



**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.