



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 28 JUNE 2016
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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 P McLennan
Councillor T Day	Councillor K McLeod
Councillor A Forrest	Councillor J McMillan
Councillor J Gillies	Councillor J McNeil
Councillor J Goodfellow	Councillor M Veitch
Councillor D Grant	Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Mr A McCrorie, Depute Chief Executive (Resources and People Services)
Ms M Patterson, Depute Chief Executive (Partnerships and Community Services)
Mr D Small, Director of 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
Ms F Robertson, Head of Education
Mr T Shearer, Head of Communities and Partnerships
Ms P Bristow, Communications Officer
Ms M Ferguson, Service Manager – Legal and Procurement
Mr I McFarlane, Service Manager, Planning
Mr P Vestri, Service Manager – Corporate Policy & Improvement

Visitors Present:

None

Clerk:

Mrs L Gillingwater

Apologies:

Councillor T Trotter

Declaration of Interest:

Councillor Veitch declared an interest in Item 13, advising that he had supported The Ridge, Dunbar. He indicated that he would leave the Chamber for that item.

Prior to the commencement of business, the Provost announced that Mr Tom Renouf, a prominent figure in the Musselburgh community, had passed away. Councillor Caldwell paid tribute to Mr Renouf, advising of the contribution he had made in respect of work to support veterans, his knowledge of local history and his input as regards a variety of local events. He noted that Mr Renouf had recently been awarded an MBE, which had been presented to him by the Lord Lieutenant shortly before he passed away. The meeting observed a minute's silence to mark the death of Mr Renouf.

1. MINUTES FOR APPROVAL

The minutes of the Council meeting specified below were approved:

East Lothian Council – 26 April 2016

Matter arising – Item 6: Additional Secondary Education Provision, Musselburgh Area – Councillor Williamson asked how many responses to the public consultation had been received. The Head of Education, Fiona Robertson, advised that a review of the responses was now under way, which would include responses received after the deadline. She noted that there had been very few written representations received.

Matter arising – Item 4: Area Partnerships – Councillor Currie asked if a letter had been issued to the Chairs of the Area Partnerships. The Chief Executive advised that meetings had recently taken place with each of the Chairs, in the last six weeks, where their work and energy had been recognised. Now that these meetings were concluded, a follow-up letter to the Chairs congratulating them on their achievements would be now be prepared.

2. MINUTES FOR NOTING

The minutes of the meetings specified below were noted:

East Lothian Partnership, 20 January 2016

Local Review Body (Planning), 17 March 2016

Local Review Body (Planning), 21 April 2016

3. 2016/17 COUNCIL IMPROVEMENT PLAN

A report was submitted by the Chief Executive presenting the 2016/17 Council Improvement Plan to the Council for approval.

The Service Manager – Corporate Policy and Improvement, Paolo Vestri, presented the report, informing Members of progress on the 2015/16 Improvement Plan and highlighting a number of key areas in the 2016/17 Improvement Plan.

Councillor Berry raised questions in relation to the committee report template and the PRD scheme. He was advised that changes to the report template would be taken forward by officers and that the PRD scheme was concerned with the performance and development of individual staff members, rather than service performance.

Mr Vestri also provided an explanation of the term 'channel shift', which was concerned with developing the Council's website to enable more effective self-service functions.

Decision

The Council agreed:

- i. to note the update report on the 2015/16 Council Improvement Plan (attached at Appendix 1 to the report); and
- ii. to approve the 2016/17 Council Improvement Plan (attached at Appendix 2 to the report).

4. EDINBURGH AND SOUTH EAST SCOTLAND CITY REGION (EESCR) DEAL

A report was submitted by the Chief Executive providing an update on the focus, scope and scale of the City Region Deal.

The Head of Development, Douglas Proudfoot, presented the report, advising that positive formal negotiations on the City Region Deal had been taking place since March. He stated that details of proposed projects were confidential, pending further consideration, and that these would come forward in due course. He did, however, draw attention to information on regional programmes. He advised that the City Region Deal was currently in the negotiating phase and that there would be a significant amount of work taking place in the coming weeks. He hoped that there would be an announcement on the outcome of the City Region Deal by the end of the calendar year. As regards governance, he reported that it was proposed to establish a Joint Committee, on which the Council Leader would represent the Council.

