



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

**TUESDAY 15 DECEMBER 2015  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**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	

**Council Officials Present:**

Mrs A Leitch, Chief Executive  
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 C Dora, Executive Assistant  
Ms M Ferguson, Service Manager – Legal and Procurement  
Mr P Forsyth, Team Manager – Assets and Regulatory (Transportation)  
Ms J Ogden-Smith, Communications Officer  
Mr A Stubbs, Service Manager – Roads  
Mr P Vestri, Service Manager – Corporate Policy & Improvement

**Visitors Present:**

None

**Clerk:**

Mrs L Gillingwater

**Apologies:**

Councillor T Trotter

## **1. MINUTES FOR APPROVAL**

The minutes of the Council meetings specified below were approved:

### **East Lothian Council – 27 October 2015**

*Matter Arising* – Councillor Akhtar asked for an update on the Local Government Boundary Review. The Chief Executive advised that a letter had been sent to the Minister through CoSLA, but that a response had not yet been received.

### **East Lothian Council – 17 November 2015**

Councillor Berry commended the Provost on the running of the meeting, and acknowledged the efforts of officers involved in the organisation of the meeting. Councillor Hampshire echoed these comments. As regards the procedural motion put forward by the SNP Group at the meeting, which had resulted in the SNP Group withdrawing from the meeting, he noted that all Councillors had had access to all facts and information. Councillor Berry disputed this, remarking that he had been unable to attend the briefing held in September and was given the LDP documents with very little notice and no briefing. Douglas Proudfoot, Head of Development, conceded that Councillor Berry had inadvertently not been invited to the November briefing and apologised for this oversight.

## **2. MINUTES FOR NOTING**

The minutes of the meeting specified below were noted:

### **Local Review Body (Planning) – 19 November 2015**

## **3. DECISION OF THE STANDARDS COMMISSION FOR SCOTLAND IN HEARING OF COMPLAINT AGAINST COUNCILLOR PAUL MCLENNAN**

A report was submitted by the Monitoring Officer advising of the Council's statutory duty to consider the findings of a decision by the Standards Commission for Scotland within three months of receipt, and to 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.

The Monitoring Officer, Monica Patterson, presented the report, advising that at a hearing on 13 November 2015, the Standards Commission found that Councillor McLennan had breached the Councillors' Code of Conduct in relation to paragraphs 3.6, 4.1, 4.2, 4.7, 4.8 and 4.22 of the Code, and had decided to suspend him from meetings of the Council and Council committees for a period of three months from 20 November 2015. Ms Patterson noted that there were no specific recommendations for the Council, but drew attention to the implications for other Elected Members, as set out in Section 3.6 of the report.

### **Decision**

The Council agreed:

- i. 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; and
- ii. that the decision made in respect of (i) above be communicated to the Commission through the Commission's Executive Director.

#### **4. ROADS COLLABORATION PROPOSAL FOR EDINBURGH CITY, EAST LOTHIAN, MIDLOTHIAN, WEST LOTHIAN, SCOTTISH BORDERS AND FIFE COUNCILS**

A report was submitted by the Depute Chief Executive (Partnership and Community Services) informing the Council that Edinburgh City, East Lothian, Midlothian, West Lothian, Scottish Borders and Fife Councils have been working in partnership to explore opportunities for increased collaboration in roads services. The report also outlined 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 sought approval from the Council for the creation of a Shadow Joint Committee.

The Head of Infrastructure, Ray Montgomery, presented the report, advising that a similar report would be presented to all councils involved, and the position of all the councils would be known in January. Mr Montgomery highlighted the key aspects of the report, including the potential benefits of the proposal, partnership initiatives already in place, and the areas of roads services identified as achieving the greatest benefits through collaboration. He drew attention to the options appraisal, with the preferred model of governance being a Joint Committee. However, he noted that the formal remit of the Joint Committee should not be defined at this stage, and therefore a Shadow Joint Committee should be established in the first instance. He advised that each council would have one Elected Member representative, with the Chair rotating on an annual basis.

Councillors Currie and Berry asked if financial savings would be achieved through working collaboratively with other councils. Mr Montgomery indicated that the main focus of the collaboration was to increase resilience; however, he suggested that future savings may be possible through collective trading and procurement amongst the authorities involved. He added that the Joint Committee model would also allow the various councils to retain a degree of control over their local road networks.

Councillor Berry asked if consideration had been given to including the trunk road contractors in the collaboration. Mr Montgomery advised that CoSLA, SCOTS and SOLACE were currently working on papers for submission to the Scottish Government on the future of trunk road maintenance. However, he anticipated that the Scottish Government would not view local authorities taking over the trunk road network maintenance responsibility as the preferred option. However, working with the trunk road contractors could be considered by the proposed Joint Committee.

Responding to further questions from Councillor Berry, Mr Montgomery advised that the Joint Committee model was favoured by councillors that had attended previous meetings of the ELBF group, and that the Shadow Joint Committee would determine whether that model or the Limited Liability Partnership model was the most appropriate.

Councillor Currie welcomed the report and the potential benefits and savings of collaborative working.

Councillor Veitch commented on the importance of the Council retaining control over the local road network, noting that the proposed approach had cross-party support across a number of the local authorities concerned.

Councillor Innes nominated Councillor Veitch as the Council's representative on the Shadow Joint Committee, and Councillor Hampshire as the named substitute.

## Decision

The Council agreed:

- i. to approve the creation of a Shadow Joint Committee for collaborative road services; and
- ii. to appoint Councillor Veitch as the East Lothian Council representative on the shadow joint committee, with Councillor Hampshire as the named substitute.

## 5. ANNUAL REPORT OF THE CHIEF SOCIAL WORK OFFICER 2014/15

A report was submitted by the Acting Chief Social Work Officer providing the 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 provided the Council with an overview of regulation and inspection, and significant social policy themes current over the past year.

The Acting Chief Social Work Officer, Fiona Duncan, presented the report in detail, highlighting the key aspects, including the challenges facing the Council in relation to finance, demographics, reducing inequalities and early intervention/prevention work. She also outlined activity as regards partnership working, in particular the establishment of the Integration Joint Board and the Public Protection Unit, and on the inspection work undertaken during the past year. Ms Duncan praised the commitment of the Council's social work staff.

Responding to questions from Councillor MacKenzie as regards adult protection, Ms Duncan advised that work done by the Public Protection Unit had resulted in a more effective referrals process, with people being referred to the appropriate agency rather than to social work.

Councillor Akhtar asked what action the Council was taking to address the shortage of foster carers. Sharon Saunders, Head of Children's Wellbeing, advised that a new media campaign to attract new foster carers would be launched early in 2016.

Councillor Berry asked a question in relation to the report template, and suggested that it would be helpful to include a brief summary of the Council's performance within the report. He also proposed that a report detailing performance should be presented to the PPRC in due course. Ms Duncan pointed out that statistical data was included in other reports, and that in future more qualitative data would be made available. She added that service users were now provided with questionnaires in relation to service provision. The Director of Health and Social Care, David Small, noted that information on key performance indicators could be included in future annual reports, should the template allow for this.

In response to questions from Councillor McMillan about the impact of the closure of Haddington Sheriff Court and the Musselburgh Total Place initiative, Ms Duncan reported that staff working in criminal justice no longer had to attend court in Edinburgh, but that there had been an impact on staff working in adult wellbeing and mental health, as well as the Council's solicitors, and that there was no longer regular direct contact with the Sheriff. As regards Musselburgh Total Place, she advised that this initiative had highlighted a need to improve co-ordination amongst the various services. Ms Saunders commented that a partnership approach was being adopted in order to better support families. She made reference to the SHANARRI principles and the Children's and Young People's Act 2014, noting that in a community planning context, the wellbeing indicators could become the framework for establishing services where they were needed most.

Councillor Grant asked if budget information could be included in future annual reports. Ms Duncan advised that the Scottish Government's focus was on the pressures facing services. The Chief Executive added that budget information was reported annually through the benchmarking framework and that it was important that this information was considered in conjunction with data on how services were being delivered. She suggested that this could be added to next year's PPRC work programme.

Councillor MacKenzie welcomed the report. He drew attention to the information on suicide rates, noting that of the 13 suicides reported in East Lothian during the reporting period, 11 were men. He made reference to an initiative in Inverness that supports young men at risk, and suggested that agencies in East Lothian should consider ways of providing support.

Councillor Currie also welcomed the report, noting the important contribution made by the voluntary and third sectors. He highlighted the compliments submitted from service users, and paid tribute to the work of Council staff providing social services.

Councillor Grant thanked Ms Duncan for her report. He spoke positively about the partnership working with the NHS, Midlothian Council and the third and voluntary sectors, and also the integration of health and social care. He recognised the challenges facing services but was optimistic that these challenges could be met.

Councillor Akhtar commented that Adult Wellbeing and Children's Wellbeing staff continued to provide high quality services despite decreasing budgets. She thanked all staff involved for their efforts.

Councillor Berry remarked that Members would appreciate an analysis of the Council's performance in this area and looked forward to a more detailed report being presented to the PPRC.

## **Decision**

The Council agreed to note the Annual Report of the Chief Social Work Officer for 2014/15.

## **6. SUBMISSIONS TO THE MEMBERS' LIBRARY, 15 OCTOBER – 2 DECEMBER 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.

In relation to Ref: 189/15 – East Lothian Response to the SESplan Main Issues Report, Councillor Berry asked if it was considered appropriate to include the North Berwick branch line in the growth corridor. Councillor Hampshire stated that Members had been asked for their views on the SESplan Main Issues Report and that the response had taken account of those views. He noted that should the North Berwick cluster be deemed suitable for development because of its rail links, improvements to the road network would be required. Mr Proudfoot reminded Members that there had been a workshop as part of the consultation process and that the comments submitted by Members had been circulated before the response was submitted to SESPlan. Councillor Berry expressed his disappointment that the response had not been presented to Council prior to submission; he was advised that the timescales had not allowed for this. Councillor Hampshire indicated that there may be a further opportunity for comment during the public consultation period.

In relation to Ref: 180/15 – Update on Partnership Funding 2015/16, Councillor Currie asked if the funding allocated to support Area Managers would be included as revenue funding in the draft budget. The Provost advised that officers would look into this and respond.

**Decision**

The Council agreed to note the reports submitted to the Members' Library Services between 15 October and 2 December 2015, as listed in Appendix 1 to the report.

**Sederunt:** Councillor Innes left the meeting.

**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.

**Proposed Introduction of Decriminalised Parking Enforcement – Parking Attendant Service**

A private report seeking approval of an application to Scottish Ministers for authorisation to operate Decriminalised Parking Enforcement in East Lothian was approved.

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## East Lothian Partnership

### **ACTION NOTE OF THE MEETING OF EAST LoTHIAN PARTNERSHIP**

**Wednesday 7 October 2015, 2pm,  
In the Saltire Rooms, East Lothian Council, John Muir House, Haddington**

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#### **Partnership Members Present:**

Cllr. Willie Innes, Council Leader, East Lothian Council (ELP Chair) (WI)  
Alasdair Perry, Local Senior Officer, Scottish Fire & Rescue Service  
Chief Superintendent Gillian Imery, Divisional Commander, Police Scotland (GI)  
Eliot Stark, Chief Executive, STRIVE (ES)  
Frank Beattie, substitute for David Leven, Scottish Enterprise Liz Wardhaugh, Vice Chair, ELTRP and substitute for Mark Ormiston (FB)  
George Archibald, Chief Executive, East & Midlothian Chamber of Commerce (GA)  
Hilary Smith, Chair, Association of East Lothian Community Councils (HS)  
Mike Ash, Non Executive member NHS Lothian Board & Chair, Resilient People Partnership  
Monica Patterson, Depute Chief Executive-Partnerships & Community Services, ELC/Safe and Vibrant Communities Partnership Interim Chair (MP)  
Neville Prentice, Senior Director – Development and Delivery Skills Development Scotland  
Nigel Paul, Chair, Sustainable Economy Partnership (NP)  
Professor Alan Gilloran, Deputy Principal, Queen Margaret University (AG)  
Tim Ellis, Chief Executive, National Records of Scotland, Scottish Government (TE)

#### **Others Present:**

David King, Chief Finance Officer Designate - East Lothian IJB, NHS Lothian (DK)  
David Milne, Team Leader, Community Planning and Empowerment Unit, The Scottish Government (DM)  
David Small, Chief Officer, East Lothian Integration Joint Board  
Paolo Vestri, Corporate Policy & Improvement Manager, ELC (PV)  
Patsy King, Development Officer, ELTRP (PK)  
Sharon Saunders, Head of Children's Services, East Lothian Council (SS)  
Veronica Campanile, Policy Officer, Corporate Policy & Improvement, ELC (VC)

#### **Partnership Members' Apologies:**

Angela Leitch, Chief Executive, East Lothian Council  
Cllr. Michael Veitch, Conservative Group Leader, East Lothian Council  
Cllr. Stuart Currie, Leader of the SNP Group, East Lothian Council  
David Leven, Head of Energy & Infrastructure, Scottish Enterprise  
Gordon Henderson, Senior Development Officer-Scotland, Federation of Small Business  
Mark Ormiston, Chair, ELTRP  
Ray McCowan, Vice Principal Education Leadership, Edinburgh College  
Susan Goldsmith, Director of Finance, NHS Lothian Board

## WELCOME/APOLOGIES

– as above and welcome to new members: Nigel Paul and Hilary Smith.

### 1. MINUTES OF THE PREVIOUS MEETING

a. The minutes of the ELP meeting of 13 May 2015 were approved.

b. Matters arising

- P2. Improvement Plan update / Meetings with Partner's Boards – a meeting with representatives of the NHS Lothian Board was held on 24 Aug and discussion is underway with Edinburgh College, the Chamber of Commerce and the Fire Service.  
**Action:** Continue to schedule meetings with partners' Boards / VC
- P2. East Lothian Integration Joint Board (IJB): The Board was established on 1 July 2015  
**Action:** Include the IJB minutes for reference / VC Note: [Here is a link to the minutes of the 1 July meeting.](#) Here is a [link to the papers of all IJB meetings.](#)
- P6: Priority Action for 2015/16: Physical activity with a focus on health and wellbeing: The delivery plan and performance measures were due to come to this meeting. However, work is still underway and this has been postponed to the January 2016 meeting.
- Priority Action for 2015/16: Enabling people to live at home or in a homely setting – this action is a key part of the forthcoming health and social care strategic plan which was due to become effective in 2015 but this has been rescheduled to 2016. Therefore this action will be carried forward to 2016/17.
- P 7. Financial report/budget 2015 /16: Partnership action to cover costs. See item 3 below.

### 2. JOINT INSPECTION OF OLDER PEOPLE'S SERVICES

Sharon Saunders spoke to the report. It was clarified that sections 1 and 2 of the cover report should read 'East Lothian Partnership' instead of 'Resilient People Partnership'.

#### Decision on the Recommendations/Action

2.1 Note the extensive activity undertaken across the Health & Social Care Partnership, paying particular attention to the attached Partnership Position Statement (self evaluation) of services for older people, against which the Joint Inspection Team are currently reviewing and evaluating our services. - **Noted**

2.2 Note the activity planned for the On-Site Scrutiny week beginning 5 October 2015 and prioritise attendance if invited to any of these meetings or focus groups. –

#### **Noted**

#### **Action**

- MA and WI thanked Sharon and the team for the good work in preparing for the Inspection which was a huge undertaking / SS

SS and DS left the meeting.

### 3. FUTURE MODEL FOR COMMUNITY JUSTICE IN SCOTLAND

Paolo Vestri spoke to the report

#### **Decision on the Recommendations/Action**

That East Lothian Partnership

2.1 Agrees to establish a Reducing Reoffending Group to act as the Planning and Delivery Group with senior officer representation from the organisations listed in paragraph 3.2 and a role and remit as outlined in paragraph 3.7. - **Agreed**

2.2 Agrees that the Safe and Vibrant Communities Partnership take on the role of 'Reducing Reoffending Board' from 2016/17 onward (a 'Shadow Board' during 2016/17) and its role be amended as outlined in paragraph 3.8 and its membership be extended to include additional representation from the bodies detailed in the legislation (see Appendix 1). - **Agreed**

2.3 Notes that the Scottish Government funding to support Community Justice transition arrangements is being used to fund a temporary Community Justice Policy Officer post and part fund the Partnership Data Analyst post. - **Noted**

2.4 Notes that a Community Justice Transition Plan and draft Strategic Plan will be prepared and approved by the Safe & Vibrant Communities Partnership. - **Noted**

**There was no further action**

### 4. PRIORITY ACTIONS FOR PARTNERS 2015/16

#### **a. Employability: Developing East Lothian's young workforce**

Neville Prentice spoke to the report

#### **Decision on the Recommendations/Action**

2.1 It is recommended that Sustainable Economy Partnership members note the contents of this report. – Noted that this was a report presented to the SEP.

#### **Action**

There was some discussion that there may be some confusion amongst the public about the further education options now available. It would be helpful to communicate clearly to young people and their families the range of further education options open to them in East Lothian eg the Academies programme, the Foundation Apprentices programme ... This would be an action for the Employability Working Group - **VC/EW**

#### **b. East Lothian Partnership Volunteering strategy**

Eliot Stark spoke to the report

#### **Decision on the Recommendations/Action**

Partnership members are asked to:

2.1 Approve the draft Volunteering Strategy - **approved**

2.2 That all partners commit to deliver the Volunteering Vision contained in the

**Strategy - agreed**

2.3 That a workshop session is held by the Partnership to facilitate the contribution of all partners to the Action Plan - **agreed**

**There was no further action**

## 5. THE EAST Lothian PLAN PERFORMANCE REPORT 2014/15

Veronica Campanile spoke to the report

### 2.2. Comments

- The evidence base is developing but there are some significant gaps in data and in the commentary, which should be completed as far as possible
- The challenge is to use the numbers to take action and there is some evidence in the commentary that that is beginning to happen.

