



## MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 25 JUNE 2019  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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### Committee Members Present:

Provost J McMillan (Convener)	Councillor C Hoy
Councillor S Akhtar	Councillor W Innes
Councillor L Bruce	Councillor S Kempson
Councillor S Currie	Councillor G Mackett
Councillor F Dugdale	Councillor K Mackie
Councillor J Findlay	Councillor C McGinn
Councillor A Forrest	Councillor P McLennan
Councillor N Gilbert	Councillor K McLeod
Councillor J Goodfellow	Councillor F O'Donnell
Councillor N Hampshire	Councillor T Trotter
Councillor J Henderson	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 J Lamond, Head of Council Resources  
Mr D Proudfoot, Head of Development  
Mr T Reid, Head of Infrastructure  
Mrs F Robertson, Head of Education and Children's Services  
Ms S Saunders, Head of Communities and Partnerships  
Ms T Brown, Finance Business Partner  
Mr P Currie, Strategic Planning and Performance Manager, Health & Social Care Partnership  
Mr S Cooper, Team Manager – Communications  
Ms L Craig, Finance Officer  
Ms C Dora, Executive Officer  
Ms S Fortune, Service Manager – Business Finance  
Ms A-M Glancy, Principal Accountant (Financial)  
Mr C Grilli, Service Manager – Legal & Procurement  
Ms J Holland, Senior Solicitor  
Mr M Lambert, Financial Accountant  
Mr I McFarlane, Service Manager – Planning  
Mr R Montgomery, Project Manager  
Ms D Pringle, Corporate Accountant  
Mr P Vestri, Service Manager – Corporate Policy and Improvement

### Visitors Present:

Ms E Scoburgh, Audit Scotland

**Clerk:**

Mrs L Gillingwater

**Apologies:**

None

**Declarations of Interest:**

Councillor McLennan declared an interest in Item 7: East Lothian Local Development Plan 2018 – Supplementary Planning Guidance on Sustainable Drainage Systems (SuDS); and Countryside and Coast, on account of his employment status.

Councillor Forrest declared an interest in Item 13: Application to Musselburgh Common Good Committee, on account of his involvement with the organisation which had submitted the application.

*Prior to the commencement of business, the Provost made reference to recent achievements by East Lothian residents, including: Scott Glynn, who had been awarded the MBE; Josh Taylor who had won boxing's IBF title; successes for Musselburgh Windsor FC and Tranent Juniors FC; Leah Hay (Participation Assistant for East Lothian Champions Board) who had won the Young Achiever of Year Award; and all those volunteers who had organised the county's gala days.*

**1. MINUTES FOR APPROVAL**

The minutes of the following meetings of East Lothian Council were approved: 12 February 2019, 26 February 2019 and 14 May 2019.

**2. MINUTES FOR NOTING**

The minutes of the Local Review Body (Planning) meeting of 21 February 2019 were noted.

**3. 2018/19 END OF YEAR FINANCIAL REVIEW**

A report was submitted by the Depute Chief Executive (Resources and People Services) informing the Council of the draft unaudited annual accounts and providing a review of the financial position for the financial year ending 31 March 2019 prior to the submission of the draft accounts for External Audit.

The Head of Council Resources, Jim Lamond, presented the report, explaining that the statutory external audit process was now underway, and that the financial statements attached to the report were unaudited and subject to change. He anticipated that Audit Scotland would present their Annual Report to the Audit & Governance Committee on 17 September, with their final report being presented to Council on 29 October.

Mr Lamond summarised the key aspects of the report, drawing attention to the continued overspend on the General Services budget of c. £1m. He informed Members of mitigating actions taken and also of review work undertaken in respect of Loans Fund Advances chargeable to General Services and the Housing Revenue Account (as outlined at Sections 3.9 to 3.11 of the report), and the Council's provisions in respect of Bad Debt. He further advised that General Services reserves had increased by almost £0.4m and that HRA reserves had increased by almost £0.7m; all of the Council's Trading Operations had

satisfied the statutory requirement to break even over a three-year rolling period; and the Council's pension liabilities had increased by £34m. Mr Lamond also highlighted the financial performance of individual services, increased capital spending, and borrowing levels (which were in line with the Council's approved Treasury and Financial Strategies). Mr Lamond concluded his presentation by pointing out that, despite ongoing efforts to deliver efficiencies and control costs, spending on services continued to exceed the approved budget, and he therefore stressed the importance of continued adherence to the Council's Financial Strategy.

