



MINUTES OF THE MEETING OF THE CABINET

**TUESDAY 14 FEBRUARY 2017
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor S Akhtar
Councillor T Day
Councillor D Grant
Councillor N Hampshire
Councillor W Innes (Convener)
Councillor J McMillan
Councillor M Veitch

Other Councillors Present:

Councillor D Berry
Councillor S Currie
Councillor A Forrest
Councillor J Goodfellow
Councillor P MacKenzie
Councillor F McAllister
Councillor K McLeod
Councillor J McNeil
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Mr A McCrorie, Depute Chief Executive – Resources and People Services
Mr D Small, Director, Health and Social Care Partnership
Mr J Lamond, Head of Council Resources
Mr T Shearer, Head of Communities and Partnerships
Mr R Montgomery, Head of Infrastructure
Mr D Proudfoot, Head of Development
Mrs M Ferguson, Service Manager – Legal and Procurement
Mr D Oliver, Service Manager – Environmental Health Services
Ms S Fortune, Service Manager – Business Finance
Ms L Shaw, Corporate Finance Manager
Mr A Stubbs, Service Manager – Roads
Mr P Forsyth, Road Asset and Regulatory Manager
Mr S Cooper, Team Manager – Communications
Mr C Clark, Principal Environmental Protection Officer

Clerk:

Ms A Smith

Apologies:

None

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – CABINET 20 DECEMBER 2016

The minutes of the meeting of the Cabinet of 20 December 2016 were approved.

2. SUMMARY OF CONTRACTS AWARDED BY EAST LOTHIAN COUNCIL, 1 DECEMBER 2016 – 31 JANUARY 2017

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of all contracts awarded by the Council from 1 December 2016 to 31 January 2017, with a value of over £150,000.

Councillor Currie welcomed the contract award in respect of the new Wallyford Primary School, stating this would make a huge difference to the local community.

Councillor Akhtar also welcomed the contract for the new Wallyford Primary School; she also welcomed provision of the new football pavilion in Ormiston.

Decision

The Cabinet agreed to note the award of contracts with a value of over £150,000, as listed in Appendix 1 to the report.

3. FINANCIAL REVIEW, 2016/17 QUARTER 3

A report was submitted by the Depute Chief Executive (Resources and People Services) recording the financial position at the end of the third quarter of financial year 2016-17.

The Head of Council Resources, Jim Lamond presented the report, providing an overview of the Quarter 3 position. He drew attention to General Services Revenue, highlighting the key elements. He gave details of the position as regards the Housing Revenue Account and General Services Capital budgets. He reported that there had been a mixed financial performance across service areas with a number of favourable variances, particularly in staffing and corporate income. Overall, the Council's position was satisfactory but finely balanced and remained extremely challenging.

Councillor MacKenzie, referring to the pre-school education budget underspend, asked, of the 3 elements mentioned, if the biggest element concerned staff vacancies. Sarah Fortune, Service Manager – Business Finance, replied that staff vacancies were a significant element but the biggest factor was the provision of a wider choice relating to nursery hours.

Councillor Berry raised several questions. In relation to social work budgets he questioned the efficiency savings, stating these were unrealistic and that the budget requirement had been constantly underestimated. Mr Lamond stated that very aggressive efficiency targets had been set for Adult Wellbeing, which had been felt achievable. This had been reported on during previous quarterly reviews; he added that at the last quarterly review the suggested information indicated that there was still a belief that the efficiencies could be achieved albeit they would most likely not fully deliver within the current financial year. In response to

Councillor Berry's point about the merger of NHS and social work services in England, which had not provided the efficiencies expected, Mr Lamond stated that the level of efficiencies did not directly relate to efficiency savings through integration. David Small, Director of the Health and Social Care Partnership, added that the benefits of integration in financial terms were not clear yet. In response to more questions Mr Lamond stated the intention was to use the planned £3 million from reserves to balance the position in the current year.

In response to Councillor Goodfellow's questions about affordable housing, Mr Lamond clarified the overspend and total expenditure and stated that the housing would comprise a broad mix of different types, which included council housing.

Councillor Currie raised several areas of concern. In relation to Adult Wellbeing, as stated by Councillor Berry, the budget was not sufficient; this had been raised on numerous occasions. Commenting on the Cost Recovery Plans he stated these were in effect plans to reduce expenditure. He made reference to the situation in Landscape and Countryside services. He also expressed concern about the Housing Capital underspend. He stressed that to be underspending at these levels overall was not good; budgets were not correct.

Councillor Veitch praised the overall performance and indicated that it was right to focus on Adult Wellbeing. The Council was making progress regarding efficiency savings and he paid tribute to all staff. He also commented favourably on the reallocation of underspends, indicating that parking improvements was a key aspect.

Councillor Berry agreed with Councillor Currie's comments; there were serious flaws in the way this Council budgeted. In relation to underspends, no measure was taken to the degree in which the public were adversely affected. There needed to be more of a focus on education. A major rethink of how the Council actually delivered services was required.