In response to questions from Councillor Berry, Mr Proudfoot explained that it was proposed that the City Region Deal would be delivered through a Joint Committee, with the local authorities involved taking responsibility for investment and risk. He noted that there was still work to be done as regards the operational administration, and that there would also be involvement of the private, higher education and third sectors. As regards the areas of growth outlined at Section 3.8 of the report, he advised that this list was not exhaustive, but that it reflected the programme of investment coming forward through local authorities and the higher education sector. He reiterated that he was not in a position to provide details of specific projects at this stage.

Councillor Currie asked about the lifespan of the City Region Deal and the potential impact of the outcome of the EU Referendum. Mr Proudfoot indicated that the Deal could be split into five-year periods over a twenty-year term. He accepted that there was uncertainty and concerns as a result of the referendum, but proposed that those involved should continue to move forward positively and seek to conclude the negotiations as quickly as possible. He added that it was hoped that the City Region Deal could be concluded by the time the Chancellor of the Exchequer makes his Autumn Statement in November.

As regards financial planning for the City Region Deal, Mr Proudfoot informed Members that a list of projects was being prepared that would include costings and phasing, etc., and these would be looked at by the government. He noted that some projects may be fully funded and others may not. The Head of Council Resources, Jim Lamond, advised that the integration of the financial planning for the City Region Deal into the Council's own financial planning cycle was critical, but if the timeline for the City Region Deal were to be altered, then the proposals would need to be brought to Council at another time.

Councillor MacKenzie welcomed the report and the proposals outlined therein. He highlighted the importance of insuring that all areas of the county benefited from the City Region Deal. He echoed comments made by Councillor Berry that there was no mention of

the Cockenizie Power Station site in the report, and requested that this should feature in future update reports.

Councillor Currie stressed the importance of progressing this initiative quickly. For the purposes of governance and democratic oversight, he suggested that the Council should establish a cross-party group. As regards the regional housing programme, he was not convinced that housing problems could be resolved through the City Region Deal, but hoped that interventions could be made by local authorities. He also highlighted the importance of having the support of communities.

Councillor Hampshire pointed out that the Edinburgh and south east Scotland area was attracting investors, but that the existing infrastructure was insufficient. He welcomed the partnership working with local authorities and other sectors, and the opportunities for job creation in this area.

Councillor Berry expressed concern that working with some partners may not be easy, and proposed that a development corporation should be established to take the City Region Deal forward. He spoke of the benefits to East Lothian of creating a cruise liner terminal at Cockenzie and called for officers to be imaginative in their planning.

Councillor Veitch spoke in support of a number of points made by Members. He suggested that infrastructure projects should be a priority in East Lothian to meet the demands of the increasing population. He shared concerns raised by Councillor Currie as regards the commitment of financial resources and the impact on the Council's capital plan.

Councillor McMillan concluded the debate by thanking officers for their work on this complex matter. He welcomed the range of sectors outlined in the report and the potential opportunities for job creation, innovation and improvements to infrastructure.

Decision

The Council agreed:

- i. to note the progress of the City Region Deal since the previous update in April 2015;
- ii. to approve the proposed formation of a Joint Committee for the City Region Deal programme;
- iii. to note ongoing discussions on the opportunity for a reformed approach to policy integration under a new cross-sector partnership model;
- iv. to approve the priorities for the City Region Deal that form the basis of negotiations with the UK and Scottish Governments; and
- v. to authorise the Chief Executive to negotiate a total contribution from East Lothian Council towards a City Region Deal that secures a deal of significance for East Lothian. The deal contribution should be in accordance with project(s) and programme interventions that are negotiated with governments, whilst being balanced against parameters of affordability and risk.

5. LOCAL GOVERNMENT BOUNDARY COMMISSION – FIFTH REVIEW

A report was submitted by the Chief Executive advising the Council of the recommendations made by the Local Government Boundary Commission (LGBC) to Scottish Ministers on 26

May 2016 as part of the Fifth Statutory Review of Electoral Arrangements and the response thereto sent to the Minister for Parliamentary Business on behalf of East Lothian Council.

