



## MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 31 OCTOBER 2017  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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### Committee Members Present:

Provost J McMillan (Convener)	Councillor J Henderson
Councillor S Akhtar	Councillor G Mackett
Councillor L Bruce	Councillor K Mackie
Councillor S Currie	Councillor C McGinn
Councillor F Dugdale	Councillor P McLennan
Councillor J Findlay	Councillor K McLeod
Councillor A Forrest	Councillor F O'Donnell
Councillor N Gilbert	Councillor B Small
Councillor J Goodfellow	Councillor T Trotter
Councillor N Hampshire	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 S Fortune, Service Manager – Business Finance  
Mr C Grilli, Service Manager – Legal and Procurement  
Ms P Homer, Childcare Development Officer  
Ms J Mackay, Media Manager  
Ms K MacNeill, Service Manager – Licensing, Admin & Democratic Services  
Ms E Shaw, Service Manager – Corporate Finance  
Mr P Vestri, Service Manager – Corporate Policy and Improvement  
Ms E Wilson, Service Manager – Economic Development and Strategic Investment

### Visitors Present:

Ms G Woolman, Audit Scotland

### Clerk:

Mrs L Gillingwater

### Apologies:

Councillor W Innes  
Councillor S Kempson

*Prior to the commencement of business, the Provost welcomed Gillian Woolman of Audit Scotland to the meeting, and Annette Bruton of Edinburgh College and the East Lothian Partnership, who was also in attendance.*

## **1. MINUTES FOR APPROVAL**

The minutes of the Council meeting specified below were approved:

### **East Lothian Council – 22 August 2017**

*Matter arising: Item 10* – Councillor Currie referred to his query as regards Council representation on the Brunton Theatre Trust. The Provost advised that officers were awaiting clarification on this matter.

### **East Lothian Council – 12 September 2017**

## **2. MINUTES FOR NOTING**

The minutes of the Local Review Body meeting of 31 August 2017 were noted.

## **3. EAST LOTHIAN COUNCIL 2016/17 ANNUAL AUDIT REPORT**

The Provost welcomed Gillian Woolman of Audit Scotland to the meeting.

Ms Woolman provided a detailed presentation of the 2016/17 Annual Audit Report, confirming that the Council's accounts had been signed off in September and that the Council had been given an unqualified opinion on the accounts. She highlighted the key aspects of the report and directed Councillors to the Action Plan and the significant risks identified during the audit process.

In response to a question from Councillor Akhtar about trends identified during the audit work, Ms Woolman advised that a financial overview report would be published in November 2017 which would illustrate trends and comparisons across Scottish local government; a further report would be published in March 2018 which would focus on performance and service delivery.

Councillors McLennan and Small asked questions in relation to long-term financial planning. Ms Woolman pointed out that a number of the Council's borrowing arrangements already went beyond 10 years, and that there were a number of other factors that were certain. She accepted that long-term budgeting was speculative; however, she believed that it was important to have long-term financial plans in place.

On the promotion of trust funds, Ms Woolman advised that officers were considering how best to take these funds forward.

Councillor O'Donnell raised a number of matters as regards the IJB, particularly in relation to the transfer of funding from the NHS to community-based services. Ms Woolman commented that it was still early days for the IJB, but that the transfer of resources from acute to community services had not worked out as expected in 2016/17.

Councillor Bruce asked Ms Woolman for her views on the Council's scrutiny committees. She reminded Members that the Schemes of Administration for those committees had recently been amended to ensure that meetings were quorate; however, she added that continuing with the current situation was not desirable.

Responding to questions from Councillor McLeod, Jim Lamond (Head of Council Resources) advised that the capital balance on the PPP contract had reduced slightly. As regards fraud investigations that had not yet been reviewed, Ms Woolman noted that the Internal Audit work was ongoing, and would be completed in February 2018. Councillor McLeod also asked about the status of Musselburgh Joint Racing Committee (MJRC), and was advised that the MJRC was included in the report as it formed part of the Council's group accounts. She informed Members that the Accounts Commission was currently preparing a report on ALEOs.