Several Members of the Administration reiterated that good quality services were being provided for the people of East Lothian despite reductions to local authority budgets. In relation to Adult Wellbeing, this was a demand led service and the situation was similar across all UK local authorities. Officers were praised for their considerable efforts.

Opposition Members stated that the amounts set in the budget should be spent on their allocated purpose. Criticisms were directed at the Administration, not officers.

The Convener praised this excellent report; the work done by officers showed that the Council was in a strong financial position. This Administration had stabilised services.

Decision

The Cabinet agreed to note the financial performance of services at the end of December 2016.

4. VARIOUS ROADS – EAST LOTHIAN, INTRODUCTION AND AMENDMENTS TO TRAFFIC REGULATION ORDERS 2017

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval to start the statutory procedure necessary to introduce and amend various Traffic Regulation Orders (TROs) to prohibit waiting, loading and unloading, introduce 20mph, 30mph and 40mph speed limits and to ban and permit various types of vehicular traffic.

The Roads Services Manager, Alan Stubbs, presented the report, outlining the Council's responsibility as Local Traffic Authority in respect of TROs. He informed Members that this

was the initial stage of the process, before stage 1. He outlined the various stages: stage 1 - design and consultation (with statutory consultees); stage 2 - advertising the TROs and stage 3 - making the Order. He also gave details of the timescales, advising that these could vary depending on whether there were objections and/or changes required. He drew attention to the appendices which detailed the various TRO amendments and additions.

Mr Stubbs and Peter Forsyth, Road Asset and Regulatory Manager, responded to questions from Members. In reply to Councillor Veitch Mr Stubbs confirmed that the East Linton 20mph order had gone through the consultation process and was in hand. Mr Forsyth added that a very detailed consultation had been carried out with a full survey of all residents, there had been over a 1,000 responses with 86% in favour of the proposal.

Councillor Berry queried, in relation to North Berwick, if the Lochbridge Road scheme could be brought to the High Street; he also made comments about the High Street's parking requirement. Mr Stubbs indicated that following the initial consultation comments could be taken on board but stressed that this was the initial stage of the process; the report was presented to Cabinet seeking approval for initiation of the statutory procedure.

Referring to the introduction of TROs for town centre car parks, Councillor Day asked if a report could come back to Cabinet next session if something was missed. Mr Stubbs confirmed this could be done. Mr Forsyth added that the actual statutory procedures had started a year ago and there was a programme in place for 2017/18.

A number of Members raised queries in relation to TRO amendments and additions within their ward; Mr Stubbs reiterated that all Members would be contacted as part of the statutory consultation process and would have the opportunity to put forward their views at that point. Mr Stubbs indicated he would be happy to provide further details in regards to any of the proposed TROs outlined in the report if required.

Councillor Veitch welcomed this report. The introduction of decriminalised parking enforcement had been successful and had transformed town centres. He made particular reference to a number of the schemes for Dunbar and the surrounding area which had all been led by different community groups. The experimental 20mph speed limit in Dunbar was a very ambitious, community council led, proposal. All of these schemes were good examples of the Council listening to, and working with, local areas.

Councillor Currie also welcomed the report and associated himself with Councillor Veitch's comments. With regard to Musselburgh, he remarked that there were several ongoing issues that needed looked at including residents' parking and misuse of the sports centre car park. He appreciated that consultation would be carried out and also that this was a long process.

Decision

The Cabinet agreed to approve the initiation of the statutory procedure necessary to introduce and amend Traffic Regulation Orders in accordance with 'The Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999 and such introduction and amendments that were in force in respect of locations and proposals listed within the report and the appendices.

5. POLICY ON BALLOON AND CHINESE/SKY LANTERN RELEASES

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval to introduce a policy banning all releases of balloons or lanterns on Council property, Council owned land and at Council licensed, endorsed or supported events, including those not on Council owned land.

The Service Manager – Environmental Health Services, Derek Oliver, presented the report. He outlined the background and drew attention to the hazards posed by the release of these items to wildlife and livestock. He made reference to the Council's statutory duty in relation to the Environmental Protection Act. He highlighted the organisations that supported this proposal. Mr Oliver then took Members through the Policy, highlighting several aspects for their attention. He added that this matter had been brought to his attention in a letter from a local school pupil.

In response to a question from Councillor Day, Mr Oliver advised that if the land was privately owned the Council could, if a licence was required, attach the Policy as a condition to the grant of the licence. It was also the intention to publish alternatives to balloon releases on the website.

Mr Oliver, responding to Councillor McMillan's question, replied that the Council could not apply instructions to private retailers. The Council was seeking to be a responsible local authority and engender a change by raising awareness of the hazards.

Councillor Hampshire drew attention to the adverse effect on livestock and other wildlife. Many countries and many UK local authorities had implemented such a policy; he was supportive of the proposal.

Councillor Currie expressed his support, making reference to the range of organisations detailed in the report that supported the proposal.

Councillor Akhtar suggested that the young person who wrote the letter be thanked and sent a copy of the Policy.