Sarah Fortune, Chief Operating Officer for Finance, provided a summary of the key elements of the Council's accounts, which also included the wider Group components, such as Enjoy, MRAC, East Lothian Land Ltd, East Lothian Investments Ltd, the Brunton Theatre and the Integration Joint Board.

Councillor Currie welcomed the review of the Loans Fund, and asked if the Council would have to pay more interest on those loans which would now be repaid over a longer period. Mr Lamond explained this was not the case and that Treasury loans tended to be agreed on a fixed term period and an agreed fixed interest rate. He further advised that the key element of the review was concerned with the advances chargeable to the General Services and Housing Revenue Accounts. Ms Fortune confirmed that the review of the Loans Fund would not result in the life of loans being extended or a change in interest charges.

On the PPP contract, Councillor Currie asked if it would be cost-effective for the Council to buy out the contract, given the high level of interest charges. Mr Lamond advised that this had been considered but had not been progressed to date, noting that to vary the existing arrangements would require the support of the provider, whose financial outlook would be somewhat different to the Council's. He did point out, however, that work was ongoing as to how to best manage the prevailing contract conditions, also noting that should the Council ever look to buy out the contract, it may have an adverse impact on grant funding support received from the Scottish Government.

Councillor Akhtar asked for an update on the situation as regards Family Link Workers and Counselling Services for schools. Fiona Robertson, Head of Education and Children's Services, informed Members that a task force had been set up to look at the Counselling Service and how the funding would be allocated, and that on Family Link Workers, an audit of the roles of local authorities had been undertaken. She noted that by the end of 2019/20, each school should have a Family Link Worker.

Councillor Akhtar also asked about action taken to address the overspend in the Children's Wellbeing budget. Mr Lamond indicated that there had been an unprecedented growth in demand in this area, especially in relation to external placements. He noted that under direction from the Chief Executive, officers were considering how best to manage this issue moving forward.

Councillor O'Donnell questioned why the financial forecast for services delegated to the IJB had been so inaccurate. Mr Lamond accepted that there had been a significant variation between Quarter 3 and the end of the financial year, and although forward projecting and estimating always carried a degree of risk and uncertainty, he reassured Members that the underlying reasons would be examined more fully and processes would be reviewed in order that this situation was not repeated in future years.

In response to questions from Councillor Henderson, Mr Lamond advised that several other councils had already reviewed their Loans Funds relative to the statutory guidance, although East Lothian was likely to be one of only a few which might seek to do this within 2018/19 following the change in stance now being adopted by Audit Scotland. He also sought to reassure Members that the approach now adopted by East Lothian was indeed a more

prudent one, which he was comfortable and happy to recommend to the Council. On bad debt provision, he commended the work done by officers within Revenues and Welfare Support, who had secured very positive collection rates on the Council's main income streams.

Councillor Innes opened the debate by thanking Mr Lamond and his team for their work on the accounts. He warned that the Council was facing significant financial challenges, but welcomed the position as regards the Adult Wellbeing budget, and the review of the Loans Fund. He praised officers for their commitment and work in reopening the otherwise completed accounts to undertake this review, the result of which was a more positive financial position for the Council. His comments were echoed by Councillor Henderson, who also welcomed the quarterly financial review reports being presented to Council.

Councillor Currie commented that the report demonstrated the resilience of the Council and its ability to adapt. He shared Councillor O'Donnell's concerns in relation to the Adult Social Care budget forecast and he highlighted the need to ensure that shifting the balance of care was working for the community. He reiterated his concerns about the PPP contract interest payments, and called for this to be looked at. He also requested that provision for Mortgage to Rent applications should be reviewed, as this was not being utilised.

Councillor Akhtar welcomed the investment in school estate and the employment and training opportunities for young people. She made reference to a recent careers event at Queen Margaret University and to a recent positive inspection at Lothian Villa. She also paid tribute to the work of staff.