Referring to the risks associated with Universal Credit, Councillor Currie commented that the 6-week wait for money experienced by some claimants was the main issue. Ms Woolman advised that there had been challenges early on in the rollout of the new system and this was what was referred to in the report. She accepted that debt provision had been increased and noted the financial consequences of this, adding that the situation had been reported back to the Accounts Commission. Councillor Currie also made reference to a recent court judgement on how developer contributions could be used, and asked if this would be looked at by Audit Scotland in view of the scale of new housing developments in East Lothian. Ms Woolman indicated that officers would take this forward in 2017. On risks associated with the slippage of capital projects, she reiterated the importance of the Council preparing longer-term financial plans in order that the intended capital investment is achieved.

Councillor Henderson opened the debate by highlighting the importance of including all organisations within the group accounts in the Council's scrutiny plans in order to maintain good governance.

Councillor Akhtar welcomed the report, remarking that the Council had a good track record of service delivery and effective financial management. She paid tribute to Council staff for their efforts in managing their budgets whilst delivering high quality services.

Councillor Currie commented that the report highlighted the challenges faced by local government. He called on the Council to ensure that capital projects are delivered, and spoke in favour of longer-term financial planning for capital programmes. He expressed concern about the Council's ability to deliver the infrastructure required to support the Local Development Plan, and also about the outcome of the Barclay Review into non-domestic rates. However, he was confident that the Council could meet the anticipated challenges.

Councillor Hampshire thanked staff in the Finance service for their support to all Council services and the Administration. He shared Councillor Currie's concerns as regards the use of developer contributions, remarking that new developments could not be delivered without the accompanying infrastructure.

The Provost concluded the debate by thanking Ms Woolman for her report and presentation.

## **Decision**

The Council agreed to note the 2016/17 Annual Audit Report.

## **4. 2016/17 EAST LOTHIAN COUNCIL ANNUAL REPORT**

A report was submitted by the Chief Executive providing Members with the 2016/17 East Lothian Council Annual Report.

Paolo Vestri, Service Manager – Corporate Policy and Improvement, presented the report, advising that it had already been presented to the Policy & Performance Review Committee and had been lodged in the Members' Library. He drew attention to the key aspects of the report, such as benchmarking, noting that the Council had 40% of indicators in the top quartile. He pointed out that of the commitments included in the 2012-17 Council Plan, all had been delivered or were at an advanced stage. He also highlighted the results of the Residents' Survey. Mr Vestri advised of the intention to produce a summary report of the results.

Referring to the Council's Economic Development Strategy and the Council Plan, Councillor McLennan asked about job creation in East Lothian. Douglas Proudfoot, Head of Development, advised that it was difficult to assess the number of new jobs. He highlighted the figures as regards jobs and business growth, as well as a number of economic development initiatives, such as the City Region Deal, the Innovation Park and the development of the former Cockenzie Power Station site. The Provost added that the Economic Development Strategy would shortly be reviewed and that job creation would be considered as part of that review.

Councillor Gilbert asked how the level of rent arrears in 2016/17 compared to that of previous years. Mr Vestri indicated that the level of rent arrears was increasing, with the impact of Universal Credit being a factor. He predicted that this figure would increase further.

In response to a question from Councillor Akhtar about broadband coverage, the Provost advised that the Scottish Government had committed £120m to achieve 100% coverage by 2022; however, the Council had not yet been advised of the funding or timescales for East Lothian. Esther Wilson, Service Manager – Economic Development and Strategic Investment, noted that East Lothian currently had 95-96% coverage.

Councillor Findlay questioned attainment in numeracy and literacy in primary schools. Fiona Robertson, Head of Education, reminded Members that the data in the report was 'experimental data' and could not be used for benchmarking purposes. She advised that the 2016/17 data would be reported to the next meeting of the Education Committee.

Councillor Small commented on the large number of key performance indicators, remarking that it was important to look further at those that were considered to be the most important. He suggested that the scrutiny committees should consider this in future.

Councillor O'Donnell congratulated officers for their work in securing the former Cockenzie Power Station site, and looked forward to further consultation on the future use of the site. She also congratulated Annette Bruton on her role with the East Lothian Poverty Commission, and former councillor Donald Grant for his work on day centre service contracts. She paid tribute to staff working within the Health and Social Care Partnership for delivering services to older people, and also highlighted the role of the Citizens' Advice Bureau during the rollout of Universal Credit.