### **Decision on the Recommendations/Action**

That East Lothian Partnership:

2.1 Notes the good progress in delivering The East Lothian Plan 2013-23 as shown in the Draft Performance Report 2014/15 in Appendix 1. - **Noted**

2.2 Scrutinises performance and makes recommendations as appropriate for consideration by the supporting partnerships at their next meetings – **see comments.**

2.3 Approves this draft performance report in principle. - **Noted**

### **Action**

- The Outcome Performance Reports to be completed as per comments, and endorsed through each supporting partnership at the November and December meetings. – **MA, NP, MP (and support staff)**
- The ELP chair to sign-off the complete Performance Report 2014/15 for publication in December - **WI / VC**

## 6. REDUCING INEQUALITIES THROUGH PREVENTION AND EARLY INTERVENTION

Paolo Vestri spoke to the report

### **Decision on the Recommendations/Action**

East Lothian Partnership is asked to:

2.1 Approve the statement of 'East Lothian Partnership's approach to Reducing Inequalities through Prevention and Early Intervention'. - **Approved**

2.2 Agree to monitor progress through the range of performance indicators already embedded within The East Lothian Plan. – **Agreed**

## 7. PARTNERSHIP IMPROVEMENT PLAN

Paolo Vestri spoke to the report

### Decision on the Recommendations/Action

2.1 East Lothian Partnership considers progress on the points detailed in the updated Improvement Plan in Appendix 1 and notes that a further update will be provided at the January 2016 meeting.

#### Action

- Improvement Action no 5 – New information is available with regard to resolving barriers to data sharing – **TE to send on.**

## 8. FEEDBACK ON SUPPORTING PARTNERSHIP MEETINGS

- a. RPP - **Action:** Circulate the invitation to the Big Conversation to members – **VC**
- b. SEP minutes - No action identified
- c. SVCP minutes - No action identified

## 9. FOR INFORMATION: COMMUNITY EMPOWERMENT ACT 2015

David Milne spoke to the paper, which did not have recommendations.

**Action** - Re discussion on data sharing within the forthcoming guidance. TE is involved in UK level work on data sharing and is keen to feed in practical experience – **All members to send examples / proposals to TE**

## 10. ANY OTHER BUSINESS

- MA noted that the IJB is discussing representation to this partnership and this will be brought to the next meeting,

## NEXT MEETINGS

Wednesday 20 January 2016, 2-4pm, Council Chamber, the Town House, Haddington

Wednesday 11 May 2016, 2-4pm, The Boardroom, Queen Margaret University, Musselburgh



**REPORT TO:** East Lothian Council  
**MEETING DATE:** 23 February 2016  
**BY:** Depute Chief Executive (Resources & People Services)  
**SUBJECT:** Treasury Management Strategy 2016/17 to 2018/19

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**3**

## **1 PURPOSE**

- 1.1 To seek the approval of the Council of the Treasury Management and Investment Strategies for 2016/17 to 2018/19.

## **2 RECOMMENDATIONS**

- 2.1 The Council is recommended to :
- i. Note the Treasury Management Strategy referenced within sections 3.4–3.18.
  - ii. Note the Investment Strategy referenced in sections 3.19–3.20.
  - iii. Approve Authorised Limits for external debt as detailed in section 3.13.
  - iv. Approve Operational Boundaries for external debt as detailed in section 3.15.
  - v. Approve the delegation of authority to the Head of Council Resources to effect movement between external borrowing and other long-term liabilities as detailed in section 3.16.
  - vi. Approve the detailed Treasury Management Strategy Statement which has been submitted to the Members Library (Ref: 32/16, February 2016 Bulletin).

## **3 BACKGROUND**

- 3.1 It is a statutory requirement under Section 93 of the Local Government Finance Act 1992, that the Council produces a balanced budget. In particular, a local authority must calculate its budget for each financial year to include the revenue costs that flow from capital financing

decisions. This, therefore, means that increases in capital expenditure must be limited to a level whereby any increases in charges to revenue arising from:

- Increases in interest charges caused by increased borrowing to finance additional capital expenditure, and
- Any additional running costs from new capital projects

are limited to a level that is affordable and within the projected income of the Council for the foreseeable future.

- 3.2 The Treasury Management Code of Practice, updated by CIPFA in 2011, requires the Council to approve a Treasury Management Strategy and an Investment Strategy in advance of each financial year:
- 3.3 A detailed document more fully covering both the Treasury Management and Investment strategies for 2016/17 to 2018/19 has been placed in the Members' Library. This report outlines the key points from those strategies. The figures used are based on those reflected within setting the Council Tax, HRA rents and supporting budgets on 9 February 2016.

### Treasury Management Strategy

- 3.4 Actual capital expenditure incurred in 2014/15 and the estimates of total gross capital expenditure to be incurred for 2015/16 and future years are detailed below in Table 1:

<b>Table 1: Capital Expenditure</b>					
	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
	<b>actual</b>	<b>outturn</b>	<b>estimate</b>	<b>estimate</b>	<b>estimate</b>
General Services	19,781	32,436	23,555	44,179	32,915
HRA	20,798	25,450	22,509	25,933	23,845
<b>TOTAL</b>	<b>40,579</b>	<b>57,886</b>	<b>46,064</b>	<b>70,112</b>	<b>56,760</b>



- 3.5 Not all of this spending will be funded by borrowing. The table below details the actual and planned capital expenditure over the period.

	2014/15	2015/16	2016/17	2017/18	2018/19
	£'000	£'000	£'000	£'000	£'000
	actual	outturn	estimate	estimate	estimate
General Services	19,781	32,436	23,555	44,179	32,915
Gross Capital Spend					
HRA Gross Capital Spend	20,798	25,450	22,509	25,933	23,845
<b>Sub-total</b>	<b>40,579</b>	<b>57,886</b>	<b>46,064</b>	<b>70,112</b>	<b>56,760</b>
<b>Financed by;</b>					
Capital grants	(18,611)	(15,401)	(10,152)	(12,783)	(12,687)
Capital receipts/contributions	(4,878)	(6,957)	(8,244)	(21,067)	(10,000)
Capital Reserves	-	-	-	-	-
Revenue Contributions	(1,966)	(1,825)	(4,059)	(717)	(1,226)
<b>Sub-total</b>	<b>(25,455)</b>	<b>(24,183)</b>	<b>(22,455)</b>	<b>(34,567)</b>	<b>(23,913)</b>
<b>Net Financing Need for the Year</b>	<b>15,124</b>	<b>33,703</b>	<b>23,610</b>	<b>35,546</b>	<b>32,847</b>

- 3.6 Estimates of the ratio of financing costs to net revenue stream for the current and future years, and the actual figures for 2014/15 are:

	2014/15	2015/16	2016/17	2017/18	2018/19
	%	%	%	%	%
	actual	outturn	estimate	estimate	estimate
General Services	8.44%	8.09%	8.56%	8.83%	9.20%
HRA	30.42%	33.46%	36.52%	37.31%	39.54%

- 3.7 The gradual increase in the General Services ratio largely reflects the standstill in corporate income against a background of continuing capital spend although it is now likely that capital investment plans will increase to support the infrastructure requirements associated with demographic growth. The increase in the HRA ratio reflects the large planned investment in new affordable housing, which is mainly financed

through borrowing. This borrowing has to be repaid with interest and this leads to increased financing costs.

- 3.8 The Capital Financing Requirement (CFR) measures the Council's underlying need to borrow for a capital purpose. The Council does not associate borrowing with particular items or types of expenditure. The authority has an integrated treasury management strategy and has adopted the CIPFA Code of Treasury Management in the Public Services. The Council has at any point in time a number of cash flows both positive and negative. In day-to-day cash management, no distinction is made between revenue cash and capital cash. External borrowing arises as a consequence of all the financial transactions of the Council and not simply those arising from capital spending. However, other than to manage short-term cash flows, the Council is not allowed to borrow for revenue purposes.
- 3.9 Estimates of the end of year capital financing requirement (CFR) for the Council for the current and future years, and the actual CFR at 31 March 2015 are detailed in Table 4 below:

<b>Table 4: Capital Financing Requirement (CFR)</b>					
	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
	<b>actual</b>	<b>outturn</b>	<b>estimate</b>	<b>estimate</b>	<b>estimate</b>
Total CFR at start of year	365,802	368,195	388,957	398,508	419,417
Movement in CFR	2,393	20,762	9,551	20,909	16,994
<b>Total CFR at end of the year</b>	<b>368,195</b>	<b>388,957</b>	<b>398,508</b>	<b>419,417</b>	<b>436,411</b>
<b>Movement in CFR represented by</b>					
Net Financing Need for the year (above)	15,124	33,703	23,610	35,545	32,846
Less: Scheduled Debt Amortisation	(12,731)	(12,941)	(14,059)	(14,636)	(15,852)
<b>Movement in CFR</b>	<b>2,393</b>	<b>20,762</b>	<b>9,551</b>	<b>20,909</b>	<b>16,994</b>

- 3.10 The importance of the CFR lies in the way it measures the need to borrow for a capital purpose excluding the effect of revenue cash flows.
- 3.11 The key indicator of prudence is that external borrowing should not exceed the CFR for the preceding year plus additional CFR in the current and two following years. At the close of the 2014/15 financial year, the Council was well within this indicator, as the relevant CFR was £368.195 million and external borrowing was £334.930 million.

- 3.12 The Council's treasury portfolio position at 31 March 2015, with forward projections are summarised in Table 5 below. The table shows the actual external debt (the treasury management operations) against the underlying capital borrowing need (the Capital Financing Requirement – CFR) highlighting any over or under borrowing.

<b>Table 5: Actual Debt and the Capital Financing Requirement (CFR)</b>					
	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
	<b>actual</b>	<b>outturn</b>	<b>estimate</b>	<b>estimate</b>	<b>estimate</b>
Total External debt at start of year	339,286	334,930	361,309	379,297	409,220
Expected/Actual change in debt	(4,356)	26,379	17,988	29,923	17,886
<b>Actual gross debt at 31 March</b>	<b>334,930</b>	<b>361,309</b>	<b>379,297</b>	<b>409,220</b>	<b>427,106</b>
<b>The Capital Financing Requirement</b>	<b>368,195</b>	<b>388,957</b>	<b>398,508</b>	<b>419,417</b>	<b>436,411</b>
<b>(Under)/Over borrowing</b>	<b>(33,265)</b>	<b>(27,648)</b>	<b>(19,211)</b>	<b>(10,197)</b>	<b>(9,305)</b>

- 3.13 The Council is recommended to approve the following Authorised Limits for its gross external debt for the next three years. These limits separately identify borrowing from other long-term liabilities such as finance leases.

<b>Table 6: Authorised Limit for External Debt</b>				
	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
	<b>estimate</b>	<b>estimate</b>	<b>estimate</b>	<b>estimate</b>
Borrowing	409,000	419,000	439,000	457,000
Other long term liabilities	52,000	51,000	50,000	48,000
<b>Total</b>	<b>461,000</b>	<b>470,000</b>	<b>489,000</b>	<b>505,000</b>

- 3.14 These authorised limits are consistent with the Council's current commitments, existing plans and the budget proposals for capital expenditure and financing, and with the approved treasury management policy. The limits are based on the estimate of the most likely, prudent but not worst-case scenario with, in addition, sufficient headroom over and above this to allow for the operational management of unusual cash flows, such as debt restructuring.

3.15 The Council is also asked to approve in Table 7 the operational boundaries for gross external debt. This is the limit beyond which external debt is not normally expected to exceed and is based on the authorised limits but excluding headroom.

	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
	<b>estimate</b>	<b>estimate</b>	<b>estimate</b>	<b>estimate</b>
Borrowing	388,957	398,508	419,417	436,411
Other long term liabilities	42,490	41,306	39,712	38,232
<b>Total</b>	<b>431,447</b>	<b>439,814</b>	<b>459,129</b>	<b>474,643</b>

3.16 The Council has delegated authority to the Head of Council Resources to effect movement between borrowing and long-term liabilities within the total authorised limits and operational boundaries approved. Any such movement would be reported to Cabinet via the Members' Library as part of Treasury Management update reports.

3.17 Within the limits set by the indicators above, the Council will make capital investment decisions in accordance with the following fundamental principles of the Prudential Code:

- Service objectives, e.g. achieving the Council Plan objectives
- Stewardship of assets, e.g. asset management planning
- Affordability, e.g. implications for Council Tax
- Value for money, e.g. option appraisal
- Prudence and sustainability, e.g. implications for external borrowing
- Practicality, e.g. is the investment proposal practical given other competing pressures on the service involved

3.18 A key measure of affordability is the incremental impact of capital investment decisions on the Council Tax and Council House rents. The impacts of the expenditure plans are:

	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
	<b>estimate</b>	<b>estimate</b>	<b>estimate</b>
Increase in Council Tax (band D) per annum	£15.69	£17.57	£23.36
Increase in average housing rent per week	£2.51	£1.82	£2.89

## Investment Strategy

- 3.19 The Council's Investment Strategy for 2016/19 has been prepared in accordance with the Local Government Investments (Scotland) Regulations 2010 and the CIPFA Treasury Management Code.
- 3.20 The Investment Strategy details the approach which the Council will take to minimise the risk to investments and lists the investments which the Council will be permitted to use.
- 3.21 Common Good and Charitable Trust funds are managed on behalf of the Council by an external investment management firm. The strategy details the Council's policy on the investment of these funds.
- 3.22 The indicator below sets a limit on the total level of investments held for longer than 364 days.

<b>Maximum principal sums invested &gt; 364 days</b>			
<b>£m</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
Principal sums invested > 364 days	£m 30	£m 30	£m 30

## 4 POLICY IMPLICATIONS

- 4.1 Implementation of Council policy will require capital expenditure. The policy effect of a proposed capital expenditure will be assessed as part of the project appraisal.
- 4.2 The limited resources available form an important constraint on the development of policy, which requires to be managed through the development of a sustainable corporate plan associated with a corporate asset management plan.

## 5 EQUALITIES IMPACT ASSESSMENT

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

## 6 RESOURCE IMPLICATIONS

- 6.1 Financial – these strategies are interwoven with the revenue and capital budgets. The expenditure and debt limits are implicit within the revenue budgets approved by the Council on 9 February 2016.
- 6.2 Personnel - none directly from this report although there may be implications arising from capital investment decisions.

- 6.3 Other – capital investment choices made have a major impact on the property, equipment and IT resources available for the delivery of services.

## **7 BACKGROUND PAPERS**

- 7.1 CIPFA (2011) – “Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes”
- 7.2 CIPFA (2011) – “The Prudential Code for Capital Finance in Local Authorities”
- 7.3 The Local Government (Scotland) Regulations 2010
- 7.4 Capital Investment & Treasury Management Strategy 2016/17 to 2018/19 (lodged in Members Library Service)
- 7.5 Council Meeting of 9 February 2016 – all papers

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<b>DATE</b>	11 <sup>th</sup> February 2016

**REPORT TO:** East Lothian Council

**MEETING DATE:** 23 February 2016

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** Integration Joint Board Strategic Plan

**4**

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**1 PURPOSE**

- 1.1 This report provides a synopsis of the East Lothian Integration Joint Board's consultation draft Strategic Plan for adult services. It identifies key priorities, processes and timescales, including the process of consultation in line with the Public Bodies (Joint Working) (Scotland) Act. (The draft Strategic Plan is available in the Members' Library, Ref: 31/16, February 2016 Bulletin.)

**2 RECOMMENDATIONS**

Council is recommended to:

- 2.1 Agree the detail of the IJB's draft Strategic Plan for adult services in health and social care, its key priorities and timeframe for delivery;
- 2.2 Note that the Strategic Plan encompasses as a key priority a review and refresh of the extant Older People's Strategy;
- 2.3 Note that the Strategic Plan will be delivered within available resources. This recognises the challenges and constraints on the budgets identified by East Lothian Council and by NHS Lothian for all delegated services;
- 2.4 Support the key ambition of the IJB to shift resources from acute services into community care and support within the lifetime of the Strategic Plan; and
- 2.4 Note the process of "directions" from the IJB to both East Lothian Council and NHS Lothian for delegated functions and services.

### **3. BACKGROUND**

- 3.1 The [Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#) places a duty on Integration Joint Boards (IJBs) to develop a Strategic Plan for delegated functions and budgets under their control, developed in collaboration with their partners and revised at least every three years.
- 3.2 The Act requires each IJB to establish a [Strategic Planning Group](#) (SPG) whose role is in developing and finalising the Strategic Plan and in continuing to review progress, measured against the [statutory outcomes for health and wellbeing](#) and associated indicators. The SPG is well established in East Lothian and has been actively involved in the process of the Strategic Plan development.
- 3.3 The first strategic plan of an IJB must be prepared before the integration start date, which is the date on which the Health Board and the Local Authority delegate functions, based on directions aligned to the Strategic Plan. In East Lothian the start date is agreed as 1 April 2016 and the Strategic Plan must be fully prepared in advance of this so that the IJB can function immediately.
- 3.4 The Strategic Plan describes the services and capacity required by our local population along the spectrum of care of all delegated functions. Resources within the scope of the Strategic Plan comprise the payment made to the IJB by the Local Authority for all adult social care services, the payment made to the IJB by the Health Board for delegated primary and community healthcare services and local hospital services, and the amount “set aside” by the Health Board for delegated services provided in large acute hospitals for the population of the IJB.
- 3.5 Lothian Health Board and East Lothian Council will make payments to the IJB in respect of all delegated functions and the IJB, via the mechanism of the Strategic Plan, will give “directions” and make payment where relevant to the Health Board and Local Authority for delivery of those functions and services in line with the Strategic Plan. (The legislation uses the term payment for the transfer of resources. This term does not necessitate cash transactions.). The detail of developing the directions aligned to the final version of East Lothian’s plan has been agreed and finalised with the Chief Officer, Chief Finance Officer and Section 95 Officer.
- 3.7 Directions will be made at least annually, and for year one of integration will comprise a mixture of continuity and change. In 2016-17, for the majority of delegated services the IJB proposes to direct that services should continue as they are. In a small number of cases the IJB intends to direct change either because it is happening anyway, e.g. Carers Strategy support as determined by legislation and/or because it has been identified as an immediate priority through the strategic planning process, e.g. reducing use of unscheduled hospital care.