Councillor Hampshire stressed the need for the Council to identify additional income streams in order for the Council to meet future financial challenges.

On health and social care, Councillor O'Donnell advised that the IJB would be considering a five-year plan to meet the challenges ahead. She also noted that the new GP contract would soon be implemented.

Councillor Goodfellow welcomed the increase in government grant funding to support the new house building programme, confirming the Council's commitment to deliver new homes. He took account of the comments made by Councillor Currie as regards the Mortgage to Rent scheme.

## **Decision**

The Council agreed:

- i. to approve the application of proposed variations to Loans Fund Advances following completion of the previously advised Loans Fund Review;
- ii. to note the draft annual accounts for 2018/19, and approve their submission to External Audit prior to the statutory deadline of 30 June 2019;
- iii. to note the draft financial results for 2018/19, including the impact on reserves and the Council's Financial Strategy; and
- iv. to authorise the Head of Council Resources, as the Council's Chief Finance Officer, to make any required late changes to the unaudited financial statements prior to final submission as referenced in Section 3.5 of the report.

#### **4. REVIEW OF GOVERNANCE OF COMMON GOOD**

A report was submitted by the Depute Chief Executive (Resources and People Services) reporting on progress of the Review of the Governance of Common Good and seeking approval to undertake further work.

The Head of Council Resources, Jim Lamond, presented the report, advising that a project team had been formed to take forward the review. He pointed out that, as the creation of a Common Good asset register was now a statutory requirement, it had been agreed to prioritise the identification of all Common Good assets and assess the condition of such properties. It was proposed that a solicitor and surveyor be appointed to carry out this work, at a cost of c. £40,000 - £50,000 (provision for which had been made in the Common Good budgets proposed within a later item on today's agenda). Mr Lamond proposed that further review work would be required once the aforementioned work had been completed.

Mr Lamond responded to a number of questions from Members, advising that the Council had previously paid for maintenance work that should more properly have been charged to the Common Good. On governance, he accepted that the review had not progressed as quickly as anticipated due to complexities surrounding Common Good, and that recently the asset aspect of the work had been prioritised; a further report bringing back findings on the wider review and proposals on governance would be presented to Members in due course. He indicated that there was legislative provision for the involvement of Community Councils, Area Partnerships and other bodies in the use of Common Good assets. As regards the Common Good boundaries, Members were advised that this would be looked at as part of the review. He anticipated that it would not be possible to report back fully to Members in August on the governance issues, and that it was unlikely that the wider review would be completed before the end of 2019; however, he undertook to provide an update to Members before the end of the year.

Councillor Goodfellow opened the debate by expressing concern about the governance arrangements for Common Good funds. He noted that the report recommendations were concerned only with assets, and therefore proposed an amendment, by way an additional recommendation. The Provost agreed to accept the request to put forward the amendment, despite it not being submitted in accordance with Standing Orders. The proposed amendment was as follows:

Council agrees that, in consultation with Members, a report on the governance of Common Good funds, and any recommendations for improvements to the management of the funds, be brought forward to the next Council meeting, in order to address the concerns of Council.

Councillor Hampshire seconded the proposed amendment.

Mr Lamond committed to bringing forward an update report to the next Council meeting, but warned that he could not guarantee that proposals on the way forward would be included in that report, given the timescales involved. He also highlighted the practical difficulties in progressing this matter during the summer recess period.

With reference to the motion on the Scheme of Administration for Common Good Committees (Item 9 on the agenda), and the associated amendment, Councillor Mackie suggested that it may be better to continue this to a future meeting. Councillor Currie agreed that it would not be appropriate to progress the motion at this meeting, given that a report on governance matters would come to Council in August. On the use of Common Good funding, he stressed the importance of spending the money for the benefit of the community, and suggested that it would be helpful to have a capital plan for Common Good assets in order to ensure that improvements to assets were carried out. On the issue of Trusts,

Councillor Currie highlighted the difficulties for people in accessing those funds and called for officers to look at ways of making those monies more accessible. Mr Lamond reported that work on Trusts was progressing well and that a report on this would come forward before the end of 2019.