On Education, Councillor Akhtar drew attention to the £500,000 investment in the Red School, Prestonpans, the Tots and Teens initiative, the development of early years' education provision and the recent Excellence in Teaching Award for Windygoul Primary School. She also pointed out that eleven graduates had secured modern apprenticeships within the Council, 1000 school pupils had undertaken work experience, and 93.5% of school leavers went on to positive destinations, which was above the national average.

Councillor Currie spoke of the importance of focusing on outcomes and the progress made by the Council over the past 20 years. He paid tribute to Council staff and communities within East Lothian, especially those involved in voluntary work.

Councillor Hampshire echoed the comments made by other Members, adding that the Council had performed well during challenging financial times.

### **Decision**

The Council agreed to approve the 2016/17 East Lothian Council Annual Report.

## **5. FINANCIAL PROSPECTS – 2018/19 AND BEYOND**

A report was submitted by the Depute Chief Executive (Resources and People Services) providing the Council with an update on the financial outlook for 2018/19 and beyond, setting out forecasts of the Council's anticipated costs pressures and changes to funding over the medium term, and setting out proposed changes to the budget planning framework for 2018 to 2023.

The Head of Council Resources, Jim Lamond, presented the report, providing an update on the current year's budget and approved financial plans for 2017-2020. He went on to advise Members of the financial challenges facing the Council, anticipating that the ongoing period of austerity would continue for some years to come. He noted the uncertainty as regards local government funding, and the impact this would have on longer-term financial planning. Mr Lamond informed Members that scenario-based financial modelling had been carried out across a five-year period (set out in Section 3.10 of the report), indicating that, based on these predictions, the Council would have to make some very difficult decisions in the coming years in order to balance budgets. Mr Lamond highlighted proposed changes to the budget development process, as outlined in Section 3.12 of the report.

In response to questions from Councillor Currie, Mr Lamond warned that Scenario 3 (which provided for savings of £39 million across the five-year period) was, in his opinion, realistic, unless there was a significant shift in priorities at government level. Mr Lamond noted that provision of only 1% for pay awards for each of Years 1-3 had been included in the current approved financial plans at a time when both the UK and Scottish Governments were signalling a change in public sector pay policy that would create pressure for higher awards. As regards the PPP contract, he advised that through contract monitoring and reviews, the Council had benefited from a number of refunds; he added that the contract payments were subject to a degree of indexation. On financial planning, Mr Lamond noted the desire of Audit Scotland for councils to move to a five-year budget process, and despite the obvious and varied challenges brought by uncertainty, he suggested that forward thinking and planning was now more important than ever. As regards the budget process for the coming year, he anticipated that the Administration's draft budget would be presented to Cabinet in January, after which the other political groups would be given the opportunity to propose amendments to the draft budget. He advised that there would be a budget briefing for all Members in December, and that officers were in the process of preparing an extensive range of options for consideration as regards reducing costs, increasing income streams, and redesigning services.

Councillor Small asked Mr Lamond if he was confident that the Transformational Change/Efficiency Programme would be achieved. Mr Lamond pointed out that the Council was, broadly speaking, on target at the end of the first financial quarter, and that there would be an update on the Quarter 2 position presented to Cabinet in November. He advised that realising planned savings for Years 2 and 3 would be a challenge.

Responding to questions from Councillor O'Donnell on the funding for health and social care, Mr Lamond advised that the Council's share of the additional £130 million revenue support grant included in the 2017/18 local government settlement amounted to c. £2.3m, and that for now, he was working on the assumption that this funding was baselined. As regards the

funding of new policies/burdens, he noted that negotiations between Ministers and CoSLA were ongoing, but that the financial modelling undertaken assumed that any new burdens would be fully funded.

Councillor Williamson asked if 100% of the Pupil Equity Fund was given to schools using the prescribed formula. Mr Lamond pointed out that there was guidance on the use of this funding, with the majority of it going to schools, but with some being used for support services, such as school support, finance and HR. The Head of Education, Fiona Robertson, added that the Council worked with head teachers to ascertain their requirements, and that some of the funding had been used to develop the Curriculum for Excellence monitoring and tracking tool.