- 3.8 As required by [legislation](#) two separate consultation processes have been held over the course of 2015-16 to inform the development of the Strategic Plan. The processes have been wide ranging and comprehensive, involving statutory partners, stakeholders, interest groups, area partnerships and wider communities. With the support and input of the Strategic Planning Group, [feedback](#) from the consultations will be incorporated into the final version of the Strategic Plan which will be proposed for adoption by the IJB in advance of 1 April 2016 as required by legislation.
- 3.9 The second draft Strategic Plan draws on a wide range of information to form a case for change over the period 2016–19: it describes why strategic priorities have been selected and includes a review of the financial context in which the IJB’s plans and ambitions are set.
- 3.10 The Plan equally articulates a clear ambition in stating the intention to shift resources from institutional or acute care into our communities within a short timeframe, and in doing so delivering better outcomes.
- 3.11 The Strategic Plan has been developed within the overarching principle that it brings together and will review all extant and future strategies and plans for health and social care in East Lothian under a “One Plan, One Change Programme” framework which reports and is accountable to the IJB.
- 3.12 By means of summary, the construct of the second draft Strategic Plan is:
- 3.12.1 The case for change: a synopsis of current health and wellbeing inequalities across the county, rising service demands, costs and associated outcomes, and consideration of current and future financial and human resources. The second draft Plan asserts that the case for change is unassailable and that a sustainable strategy is required to address the known challenges.
- 3.12.2 The principles, values and strategic objectives of the IJB’s Strategic Plan including the vision that people in East Lothian will “live the lives they want as well as possible, achieving their potential to live independently and exercising choice over the services they use”. The immediate key priorities of the Strategic Plan are to measurably reduce unscheduled care activity and delayed discharges, to work with partners to reduce variation and inequalities, to prioritise a strong focus on prevention and early intervention and to ensure best value for the public pound.
- 3.12.3 The joint strategic needs assessment and gap analysis: an analysis of the needs of our communities which forms the basis of intelligence led strategic decision making within East Lothian and consideration of the policy, planning and service gaps to be addressed as priorities.

- 3.12.4 Strategic partnerships: a clear commitment to establishing a range of inclusive, mutually beneficial relationships which improve the closer integration of services, decisions that are better aligned with the needs of the people of East Lothian and improved health and wellbeing as the overarching goal.
- 3.12.5 Financial context and resources analysis: identification of the aligned resource strategy, a financial framework to support delivery of the Strategic Plan and a recognition that whilst aims and aspirations are extensive, the Strategic Plan will have to be delivered within the resources available.
- 3.12.6 The resources analysis specifically outlines the intention to carry out a review of all health and social care bed bases across East Lothian (Edington, Belhaven, Eskgreen and Abbey) in line with the commitment to refresh the extant Older Peoples Strategy and in order to establish
- the utilisation of existing bed provision and future need
  - the appropriateness of different types of provision by locality
  - the economic feasibility of new or different models of care delivery and options for re-provision
  - existing estates, including ongoing costs, any investment required or disinvestment/reinvestment potential.
- 3.12.7 The Plan's gap analysis also explicitly identifies the need to accelerate work on a number of outstanding areas in relation to the refresh of the Older People's Strategy. These include development of a new East Lothian Community Hospital, expansion of respite care, embedding re-ablement services and improved and enhanced care of people with dementia. These will be prioritised as key actions.
- 3.12.7 The financial context section of the Plan highlights that the main focus for 2016/17 is to ensure that the Partnership manages the increasing demands on resources in the most effective way. The overarching aim is to find different ways of delivering and commissioning high quality services cost effectively. East Lothian Council have agreed and finalised their elements of the budget for delegated functions including application of the £4.4m Integration Fund which will flow through the IJB. Currently indicative budget information from NHS Lothian for delegated functions will be formalised over the next 2 months and as this becomes embedded in directions from the Strategic Plan the detail will specifically include and articulate diversion of money away from acute hospitals over the lifetime of the Plan and moving it into community care and primary care. The Plan equally recognises that to ensure whole system stability, particularly within the NHS acute sector, there will be a need for close working with partner IJBs as this progresses.

- 3.12.8 Key enablers: a summary of supporting frameworks including the IJB performance framework, governance, communication and engagement, organisational development and information management and technology.
- 3.12.9 Strategic change programmes: a broad range of specific, measurable priority actions to be achieved over the 3 year lifetime of the Strategic Plan. The actions are grouped under the key themes of best health (prevention and early intervention), best care (care closer to home) and best value (efficiency and effectiveness), are locality focused and based on the needs assessment and gap analysis.
- 3.12.10 A range of appendices including the dedicated [housing contribution statement](#) for health and social care and a suite of locality profiles.
- 3.12.11 The IJB has specific duties in respect of strategic planning and will assume lead responsibility to coordinate and achieve the health and wellbeing outcomes of the East Lothian Partnership. The Strategic Plan therefore relates and aligns directly to the Single Outcome Agreement and other East Lothian Council plans including the Local Housing Strategy and Criminal Justice partnership plans.

#### **4 POLICY IMPLICATIONS**

- 4.1 The implementation of actions and recommendations made in this report will ensure that the IJB complies with legal requirements.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 The Strategic Plan places a strong and explicit emphasis on designing services and approaches which will more effectively address the continuing health inequalities in East Lothian. An equality impact assessment has been completed and incorporated in the consultation draft.

#### **6 RESOURCE IMPLICATIONS**

There are no resource implications directly associated with this report.

- 6.1 Financial - none
- 6.2 Personnel - none
- 6.3 Other - none

#### **7 BACKGROUND PAPERS**

7.1 East Lothian Strategic Plan: Second consultation working draft  
(Members' Library Ref: 31/16, Feb16)

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<b>DATE</b>	25 <sup>th</sup> January 2016

**REPORT TO:** East Lothian Council

**MEETING DATE:** 23 February 2016

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** Ratification of SESplan Budget 2016/17 and Amendments to the SESplan Constitution

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## **1 PURPOSE**

- 1.1 To request that Council ratifies the decision of the South East Scotland Strategic Development Planning Authority (SESplan) Joint Committee to approve the SESplan Operating Budget for 2016/17 and amendments to the SESplan constitution.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that Council agrees to ratify SESplan's Operating Budget for 2016/17 and the amendments to the SESplan constitution.

## **3 BACKGROUND**

- 3.1 SESplan, the Strategic Development Plan Authority, is required to report its spend against agreed budgets to the SESplan Joint Committee. It is also required to present for the approval of the Joint Committee its budgets for future years.
- 3.2 The SESplan Joint Committee of 14 December 2015 approved the 2016/17 Operating Budget, subject to its being ratified by the six SESplan member authorities.
- 3.3 For the 2016/17 Operating Budget the fixed cost estimate is £286,336, the majority of which is the core team staff and accommodation. Following the relocation of the core team to accommodation with West Lothian Council offices, those fixed costs are reduced from the 2015/16 budget of £300,874.
- 3.4 The core team comprises the SDP Manager, Lead Officer (0.8 fte), a Planner and a Temporary Planner (contracted to December 2016). This is

currently augmented by a Student Planner (0.4 fte contracted to August 2016). SESplan proposes that the team be maintained through 2016/17, with extension of the Temporary Planner post to December 2017, to facilitate progress on the second Strategic Development Plan.

- 3.5 The SESplan Joint Committee agreed that member contributions for 2016/17 should be held at £46,550 as for 2015/16 as a 5% reduction compared to previous years' contribution of £49,000 per authority.
- 3.6 The required SESplan contribution for 2016/17 is provided for within the Partnership and Community Services budget.
- 3.7 The most significant amendments to the SESplan constitution relate to the rotation of the Convenership and Vice-convenership and a clarification regarding requirement for the ratification of decision to publish draft Supplementary Guidance for consultation.
- 3.8 At a meeting on 18 November 2013, the Joint Committee agreed that, to provide greater continuity to the process of preparing the SDP, it would be helpful if the Convenership and Vice-convenership of the Committee ran for two years rather than one, as specified in the Constitution. The amendments proposed to Section 5 of the Constitution formalise the arrangements for the rotation of these roles every two years.
- 3.9 In addition it is now proposed that the SESplan Scheme of Delegation specifies that the Joint Committee may approve the publication of Supplementary Guidance for consultation. Any Supplementary Guidance which is to be prepared must be specifically identified in the approved plan and must be limited to the provision of further information or detail in respect of policies or proposals set out in the plan. Such guidance must be consistent with the approved plan. The decision to adopt the Supplementary Guidance following consultation would continue to require ratification by the member authorities.
- 3.10 Other minor amendments to the constitution are as set out in the appendices to the SESplan Governance Review attached to this report.

#### **4 POLICY IMPLICATIONS**

- 4.1 None

#### **5 EQUALITIES IMPACT ASSESSMENT**

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

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - None

6.2 Personnel - None

6.3 Other - None

## 7 BACKGROUND PAPERS

7.1 Report by Strategic Development Plan Manager to SESplan Joint Committee 14 December 2015, *Finance*

7.2 Report by Strategic Development Plan Manager to SESplan Joint Committee 14 December 2015 *SESplan Governance Review*

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<b>DATE</b>	21/01/2016





For Decision	✓
For Information	

## ITEM 8 – FINANCE

Report by: Ian Angus, SDP Manager

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### Purpose

This Report presents the following for SESplan Joint Committee consideration:

- Expenditure against the approved Operating Budget for 2015 / 2016 up to October 2015;
- Total forecast expenditure against the approved Operating Budget for 2015 / 2016; and
- Operating Budget for 2016 / 2017, 2017 / 2018 and 2018 / 2019.

### Recommendations

It is recommended that the SESplan Joint Committee:

1. Notes the expenditure against the approved Operating Budget for 2015 / 2016 up to October 2015 as set out in Appendix 1;
2. Notes the total forecast expenditure against the approved Operating Budget for 2015 / 2016 as set out in Appendix 1;
3. Approves the Operating Budget for 2016 / 2017 as set out in Appendix 1;
4. Notes the Operating Budgets for 2017 / 2018 and 2018 / 2019 as set out in Appendix 1;
5. Agrees that member contributions for financial year 2016 / 2017 will be set at £46,550 (excluding VAT) per authority, payable to Fife Council by the 30 April 2016; and
6. Notes that Member Authorities will be required to ratify the approval of the Operating Budget for 2016 / 2017 at Recommendation 3 of this Report and to make their required contributions by the due date.

### Resource Implications

As set out below and in Appendix 1.

### Legal and Risk Implications

There are risks to the process if sufficient funding is not available to progress the Strategic Development Plan (SDP) at a rate which provides up to date strategic planning policy context for the timeous progression of the member authorities' Local Development Plans (LDP), as is required by the relevant legislation. All risks and responses to these are detailed in the SESplan Risk Register and reported to Joint Committee on an annual basis.

### Policy and Impact Assessment

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No separate impact assessment is required.

## **1. Operating Budget 2015 / 2016**

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### **Monitoring Expenditure to Date**

- 1.1 The Annual Audit identified one action related to the presentation of financial monitoring reports to the Joint Committee. This was identified as a risk as the Joint Committee may not be fully informed of the ongoing financial position and emerging financial risks of the Authority. It was agreed at the 28 September meeting of the Joint Committee that detailed financial monitoring reports would be submitted for Committee consideration twice a year with one occasion being at the end of each financial year. This Report therefore notes the total expenditure to October 2015 of £151,014 against the approved Operating Budget for 2015 / 2016 of £300,874 (See Appendix 1).
- 1.2 To date spend on variable costs totals around £25,917. Expenditure on technical support to date includes amongst other items around £16,210 for GIS and graphics support provided by Scottish Borders and City of Edinburgh, £1,300 for placing the statutory notice advertising the publication of MIR2 within the Scotsman newspaper, £3,600 for printing hard copies of MIR2 and supporting documents for distribution to Community Councils, Member Authority planning receptions, key agencies and neighbouring authorities amongst others and £900 consultants fees for finalising the second SESplan Housing Need and Demand Assessment for robust and credible assessment by the Centre for Housing Market Analysis within the Scottish Government.
- 1.3 In terms of income, to date, Fife Council only has paid the required contribution of £46,550. Invoices have been raised and forwarded to Member Authorities (City of Edinburgh, East Lothian, Midlothian, Scottish Borders and West Lothian) for the remaining member contributions of £232,750 to be paid.

### **Forecast Expenditure against Approved Operating Budget**

- 1.4 This Report also notes the total forecast expenditure in 2015 / 2016 relative to the Operating Budget for 2015 / 2016 which was approved at SESplan Joint Committee on the 15 December 2014 (See Appendix 1).
- 1.5 The 2015 / 2016 Budget included provision for staffing within the Core Team of the SDP Manager, Lead Officer (0.8 FTE), Planner and Temporary Planner (contract to December 2016). To provide technical and administrative support to the Core Team, a Student Planner was appointed on a temporary (one year) full time contract in August 2014. The contract was extended for a further year in August 2015 on a part time basis (0.4 FTE) and will end in August 2016.
- 1.6 There is a forecast total overspend of £4,792 on staffing in 2015 / 2016 due to additional costs related to maternity leave (assumed 12 months from January 2016).

- 1.7 In terms of other fixed costs there is a forecast total overspend of £1,800 on travel expenses and mileage, with total forecast spend for 2015 / 2016 estimated at £5,100. This is primarily a result of the relocation expenses for the Core Team associated with the office accommodation move from Edinburgh to Livingston which are payable for a four year period (December 2014 – December 2018). Ordinary travel expenses have also increased following the move from central Edinburgh to Livingston and it has been assumed that expenses will remain at the £5,100 level for 2016 / 2017 and into 2017 / 2018 and 2018 / 2019. Additional travel expenses were also incurred in the current financial year as a result of the Main Issues Report 2 consultation.
- 1.8 There is a total forecast underspend of £3,000 on administration support. It was envisaged that administration support would be sought from West Lothian Council to assist with the Main Issues Report 2 consultation. Administration support was not required and it is anticipated that minimal support will be required over the period to March 2016. The total allowance has therefore been reduced from £4,000 to £1,000 to cover any administration support should it be required.
- 1.9 The forecast is that the full variable budget of £44,000 will be spent over the financial year 2015 / 2016.
- 1.10 The difference between income and expenditure in 2015 / 2016 will be covered by funding expenditure from reserves brought forward from prior years.

## **2. Operating Budget 2016 / 2017 and Forecast Operating Budgets 2017 / 2018 and 2018 / 2019**

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- 2.1 Appendix 1 sets out a proposed Operating Budget for the financial year, 2016 / 2017. As is required under SESplan's Financial Rules, the Budget is presented for discussion and approval by the Joint Committee before ratification of that decision by the Member Authorities.
- 2.2 The 2016 / 2017 Operating Budget includes an allowance for staffing within the Core Team of the SDP Manager, Lead Officer (1 FTE – Maternity Leave cover over the period January 2016 – January 2017), Planner and Temporary Planner, a total of £227,199. The existing contract for the Temporary Planner ends in December 2016. It is proposed that the Temporary Planner post will be extended for a further year to December 2017. This will provide for stability within the Core Team over the period to submission of Strategic Development Plan 2 to Ministers (programmed for Spring 2017), allow for work streams relating to engagement and improved graphics to be progressed and take forward the actions from the lessons learned in the Main Issues Report 2 consultation.
- 2.3 The Student Planner post at 0.4 FTE will end in August 2016. There is no allowance for continuation of the Student Planner post.
- 2.4 The SESplan Core Team is also reliant on resources within the Member Authorities to assist with processing of responses received on consultations as well as technical assessments related to

transport, the spatial strategy and housing amongst other topics. It should be noted that there is a risk to the preparation of the SDP in not maintaining the resource within the Core Team, since the resources within Member Authorities to backfill any SESplan resource gaps are also limited and increasingly under pressure.

- 2.5 Accommodation costs within West Lothian Civic Centre in Livingston have been assumed at £7,500 in 2015 / 2016 with an increase of 1.5% per year for inflation. The Core Team moved into the Civic Centre in December 2014. Confirmation of the heads of terms and lease for the SESplan accommodation has been sought but the contract has yet to be signed with West Lothian Council. The issue has been identified as a risk on the SESplan Risk Register in the meantime.
- 2.6 In terms of IT / Software, the Operating Budget includes £12,000 for Objective and £1,500 per annum for Objective Connect. These systems allow management of the drafting of the plan and supporting documents and consultations on these and the sharing of papers with members and other stakeholders. Also included is the annual hosting of the SESplan website and recharge for West Lothian IT services who provide IT hardware and support to the Core Team.
- 2.7 Audit fees in 2014 / 2015 were £3,380 and costs have been assumed to be the same in future years (i.e. no reduction but also no inflation). The Budget also includes some provision for administrative support from West Lothian on an annual basis.
- 2.8 The 2016 / 2017 Operating Budget includes £20,000 for spend on technical support plus £2,000 contingency. The largest spend in this financial year will relate to GIS / Graphics support for the Proposed Plan and the Proposed Plan Period for Representations, primarily the costs of placing the statutory advert and printing hard copies of the Plan for distribution to Members Authorities and Community Councils amongst others.
- 2.9 The 2017 / 2018 Operating Budget includes £25,000 for spend on technical support plus £2,500 contingency. The largest spend in this financial year will relate to the Examination. The Examination for Strategic Development Plan 1 cost just under £25,000, therefore the Budget for 2017 / 2018 is considered realistic. However there is likely to be a requirement for Hearings on the Proposed Plan which may require the use of the contingency budget. TAYplan will be submitting its Proposed Plan for Examination ahead of SESplan and costs associated with that will provide an indication of likely costs for SESplan.
- 2.10 The 2018 / 2019 Operating Budget includes £20,000 for spend on technical support plus £2,000 contingency. The largest spend in this financial year will relate to pre Main Issues Report 3 engagement and evidence gathering.
- 2.11 Reserves would be maintained at around £20,000 per annum in each of the three years.

