and workforce development priorities including regular staff and management engagement sessions which have been held over this period. Leadership and manager development programmes have also been planned.

A number of Workforce Planning priorities have been identified and begun to be addressed from April 2014. These have partly arisen from the work completed in relation to the SSSC annual Workforce Return. Firstly the previous Return issued in 2014 highlighted the relatively low number of qualified Mental Health Officers in our Council in relation to statutory Guardianship work and the size of the East Lothian population. Secondly the increasingly older demographic of our workforce gave some cause for concern. A Plan was therefore developed and implemented to increase the number of Social Work staff completing the Mental Health Officers Award. An increase in MHO capacity of approximately 30 per cent has now been achieved and further work continues.

Over the past 4 years Children's wellbeing has had 24 social work students on placement, with a mixture of first and second year placements from the Open University, Stirling and Edinburgh University.

Since January 2014 Children's Wellbeing has continued to embed its service review and practice model, embedding Signs of Safety methodology. The roles and responsibilities of the Senior Practitioners and Family Support workers is an area that requires additional work over the coming year. This will include ensuring a consistency of practice and approach across the service for these specific roles.

To help meet the needs for these employees and others employed by the service, a range of learning and development opportunities are provided in variety of ways either through work shadowing, e-learning, single agency as well as multiagency training. Overall employee's report and inspection findings have highlighted the service offers very good learning and development opportunities. To further support the development of employees a quality assurance of assessments is conducted across each Supervisory Group. This is achieved using an agreed framework of questions and members of the Supervisory Groups with a member of the Performance and Service Improvement Team. Assessments are graded by the group and develop into both individual and shared learning and practice improvements.

Succession planning in all areas of social work requires exploration. During the past few years, a number of experienced workers have left the profession. Further, many positions are being filled by newly qualified staff, often with little experience. Recruitment and retention policies may need to be looked into to help address this issue.

10) **CHALLENGES AHEAD**

East Lothian faces significant challenges over the coming years due to financial pressures, a projected growth in population, and a growing demand for services. How we work together, how we design and deliver our services, and how we involve people within the community are all crucial factors in determining the impact that we can have on people's lives. The Health and Social Care Partnership will drive this agenda via the Strategic Plan.

Self-Directed Support (SDS) will continue to be a priority in 2015 onwards. This will include: stakeholder engagement in further developing key processes; ensuring all clients have the opportunity to access SDS at the earliest opportunity; and the introduction of an effective structure to deliver and monitor personal budgets.

Transition processes (education and children's services to adult wellbeing), require to have simpler and clearer pathways. Further, as many of these young people have complex needs and support requirements, (often with significant costs attached), a less traumatic transition between services is the desired goal, with creative service delivery and resourcing options developing in partnership across health, social care, third sector and communities.

Since East Lothian's own foster carers are at capacity levels. We now struggle to place children within our own carer community and we have to consider external agencies in the search for suitable placements, particularly for sibling placements. This comes at a cost to the young person, since it usually involves placing them away from their family, friends and school community. It also comes at a significant financial cost to the Council when we have to pay charges to the other fostering agency and incur additional travel costs to support the placements and maintain the child's contact with family. Investing in attractive foster carer recruitment campaigns, and carer support packages, in competition with neighbouring authorities and independent care providers, is a priority.

Ensure that services for older people are focused on maintaining independence at home for as long as possible, avoiding use of institutional services and particularly acute hospital admission. To do this, services must be responsive to individual needs, delivered rapidly in time of crisis and sustainable. In addition we must develop further community support and capacity to support older people in their own communities. The Integrated Care Fund will focus on delivering these dual goals from 2015/16 onwards.

Ensure public protection systems are robust and effective in reducing or managing risk in the community. This to be progressed alongside the Community Justice agenda being placed on the Community Planning Partnerships ([click here for further information](#)).

Provide clarity and leadership for the social work profession as Health and Social Care Partnership develops, particularly in relation to professional accountability and governance. This will be intertwined with the development of the Health and Social Care Partnership.

Fiona Duncan
Acting Chief Social Work Officer
October 2015

REPORT TO: East Lothian Council

MEETING DATE: 15 December 2015

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Submissions to the Members' Library Service
15 October – 2 December 2015

6

1 PURPOSE

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

2 RECOMMENDATIONS

- 2.1 Council is requested to note the reports submitted to the Members' Library Service between 15 October and 2 December 2015, as listed in Appendix 1.

3 BACKGROUND

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

4 POLICY IMPLICATIONS

- 4.1 None

5 EQUALITIES IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

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

7 BACKGROUND PAPERS

- 7.1 East Lothian Council's Standing Orders – 3.4

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Team Manager - Democratic Services
CONTACT INFO	lgillingwater@eastlothian.gov.uk
DATE	2 December 2015

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD
15 October – 2 December 2015**

Reference	Originator	Document Title	Access
174/15	Scottish Parliament (per Depute Chief Executive – Resources and People Services)	Financial Scrutiny Unit Briefing - Local Government Finance: Facts and Figures, 1999-2016	Public
175/15	Head of Development	Consultation on Mobile Traders Food Hygiene National Standards	Public
176/15	Head of Development	Acquisition of Servitude Rights for Pedestrian Access at Pencaitland Parish Church, Pencaitland	Private
177/15	Depute Chief Executive – Partnerships & Community Services	East Lothian Council - Tree Preservation Order No. 132 (2015) Broadgait and Main Street, Gullane	Public
178/15	Head of Development	Sale of land at Hamilton Road, Gullane	Private
179/15	Head of Development	Sale of land at Bayswell Road, Dunbar	Private
180/15	Head of Communities & Partnerships	Update on Partnership Funding 2015/16	Public
181/15	Head of Communities & Partnerships	Service Level Agreement between East Lothian Council and Police Service of Scotland 2015/2016	Private
182/15	Director of East Lothian Health and Social Care Partnership	Temporary Increase In Hours For Health and Social Care Partnership Post	Private
183/15	Head of Communities and Partnerships	Marriage and Civil Partnership (Scotland) Act 2014 – The Qualifying Civil Partnership Modification (Scotland) Order 2015	Public
184/15	Head of Communities and Partnerships	Staffing Report – Creation of 2 (one year) Graduate Internship Posts within the Corporate Policy and Improvement Unit	Private
185/15	Head of Development	Service Review – East Lothian Works	Private
186/15	Head of Council Resources	Confirmation of Outcome of Application for Re-Evaluation of Job	Private
187/15	Depute Chief Executive – Partnerships and Community Services	Building Warrants Issued under Delegated Powers between 1 st October 2015 and 31 st October 2015	Public
188/15	Head of Service (Development)	Planning Enforcement Notices issued between 1 st October	Public

		2015 and 31 st October 2015	
189/15	Depute Chief Executive – Partnerships and Community Services	East Lothian Council Response to the SESplan Main Issues Report	Public
190/15	Depute Chief Executive – Partnerships and Community Services	Amendment to Facilities Management Services Structure – Pinkie St. Peter’s Pavilion	Private
191/15	Depute Chief Executive – Partnerships and Community Services	Amendment to Facilities Management Services Structure – Prestonpans Infants School	Private

2 December 2015