Councillor McLennan asked if consideration would be given to shared services. Mr Lamond confirmed what he said earlier, suggesting that partnership working and other collaborative approaches would typically form part of the thinking undertaken by officers when considering budget reduction options that would be suggested to councillors.

Councillor Small urged caution as regards the level of efficiency savings that could be realised through the Transformational Change Programme.

Councillor Currie highlighted the importance of protecting frontline services and other services which added value to East Lothian. He made reference to the health and wellbeing of staff, and the impact of public sector pay restraint. He recognised the challenges facing the Council; however, he was optimistic that the Council was well placed to meet these challenges and to make further improvements to services.

Councillor Hampshire accepted that it would not be easy to deliver balanced budgets going forward, and welcomed proposals from Members of all political groups in order to demonstrate the required savings. He stated that the Administration would work to protect education and social care services, and spoke of the importance of being open and honest with the public during the budget development process.

Councillor Akhtar concluded the debate by calling on Members to campaign to protect public services.

## **Decision**

The Council agreed:

- i. to note the content of the report, including the financial prospects for 2018/19 through to 2022/23;
- ii. that advance work on budget development for 2018/19 onwards should commence in accordance with the potential scenarios outlined within the report; and
- iii. to approve the new budget development process, set out in Section 3.12 of the report.

## **6. EDINBURGH AND SOUTH EAST SCOTLAND CITY REGION (EESCR) DEAL**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval to establish a joint committee for the purpose of progressing and implementing the Edinburgh and South East Scotland City Region Deal, and to delegate authority to the Chief Executive to enter into a minute of agreement. The report also

updated the Council on the Project Management Office (PMO) arrangements to support the continued development of the Deal.

The Head of Development, Douglas Proudfoot, presented the report, advising of the need to establish a joint committee in order to progress the City Region Deal. He drew attention to Appendix 1 to the report, which set out the proposed powers of the joint committee, and sought authority to delegate to the Chief Executive (in conjunction with the Council Leader/Depute Leader) to negotiate the minute of agreement for the joint committee.

The proposals were welcomed by Members.

### **Decision**

The Council agreed:

- i. to approve the establishment of a joint committee under Section 57 of the Local Government (Scotland) Act 1973 with the City of Edinburgh, Fife, Midlothian, West Lothian and Scottish Borders Councils, representatives from the higher education and further education sector, and business, to oversee the governance arrangements for the Edinburgh and South East Scotland City Region Deal;
- ii. to approve the arrangements that would inform the proposed minute of agreement establishing the joint committee, as detailed in Appendix 1 to the report;
- iii. to approve that the Leader of the Council, or Depute Leader in his absence, be appointed to represent the Council on the joint committee;
- iv. to delegate authority to the Chief Executive, in consultation with the Leader/Depute Leader of the Council, to negotiate and agree the minute of agreement establishing the joint committee, in line with the principles stated in Appendix 1 to the report, and any financial and resource contributions, if required; and
- v. to note that the Project Management Office would be enhanced as partners enter the implementation phase and that contributions would be sought from councils to fund this.

### **7. EDUCATION GOVERNANCE NEXT STEPS: REGIONAL IMPROVEMENT COLLABORATIVES**

A report was submitted by the Depute Chief Executive (Resources and People Services) informing the Council of the announcement of the agreed position between local government and the Scottish Government on implementing Regional Improvement Collaboratives. The report also sought approval for East Lothian Council to be a member of the South East Alliance and to progress with a South East Regional Improvement Collaborative Plan to add value to the Council's current improvement activities and support the Council to achieve its vision for children and young people.

The Head of Education, Fiona Robertson, presented the report, advising that the Scottish Government and Local Government Steering Group had now reached an agreed position as regards implementing Regional Improvement Collaboratives (RICs). She drew Members' attention to the report appendices, noting that further partnership working arrangements would be developed, particularly in conjunction with the City Region Deal. She also pointed out that the implications for staff in the Education service and the implications of the Education Bill were as yet unknown.