- 2.12 Each member authority is liable for one sixth of the annual Operating Budget. Members' contributions are payable to Fife Council on or before 30 April each year. In 2008, the members agreed a budget of £360,000 (£60,000 per authority). The actual budget for 2008 / 2009 only required a contribution of £17,000 per authority. The contributions increased to £40,000 per annum in 2009 – 2012, due to the Core Team then having a full staff complement and the costs of preparing the Main Issues Report and Proposed Plan. The one off government grant and 'carry forwards' were spent over these years and exhausted at the point when costs were expected to be the greatest, in 2012 - 2013.
- 2.13 Due to this combination of pressures, an increase in members' contributions to £49,000 per authority in 2012 / 2013 was agreed by the Joint Committee at its meeting on the 5 December 2011. Contributions were set at that level taking into account cyclical changes to the variable costs such as the Examination process and activity on SDP2 and to provide certainty to Member Authorities and the SESplan Budget planning process.
- 2.14 In anticipation of savings in 2014 / 2015, including in accommodation costs following the relocation of the Core Team, then expected early in that year, the Joint Committee agreed that a target of 5% savings would be set for 2014 / 2015 and following years. This is equivalent to a £2,450 reduction in the Member Authorities' annual contributions and this was refunded to members in 2014 / 2015. It was agreed that SESplan's costs continue at a reduced level in 2015 / 2016 and that contributions were maintained at £46,550 in 2015 / 2016. It is proposed that contributions continue to be maintained at £46,550 per authority per annum over the next three years.

### **3. Conclusion**

- 3.1 The SESplan Financial Rules state that Member Authority contributions are to be in place by the end of April each year, within one month of the start of the financial year. It will therefore be requested that £46,550 be paid to Fife Council on or before the 30 April 2016.
- 3.2 It is requested that all member authorities take steps now in their budget setting to ensure that contributions will be in place by the start of the next financial year.

### **Appendices**

- 1 SESplan Operating Budget 2015 / 2016 (Expenditure to October 2015 and Total Forecast) and Three Year Operating Budget (2016 / 2017 - 2018 / 2019)

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**Report Agreed By:** Ian Angus, SDP Manager

**Author Name:** Alice Miles, Lead Officer

**APPENDIX 1 – SESPLAN OPERATING BUDGET 2015 / 2016 (EXPENDITURE TO OCTOBER 2015 AND TOTAL FORECAST) AND THREE YEAR OPERATING BUDGET (2016 / 2017 - 2018 / 2019)**

**Appendix 1 - SESplan Operating Budget 2015 / 2016 (Expenditure to October 2015 and Total Forecast) and Three Year Operating Budget (2016 / 2017 - 2018 / 2019)**

DESCRIPTION	2015 / 2016 Operating Budget	2015 / 2016 Expenditure to October 2015	2015 / 2016 Forecast	2015 / 2016 Variance	2016 / 2017 Operating Budget	2017 / 2018 Operating Budget	2018 / 2019 Operating Budget
Single Status Staff Costs	218,708	121,972	223,500	4,792	227,199	217,384	220,984
Training	2,000	250	2,000	0	1,000	1,000	1,000
Rent	7,500	-2,084	7,500	0	7,613	7,727	7,843
Travel Expenses / Mileage	3,300	2,862	5,100	1,800	5,100	5,100	5,100
IT / Software	16,000	1,955	16,000	0	16,000	16,240	16,484
Telephone Rental	516	86	516	0	524	532	540
Audit Fees	3,350	0	3,350	0	3,400	3,400	3,400
Administration Support	4,000	0	1,000	-3,000	2,000	2,000	2,000
Consumables	1,500	56	1,500	0	1,500	1,500	1,500
<b>Fixed</b>	<b>256,874</b>	<b>125,097</b>	<b>260,466</b>	<b>3,592</b>	<b>264,336</b>	<b>254,883</b>	<b>258,851</b>
Technical Support	40,000	25,917	40,000	0	20,000	25,000	20,000
Contingency 10%	4,000	0	4,000	0	2,000	2,500	2,000
<b>Variable</b>	<b>44,000</b>	<b>25,917</b>	<b>44,000</b>	<b>0</b>	<b>22,000</b>	<b>27,500</b>	<b>22,000</b>
<b>Expenditure</b>	<b>300,874</b>	<b>151,014</b>	<b>304,466</b>	<b>3,592</b>	<b>286,336</b>	<b>282,383</b>	<b>280,851</b>
Member Authority Contributions	-279,300	-46,550	-279,300	0	-279,300	-279,300	-279,300
Sales	-250	0	-250	0	-250	-250	-250
Income / Interest on Revenue Balance	-1,000	0	-1,000	0	-1,000	-1,000	-1,000
<b>Income</b>	<b>-280,550</b>	<b>-46,550</b>	<b>-280,550</b>	<b>0</b>	<b>-280,550</b>	<b>-280,550</b>	<b>-280,550</b>
<b>Net</b>	<b>20,324</b>	<b>104,464</b>	<b>23,916</b>	<b>3,592</b>	<b>5,786</b>	<b>1,833</b>	<b>301</b>
(Take From) / Add to Reserves	-20,324		-23,916	-3,592	-5,786	-1,833	-301
<b>NET TOTAL</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Usable reserve balance</b>	-30,512		-26,920	3,592	-21,134	-19,301	-19,000
<b>Usable reserve balance at 1/4/15</b>	-50,836						
<b>Usable reserve as % of expenditure</b>			-8.8%		-7.4%	-6.8%	-6.8%
<b>Additional contributions</b>							
Target reserve (1 month's operating costs)					23,861	23,532	23,404
Shortfall on target reserve of 1 month's operating costs					0	0	0
Councils					6	6	6
Additional contribution required per council					0	0	0

For Decision	✓
For Information	

## ITEM 10 – SESPLAN GOVERNANCE REVIEW

Report by: Ian Angus, SDP Manager

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### Purpose

This report introduces proposed amendments to SESplan's Constitution, Scheme of Delegation and Financial Rules to accord with decisions of the Joint Committee, clarify and update details in these documents. The current governance documents are available on the [SESplan website](#). The report also proposes the adoption of Standing Orders to assist in the management of the operation of the Joint Committee.

### Recommendations

It is recommended that the SESplan Joint Committee:

- a) Approve the amendments to the SESplan Constitution as set out in Appendix 1 and incorporated in the Constitution attached as Appendix 2 to this report;
- b) Approve the proposed amendments to the Scheme of Delegation, as set out in Appendix 1 and incorporated in the Scheme of Delegation attached as Appendix 3 to this report;
- c) Approve the proposed amendment to the Financial Rules, as set out in Appendix 1 and incorporated in the Financial Rules attached as Appendix 4 to this report;
- d) Refer the amendments to the SESplan Constitution, the Scheme of Delegation and Financial Rules (a, b and c above) to the constituent Councils for ratification;
- e) Remit the Clerk to prepare a revised Constitution and Scheme of Delegation for execution by the SESplan constituent Councils on the amendments being duly ratified; and
- f) Adopt the draft Standing Orders, as set out in Appendix 5 to this report.

### Resource Implications

The changes proposed would result in a reduction in member and officer time required to deal with ratification processes.

### Legal and Risk Implications

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All risks are detailed in the SESplan Risk Register and reported to Joint Committee on an annual basis.

## **Policy and Impact Assessment**

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No separate impact assessment is required.

### **1. Background**

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- 1.1 The governance of SESplan is set out in its Constitution, Scheme of Delegation and Financial Rules. This framework was established by the SESplan Joint Committee in August 2008 and subsequently ratified by the six member authorities. At that time, it was agreed to keep these arrangements under review. Any changes to the three documents must be agreed by the six member authorities. At its meeting on 5 December 2011, the Joint Committee agreed amendments to the Constitution, Scheme of Delegation and Financial Rules to facilitate the timeous progress of the SDP and to adopt more proportionate financial reporting requirements. These amendments were ratified by all member authorities. The documents, as amended, are available at the [SESplan website](#).
- 1.2 On 18 November 2013, the Joint Committee agreed the appointment of the Convener and Vice Convener for 2014 and 2015. This report proposes amendments to the Constitution to formalise this cycle. Consideration of this matter also offers an opportunity to update and clarify other details within the Constitution, Scheme of Delegation and Financial Rules.

### **2. Constitution, Scheme of Delegation and Financial Rules**

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- 2.1 The amendments proposed to the Constitution, Scheme of Delegation and Financial Rules and the reasons for making these are summarised in Appendix 1 to this report. The most significant amendments relate to the rotation of the Convenership and Vice Convenership and a clarification regarding requirement for the ratification of decision to publish draft Supplementary Guidance for consultation.
- 2.2 At its meeting on 18 November 2013, the Joint Committee agreed that, to provide greater continuity to the process of preparing the SDP, it would be helpful if the Convenership and Vice Convenership of the Committee ran for two years rather than one, as specified in the Constitution. It was noted also that, in terms of SDP2, this would broadly accord with key stages in the preparation process leading to submission of the Proposed Plan to Ministers in early 2017. The amendments proposed to Section 5 of the Constitution formalise the arrangements for the rotation of these roles every two years.

- 2.3 The Constitution specifies that all major decisions about the content of the Strategic Development Plan, with the exception of the submission of the Proposed Plan to Ministers when no Modifications are proposed, must be ratified by each of the six member authorities. The Joint Committee is to agree a Scheme of Delegation with the member authorities which defines the nature and amount of authority delegated from the councils to the Joint Committee. The Scheme of Delegation is to be kept under review and can only be amended with the agreement of the member authorities.
- 2.1 The Scheme of Delegation notes that all major decisions on SDP content must be ratified by all six member councils and specifies that decisions to approve the MIR, Proposed Plan and modifications to the Proposed Plan must be ratified. The ratification of a Joint Committee decision relating to the SDP takes 4 - 6 weeks but SESplan Core Team resources are applied to other aspects of the project throughout the period, reducing the impact on the programme. The need for ratification does, however, reduce the scope to manage the timetable, for example around council recesses, and requires resources of the member authorities. Reducing the situations in which ratification is required could enable the timely progress of the plan and associated documents and bring efficiencies in terms of SESplan and member authorities' resources.
- 2.2 It is considered that decisions to approve the Main Issues Report, Proposed Plan and modifications to the Proposed Plan are major decisions on SDP content and it would not be appropriate to extend delegation to include these at this time. It is proposed however that the Scheme specifies that the Joint Committee may approve the publication of Supplementary Guidance for consultation. Any Supplementary Guidance which is to be prepared must be specifically identified in the approved plan and must be limited to the provision of further information or detail in respect of policies or proposals set out in the plan. Such guidance must be consistent with the approved plan. The decision to adopt the Supplementary Guidance following consultation would continue to require ratification by the member authorities.
- 2.3 While maintaining member authorities' control of the process, there are potential efficiencies to member authorities and the Core Team in reducing the requirement for the ratification of Joint Committee decisions, for example ratification of the decision to publish a Main Issues Report for consultation. Control could be maintained, for example, by enabling the triggering of a ratification cycle by any member at any stage before and including the

relevant meeting of the Joint Committee. The potential for efficiencies will arise in the preparation of the MIR for SDP3, estimated to be in 2019 - 2020.

- 2.4 It is noted also that, at this stage, the outcome of the current review of the planning system in Scotland is unknown but may necessitate a review of the governance of the SDPA. In this context, it is proposed that the Scheme of Delegation continues to be kept under review.

### **3. Standing Orders**

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- 3.1 In common with those of the other SDPAs, SESplan's constitution enables the Joint Committee to adopt Standing Orders but, to date, SESplan has not done this. Each of the other SDPAs has adopted such regulations to assist in clarifying the arrangements for the management of their business. For the same reason, it is recommended that the Joint Committee adopt Standing Orders as set out Appendix 5, attached to this report.

### **4. Conclusions**

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- 4.1 SESplan's Constitution must be updated to amend the arrangements for the rotation of the Convener and Vice Convener of the Joint Committee to accord with the decision of the Joint Committee on this matter. This allows the Joint Committee the opportunity to clarify and update other, more detailed aspects of the Constitution, Scheme of Delegation and Financial Rules. It will be helpful also to take the opportunity to adopt Standing Orders to assist in the management of the operation of the Joint Committee.

### **Appendices**

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- Appendix 1 Proposed amendments to the SESplan Constitution, Scheme of Delegation and Financial Rules
- Appendix 2 SESplan Constitution including amendments 14 December 2015
- Appendix 3 SESplan Scheme of Delegation including amendments 14 December 2015
- Appendix 4 SESplan Financial Rules including amendment 14 December 2015
- Appendix 5 SESplan Standing Orders

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**Report Agreed By:** Ian Angus, SDP Manager

**Author Name:** Ian Angus, SDP Manager

**APPENDIX 1 – Proposed amendments to the SESplan Constitution, Scheme of Delegation and Financial Rules**

## Proposed amendments to the SESplan Constitution, Scheme of Delegation and Financial Rules

Constitution		
Paragraph	Amendment	Reason
1.3d	Remove reference local plans.	Updating to accord with statute.
1.3f	Replace reference to 'structure plans' with 'development plans'.	Updating to accord with statute.
1.3g	Replace 'strategies in structure plans or the SDP' with 'the spatial strategy of the SDP'.	Updating to accord with statute.
1.3g	Delete 'according to a Scheme to be agreed by Member Councils'.	Updating to accord with the SESplan Project Board decision on 2 November 2012 that the principles should be reflected in the roles and responsibilities of the Project Board, Operational Group and Core Team but that there should not be a scheme or 'code'. Note – the currently adopted Constitution is inconsistent in its use of 'code' and 'scheme'.
3.1	Delete.	This paragraph repeated what is established in statute, that the Joint Committee will be advisory only but its advice and decisions will be considered by the member authorities.
3.4	Remove para 3.4, which referred to Edinburgh and Lothians Structure Plan Joint Liaison Committee.	Updating to reflect the superseding of the Structure Plan by the approved SDP and the dissolution of the Joint Liaison Committee.
5.1-5.2 and 5.4-5.5	Amendments to establish a rotation of the Convenership and Vice Convenership of the Joint Committee once every two years.	Updating to accord with the decision of the Joint Committee on 18 November 2013.
9.7	Remove reference to amendments to the 'Code of Practice'.	Updating to accord with the SESplan Project Board decision on 2 November 2012 that the principles should be reflected in the roles and responsibilities of the Project Board, Operational Group and Core Team but that there should not be a scheme or 'code'.
14.1	Remove reference to the review of the 'Code of Practice'.	Updating to accord with the SESplan Project Board decision on 2 November 2012 that the principles should be reflected in the roles and responsibilities of the Project Board, Operational Group and Core Team but that there should not be a scheme or 'code'. Note – The amended Constitution retains the role of the Joint Committee to comment on planning applications referred to it by Member Councils.

<b>Scheme of Delegation</b>		
<b>Paragraph</b>	<b>Amendment</b>	<b>Reason</b>
2.3h	Remove references to consultation 'code of practice' but retain delegation to the Joint Committee to advise on planning proposals referred to the Joint Committee by member authorities.	Clarification and to accord with amendment to para 1.3g, 9.7 and 14.1 of Constitution.
2.3i	Remove reference to 'local plans'.	Updating to accord with statute.
2.3k - New	Add 2.3k: 'Approving draft statutory Supplementary Guidance prepared in accord with the SDP for consultation'	To delegate the power to the Joint Committee to approve draft Supplementary Guidance for consultation without the requirement for ratification of that decision by Member Councils.
2.3l	Replace 'Adoption of the Action Programme' with 'Adoption and updating the Action Programme'.	Clarification.
2.5	Insert 'following the statutory period for representations' following 'any modifications' in first sentence	Clarification.
2.4 – 2.6A	Amendments to clarify text.	Clarification. There is no change in the substance of the section.
3.1a	Replace 'Recruitment below the management level' with 'Recruitment of the Strategic Development Plan Manager and project team'.	Clarification of increased delegation to the Project Board and to reflect practice.

<b>Financial Rules</b>		
<b>Paragraph</b>	<b>Amendment</b>	<b>Reason</b>
Audit	Amend to confirm that SESplan audit will be completed by independent auditor.	Update to accord with a statutory requirements.

**APPENDIX 2 – SESplan Constitution including amendments 14 December 2015**

# SESplan

The Strategic Development Planning Authority  
for Edinburgh and South East Scotland

## Edinburgh and South East Scotland Strategic Development Plan Joint Committee: Constitution

### 1 Strategic Development Planning Authority Duties, Objectives and Powers

1.1 The following planning authorities comprise the Strategic Development Planning Authority (“the Authority”) for the Edinburgh city region: the City of Edinburgh Council, East Lothian Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council. This group of authorities has a statutory duty under section 4 of the Planning etc. (Scotland) Act 2006 (“the Act”) to work together and prepare, and keep under review, a Strategic Development Plan (SDP) for the Edinburgh city region.

1.2 The Statutory duties of the Authority are to

- a) submit to Scottish Ministers, within a period of three months from designation as an SDPA, a plan showing the proposed boundary of the SDP area, with a justification statement as required by Section 5 of the Act;  
and,
- b) prepare, monitor and keep under review a Strategic Development Plan for the strategic development area.