The Head of Corporate Resources, Jim Lamond, presented the report, reminding Members of the proposals put forward by the LGBC and the Council's opposition to those proposals. He advised that the LGBC had now submitted its recommendations to Scottish Ministers and that the cross-party working group had met again and agreed that a letter should be sent to the Minister for Parliamentary Business setting out the Council's objections to the proposals, namely: strong cross-party opposition to the proposals; concern as to the methodology used in determining councillor numbers; failure to recognise increasing population numbers in East Lothian; the breaking of established community boundaries and ties; and failure to recognise the strength of adverse public opinion to the proposals within the local community.

Councillor Goodfellow questioned the consultation process. Mr Lamond pointed out that the initial proposal (to cut councillor numbers from 23 to 21) had been subject to consultation with the Council and then with the public. However, the LGBC had failed to consult with the Council on the revised proposal prior to consulting with the public, to which the Council was objecting.

A number of Members spoke in support of the view of the Council and of the letter to the Minister. They also expressed concern as to the impact the proposed boundary changes would have on communities, particularly in view of an increasing population, as well as the impact on councillor workloads.

Councillor McMillan took the opportunity to thank staff in the Election Team for their work on this issue, and also the successful administration of the recent elections and EU Referendum.

Decision

The Council agreed to note and approve the response to the recommendations of the Local Government Boundary Commission submitted to the Minister for Parliamentary Business on behalf of East Lothian Council on 20 June 2016.

6. APPEAL STATEMENT – SUBMISSION TO DIRECTORATE OF PLANNING AND ENVIRONMENTAL APPEALS FOR APPEAL AGAINST NON-DETERMINATION OF PLANNING APPLICATION 11/00664/PPM MIXED USE DEVELOPMENT AT GOSHEN FARM, MUSSELBURGH

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) informing the council of the response made to the Directorate of Planning and Environmental Appeals (DPEA) in respect of the non-determination of planning application 11/00664/PPM for Planning Permission in Principle for mixed use development comprising the erection of up to 1,000 residential units, local centre, including provision of employment accommodation, non-denominational primary school, community facilities, open space, landscaping, roads and associated infrastructure on land at Goshen Farm, Musselburgh.

The Service Manager – Planning, Iain McFarlane, presented the report, advising that the Reporters had indicated that this case would be dealt with by way of hearings rather than inquiry sessions, but this was still to be confirmed. He referred to the Council Officer Statement of Appeal attached to the report, which set out the reasons for refusal of the application, and called on Members to consider and endorse the statement.

Responding to questions from Councillor Innes regarding terminology used in the report, Mr McFarlane explained that at its meeting on 17 November 2015 the Council considered a

draft proposed Local Development Plan (LDP), which was not a statutory document, and that whilst the Council had clearly indicated its settled view, a formal decision on the LDP had not yet been taken, and therefore this application should be considered premature. He confirmed that officers were finalising the proposed Local Development Plan, which would reflect the amendment made by Councillors on 17 November 2015 and that the Reporter would be given a clear direction on the settled view of the Council.

Councillor Currie asked if any weight would be given to the views of the planners, given that they had promoted this site for development. Mr McFarlane emphasised that the Minister would take a decision on the appeal, based on the recommendation of the Reporter. He pointed out that the Statement of Appeal (attached at Appendix 1 to the report) made it clear that a democratic decision had been taken by the Council to remove this site and amend the draft LDP by altering the designation of other sites. He added that in these circumstances and in the context of the site as regards education, transportation and cultural heritage, it had been made clear that it would not be appropriate to grant permission at this stage.

Councillor McAllister asked for confirmation that officers were bound by the decisions taken by Members. He was advised that this was the case, and that this was made clear in the Statement of Appeal.

Councillor Hampshire warned that there would be serious implications for the Council should this appeal be upheld and that it could put the LDP in jeopardy.

Councillor Currie spoke in support of the Statement of Appeal and echoed the concerns outlined by Councillor Hampshire.

Councillor Innes suggested that it would be beneficial for the Council to adopt the LDP prior to consideration of the appeal. He proposed an amendment to the Recommendations, in that the Council should endorse the response, rather than note it, and that should the appeal be dealt with by way of oral sessions, the Council should commission appropriate legal representation at the earliest opportunity to represent the Council at those sessions. Councillor Currie seconded this proposed amendment.

Decision

The Council agreed:

- i. to endorse the response made by officers to the above-mentioned appeal (attached at Appendix 1 to the report); and
- ii. that should the appeal be dealt with by way of oral sessions, an appropriate QC would be commissioned at the earliest opportunity to represent the Council at the sessions.