Councillor Mackie asked if the proposed arrangements would help raise attainment levels in East Lothian, and if the Council would have an equal voice in the RIC. Ms Robertson advised that the agreed position between the Scottish Government and Local Government had changed and that the Council would now be in a position to ensure that the South East RIC added value to the Council's current improvement activities and priorities. She noted that she would represent the Council, and there would also be head teacher and quality improvement officer involvement. She added that she had been involved in shaping the starter paper (Appendix 3 to the report) with her counterparts in the other local authorities and that East Lothian had an equal voice in the process.

Councillor Forrest asked if there had been any feedback from head teachers. Ms Robertson reported that head teachers had been involved throughout the development of the starter paper and were fully aware of the purpose of the RIC. Head teachers had shown a desire to participate in delivery groups to ensure that value was added to East Lothian's activities and that current levels of support would continue.

Councillor O'Donnell expressed concern that, in order to close the attainment gap, resources would be concentrated in areas of higher deprivation. Ms Robertson assured her that this would not happen.

On financial implications, Ms Robertson was unable to confirm at this time whether funding would be provided to implement the changes, but stressed that it was important to ensure that East Lothian support was not diminished.

Responding to a question from Councillor Akhtar on the potential additional burden on head teachers, Ms Robertson spoke of the importance of having clarity on improvement planning and the improvement cycle in order to ensure that there was no additional bureaucracy for head teachers.

Councillor McLeod questioned the effectiveness of the structure of the RIC. Ms Robertson was of the view that improvement plans would be developed around the Council's priorities, and that she did not see any conflict of interest for the RIC Lead Officer. She added that there would be a review of the arrangements after six months of operation.

The Chief Executive welcomed the change in position, and recognised the merits in sharing good practice with partner authorities. She indicated that chief executives would determine the priorities in line with the needs being identified in each local authority area. She noted that the discussion about resources was ongoing, and that the need for support to head teachers had been made clear to the Scottish Government and Education Scotland.

Councillor Akhtar spoke in support of the revised proposals, and thanked the Chief Executive and Ms Robertson for their efforts in relation to ensuring that the democratic link between councils and education was retained. She highlighted the importance of the Council having equal representation and the required level of resources to support schools.

Councillor Currie also welcomed the agreed position between the Scottish Government and Local Government, and commented on the importance of positive outcomes. He was confident that, through the Chief Executive and Ms Robertson, East Lothian would be well represented and that the Council's good practices could be shared.

Councillor Small indicated that he had been reassured by Ms Robertson, and noted the need to ensure that head teachers had the capacity, resources and support to deal with their new duties and responsibilities.



## Decision

The Council agreed:

- i. to note the contents of the report;
- ii. to note the contents of the draft South East Regional Improvement Collaborative Starter Paper;
- iii. to approve East Lothian Council's membership of the South East Alliance Regional Improvement Collaborative;
- iv. to delegate to the Chief Executive, East Lothian Council's participation in the development of the South East Alliance Regional Improvement Collaborative and Regional Improvement Plan; and
- v. to note that update reports would be brought to the Education Committee outlining progress with the development of the South East Regional Improvement Collaborative and Improvement Plan.

### **8. EXPANSION OF EARLY LEARNING AND CHILDCARE TO 1140 HOURS – DRAFT IMPLEMENTATION PLAN**

A report was submitted by the Depute Chief Executive (Resources and People Services) presenting the draft Early Learning and Childcare Implementation Plan (attached as Appendix 1 to the report) for approval. The report also provided an update on the submission of the draft Early Learning and Childcare Implementation Plan and financial template to the Scottish Government on 5 October 2017, and provided the Council with an overview of East Lothian's vision and proposed model of delivery to meet the requirements of the expansion programme.

The Head of Education, Fiona Robertson, presented the report, advising of the work carried out to date to develop the draft Implementation Plan and proposed delivery model. She highlighted the benefits of the proposed delivery model, as set out in Section 3.5.6 of the report, and the implications for both the workforce and school estate. She also noted the estimated costs of implementing the expansion programme and the Scottish Government's intention of funding the programme in full.