1.3 Its other aims shall be to:

- c) agree programmes of joint working to deal with matters arising from the above;
- d) advise and make recommendations to the six Member Councils on conformity of local development plans with the Strategic Development Plan and on other issues arising from the statutory duties;
- e) liaise with and make representations to central Government, Scottish Enterprise and other bodies and agencies as necessary on matters of relevance to strategic planning in the SDP area;



- f) respond to and comment on development plans, planning applications and other development proposals submitted to the Joint Committee for comment by adjoining non-Member Councils;
- g) receive reports from the Member Councils on development management matters that raise significant issues for the spatial strategy of the SDP, or would have significant cross-boundary impacts; and
- h) take such other action as may be necessary from time to time to sustain the policies contained in the SDP.

1.4 The Authority is empowered to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of these aims and objectives. Unlike Regional Transport Partnerships, primary and secondary legislation confers no independent powers to SDPAs. Specifically, the SDPA has no legal power to borrow money, give grants, employ staff, acquire land or enter into contracts. Where these are necessary, a constituent council will perform these functions on behalf of the SDPA.

## **2 The Joint Committee**

2.1 The duties of the Authority will be carried out by a joint committee of members representing the constituent authorities. This will be called the Edinburgh and South East Scotland Strategic Development Plan Joint Committee (“the Joint Committee”). The following provisions set out a constitution for the Joint Committee.

## **3 Joint Committee Constitution**

3.1 The Joint Committee shall have twelve members, to be appointed from the members of the six Member Councils. Each Member Council shall appoint two members to the Joint Committee.

3.2 The “constituent authorities” means the City of Edinburgh Council, East Lothian Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council.

## **4 Appointment of Members by Member Councils**

4.1 Each of the Member Councils shall appoint members to the Joint Committee and such members shall stay in office until re-appointed or replaced by the Member Councils. Each of the Member Councils, following an Ordinary Election, shall as soon as practicable appoint or re-appoint members.

- 4.2 A local authority member shall cease to be a member of the Joint Committee when he or she ceases to be a member of the constituent council which appointed him/her or on the appointment of another member in his/her place.
- 4.3 The Joint Committee shall have the ability to co-opt additional non-voting members to represent other interests or provide specialist expertise, for example a representative from the regional transport partnership.

## **5 Appointment of Convener and Vice-Convener**

- 5.1 The Joint Committee shall be convened and chaired by one authority, which said role will commence on January 1 of the relevant year. The role will rotate every two years. The sequence of rotation of this role will be alphabetical by Council, unless otherwise determined by the Joint Committee.
- 5.2 The Joint Committee shall, at its final meeting in the second year of the Convenor's term of office appoint a Convener from the Committee members representing the authority which will next convene and chair the Joint Committee, to hold office for two years.. The Joint Committee shall appoint a Vice-Convener from the Committee members representing the authority to next take on the role of convening and chairing the Joint Committee, to hold office for two years.
- 5.3 The Convener, (or in his/her absence, the Vice-Convener) shall preside at any meeting. In the absence of (both) the Convener and the Vice-Convener, the members shall appoint another member to chair the meeting.
- 5.4 The administration of the Joint Committee will be the responsibility of the authority convening and chairing the Joint Committee.

## **6 Substitution**

- 6.1 Any member of the Joint Committee may be represented by another member of the same authority.
- 6.2 A person appointed as a substitute shall have the same powers at the meeting as the member whom he or she is representing.

## **7 Vacancies**

- 7.1 Where a casual vacancy occurs the Member Council shall appoint a new member.

- 7.2 Where a vacancy occurs in the case of the Convener, the Vice-Convener shall assume the office of Convener until the anticipated expiry of the outgoing Convener's term of office.
- 7.3 Where a vacancy occurs in the case of the Vice-Convener, the Joint Committee shall appoint a replacement until the anticipated expiry of the outgoing Vice-Convener's term of office.
- 7.4 The proceedings of the Joint Committee shall not be invalidated by any vacancy or vacancies amongst members or any defects in the method of appointment of any of its members.

## **8 Quorum**

- 8.1 The quorum of the Joint Committee shall be four, provided that not less than three Member Councils are represented.

## **9 Meetings**

- 9.1 The Joint Committee shall meet not less than 2 times per year.
- 9.2 The Convener, in consultation with senior officers of the Member Councils shall fix the date, time and place of meetings, subject to any previous agreement by the Joint Committee.
- 9.3 A member council can request a special meeting in exceptional circumstances where a matter requires to be considered by the Joint Committee sooner than the schedule permits.
- 9.4 Meetings shall be held in public and the Local Government (Access to Information) Act 1985 shall apply.
- 9.5 All matters coming before the Joint Committee shall be decided by the majority of members present and voting thereon. In the case of equality of votes, the person presiding at the meeting will have a second or casting vote, except in the case of appointment of members, in which case the decision shall be by lot.
- 9.6 The Joint Committee, on simple majority, shall have the power to make representation on strategic planning matters and related issues to Member Councils or, where appropriate, the Scottish Government and other organisations. Documents can be published, and evidence given, in the name of the Joint Committee with the agreement of all Member Council. Individual councils have the right to separately put forward contrary views.

- 9.7 The Joint Committee shall have the power to adopt standing orders regulating its business.
- 9.8 Senior officers of each authority will have the right to submit individual reports and recommendations to the Joint Committee.

## **10 Professional Support**

- 10.1 Professional support for the work of the Joint Committee shall be provided by a Strategic Development Plan Manager and a small dedicated team of officers. The SDP Manager will be managed by a project board comprising senior officers from each of the Member councils. Its duties shall include agreeing reports to be presented to the Joint Committee.
- 10.2 From time to time, planning officers and technicians in the Member Councils may be required to provide professional and technical support to the work of the small dedicated team.
- 10.3 The Member Councils shall use their reasonable endeavours to meet any request from the Joint Committee or the SDP Manager for the secondment of appropriate/relevant staff to help prepare, monitor and review the SDP. Any such secondment will be on terms as may be agreed between the Member Council and the Joint Committee.

## **11 Financial Arrangements**

- 11.1 The Joint Committee shall have no dedicated budget of its own. Financial support will be provided by the Member Councils on the basis of an equal, one-sixth share of all costs incurred in relation to the Joint Committee and its operations.
- 11.2 The level of financial devolution will be kept under review by the Joint Committee and can be amended with the agreement of all Member Councils.
- 11.3 For employment law purposes and to aid financial accountability, one SDPA Member Council will act as the employing authority, to be agreed by the Member Councils. The Member Councils will pay to that council one-sixth of the total costs reasonably incurred by it in connection with employing the dedicated team.
- 11.4 Financial contributions from the constituent authorities to the work of the Joint Committee generally, not including dedicated team staff costs, will be channelled through one council, to be agreed by the Member Councils.

## **12 Scheme of Delegation**

- 12.1 The Joint Committee will agree a Scheme of Delegation with the Member Councils. This will define the nature and amount of authority delegated from those councils to the Joint Committee, and from the Joint Committee to officers.
- 12.2 All major decisions, for example about the content of the Strategic Development Plan, but with the exception of submission of the Proposed Plan to Scottish Ministers when no Modifications are proposed, will require to be ratified by each of the six constituent member authorities. The level of delegated authority to the Joint Committee from Member Councils, and from the Joint Committee to officers, shall be governed by a separate Scheme of Delegation to be agreed by the councils.
- 12.3 The Scheme of Delegation will be kept under review by the Joint Committee and can only be amended with the agreement of all the Member Councils.

## **13 Commencement and Variation**

- 13.1 This constitution shall be deemed to have commenced on xxxx (*date to be added on date of execution*) and may be varied only by the agreement of all the Member Councils.

## **14 Consulting on Planning Proposals**

- 14.1 The Joint Committee shall have an advisory role in relation to planning proposals referred to it by Member Councils.

## **15 Annual Report**

- 15.1 The Joint Committee will prepare an annual report on its work to each of the Member Councils on or around 31 August each year.

**APPENDIX 3 – SESplan Scheme of Delegation including amendments 14 December 2015**

# SESplan

The Strategic Development Planning Authority  
for Edinburgh and South East Scotland

## 1.0 SCHEME OF DELEGATION

Powers delegated in this scheme must be carried out within the financial parameters set out by the separate minute of agreement on finance.

### 1.1 Commencement of the Scheme

The scheme shall commence and have effect as from xxxx (*date of execution to be added*).

### 1.2 The Interpretation of the Scheme

In the scheme the following words shall have the meanings assigned to them, that is to say:-

Member Councils are the City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian Councils;

2006 Act means the Planning etc. (Scotland) Act 2006;

“SESplan” means the Strategic Development Planning Authority for Edinburgh and South East Scotland;

“Officer” means an official carrying out a function of SESplan, whether the project board or its appointees, directly employed, seconded or otherwise.

### 1.3 Alteration of Scheme

This scheme of delegation will be kept under review and can be amended with the agreement of all Member Councils.

## 2.0 DELEGATION FROM MEMBER COUNCILS TO SESPLAN

2.1 Member Councils delegate to the joint committee (“SESplan”) the power to discharge the following functions conferred by the 2006 Act on the Member Councils as joint SDPA authorities.

2.2 This delegation does not prevent any or all the member councils from discharging those statutory functions.

2.3 Delegation covers:

- a) Approving responses to relevant consultations from other bodies;
- b) Managing work on SDP preparation, monitoring and review;
- c) Initiating public consultation and stakeholder engagement;
- d) Setting a programme for relevant studies to assist in the preparation of the SDP;
- e) Recruiting and managing staff in the SDP project team;
- f) Arrangements for team premises;
- g) Authorising spending within the financial parameters set out by the separate agreement on finance;
- h) Advising on planning proposals referred to the Joint Committee by member councils;
- i) Advising and making recommendations to the Member Councils on conformity of local development plans with the strategic development plan;
- j) Approving background documents to the Strategic Development Plan including background technical papers, Equalities Impact Assessment, Schedule of Responses to the Main Issues Report, Monitoring Statement and the Development Plan Scheme;
- k) Approving draft statutory Supplementary Guidance prepared in accord with the SDP for consultation; and
- l) Adopting and updating the Action Programme.

2.4 Reports will be submitted to individual Member Councils, for information only, on substantive decisions taken and action authorised under delegated authority.



2.5 At the stage of submitting the Proposed Plan to Scottish Ministers the Joint Committee can decide, following consideration of representations received during the statutory period for representations, to submit the Proposed Plan without making any modifications. In addition to those functions listed at 2.3 above, where, and only where, the Joint Committee decide to make no changes, then the Joint Committee is authorised under delegated authority to submit the Proposed Plan and Summary of Unresolved Issues directly to Scottish Ministers without requiring the decision to be ratified by the Member Councils.

2.6 Other than those matters detailed in 2.3 and 2.5 above, and that matter detailed in 2.6A below, all other major decisions on SDP content will require to be ratified by all six Member Councils.

2.6A When the proposed plan is to be submitted to Scottish Ministers, the 2006 Act allows one or more Member Council to set out alternative proposals, along with their reasons for those alternatives. Therefore when the proposed plan is being submitted to Ministers (otherwise than in accordance with paragraph 2.5 above) ratification by at least four out of the six Member Councils will be required to allow the proposed plan to be submitted to Ministers

## 2.7 **Urgent Matters**

Where urgent decisions are required to be taken and do not fall within the scope of delegation to SESplan, Member Councils will convene special committee meetings, if necessary, to ensure that decisions can be made timeously and to prevent delay to the preparation of the SDP.

## 2.8 **Disputes**

If SESplan fails to reach consensus on matters delegated to it, then the matter will be referred to individual Member Councils. This provision does not apply in the circumstances of para 2.5 above.

## 3.0 **DELEGATION FROM SESplan TO OFFICERS**

3.1 SESplan delegates to officers:

- a) Recruitment of the Strategic Development Plan manager and project team, so long as such posts are within the approved structure and budget
- b) Day to day management of staff in the SDP project team

- c) Liaison with and representation of SESplan to central government and other bodies as necessary on matters relating to the SDP area
- d) Implementation of financial resources as authorised by SESplan
- e) Preparation of SDP up to drafting main stage outputs:
  - i. Preparation of main issues report and supporting documents – subject to approval by SESplan, and ratification by all Member Councils.
  - ii. Preparation of proposed plan – subject to approval by SESplan, and ratification by Member Councils
  - iii. Modification of proposed plan – subject to approval by SESplan and ratification by all Member Councils
- f) Initiation and management of consultation exercises subject to agreement of SESplan
- g) Responding to relevant consultations from other bodies
- h) Commissioning studies to assist in the preparation of the SDP

3.2 The provisions of the scheme of delegation to officers are intended to assist in the efficient and effective management of SESplan's activities. Officers must pay due regard to the need for appropriate periodic reporting of delegated decisions to SESplan.

### 3.3 **Urgent Matters**

Where urgent decisions are required to be taken to allow work on the SDP to progress and they do not fall within the scope of delegation to officers, SESplan will, if necessary, convene a special committee meeting.

**APPENDIX 4 –SESplan Financial Rules including amendments 14 December 2015**



The Strategic Development Planning Authority  
for Edinburgh and South East Scotland

## **SESplan FINANCIAL RULES**

### **General**

These rules apply to the operation of SESplan's finances. SESplan is the strategic planning authority for Edinburgh and South East Scotland. Its membership comprises East Lothian Council, City of Edinburgh Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council ("the member councils").

All transactions will be conducted in accordance with Fife Council's regulations, schemes and procedures.

### **Partner Liability**

Fife Council, as Lead Authority, will adopt the role of "Partnership Banker" and will pay all legitimate approved expenditure including staffing & premises costs and hold all partnership balances which will be carried forward to the next financial year, unless agreed otherwise by the Joint Committee.

Fife Council will ensure that any monies that it receives on behalf of SESplan under its role as 'Partnership Banker' are clearly identified within its accounts and recorded separately from the rest of the Council's finances. Interest charged/accrued on any credit or debit on the SESplan budget will be retained within the identified SESplan accounts.

All partner authorities are liable equally for all legitimate approved expenditure and any other liabilities incurred. All partner authorities also have equal ownership over any SESplan assets.

Fife Council will invoice the other Partner Authorities at the beginning of each financial year to obtain their total annual contribution to the agreed SESplan budget.

This invoice will include VAT at the appropriate rate.

In the event that another partner authority incurs legitimate approved expenditure directly then they must invoice Fife Council, with VAT, to recover this. This expenditure will then be included in SESplan's costs.

### **Budget Setting**

Operating Budgets for the next financial year should be proposed by the Strategic Development Plan (SDP) Manager, approved by the SESplan Joint Committee and ratified by the member councils by the end of December.

### **Authorising Expenditure**

All expenditure relating to the SESplan budget is the responsibility of the Strategic Development Plan Manager and must be within budgets agreed by the Project Board.

No official may incur any expenditure beyond the agreed SESplan budget unless it has firstly been approved by the Project Board, in accordance with the SESplan Scheme of Delegation.

### **Suppliers' Invoices**

The Strategic Development Plan Manager will be responsible for ensuring that invoices are properly certified for payment and for approving other officers who may authorise invoices and the limits of their authority.

All Invoices must be made out to Fife Council, to ensure payment. Any Invoices that are made out to the partnership directly or any other authority cannot be paid by Fife Council.

### **External Funding**

Any external funding received in connection to the project from Central Government, Local Government and any other sources will be held by Fife Council.

### **Salaries and Wages**

Appointments of all employees shall be made in accordance with the procedures approved by Joint Committee through the SESplan scheme of delegation and accord with the approved establishment, grade and rates of pay.

The processing and payment of salaries and wages shall be done through Fife Council's bureau payroll system.

Legitimate travel, hospitality and other expenses incurred in the course of duty, shall be reimbursed through Fife Council's bureau payroll system.

### **Audit**

Expenditure & income will be recorded within Fife Council's financial ledger and will be audited by an independent auditor under Part VII of the Local Government (Scotland) Act 1973. Fife Council's internal audit service will act as SESplan's internal auditors.

### **Reporting Requirements**

Every SESplan Joint Committee report is required to include the financial consequences of proposals for the current and future years to be stated.

The Treasurer, who will be an identified employee of Fife Council, in conjunction with the Strategic Development Plan Manager, is required to submit detailed monitoring reports to the SESplan Joint Committee **twice a year, with one occasion being at the end of each financial year**. These reports will compare actual expenditure to date and projected/final outturn expenditure with the budget position.

### **Further Information**

For further information regarding these Financial Rules, please contact Lesley Burnie (Finance), Fife Council, Fife House, North Street, Glenrothes, KY7 5LT. Telephone - 03451 555 555 extension 444128. Email - [lesley.burnie@fife.gov.uk](mailto:lesley.burnie@fife.gov.uk).

**APPENDIX 5 – SESplan Standing orders 14 December 2015**

**STANDING ORDERS**

**of**

**THE EDINBURGH AND SOUTH EAST SCOTLAND  
STRATEGIC DEVELOPMENT PLANNING AUTHORITY  
JOINT COMMITTEE**



These Standing Orders shall apply and have effect on and from the day they are adopted by the Joint Committee with such amendments as may be made by the Joint Committee from time to time. These Standing Orders shall also apply, so far as relevant, to Sub-Committees.

## **PART I**

### **MEETINGS AND PROCEEDINGS OF THE JOINT COMMITTEE**

#### **Days and Times of the Meetings**

1. (1) The ordinary meetings of the Joint Committee shall be held in accordance with the timetable to be determined by the Joint Committee.
- (2) All other meetings of the Joint Committee shall be held at such place and on such date and at such hour as the Joint Committee may, from time to time, direct.
2. The Convener, or, in his or her absence, the Vice-Convener, may in special circumstances (of which the Convener or the Vice-Convener, as the case may be, shall be the sole judge) alter the date of any ordinary meeting of the Joint Committee.

#### **Special Meetings**

3. The Clerk shall call a meeting of the Joint Committee at any time on being required to do so by the Convener or, in his or her absence, the Vice-Convener, or on receiving a requisition in writing for that purpose signed by at least three members of the Joint Committee specifying the business proposed to be transacted at the meeting, which meeting shall be held within fourteen days of receipt of the requisition.