Sederunt: Councillor Berry left the meeting.

7. POLICY FOR THE MANAGEMENT OF DONATED COMMEMORATIVE BENCHES

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval to adopt the policy and procedures for the Management of Donated Commemorative Benches and of the introduction of a maintenance fee for donated benches.

The Head of Infrastructure, Ray Montgomery, presented the report, advising of the proposal to reintroduce a donated bench service following the withdrawal of this service in 2013. He drew Members' attention to the policy and procedures associated with this proposal, in particular the introduction of a fee to cover the maintenance of donated benches.

Referring to Question 6 in the Frequently Asked Questions (Appendix 1), Councillor Goodfellow asked if it was permissible for the owner of a bench to carry out their own maintenance and therefore have the maintenance fee waived. Mr Montgomery confirmed this to be the case.

Councillor Currie spoke of the social value of donated benches, but advised that he was not supportive of the proposed maintenance fee. He suggested that local community groups may be willing to maintain the benches.

Councillor Hampshire pointed out that Amenity Services did not have the resources to maintain the benches without charging a fee, and indicated that benefactors were happy to pay a fee to have their benches properly maintained. Councillor Akhtar added that the fee would amount to 22p per week over a fifteen-year period.

Councillor MacKenzie questioned the costs associated with donating benches and suggested that, at the prices quoted in the report, the maintenance fee should be included.

Councillor Goodfellow reiterated that the maintenance fee was not compulsory, and that benefactors had the choice to maintain the benches themselves. He commented that the Council should not be expected to pay for the maintenance of donated benches.

The Provost then moved to the vote on the Recommendations:

For: 13
Against: 7
Abstentions: 1

Decision

The Council agreed to approve the adoption of the policy and proposed maintenance fee at the maximum proposed Year 1 figure of £175.

8. MEMBERSHIP OF COMMITTEES – POLICY AND PERFORMANCE REVIEW COMMITTEE

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of proposed changes to the membership of the Policy & Performance Review Committee (PPRC).

The clerk advised that an anomaly in the membership of the PPRC had been identified, in that following Councillor Berry's resignation from the SNP Group in 2013, the membership of the Committee should have been amended to reflect the change in the political make-up of the Council. She advised that in order to rectify this anomaly, there should be one additional SNP Member on the Committee and one of the Independent Members should step down. Members were informed that discussions had taken place with the Independent Members and that Councillor Caldwell had agreed to relinquish his place on the Committee.

Councillor Currie nominated Councillor McLeod as the additional SNP Member on the PPRC.

Decision

The Council agreed:

- i. to approve a proposed change to the membership of the Policy & Performance Review Committee, with Councillor McLeod replacing Councillor Caldwell; and
- ii. to note that, in accordance with Standing Orders, the change of membership would reflect the political balance of the Council.

9. SUMMER RECESS ARRANGEMENTS 2016

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Council of the arrangements for dealing with Council business during the summer recess 2016.

The clerk advised Members of the arrangements for dealing with business during the recess, noting that a summary of all business carried out would be presented to the Council on 23 August and that all reports would be lodged in the Members' Library.

Decision

The Council agreed:

- i. to approve the application of the recess business arrangements, in accordance with Standing Order 15.5, effective from the close of this meeting until the Council meeting of 23 August 2016; and
- ii. to note that a summary of business carried out during the recess period would be brought to the Council meeting of 23 August, and that copies of all reports approved during the recess period would be lodged in the Members' Library.

10. NOTICE OF MOTION – CLOSURE OF ROYAL BANK OF SCOTLAND, PRESTONPANS

A Notice of Motion was submitted to Council by Councillors Libberton and Innes:

This Council notes the decision by the Royal Bank of Scotland to close its branch in Prestonpans and transfer all accounts to Tranent.

Council is aware that this action will remove the only bank in Prestonpans and result in the local community planning area of Preston/Seton/Gosford having no banking facilities at all, completely disregarding the needs of local businesses and the community, many of whom prefer to discuss financial matters face to face rather than electronically or through a call centre.

Council believes the decision by the Royal Bank takes no account of the fact that East Lothian is one of the fastest growing areas in Scotland.