Responding to questions from Councillors Gilbert and Goodfellow, Ms Robertson advised that there were a number of options in the plan to meet demand, including a 38-week model, a 50-week model and the utilisation of outdoor space; she stressed that flexibility was a key principle. She also pointed out that there was no catchment area policy for nurseries, but that most children attended nurseries within their school cluster area.

Councillor McLeod raised the issue of funding and of agreements with private partner nurseries. Ms Robertson advised that she was awaiting further information from the Scottish Government. In the event that the programme was not going to be funded in full, the Implementation Plan would require alteration. As regards private partners, she advised that service level agreements, which were subject to modification, were in place with those partners, and that one-year plans could be incorporated into future agreements.

Commenting on the impact on school staff, Councillor Findlay asked what arrangements were being made for eligible two-year-olds. Ms Robertson explained that there was a dedicated officer to take forward the arrangements for those children. She accepted there

would be an impact on the school workforce, as two-year-olds had different needs compared to older children.

The proposals were welcomed by a number of Members, who spoke in favour of providing greater flexibility. However, there were concerns expressed about the funding of the programme.

### **Decision**

The Council agreed:

- i. to approve the draft Early Learning and Childcare Implementation Plan;
- ii. to acknowledge that the draft Early Learning and Childcare Implementation would be subject to the Scottish Government's stated intention that the implementation of the expansion would be fully funded and that the submission of the Plan was the first step towards confirming the funding that would be made available; and
- iii. to note that, once the Scottish Government confirms funding levels, the draft Early Learning and Childcare Implementation Plan would be revised to reflect this and a further update would be provided to Council at that time.

## **9. HOUSING LAND AUDIT 2017 AND HOUSING LAND SUPPLY: INTERIM PLANNING GUIDANCE**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) notifying the Council of the current five-year effective housing land supply position within East Lothian, based on the agreed 2017 Housing Land Audit; providing guidance to the Council on how the Housing Land Supply: Interim Planning Guidance should now be used in view of approval of the Council's finalised proposed Local Development Plan (LDP) on 6 September 2016 and the agreed Housing Land Audit; seeking approval that the revised Housing Land Supply: Interim Planning Guidance be a material consideration to be taken into account when determining planning applications for housing sites within the agreed 2017 Housing Land Audit and the proposed Local Development Plan – the associated revision would be to ensure that the five-year effective housing land supply is 'maintained', rather than in the previous version of the guidance where the intention was to seek to provide an adequate supply of such land; and advising the Council of the status that SDP1 Policies 6 and 7 should now be given when determining all other applications for planning permission for residential development on land not allocated for this purpose by the East Lothian Local Plan 2008, or that would be allocated for this purpose by the proposed East Lothian Local Development Plan, should it be adopted in the format proposed.

The Service Manager – Planning, Iain McFarlane, presented the report, advising that, if approved, the guidance would be used a material consideration in determining applications on sites not allocated by the East Lothian Local Plan 2008. He pointed out that the guidance also took account of monitoring land supply through the housing land audit process, and that the 2017 Housing Land Audit, as agreed with Homes for Scotland, representing the housing industry, demonstrated that the Council had a 6.2-year housing land supply, thereby meeting the terms of the Strategic Development Plan and Scottish Planning Policy. He reported that the only sites currently needed to maintain the 5-year housing land supply were those set out within the audit and the proposed LDP. He suggested that the Council should seek to resist development on land deemed not suitable for that purpose, unless included in the housing land audit and the LDP.

In response to questions from Councillor Goodfellow, Mr McFarlane anticipated that on completion of the 2018 housing land audit, the Council should have a housing land supply of 5-6 years. He informed Members that there were currently two sites being appealed and that material had been submitted to those appeals which corresponded to the approach set out in the report.

Councillor Currie asked about the number of sites in the proposed LDP that will not have been granted planning permission by the time the LDP is adopted, and about the delivery of associated infrastructure. Mr McFarlane advised that decisions on a number of significant sites will not have been taken by that stage. As regards infrastructure, he explained that where sites had been approved or were subject to a Section 75 Agreement, there was a requirement to make a contribution and deliver the agreed infrastructure requirements. He noted that further transport modelling was being carried out to identify when major strategic infrastructure changes should be delivered. He was of the opinion that the proposed interim planning guidance and having a 5-year housing land supply would provide a robust defence against planning applications for sites not included in the proposed LDP. He also anticipated that the Council would not have to make significant allocations in LDP2, subject to the housing requirements of the second Strategic Development Plan not being increased by the Reporter or Scottish Government.