#### **Calling of Meetings**

4. (1) Notice of all meetings of the Joint Committee shall be given by the Clerk and the notice shall specify the business proposed to be transacted at the meeting and the order in which such business is to be brought before the meeting.
- (2) Not less than three clear days before a meeting of the Joint Committee a summons to attend the meeting, specifying the business to be transacted thereat and signed by the Clerk shall be left at or sent by post either to the usual place of residence of every member of the Joint Committee or Sub-Committee thereof or (if a member gives notice in writing to the Clerk that he or she desires summonses to be sent to

some address specified in the notice other than his place of residence) to that other address.

- (3) Want of service of a summons on any member of the Joint Committee shall not affect the validity of a meeting of the Joint Committee.

### **Quorum**

5. No business shall be transacted at a meeting of the Joint Committee unless four members representing no less than three of the four constituent Councils are present.

### **Order of Business**

6. The business of the Joint Committee at an ordinary meeting shall (unless otherwise directed by the Convener who may, at his/her discretion, alter the order of business at any stage) proceed in the following order:-
  - (a) Minutes of the Joint Committee and Committees and Sub-Committees thereof.
  - (b) Ordinary business including business on agenda at the request of members.
  - (c) Matters of urgency of which no previous notice has been given, provided that consideration of any such matters shall be subject to the provisions of Standing Order 7.

### **Matter of Urgency**

7. An item of business shall not be considered at a meeting of the Joint Committee unless either:-
  - (a) a copy of the agenda including the item (or a copy of the item subject to exclusion as provided for in terms of Section 50B(2) of the Local Government (Scotland) Act 1973) is open to inspection by members of the public at the offices of the Constituent Authorities for at least three days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
  - (b) by reason of special circumstances, which shall be specified in the minutes, the Convener of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

### **Convener / Vice Convener**

9. A Convener and a Vice-Convener shall be appointed by the members of the Joint Committee at its first meeting. The Convener and Vice-Convener shall not both be persons appointed by the same Council. The Convener, if present, shall preside at meetings of the Joint Committee and in his or her absence the Vice-Convener shall preside. If both are absent another member of the Joint Committee, chosen by the members present, shall preside.

### **Powers and Duties of Convener**

10. It shall be the duty of the Convener:-
- (a) to preserve order, and to ensure that every member of the Joint Committee shall have a fair hearing;
  - (b) to decide all matters of order, competency and relevancy;
  - (c) to decide between two or more members of the Joint Committee wishing to speak by calling on the member who has first caught his or her eye; and
  - (d) to ensure that due and sufficient opportunity is given to members of the Joint Committee who wish to speak to express their views on the subject under discussion.
11. The decision of the Convener on all matters within his or her competency shall be final, and shall not be open to question or discussion.
12. Deference shall at all times be paid to the authority of the Convener. When he or she rises to speak he or she shall be heard without interruption.

### **Membership**

13. (1) With regard to the allocation of places on the Joint Committee, should it be necessary or expedient for any of the constituent authorities to change their nominated representatives at any time, other than at the meeting of the Joint Committee immediately following an election, it shall be competent for such changes to be intimated to the Joint Committee and the change shall have effect from the next meeting of the Joint Committee.

- (2) Notwithstanding the provisions of any Standing Order, it shall be competent for substitutions to be intimated and effected for individual meetings of the Joint Committee.

### **Suspension of Members**

14. If any member of the Joint Committee disregards the authority of the Convener, or obstructs the meeting, or conducts himself or herself offensively at the meeting, such member may be suspended for the remainder of the sitting. A motion to suspend a member shall be made and seconded without discussion and forthwith put to the meeting. Any member of the Joint Committee so suspended shall forthwith leave the meeting and shall not without the consent of the meeting again enter the meeting, and if any member so suspended refuses to leave the meeting when so required by the Convener he or she may immediately by order of the Convener be removed from the meeting by a Joint Committee officer or by any other person authorised by the Convener to remove him/her.

### **Adjournment**

15. (1) In the event of disorder arising at any meeting of the Joint Committee, the person in the chair may adjourn the meeting to a date he or she may fix or which the Convener of the Joint Committee may afterwards fix, and the quitting of the chair by the Convener shall be the signal that the meeting is adjourned.
- (2) The Joint Committee may, at any of their meetings, adjourn the same to such date as they may then fix, failing which as the Convener of the Joint Committee or, in his or her absence, the Vice-Convener, may thereafter fix.
- (3) A motion for the adjournment of the meeting may be made at any time (not being in the course of a speech) and shall have precedence over all other motions. It shall be moved and seconded without discussion, and shall forthwith be put to the meeting.

### **Reception of Deputations**

16. (1) All applications requesting the Joint Committee to receive a deputation shall be in writing, duly signed, addressed and, where possible, delivered to the Clerk at least five clear working days prior to the date of the meeting at which the subject may be considered. Any later requests for deputations to be received shall be reported to the meeting and shall be dealt with in accordance with the provisions of the remainder of this Standing Order.

- (2) An application requesting the Joint Committee to receive a deputation shall in the first instance be submitted to the Joint Committee and the deputation shall, if so resolved, be received and heard by the Joint Committee.
- (3) No deputation exceeding ten in number shall be received by the Joint Committee.
- (4) Not more than two speakers on any deputation shall be heard, and the time allowed to the deputation for speaking shall not exceed seven minutes except at the discretion of the Convener.
- (5) Any member of the Joint Committee may put any relevant question to the deputation, but no member shall express an opinion upon, nor shall the Joint Committee discuss, the subject on which the deputation has been heard, until the deputation has withdrawn.

#### **Order of Debate**

17. (1) Any member of the Joint Committee desiring to speak at any meeting of the Joint Committee shall indicate accordingly and when called upon shall address the Convener, and direct his/her speech:-
  - (a) to the matter before the meeting by proposing, seconding, or supporting a motion or any amendment relative thereto;
  - (b) to a point of order; or
  - (c) to asking a question.
- (2) A member shall not speak supporting a motion or any amendment until the same shall have been seconded.
- (3) Subject to the right of the mover of a motion to reply, a member shall not speak more than once on the same issue at any meeting of the Joint Committee, except on a point of order, or with the permission of the Convener, in explanation or to clear up a misunderstanding in regard to some material part of his/her speech, in which case he/she shall introduce no new matter.
- (4) The mover of an original motion shall have a right of reply, but he/she shall introduce

no new matter, and, after he/she has commenced his/her reply, no other member shall speak on the issue except as provided in the immediately preceding paragraph of this Standing Order.

### **Motions and Amendments**

18. (1) The import of all motions and amendments shall be stated immediately on their being proposed to the meeting by the mover before being spoken to.
- (2) All amendments must be relative to the motion and after the first amendment has been voted upon, all subsequent amendments must be substantially different from the first amendment.
- (3) In any case where a motion or an amendment has been duly seconded neither the motion nor the amendment, as the case may be, shall be altered in substance or withdrawn without the consent of a majority of the members present.
- (4) Whenever an amendment upon an original motion has been moved and seconded, no further amendment shall be moved until the result of the first amendment has been determined. If an amendment be rejected, further amendments to the original motion may be moved. If any amendment be carried, such amendment shall take the place of the original motion and shall become the motion upon which any further amendments may be moved.

### **Closure of Debate**

19. A motion that the debate be adjourned, or that the question be now put, may be made at any stage of the debate, (not being in the course of a speech), and such motion, if seconded, shall be the subject of a vote without further debate.

### **Method of Voting**

20. (1) The vote of the Joint Committee shall be taken by calling the roll of those present, beginning with the Convener, and the voting shall be recorded in the minutes.
- (2) After the Convener or the Clerk has announced the issue on which the vote is to be taken, no member shall interrupt the proceedings in any way whatsoever (except that, in the case where his or her name has not been called, a member may direct attention to the fact and request that his or her name be called) until the result of the division has been intimated.

- (3) A member who is absent from the meeting when his or her name is called in a division shall be entitled to record his or her vote if he or she enters the meeting before the result of the division has been intimated, provided the attention of the Clerk is directed to the return of such member before the result of the division has been intimated.

### **Casting Vote**

21. Subject to the provisions of any enactment and of any Statutory Order or Instrument the person presiding at a meeting of the Joint Committee shall in the case of an equality of votes have a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a member of the Joint Committee to any particular office or Committee, in which case the decision shall be by lot.

### **Points of Order**

22. (1) Any member of the Joint Committee may, at any meeting of the Joint Committee, speak upon a point of order if he or she does so as soon as it arises, and if he or she states that they are making a point of order and forthwith states the point of order to which they rise.
- (2) The member who is then addressing the Joint Committee shall cease speaking, and the member who makes the point of order shall, when he/she has concluded, also cease speaking. No other member shall be entitled to speak to the point of order raised except by permission of the Convener.
- (3) The Convener shall thereupon decide the question, and, thereafter, the member who was addressing the Joint Committee at the time the point of order was raised shall be entitled (if the ruling permits him or her so to do) to continue to speak, giving effect to the ruling of the Convener.

### **Inclusion of Business on Joint Committee Agenda at the Request of Members**

23. Subject to the provisions of the Local Government (Scotland) Act 1973 any Member of the Joint Committee who wishes brought before the Joint Committee any matter which can be competently considered thereby, shall submit to the Clerk a detailed written statement and notice of the matter not later than five clear working days before the issue of the agenda and papers to Members in order that the Clerk in terms of sections 50B, 50C and 50F of the 1973 Act may determine whether exempt information as included in Schedule 7A to the

said Act is likely to be disclosed. A member whose item is included on an agenda in terms of this Standing Order shall, when that item is rendered, be called upon to speak first.

#### **Alteration or Revocation of Previous Resolution**

24. (1) Subject to the provisions of paragraph (2) of this Standing Order, no resolution of the Joint Committee shall be altered or revoked except by a subsequent resolution made by the Joint Committee and arising from a recommendation, involving alteration or revocation, approved by a majority of the members present at a meeting of the Joint Committee. Provided that no resolution shall be altered or revoked within six months of its adoption.
- (2) The alteration or revocation of any resolution of the Joint Committee shall not affect or prejudice any proceedings, action, or liability competently done or undertaken under any such resolution prior to its alteration or revocation.

#### **Admission of Press and Public**

25. (1) Subject to paragraphs (2) and (3) of this Standing Order, every meeting of the Joint Committee shall be open to the public and press.
- (2) The public and press shall be excluded from any meeting of the Joint Committee during consideration of an item of business whenever it is likely, in view of the nature of the business, that, if they were present, information would be disclosed which was confidential in terms of Part IIIA of the 1973 Act.
- (3) The Joint Committee may, by resolution, exclude the public and press from any meeting of the Joint Committee during consideration of an item of business whenever it is likely, in view of the nature of the business, that, if they were present, information would be disclosed which falls within one or more of the categories of exempt information in terms of Part IIIA of the 1973 Act.
- (4) A resolution under paragraph 3 of this Standing Order shall:-
- (a) identify the proceedings or the part of the proceedings to which it applies; and
  - (b) state, in terms of the Act the category or categories of exempt information concerned.



### **Suspension of Standing Orders**

26. It shall be competent, subject to the provisions of Standing Order 32(2), for a member of the Joint Committee at any time to move the suspension of any Standing Order as far as applicable which motion shall without any discussion be moved and seconded and be put to the meeting, and the motion shall be held to be carried if supported by a simple majority of those present and voting.

### **The Ethical Standards in Public Life Etc. (Scotland) Act 2000**

27. All members of the Joint Committee shall be guided by the provisions of the Code of Conduct for Councillors.

## **PART II**

### **CONSTITUTION, MEETINGS AND PROCEEDINGS OF SUB-COMMITTEES**

These Standing Orders shall also apply, so far as relevant, to Sub-Committees.

#### **Appointment of Sub-Committees**

28. The Joint Committee may, as they shall deem necessary from time to time, appoint Sub-Committees for the fulfilment of any of the functions of the Joint Committee.
29. The Constitution of Standing Sub-Committees shall, so far as is practicable, reflect the geographical balance of the Joint Committee's membership.

#### **Membership of Sub-Committees**

#### **Delegation to Sub-Committees**

30. Subject to the provisions of the constitution, any enactment and of any Statutory Order, Instrument, or Scheme, the Joint Committee may at any time delegate any function to a Sub-Committee or a Principal Officer of the Joint Committee.

#### **Quorum of Sub-Committees**

31. Unless otherwise stipulated by the Joint Committee the quorum of all Sub-Committees shall be four.

## **PART III**

### **REVISION OF STANDING ORDERS**

- (1) Subject to the terms of any enactment and of any Standing Order, Instrument or Scheme, the foregoing Standing Orders may be altered or revoked at any ordinary meeting of the Joint Committee, if at least seven days prior notice of the motion is given to the Clerk and the motion for alteration or revocation is supported by a majority of the Joint Committee present and voting.
  
- (2) The preceding paragraph of this Standing Order shall not apply to these Standing Orders or portions thereof which incorporate the provisions of Statutes or of Statutory Orders or Instruments which cannot be altered or revoked by the Joint Committee.

**REPORT TO:** East Lothian Council

**MEETING DATE:** 23 February 2016

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** Housing Land Supply: Interim Planning Guidance

**6**

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## **1 PURPOSE**

- 1.1 To provide advice to the Council on how the Housing Land Supply: Interim Planning Guidance should be used in view of approval of the Council's Draft Local Development Plan (as amended) on 17 November 2015.
- 1.2 To notify Council of the effective housing land supply position in East Lothian based on the 2015 Housing Land Audit, including planning permissions approved for residential development since 31 of March 2015.
- 1.3 In view of the continued shortfall of effective housing land in East Lothian, to approve this updated Housing Land Supply: Interim Planning Guidance as containing material considerations to be taken into account when determining planning applications for housing development on land not allocated for that purpose by the East Lothian Local Plan 2008.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that:
  - (i) Council agrees to use the approved Draft Proposed Local Development Plan (as amended) as a material consideration that gives additional weight in favour of 'the general principle' of housing development on sites included within the Draft Proposed Local Development Plan (as amended) as it determines planning applications under the Housing Land Supply: Interim Planning Guidance. The approved Draft Proposed Local Development Plan (as amended) should be taken into account on a case-by-case basis with other material considerations as appropriate.
  - (ii) Council agrees to the further strengthening of the principle established in 2.1(i) as the Draft Proposed Local Development Plan (as amended) advances through its stages to adoption, using it as a significant material consideration in favour of proposals for housing development on sites that it proposes to allocate for housing development. This

would be on the basis that it provides sufficient effective housing land, and provided no representations would affect an issue relevant to the determination of an application. This should be reflected at key stages including the approved Proposed Local Development Plan and the Proposed Local Development Plan (as modified) post examination.

- (iii) Council agrees to use the advice set out in this report and the factors set out in the Housing Land Supply: Interim Planning Guidance at Appendix One as material considerations in the assessment of planning applications for housing against SDP Policy 7 where such proposals are made for land not allocated for this purpose by the East Lothian Local Plan 2008.

### **3 BACKGROUND**

#### *Housing Land Supply Issues*

- 3.1 Scottish Planning Policy (SPP) requires a generous supply of land for house building to be maintained at all times so there is enough effective housing land for at least five years. Recent planning appeal decisions, together with the modifications made by Scottish Ministers in their approval of SESplan's Strategic Development Plan, indicate a requirement to increase the amount of effective housing land within East Lothian. In recognition of this, since 2013 the Council has been using Housing Land Supply: Interim Planning Guidance to support appropriate proposals for housing development on land not allocated for that purpose by the East Lothian Local Plan 2008.
- 3.2 However, despite housing developments allowed on appeal, and that the Council has had in place Housing Land Supply: Interim Planning Guidance since December 2013, and that it has approved planning permissions for housing development on sites not allocated for that purpose by the adopted East Lothian Local Plan 2008, there continues to be a shortfall of effective housing land in the area. The basis for this conclusion is set out at Appendix Two of this report. Whilst there is currently no nationally prescribed method for how the adequacy of the five year effective housing land supply is to be calculated, the methodology used here is based on established practice, as applied in recent planning appeal decisions in East Lothian. The steps of this calculation are also explained fully in Advice Box 1 of the Council's approved Draft Proposed Local Development Plan (as amended).
- 3.3 The adopted East Lothian Local Plan 2008 does not provide an adequate supply of effective housing land for the next five years, even though a significant part of the shortfall that has arisen is as a consequence of wider economic and housing market conditions. It is also likely that, if the Council were to wait until adoption of the emerging East Lothian Local Development Plan, it will be early to mid-2017 before any house completions can be anticipated from those sites. Consequently, only a very limited contribution of house completions from emerging Local Development Plan allocations could realistically be delivered in the short term with that approach.