Council is appalled that the Royal Bank has chosen to ignore the convention of not closing the last bank in any community and instead put profits before the needs of communities, particularly the elderly and vulnerable who will suffer disproportionately.

Council therefore agrees to instruct the Chief Executive and Leader of the Council to seek an urgent meeting with the Chief Executive and Chairman of the Royal Bank of Scotland to express this Council's extreme concern at their decision.

Councillor Libberton presented her motion, expressing her concern that the closure of this bank would result in there being no bank between Musselburgh and Gullane along the East Lothian coast, and that the decision had been taken with no cognisance of the increasing population in the Preston/Seton/Gosford ward. She pointed out the difficulties for customers travelling to the Tranent branch in terms of parking facilities and public transport, and concluded that the Royal Bank of Scotland had not considered the needs of their customers. She called on the Council Leader and Chief Executive to meet with the Chief Executive of the Royal Bank of Scotland seeking reconsideration of the decision to close the Prestonpans branch.

Councillor Innes seconded the motion, noting that the bank had had a presence in Prestonpans for over 100 years and had supported the community. He pointed out that Preston/Seton/Gosford would be the only ward in East Lothian without banking facilities, and expressed his dismay at customers' accounts being transferred to the Tranent branch without prior consultation. He also reported that a petition seeking to save the bank from closure had been set up, and that many customers had closed their accounts in protest at the closure. He called on the Council to support the community and express opposition to the closure.

Councillor MacKenzie spoke in support of the motion, advising that he had raised the issue with George Keravan MP. He suggested that the support of the UK government, as the majority shareholder of RBS, should be sought.

A number of other Members also voiced their concerns at the closure and welcomed the motion. Councillor Brown spoke of the detrimental impact on the community, and Councillor Currie highlighted the loss of local jobs associated with the closure and the reduction in services provided by the bank, which had impacted on customer numbers. Councillor Veitch called on Councillor Innes and the Chief Executive to explore the possibility of other banks opening a branch in Prestonpans. This suggestion was supported by Councillor McAllister, who proposed the introduction of a credit union. The Provost indicated that the ideas put forward by Members would be considered by the Council Leader and Chief Executive.

Councillor Grant pointed out that, on behalf of the Integration Joint Board, he had written to the Chief Executive of the Royal Bank of Scotland expressing concern at the decision to close the Prestonpans branch. He had received a response, advising that the bank had been in contact with Harlawhill Day Centre and ELCAP to advise how they would support clients following the closure.

Councillor McMillan concluded the debate by stating that banks had a responsibility to their communities and hoped that RBS would reconsider their position.

Decision

The Council agreed that the Chief Executive and Council Leader should seek an urgent meeting with the Chief Executive and Chairman of the Royal Bank of Scotland to express the Council's extreme concern at their decision to close the Prestonpans branch.

11. SUBMISSIONS TO THE MEMBERS' LIBRARY, 8 APRIL – 14 JUNE 2016

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

Councillor Goodfellow drew attention to a number of reports, welcoming in particular the decision to appoint permanent supply teachers.

Decision

The Council agreed to note the reports submitted to the Members' Library Services between 8 April and 14 June 2016, as listed in Appendix 1 to the report.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

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

Harlawhill House, Prestonpans

A private report submitted by the Depute Chief Executive (Partnerships and Community Services) updating the Council of the status of the existing works at Harlawhill House, Prestonpans, advising the Council of the current ownership status of the property and providing options to recover existing expenditure, and seeking authorisation for officers to explore and determine options with partners in securing the future of the property, was approved.

Referral to Council by Common Good Committees

A private report submitted by the Depute Chief Executive (Resources and People Services) seeking determination of the following funding requests referred to the Council by Musselburgh and Dunbar Common Good Committees, was approved:

Application submitted to Musselburgh Common Good Committee by Our Lady of Loretto and St Michael's RC Church for funding of £28,808 to replace the heating system in the Church and in Loretto Institute (Parish Halls)

Applications submitted to Musselburgh Common Good Committee by Matthew Gilhooley and Lucy Gold of the Youth for Lourdes – the Archdiocese of St Andrews and Edinburgh – for funding of £500 each to travel to Lourdes to work with sick and infirm pilgrims

Application submitted to Dunbar Common Good Committee by The Ridge, Dunbar for funding of £2,000 to provide security gates and site signage.