Councillor Hampshire commented that the Council was in a stronger position now than it had been previously as regards the housing land supply. However, he voiced his concern as to the timing of the delivery of infrastructure to support developments. Referring to a recent court judgement in Aberdeen on the delivery of infrastructure, Mr McFarlane advised that the Council's Developer Contribution Framework would be reviewed in light of this and the previous judgement before the LDP was brought to Council for adoption.

Councillor Findlay questioned the definition of 'robust, defensible boundaries'. Mr McFarlane noted that the Reporters had not been consistent on this issue when considering appeals, and he provided an example of where it would be inappropriate to have such a boundary.

Responding to a question from Councillor McMillan, Mr McFarlane indicated that the Council had powers to direct the timescale for commencement of development, but that this could be challenged by the developer.

Councillor Currie expressed concern about applications for developments not included in the LDP coming forward. He made reference to a number of sites that had not been developed and the effect this had had on those communities.

Councillor Hampshire welcomed the proposed guidance, which he felt would put the Council in a stronger position.

## **Decision**

The Council agreed:

- i. to use the approved finalised proposed Local Development Plan as a material consideration that gives additional weight in favour of 'the general principle' of housing development on sites included within that emerging plan when it determines planning applications under the Housing Land Supply: Interim Planning Guidance. The approved finalised proposed Local Development Plan should be taken into account on a case-by-case basis with other material considerations as appropriate;
- ii. that SDP1 Policy 7 should only be applied when and where it is specifically needed 'in order to maintain an adequate five years' supply of effective housing land'. The only location where SESplan SDP1 Policy 7 should now be applied within East

Lothian is to bring forward appropriate sites that are included within the finalised proposed LDP and the agreed 2017 Housing Land Audit, and thus the finalised proposed Local Development Plan; and

- iii. to use the advice set out in the report and the factors set out in the Housing Land Supply: Interim Planning Guidance (attached as Appendix 1 to the report) as material considerations in the assessment of relevant planning applications for housing against SDP1 Policy 7 where such proposals are made for land not allocated for this purpose by the East Lothian Local Plan 2008.

## **10. AMENDMENTS TO STANDING ORDERS – SCHEME OF ADMINISTRATION**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of proposed changes to the Scheme of Administration for the Petitions Committee, to include community asset transfer reviews.

The Clerk presented the report, advising of the need to establish a means by which to review community asset transfer requests. She proposed that such reviews should be dealt with by the Petitions Committee, and that the committee be renamed the Petitions and Community Empowerment Review Committee.

### **Decision**

The Council agreed:

- i. to approve that community asset transfer reviews should be incorporated into the Petitions Committee;
- ii. to approve the proposed changes to the Scheme of Administration for the Petitions Committee (set out in Appendix 1 to the report); and
- iii. to approve changing the name of the Petitions Committee to the Petitions and Community Empowerment Review Committee.

## **11. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES – FOLLOW-UP REPORT**

A report was submitted by the Depute Chief Executive (Resources and People Services) requesting the Council to approve the appointment of Councillor Henderson to represent the Council on the East Lothian Local Access Forum, replacing Councillor Goodfellow.

The Clerk presented the report, advising that Councillor Goodfellow was relinquishing his position on the East Lothian Local Access Forum, and that the Administration was nominating Councillor Henderson as his replacement.

### **Decision**

The Council agreed to approve the appointment of Councillor Jane Henderson to represent the Council on the East Lothian Local Access Forum, replacing Councillor Jim Goodfellow.

**12. SUBMISSIONS TO THE MEMBERS' LIBRARY, 15 AUGUST – 18 OCTOBER 2017**

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.

**Decision**

The Council agreed to note the reports submitted to the Members' Library Services between 15 August and 18 October 2017, as listed in Appendix 1 to the report.

**SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

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

**Application to Haddington Common Good Committee**

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