- 3.4 For this reason, when the Council approved its Draft Proposed Local Development Plan on 17 of November 2015, it invited land owners and developers in control of sites that it wants to allocate for housing development to engage collaboratively with officers to seek to address cumulative impact issues and constraints, and to identify appropriate mitigation solutions. Such engagement was invited in relation to all sites promoted by the draft plan.
- 3.5 The intention of this engagement is to ensure that appropriate solutions can be found to enable housing delivery on sites promoted by the Council to occur as early as possible following adoption of the Local Development Plan and thereby make an earlier contribution to the five year supply of effective housing land. The resources respective parties choose to invest in such collaborative working is clearly at their own risk, since confirmation of approach will only be certain following adoption of the plan. However, the Council has made clear that it is willing to commit officer time to this engagement in the interests of delivering the additional homes required by the SDP in the locations that it has decided are the most appropriate for residential development.
- 3.6 Importantly, in circumstances where the adopted plan is out of date or where there is a shortfall in the five-year supply of effective housing land, Scottish Planning Policy is clear that the adopted plan policies on the supply of housing land will not be considered up to date. On both counts this is relevant to the East Lothian Local Plan 2008, which remains the adopted local plan for the area. Although SPP reaffirms the primacy of the adopted East Lothian Local Plan 2008 in decision making, in circumstances where development plan policies are not considered up to date it further advises that a significant material consideration in the assessment of planning applications should be the policy principles of SPP, including *'the presumption in favour of development that contributes to sustainable development'*.
- 3.7 SPP is clear that the aim of *'the presumption'* is to achieve the right development in the right place; it is not to allow development at any cost. However, SPP only contains high level policy principles. It does not provide a vision or a spatial strategy for the future planning of a local area. Whilst compliance with SPP does not mean planning permission must be approved, speculative housing proposals may be able to meet these high level policy principles of SPP. In these situations, less weight may be given to policies or proposals of the adopted East Lothian Local Plan 2008 that specify where the Council does not want housing development to occur than may be given to a planning application's compliance with the high level policy principles of SPP.
- 3.8 As such, in the absence of up-to-date local plan policies on the supply of housing land, the Council should continue to manage proposals for housing development on land not allocated for that purpose by the current East Lothian Local Plan 2008 by using the factors set out in Housing Land Supply: Interim Planning Guidance as material considerations. In addition to all the relevant policies of the statutory development plan, decisions must also have regard to all relevant material considerations, and apply an appropriate

degree of weight to them and the statutory plan. Important material considerations include SPP and the emerging LDP.

### **SESplan Strategic Development Plan**

- 3.9 Scottish Ministers approved the SESplan's Strategic Development Plan on 27 June 2013 and its associated Supplementary Guidance on Housing Land on 18 June 2014. This has confirmed the distribution of housing requirements for the SESplan area and for East Lothian.
- 3.10 As such, SESplan Policies 1A and 1B, Policy 5, Policy 6 and Policy 7 provide the up-to-date strategic planning policy context on the supply of housing land. In accordance with SESplan's Supplementary Guidance on Housing Land, the emerging East Lothian Local Development Plan is to plan for the delivery of 10,050 homes in the period 2009–2024, with an interim requirement for 6,250 new homes up to 2019 (with balance of 3,800 in the period 2019–2024).
- 3.11 In the context of these SDPs requirements, and if there is a shortfall of effective housing land, SESplan Policy 7 gives councils discretion to approve planning permission, in appropriate circumstances, for housing development on greenfield land not allocated for that purpose. In adopting this approach, it should be emphasised that it does not mean any location or scale of greenfield housing land proposal is acceptable in principle.
- 3.12 While SESplan Policy 7 provides planning authorities with discretion to grant planning permission to maintain a five years' effective housing land supply this does not override other relevant statutory development plan policy, including those of the East Lothian Local Plan 2008. These policies are still to be taken into account, and weighed against other relevant material considerations. The housing land supply issue is, however, a significant material consideration to be taken in to account when determining such applications.
- 3.13 SESplan Policy 7 states:

#### ***“Maintaining a Five Year Housing land Supply***

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

- a) The development will be in keeping with the character of the settlement and local area:*
- b) The development will not undermine green belt objectives; and*
- c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.”*

- 3.14 As described above, the emerging East Lothian Local Development Plan is unlikely to be adopted before late 2016 / early 2017. Waiting to address the effective housing land supply issue until its adoption would mean (a) a further 12–15 month period during which the Council is at risk of planning by appeal (and potential awards of costs against it) and (b) a housing requirement that will increase to a level that is undeliverable during the Local Development Plan period, particularly in the short term (with increased likelihood of on-going plan failure when the new plan is operative).
- 3.15 Accordingly, the approach again recommended is that the Council embraces SESplan Policy 7 by supporting the principle of appropriate proposals for housing development on greenfield land in situations where, other than for the land's non-allocation for housing in the adopted East Lothian Local Plan 2008:
- (i) the proposed development would not otherwise be a significant departure from the provisions of the Development Plan (while ensuring consistency with SESplan's Policy 7 itself);
  - (ii) the land is or can be made effective and is demonstrably able to deliver early house completions to augment the 5-year effective land supply (and thus support for the principle of the proposal may be justified because it could increase the 5-year effective housing land supply, and the site could be substantially completed within this period);
  - (iii) the proposal, consequent on its scale or impact (on an individual or cumulative basis), would not prejudice existing Development Plan allocations (which the SDP requires to be carried forward and not undermined) or the strategy or proposals of the emerging LDP (taking in to account prematurity and prejudice considerations of SPP).
- 3.16 As such, to ensure that the Council supports only those proposals that are, in the first instance, consistent with these overarching principles, and to ensure it is consistent in its assessment of such proposals, its approach should be supported by further criteria against which the principle of such planning applications would be assessed. The Housing Land Supply: Interim Planning Guidance at Appendix One draws relevant factors together and translates them into material considerations that should be applied in the assessment of planning applications. The proposal to which support may be given at this stage should be assessed on a case by case basis against these factors.
- 3.17 The discretionary use of SDP Policy 7 to support planning applications for residential development on an unallocated, greenfield housing site should therefore depend on (a) the extent to which the proposal satisfies other relevant provisions of the statutory Development Plan, and (b) the extent to which it satisfies the Council's criteria for assessing housing applications on unallocated, greenfield land, including as the proposal's scale, and (c) any other relevant material considerations as appropriate.

- 3.18 The main issue currently facing East Lothian is in the delivery of housing in the short-term to 2019/2020. Slippage in the start date / programming of large scale housing allocations (such as Letham Mains and Blindwells) of the East Lothian Local Plan 2008 is pushing more anticipated completions into the period 2019–2024, at the expense of completions up to 2019/20. Appropriate additional smaller and deliverable sites that can start and complete quickly (and be substantially complete before 2019/20) without undermining the emerging East Lothian Local Development Plan are needed to make a positive contribution to support the housing land supply in this period. The Council has identified a number of such additional sites in its Draft Proposed LDP.

### **Using the Emerging LDP when determining planning applications**

- 3.19 In parallel with the Housing Land Supply: Interim Planning Guidance, the Council should increase the degree of support it gives to the strategy and sites of the emerging local development plan as it advances through the remaining stages towards its adoption. A significant consideration will be a need to avoid prejudicing the preparation, final content or ability to deliver the emerging East Lothian Local Development Plan.

#### *Draft Proposed Local Development Plan (as amended)*

- 3.20 The approval of the Council's Draft Proposed Local Development Plan (as amended) on 17 November 2015 was an important step forward, although this was a non-statutory stage in the plan-making process. Nonetheless, this decision provided the Council's 'settled view' on the strategy and sites it wants to promote as a sustainable development strategy for the area, to ensure the right development can occur in the right places to meet the SDP's requirements. In approving the draft plan, consultation responses to the Main Issues Report were also considered by the Council.
- 3.21 Given the shortfall of effective housing land in the area, and that the Council's 'settled view' has been reached, the draft plan should be taken into account by the Council as a material consideration when it determines planning applications for housing development on land not allocated for that purpose by the adopted East Lothian Local Plan 2008.
- 3.22 As such, in the assessment of planning applications it would be reasonable for the Council to use the approved Draft Proposed Local Development Plan (as amended) as a factor to give additional weight in favour of 'the general principle' of housing development on sites which are included within the draft plan.
- 3.23 This position could be further strengthened when the sites of the finalised Proposed Local Development Plan are included within a Housing Land Audit as '*sites with agreed residential development potential*'. This means that their anticipated contribution is taken into account in the overall effective land supply position.



- 3.24 However, the draft plan needs to be given an appropriate degree of weight when taking such decisions. At this stage it cannot be given as much or more weight than Scottish Planning Policy, or a Finalised Proposed Local Development Plan.
- 3.25 This is because the draft plan has not yet replaced the adopted East Lothian Local Plan 2008 as the statutory local development plan for the area. Before this can happen the draft plan needs to be finalised as a Proposed Local Development Plan. It needs to be published for a period of representation so interested parties have the opportunity to seek modifications to the plan. If there are unresolved representations, these will be examined by a reporter appointed by Scottish Ministers. The reporter will consider the merit of the representations and, following examination, make recommendations to the Council on whether the plan should be changed as a result of these. Any such recommendations will be largely binding on the Council, and may require that changes be made to the plan before it can be adopted by the Council as the up-to-date local development plan for the area.
- 3.26 For these reasons, and until technical work on the draft plan has been concluded such that it can be finalised as a Proposed Local Development Plan, the degree of weight that can be given to the draft plan when determining planning applications for housing development on land not allocated for that purpose by the adopted East Lothian Local Plan 2008 should be limited.
- 3.27 Nonetheless, the draft plan does provide the Council's 'settled view' on the sites that it considers have residential development potential and that it considers should be developed to meet the SDP's housing requirements. At this stage, this view is subject to the conclusion of further technical work, including the identification of acceptable means of funding and delivering suitable mitigation that will address the cumulative impact of development.
- 3.28 The draft plan should be taken into account on a case-by-case basis with other material considerations as appropriate when determining planning applications for housing on land not allocated for that purpose by the adopted East Lothian Local Plan 2008.

*Finalised Proposed Local Development Plan*

- 3.29 Following publication of the Main Issues Report, the next statutory stage in the process is approval of a finalised Proposed Local Development Plan for representation. Once the Council has approved a finalised Proposed Local Development Plan the content of the plan will be a material consideration in the determination of planning applications for housing development on land not allocated for that purpose by the adopted East Lothian Local Plan 2008.
- 3.30 Furthermore, following the period for representation, if no representations have been made to the finalised Proposed Local Development Plan that would affect consideration of an issue relevant to the determination of an

application, then the content of the Proposed Local Development Plan will be a significant material consideration in the determination of such applications.

- 3.31 Accordingly, on the basis that the finalised Proposed Local Development Plan provides sufficient effective housing land, and provided no representations would affect an issue relevant to the determination of an application, the finalised Proposed Local Development Plan would be a significant material consideration in favour of proposals for housing development on sites that it proposes to allocate for housing development.
- 3.32 However, where representations have been made that are relevant to an issue that could affect the determination of an application, the finalised Proposed Local Development Plan should carry less weight in the determination of such applications. Unresolved representations may result in changes to the plan. In these circumstances it would be unreasonable to place significant weight on disputed aspects of the plan when determining applications. Such considerations could apply to sites that the Council would wish to see developed for housing, and/or to policies that may support or seek to restrain housing development, etc.
- 3.33 The finalised Proposed Local Development Plan should be taken into account on a case-by-case basis with other material considerations as appropriate. At this stage it would be reasonable to consider whether there are acceptable means of funding and delivering the identified mitigation that will address the cumulative impact of development (see paragraphs 3.38–3.39 below).
- 3.34 Notwithstanding the considerations that may arise from representations made to the finalised proposed local development plan, at this stage the Council should, wherever it can but subject to the considerations set out in paragraphs 3.35–3.42 below, continue to take action in advance of adopting the plan by being prepared to approve planning permission for appropriate housing proposals.
- 3.35 This ongoing early action will be needed to ensure planning permission can be approved for appropriate housing sites within a timescale that could allow them to deliver enough homes in the periods envisaged by the SDP.

*Considerations related to prematurity and prejudice*

- 3.36 SPP states that where a plan is under review (as is the case here) decisions should not prejudice an emerging plan by predetermining the scale, location or phasing of development central to the emerging plan.
- 3.37 This is a consideration that is very likely to apply where the development is so substantial, or its cumulative effect (e.g. with other existing and / or emerging proposals) would be so significant, that to grant permission would undermine the plan making process. Such considerations related to prematurity and prejudice will become even more relevant closer to plan adoption, e.g. at Proposed Local Development Plan stage, etc.

- 3.38 It is important to note that these considerations are equally relevant to larger scale proposals that are supported by the emerging plan as well as those that are not – the outcome of any examination of the emerging plan is not yet known, and to approve planning permission for a large scale proposal (even if supported by the Council at this stage) may prejudice the ability of an examination to recommend that it be replaced by another.
- 3.39 Prematurity and prejudice considerations can also apply in situations where a proposed development, even small scale, is dependent on an infrastructure solution that is necessary to accommodate the impact of development proposed by the emerging plan, on an individual or cumulative basis, but for which a solution has not yet been identified, e.g. the provision of additional secondary education capacity in the Musselburgh area.
- 3.40 The same considerations would apply if the early approval of sites associated with the finalised Proposed Local Development Plan strategy were to occur without the requisite contributions being provided towards additional infrastructure capacity that arise as a consequence of the strategy overall – doing so could compromise the funding base for the infrastructure, and potentially prejudice the deliverability of the finalised Proposed Local Development Plan.
- 3.41 Importantly, however, there may be situations where cumulative impact issues can be overcome for smaller scale housing proposals of an appropriate scale in suitable locations that would not undermine the finalised Proposed Local Development Plan (and may help deliver it) and that would contribute towards the maintenance of an adequate five-year effective supply of housing land.
- 3.42 Such proposals may be supported on the proviso that the necessary cumulative impact assessment has been undertaken (based on accommodating all relevant proposals of the finalised Proposed Local Development Plan) and if any necessary mitigation can be provided and will be funded by the developer on a proportionate and pro-rata basis as appropriate. Such proposals would need to be assessed on a case-by-case basis.
- 3.43 To avoid decisions that would be premature to or prejudice the emerging plan, the factors set out in the Housing Land Supply: Interim Planning Guidance should therefore only be used to determine appropriate smaller scale housing proposals in suitable locations that, if approved, would not undermine significant decisions on where large scale developments should occur and that would not compromise how additional infrastructure capacity could be funded and delivered on an individual or cumulative basis.

#### *Post-Examination Report*

- 3.44 Once the finalised Proposed Local Development Plan has been examined and the report of examination has been received, the Council will have before it the finalised Proposed Local Development Plan and any amendments that it may need to make to the plan consequent on the findings of the examination.

The finalised proposed plan and any recommendations to modify it, taken together, should reflect the plan that the Council can adopt.

- 3.45 However, at this stage adoption of a modified plan is subject to some limited exceptions, for example where a recommended modification to the finalised Proposed Local Development Plan should not be followed consequent on the findings of further environmental assessment. As such, once the plan has been modified as appropriate, and this further technical work has concluded, the finalised Proposed Local Development Plan (as modified) should carry significant weight as a material consideration.

#### *Post-Adoption*

- 3.46 The key stage will be the Council's adoption of an up-to-date Local Development Plan as soon as possible on conclusion of the above steps. This will provide up-to-date development plan coverage in the area, and reaffirm the primacy of the development plan in decision making.
- 3.47 The adopted Local Development Plan will set out where new housing development can occur to meet the SDP requirements. It will also allow the Council to resist proposals for housing development in locations where the plan does not provide for this, provided the plan makes available sufficient effective housing land.

#### **Proposed Site Assessment Criteria**

- 3.48 Notwithstanding the need to make more effective housing land available in the area, the Council should nonetheless adopt a cautious approach to the release of non-allocated housing sites, particularly where the scale and impact on the character of an existing settlement or the local area / landscape is an issue. Matters of prematurity and prejudice also need to be carefully considered on a case-by-case basis. The scale of proposals and the ability to provide infrastructure capacity to non-allocated sites without undermining existing allocations or those of the emerging LDP will be key considerations.
- 3.49 To help ensure a prudent approach the recommended considerations that should be taken into account when determining planning applications for housing development on land not allocated for this purpose by the East Lothian Local Plan 2008 are detailed in Appendix One to this report. These material considerations should be applied with immediate effect to new applications for planning permission and to those that have been registered and are presently undetermined.

## **4 POLICY IMPLICATIONS**

- 4.1 In appropriate circumstances application of the material considerations set out in the Housing Land Supply: Interim Planning Guidance would allow the Council to support planning applications for housing that are not consistent with site-specific policies of the East Lothian Local Plan 2008.

## **5 EQUALITIES IMPACT ASSESSMENT**

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

## **6 RESOURCE IMPLICATIONS**

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

## **7 BACKGROUND PAPERS**

### 7.1 DPEA Planning appeal decisions:

- PPA-210-2037, Dovecot Farm, Haddington
- PPA-210-2036, Ferrygate Farm, North Berwick
- PPA-210-2031, Beveridge Row, Belhaven
- PPA-210-2018, Barbachlaw, Wallyford
- PPA-210-2049, Land at Lempockwells Road, Pencaitland
- PPA-210-2047, Ferrygate Farm, North Berwick
- PPA-210-2043, Land at Old Craighall, Musselburgh
- PPA-210-2038, Land West of Aberlady Road, Haddington

### 7.2 SESplan Strategic Development Plan, June 2013

### 7.3 Letter of approval of SESplan Strategic Development Plan, Scottish Government, June 2013

### 7.4 SESplan Supplementary Guidance on Housing land, May 2014

### 7.5 Letter of approval of SESplan Supplementary Guidance on Housing Land, Scottish Government, June 2014

### 7.6 Report by Depute Chief Executive (Partnerships and Services for Communities) to 28 October 2014 meeting of East Lothian Council, *SESplan Supplementary Guidance on Housing Land*

### 7.7 East Lothian Council LDP: Main Issues Report (October 2014)

### 7.8 East Lothian Council Draft Proposed LDP (as amended) (November 2015)

### 7.9 Housing Land Supply: Interim Planning Guidance (December 2013)

### 7.10 Housing Land Supply: Interim Planning Guidance (December 2014)

7.11 Housing land Audit 2015

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### East Lothian Council

#### Housing Land Supply: Interim Planning Guidance

#### **Factors against which planning applications for housing on land not allocated for this purpose will be assessed pending adoption of East Lothian Local Development Plan**

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

In the case of a planning application for housing on a site where the principle of such a use is not specifically supported by the statutory Development Plan, the Council accepts that the availability of an effective supply of housing land is a significant material consideration. In the case of a greenfield site, SESplan Policy 7 would be applicable. The weight the Council affords its terms, and the terms of other Development Plan policies, to individual planning applications will depend on the extent to which the proposed development is able to satisfy all of the following material considerations:

#### **1 Effectiveness**

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

#### **2 Scale**

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

The upper size limit of the proposed development must be such that, were the Council to grant planning permission, it would not be of a scale that would prejudice the Council's subsequent flexibility to consider and determine the amount and location of housing land release through the Local Development Plan process.