Decision

The Cabinet agreed:

- i. to approve the Policy Statement prohibiting balloon and lantern releases on Council owned land and property and at events licensed, endorsed or supported by the Council, including those on non-Council land; and
- ii. to authorise the Council as Licensing Authority to attach a condition to all Public Entertainment Licences prohibiting the release of balloons or lanterns at any event covered by said licences.

6. MUSSELBURGH AIR QUALITY ACTION PLAN

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval of the Musselburgh Air Quality Action Plan and agreement for its submission to the Scottish Government, Scottish Environment Protection Agency and Department for Environmental, Food and Rural Affairs.

Mr Oliver presented the report. He took Members through the report in detail. He reported that a further feasibility study was being carried out; the Action Plan was under constant review. He drew particular attention to the 13 measures identified and assessed for taking forward within the Action Plan. He referred to the consultation process and to the number of responses. He outlined development of the Action Plan. He reported that there had been improvement to the vehicles used by bus operators. The Action Plan was a legal document in relation to air quality objectives and focused on quantifiable methods.

Councillor Currie asked if the Council was currently complying with the legal limits as regards air quality. Mr Oliver advised that the 2016 report, which detailed the 2015 results, had shown that the Council was below the upper limit. The 2017 report, which would detail the 2016 results, would be available late summer/early autumn; the figures had to be ratified by SEPA and the Scottish Government. In relation to the 16 responses to the public consultation and given this low number, the relevance of the data returned, Mr Oliver agreed that the number of responses had been disappointing; whether the responses were representative of the views of the general public was difficult to determine.

Mr Forsyth confirmed, in response to questions from Councillor Currie about moving the bus stop from the Citizens Advice Bureau to Kilwinning Street that this was being looked at; he added that relocation of bus stops was considered as part of the traffic modelling, this would allow assessment in relation to traffic movement. Regarding a query about the Council's vehicle fleet, Ray Montgomery, Head of Infrastructure, stated that the Council continued to invest heavily in diesel engines but was increasing the number of electric vehicles.

Mr Oliver responded to questions from Councillor Berry advising that micro particulates from diesel engines were not, and had never been, a concern. In response to further questions regarding the East Coast to North Berwick bus service which went through Musselburgh, Mr Montgomery replied that the move from First Bus to East Coast Buses had led to a significant review of the services provided.

Councillor McNeil asked it would be possible to provide information to the public about air quality levels, updated on a daily basis. Colin Clark, Principal Environmental Officer, said that providing this information at public information points could be looked at.

Councillor Hampshire welcomed the report which showed that emissions continued to reduce in the High Street. He stated that every measure identified in the Action Plan could be replicated anywhere else in East Lothian where there was traffic congestion. He hoped that private companies would sign up to the Eco-Star scheme.

Councillor Veitch welcomed this report. Musselburgh benefited from an excellent bus service. The vehicles used by all the current operators were good. In terms of Lothian Buses and questions raised by Members today he cautioned against asking for a reduction in provision. In relation to bus stops, he referred to discussions at the Bus Forum, stating it was standard practice, if there was high density, to split the buses to different bus stops. He also made comments regarding the longer term measures for Musselburgh train station.

Councillor Currie welcomed this instructive report; some progress had been made. He made reference to the measures identified for inclusion in the Action Plan noting the differing timescales. He stated that any problems on the road network east of Edinburgh had a disproportionate impact on Musselburgh.

Several other Members also welcomed the measures proposed in the Action Plan.

Councillor McAllister praised the work carried out by Councillor Veitch as Chair of the Bus Forum; he had achieved a considerable amount as regards public transport in East Lothian.

Decision

The Cabinet agreed:

- i. to note the content of the report, particularly in respect of progress with initiatives and actions to reduce emissions from road traffic sources, and the ongoing reduction in general levels of nitrogen dioxide (NO₂) concentrations in Musselburgh High Street;

- ii. to approve the Musselburgh Air Quality Action Plan to improve air quality in Musselburgh High Street and note the ongoing work that was being undertaken to further develop the Plan in conjunction with road traffic modelling work that was being undertaken in relation to the Local Development Plan (LDP); and
- iii. to approve submission of the Musselburgh Air Quality Action to the Scottish Government, Scottish Environment Protection Agency (SEPA) and Department for Environment, Food and Rural Affairs (DEFRA), as required under the Environment Act 1995.

7. MINUTES FOR NOTING

The minutes of the Safe and Vibrant Communities Partnership of 8 September 2016 and the Sustainable Economy Partnership of 21 September 2016 were noted.

VALEDICTORY

The Convener paid a personal tribute to Morag Ferguson, Service Manager – Legal and Procurement, who was leaving the Council, for her integrity and erudite advice to Members over a considerable period of time. He was sure that all Members would wish to extend their best wishes to her for the future.

Councillor Currie, on behalf of the SNP Group, endorsed all these comments.

Signed

Councillor Willie Innes
Council Leader and Convener of the Cabinet