The actual number of residential units permissible on any one site or within any one settlement will be assessed against the scale and character of the specific settlement. However, the Council will only consider approving a development proposal that, in its totality, does not exceed 300 residential units. Other than in the main towns where the upper limit will apply, the maximum permissible will therefore be significantly less than this maximum

site capacity. Planning applications that are a consequence of the subdivision of a larger site into smaller applications in order to meet this maximum will be resisted.

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

### **3 Timing**

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

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

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

### **4 Development Plan Strategy**

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

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



## 5 Locational Considerations

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

Sites identified to contribute to the short-term housing land supply will also contribute to SESplan's strategic housing requirements, as set out in its Supplementary Guidance on Housing Land<sup>1</sup>. Consequently:

- 5(i) Sites within the East Lothian Strategic Development Area as defined in SESplan's Strategic Development Plan, June 2013<sup>2</sup>, **may** be acceptable, subject to criteria 1-4 (above) being met, and provided that:
- a. development of the site would not undermine green belt objectives, and
  - b. the site is an appropriate extension to an existing settlement identified in the East Lothian Local Plan 2008, and its scale and nature is in keeping with the scale and character of that settlement and the local area, and
  - c. infrastructure is available or can be made available (see also criterion 4) within a timescale that allows for early house completions, and
  - d. the site's development for housing is consistent with all other relevant Development Plan policies.
- 5(ii) Sites outwith the East Lothian Strategic Development Area **may** be acceptable, subject to criteria 1-4 (above), the provisos noted in 5(i) above and the following additional provisos:
- a. the settlement is well-served by public transport, and
  - b. existing facilities and services are both available and accessible within the settlement such that the need to travel is minimised;
  - c. the extent to which the additional housing would help make a demonstrable and necessary contribution to sustaining or improving educational, social or community facility provision within the local area may also be a material consideration
- 5(iii) The proposed development must not use land that is allocated for another specific use unless: there is no reasonable prospect of that use being realised on all or part of the site; a housing use on a part of the site would help deliver the allocated use on a significant remainder of the site; or the desirability of securing housing outweighs the retention of the allocated use.

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<sup>1</sup> SESplan Supplementary Guidance on Housing Land May 2014 (ratified by East Lothian Council October 2014).

<sup>2</sup> Broadly defined as area 5 in Figures 1 and 4, and as described in paragraph 48, of SESplan's Strategic Development Plan, June 2013,

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

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

Where necessary, the Council will require the landowner and/or developer to enter into legal agreements to ensure these objectives are met. Unilateral obligations may also be considered.

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

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

**Planning Service  
Partnerships and Services for Communities  
East Lothian Council**

23<sup>rd</sup> February 2016

# How the Adequacy of the 5-year Effective Housing Land Supply has been Assessed

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## Introduction

B.1 There is currently no nationally or regionally prescribed method for how the adequacy of the five year effective housing land supply should be calculated. However, the Council's Draft Proposed Local Development Plan sets out a methodology for this based on established practice, including as applied in recent planning appeal decisions within East Lothian, as well as the current principles set out in the Scottish Government's planning advice note PAN 2/2010.

## Background

B.2 SDP1 was prepared under SPP 2010, which expected the SDP to set a housing requirement to 2024, and to identify how much land '*should be capable of development*' by 2019 – i.e. there was no need to set a housing requirement for the period up to 2019. However, the outcome of the SDP Examination was that the current SDP sets two housing requirements, one for the whole plan period to 2024 and one 'interim' requirement up to 2019.

B.3 Consequently, when approving SDP1, Scottish Ministers required SESplan to prepare Supplementary Guidance on Housing Land to confirm the distribution of the SDP housing requirement across Local Development Plan areas for the period 2009-2024, with an interim requirement also to be introduced for the period up to 2019.

B.4 In accordance with SESplan's Supplementary Guidance on Housing Land, the East Lothian Local Development Plan is to plan for the delivery of 10,050 homes in the period 2009 – 2024, with an interim requirement for 6,250 new homes up to 2019. Whilst need and demand and rates of development can change significantly under different economic conditions, the SDPs housing requirements cannot change when the SDP is operative. They are based on HNDA estimates of housing need and demand that are approved as housing requirements by the Scottish Government.

B.5 House completions achieved and anticipated from the established housing land supply over these periods, including from land allocated by the East Lothian Local Plan 2008, can contribute to meeting the SDPs requirements in addition to new land allocations to be made by the emerging Local Development Plan. However, delays in confirming the distribution of the housing requirement at SDP level has delayed LDP preparation in East Lothian and thus the timescales within which additional land can be allocated by the Council.

B.6 If the Council is to meet the SDPs requirements, particularly in the short term, it needs to release additional land for housing earlier than can be achieved through the plan-making process. This is why the Council has been operating Housing Land Supply: Interim Planning Guidance since December 2013.

## **Current Method for Assessing the Adequacy of the 5-Year Effective Housing Land Supply**

### *National and Regional Planning Policy*

B.7 There is currently no nationally or regionally prescribed calculation method for how the numerical adequacy of the five year effective housing land supply should be carried out. Importantly, however, SESplan's Supplementary Guidance on Housing Land was approved by Scottish Ministers on the proviso that a modification was made to it to remove a sentence which read:

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

B.8 This would have required planning authorities to base their calculation of the adequacy of the five-year effective housing land supply over the period to 2024, taking in to account completions achieved since 2009 – i.e. to ensure enough effective land was available to meet the housing requirement for the whole plan period. Scottish Ministers took no issue with this calculation method. However, their approval letter continued to state in relation to that sentence:

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

B.9 The inconsistency referred to is that the method of calculation set out did not take into account the 'interim' housing requirement introduced by Scottish Ministers when they approved the SDP. The letter goes on to say that the Development Planning Scotland Regulations require that:

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

B.10 Scottish Ministers directed that SESplan's method for calculating the adequacy of the five year effective housing land supply be removed from the Supplementary Guidance on Housing Land to ensure consistency with the SDP. However, they offered no alternative calculation method in their approval letter.

### *Planning Advice Note 2/2010: Affordable Housing & Housing Land Audits*

B.11 The current drafting of Scottish Government Planning Advice Note 2/2010: Affordable Housing & Housing Land Audits has led to established practice on how this calculation is normally carried out within East Lothian.

B.12 Based on this national advice, the approach to assessing whether the supply of effective housing land is adequate for the next five years is based on if enough housing land is programmed to be developed in the next five year period to meet the

remaining housing requirement set for the whole plan period once it is apportioned pro-rata (annualised) over the next five years.

B.13 The assessment is normally carried out by comparing the programme of dwelling completions for the next five years to the recalculated housing requirement for the same period. If insufficient land is programmed to be developed to meet the recalculated housing requirement for that period then there is perceived to be a shortfall of effective housing land. The recalculation method subtracts dwelling completions achieved since the base date of the SDP (2009), divides the remaining requirement over the number of years of the plan period remaining, and then multiplies that annualised figure by five.

B.14 However, as explained above, SDP1 sets an overall housing requirement to 2024 as well as an 'interim' one to 2019. This means when the recalculation takes place under SDP1, if less than five years of the first plan period remain (as is now the case) any shortfall from the first plan period should be added to the relevant sum of annualised requirement(s) for the second plan period (rather than spreading the shortfall up to 2019 over the remaining plan period overall to 2024). This is because SDP1 expects sufficient effective housing land to be available so the housing requirement up to 2019 can be met in full. The steps of this calculation are explained fully in Advice Box 1 of the Council's approved Draft Proposed Local Development Plan (as amended).

B.15 However, low levels of market demand / mortgage availability can significantly affect the 'marketability' of sites, and thus the number of house sales that can be achieved and thus the number of dwelling completions that can be programmed from the land supply in any five year period, even if the land is otherwise 'unconstrained'. Based on current Scottish Government planning advice PAN 2/2010, even if a whole site (or part of a site that is under construction) is programmed to start and / or be developed slower than it could under better economic conditions, only the houses from land which is programmed to be built in the next five years contributes to the five-year 'effective' land supply, even if the site (or balance of it) is 'unconstrained' and could be developed for housing faster.

B.16 Current national planning advice expects the method for assessing the adequacy of the five-year effective housing land supply to be based solely on quantitative assessment, even though fluctuations in wider economic conditions can significantly influence the amount of 'unconstrained' land that can be counted as 'effective'. This has been confirmed in the outcome of recent planning appeal decisions. Current Scottish Government advice allows very little weight, if any, to be placed on wider material considerations (such as qualitative economic factors) when assessing if there is enough effective housing land available for the next five-years. However, the Scottish Government's position on this is currently being considered in detail in a review of current national planning advice on the matter.

B.17 In terms of meeting the SDPs housing requirements, lower levels of dwelling completions have been achieved since 2009 and are programmed to be delivered up to 2019/20 when compared to the rate and volume of development that would be needed to meet the recalculated (compounded) SDPs housing requirement for the area. As such, the 'interim' housing requirement is particularly challenging to meet

because of the scale of the shortfall that now exists. This is the case despite the fact that the Council has had housing developments on land not allocated for that purpose by the East Lothian Local Plan 2008 allowed on appeal, that it has had in place since December 2013 and is operating Housing Land Supply: Interim Planning Guidance, and that it has used this to approve planning permission for residential development on sites not allocated for that purpose by the East Lothian Local Plan 2008.

B.18 Notwithstanding this, in the absence of an adopted Local Development Plan with up-to-date policies setting out where the Council wants new housing to be developed to meet the SDP housing requirements, it should continue to manage proposals for housing development on land not allocated for that purpose by the East Lothian Local Plan 2008 through the continued application of the Housing Land Supply: Interim Planning Guidance.

### Assessment of East Lothian’s five-year effective housing land supply

B.19 The following table uses the current method for assessing the adequacy of the five-year effective housing land supply situation within East Lothian, taking into account the SDPs interim requirement up to 2019:

**Table1: ELC Five-Year Effective Housing Land Supply 2015/16 to 2019/20**

		<b>Steps</b>	<b>Method</b>
<b>1</b>	SESplan Supplementary Guidance Housing Requirement	6,250	
<b>2</b>	House completions 2009 to 31/3/2015 <sup>3</sup>	2,043	
<b>3</b>	Balance to deliver in four years between 2015/16 -2018/19	4,207	<b>1-2</b>
<b>4</b>	Add 1 year annualised requirement to shortfall, based on SDP housing requirement 2019/20 – 2023/24	760	<b>3,800/5 = 760</b>
<b>5</b>	Recalculated 5-year Housing Requirement	4,967	<b>3 + 4</b>
<b>6</b>	Completions programmed between 2014/15 and 2019/20 <sup>4</sup>	3,307	
	<b>Shortfall of effective housing land needed to 2019/20 (in addition to 2015 audit programming)</b>	<b>1,660 units</b>	<b>5 - 6</b>
	<b>Number of Years Supply</b>	<b>3.3 Years</b>	<b>6/5 = 0.66</b> <b>0.66*5 = 3.3</b>

B.20 Importantly, some additional sites have also obtained planning permission since the 31<sup>st</sup> March 2015 – i.e. after the period covered by the 2015 Housing Land Audit. At this stage, these sites should be taken in to account and added to the effective land supply to provide the most up-to-date position.

<sup>3</sup> Source – Based on the 2014/15 Housing Land Audit

<sup>4</sup> Source – Based on the 2014/15 Housing Land Audit

B.21 These sites and the programming anticipated from them at this stage is set out in Table 2 below.

**Table 2: Sites Not Included in Housing Land Audit 2015**

Site Name	Total Dwellings	Remaining at 04/15	15/16	16/17	17/18	18/19	19/20	Total 15-20	Remaining post 19/20	20/21	21/22	Total 20/22
Beveridge Row Belhaven	90	90	0	0	25	50	15	<b>90</b>	0	0	0	<b>0</b>
Inglis Farm Avenue Road Cockenzie East Lothian	35	35	0	0	15	15	5	<b>35</b>	0	0	0	<b>0</b>
Mingulay Lydgait Haddington East Lothian	8	8	0	8	0	0	0	<b>8</b>	0	0	0	<b>0</b>
Land To South, East And West Wallyford East Lothian*	400 (1050 increase to 1450)	1450	0	0	0	0	0	<b>0</b>	0	0	0	<b>0</b>
Ferrygate Farm North Berwick	140	140	0	0	25	50	50	<b>125</b>	15	15	0	<b>0</b>
Seton East Steading	9	9	0	0	9	0	0	<b>9</b>	0	0	0	<b>0</b>
<b>Total</b>	<b>582</b>	<b>582</b>	<b>0</b>	<b>8</b>	<b>74</b>	<b>115</b>	<b>70</b>	<b>267</b>	<b>15</b>	<b>15</b>	<b>0</b>	<b>0</b>
Note: Table 2 does not include applications awaiting conclusion of Section 75 agreements (Land at Tantallon Road: 125 Units; Land at Dovecot 80 Units; Land at Dolphinstone 160 Units; 91 High Street Haddington 15 units = Total 380 Units). * No additional dwellings programmed from Wallyford intensification within 5-year period.												

B.22 The additional contribution from these sites to the five-year effective housing land supply would amount to land for a further **267 dwellings** in the period up to 2019/20. Based on the calculation set out at Table 1 above, the inclusion of these sites would reduce the **shortfall in the five year effective housing land supply to 1,393 homes in the period to 2019/20, resulting in 3.6 years supply**. As such, further land capable of delivering this amount of additional completions during that period would be needed if a five-year effective housing land supply is to be secured.

### Monitoring & Review

B.23 The effective land supply will be monitored and reviewed periodically, including once the Proposed Local Development Plan is finalised, and once the 2016 Housing Land Audit has reported.

B.24 The contribution of land released under Housing Land Supply: Interim Planning Guidance will also be monitored to ensure that there is a control over the amount of land released. In that context the use of the Housing Land Supply: Interim Planning Guidance will also be reviewed, and if necessary the guidance may need to be revoked / its use suspended.

B.25 Any changes to national planning advice on the matter will also be monitored and taken in to account, particularly if this would review the basis for assessing the adequacy of the five-year effective housing land supply.





**REPORT TO:** East Lothian Council

**MEETING DATE:** 23 February 2016

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** Submissions to the Members' Library Service  
3 December 2015 – 10 February 2016

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## **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 3 December 2015 and 10 February 2016, as listed in Appendix 1.

## **3 BACKGROUND**

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

## **4 POLICY IMPLICATIONS**

- 4.1 None

## **5 EQUALITIES IMPACT ASSESSMENT**

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

## **6 RESOURCE IMPLICATIONS**

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

## **7 BACKGROUND PAPERS**

- 7.1 East Lothian Council's Standing Orders – 3.4

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<b>DATE</b>	10 February 2016

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD  
3 December 2015 – 10 February 2016**

<b>Reference</b>	<b>Originator</b>	<b>Document Title</b>	<b>Access</b>
192/15	Head of Infrastructure	Amendment to Facilities Management Services Structure – John Muir Birthplace, Dunbar	Private
193/15	Depute Chief Executive – Partnerships and Community Services	Building Warrants issued under Delegated Powers – 01.11.15 to 30.11.15	Public
194/15	Head of Infrastructure	Planning Enforcement Notices Issues – 01.11.15 – 30.11.15	Public
195/15	Economic Development & Strategic Investment Manager	Graduate Placement – Marketing Assistant	Private
196/15	Head of Council Resources	Rent Income Staffing – Revenues Service	Private
197/15	Head of Council Resources	Temporary Staffing Change – Legal & Procurement	Private
198/15	Head of Council Resources	Service Review – Finance (Business and Corporate)	Private
199/15	Head of Infrastructure	Graduate Interns – Road Services	Private
01/16	Head of Communities and Partnerships	Contract for the Funding of Advice Services between East Lothian Council and East Lothian Advice Consortium	Private
02/16	Head of Development	Proposed Fire Damage Reinstatement - Lewisvale Avenue, Musselburgh	Public
03/16	Head of Development	Proposed Electrical Installation Rewire - Peppercraig Industrial Estate, Haddington	Public
04/16	Head of Development	Proposed Mechanical and Electrical Services Works and Building Alterations to Provide New Office Accommodation at Penston House, Macmerry	Public
05/16	Head of Development	Building Warrants issued under Delegate Powers – December 2015	Public
06/16	Depute Chief Executive (Partnerships and Community Services)	Service Review Report – Customer Services Posts	Private
07/16	Depute Chief Executive (Partnerships and Community Services)	Staffing Report – Community Partnerships/Marketing Posts	Private

08/16	Depute Chief Executive (Resources and People Services)	Service Review Report – Additional Hours/Teachers	Private
09/16	Depute Chief Executive (Partnerships and Community Services)	Service Review Report – Amendment to Facilities Management Services Structure/Fisherrow Community Centre	Private
10/16	Depute Chief Executive (Partnerships and Community Services)	Service Review Report – Amendment to Facilities Management Services Structure/Crookston Care Home	Private
11/16	Depute Chief Executive (Partnerships and Community Services)	Service Review Report – Amendment to Facilities Management Services Structure/Special Clean Team	Private
12/16	Head of Development	Service Review Report – East Lothian Works	Private
13/16	Head of Communities and Partnerships	HM the Queen’s 90 <sup>th</sup> Birthday – The Patron’s Lunch	Public
14/16	Depute Chief Executive (Partnerships and Community Services)	Service Review Report - Unified Business Support – Recruitment of Team Manager	Private
15/16	Depute Chief Executive (Partnerships and Community Services)	Service Review Report – School Library Service, part 2	Private
16/16	Head of Development	Variation of terms for the sale of land at Newhailes Industrial Estate, Musselburgh	Private
17/16	Head of Development	Sale of Former Schoolhouse, West Barns	Private

10 February 2016