Councillor Mackie welcomed the work on the review, and suggested that a Common Good strategic plan should be drawn up to ensure that Common Good monies were being used for community benefit.

The Provost reiterated that an update on the review would be presented to Council in August, and that the review would be concluded by the end of 2019. In response to a suggestion by Councillor Innes, the Chief Executive agreed that cross-party input to the review would be useful, and she would establish a group over the summer recess.

## **Decision**

The Council agreed:

- i. to delegate authority to officers to employ a surveyor to carry out a repairing survey on all currently listed Common Good Assets and to prepare a schedule of repairs and maintenance required that could then be included in the Common Good budget-setting process to ensure that all such assets are kept in a good state of repair;
- ii. that the fees and associated costs of said surveyor should be met from the Common Good Funds proportionately based on the value of the Common Good Funds for each of the four Common Good areas, namely Musselburgh, Haddington, North Berwick and Dunbar;
- iii. that Legal and Procurement should undertake an exercise to determine by examination of title deeds, etc. whether those properties that currently appear on the list of Common Good Assets are correctly so listed and whether any other properties or other assets owned by the Council should be added to the list;
- iv. that the cost of either outsourcing this work to a legal firm or employing a solicitor on a temporary basis at Grade 9 for a period of six months to carry out this work is proportionately met by the Common Good Funds, as at (ii) above;
- v. that a Register of Common Good Assets be established, maintained and published to fulfil the legal requirements of Section 102 of the Community Empowerment (Scotland) Act 2015 (CESA), including a full public consultation; and
- vi. that, in consultation with Members, an update report on the governance of Common Good funds, and any recommendations for improvements to the management of the funds, be brought forward to the next Council meeting, in order to address the concerns of Council.

## **5. COMMON GOOD FUNDS – BUDGET 2019/20 TO 2021/22**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the budgets for the Dunbar, Haddington, Musselburgh and North Berwick Common Good Funds for 2019/20 to 2021/22.

The Head of Council Resources, Jim Lamond, presented the report, drawing Members' attention to the accumulated funds for each Common Good Fund and the proposed budgets for 2019/20 to 2021/22. He also highlighted repair work required at Fisherrow Harbour

(Musselburgh) and Haddington Town House, which would impact on those Common Good budgets/rental income.

A number of questions were raised by Members. They were advised that 'repairs and maintenance' referred to ongoing issues rather than major refurbishments, and were confined to existing Common Good assets. On the repairs to Haddington Town House, Tom Reid, Head of Infrastructure, advised that he would provide detail on the extent of these works. Mr Lamond agreed that the grant award limit of £10,000 delegated to Common Good Committees could be considered as part of the Common Good Review.

Councillor Currie thanked finance officers for their assistance, remarking that the Common Good funds provided grants to community organisations that may not be able to access funds from other sources, and also allowed for small business start-ups.

### **Decision**

The Council agreed:

- i. to note the financial results for 2018/19 on each of the Common Good Funds; and
- ii. to approve the 2019/20 to 2021/22 Common Good budgets, as set out in Appendices 1a-1d of the report.

## **6. REVISION OF THE INTEGRATION SCHEME FOR EAST LoTHIAN INTEGRATION JOINT BOARD**

A report was submitted by the Chief Officer, East Lothian Integration Joint Board (IJB), informing the Council of a necessary revision to the Integration Scheme for the East Lothian Integration Joint Board.

Paul Currie, Strategic Planning and Performance Manager for the Health and Social Care Partnership, presented the report, informing Members of the requirement to revise the Integration Scheme to take account of the Carers Act. He noted that the changes had been approved by the IJB on 28 March and by NHS Lothian on 6 April. He added that a comprehensive review of the Integration Scheme would be required in 2024.

Councillor O'Donnell welcomed the engagement on the revisions with carers and carers' groups.

### **Decision**

The Council agreed:

- i. to note that as a result of the introduction of the Carers (Scotland) Act 2016, East Lothian Integration Joint Board has been required to revise its Integration Scheme;
- ii. to accept the revised Integration Scheme for East Lothian Integration Joint Board, which has been published in the Members' Library (Ref: 89/19, June 2019 Bulletin), and which was approved by NHS Lothian on 6 April and supported by the Integration Joint Board on 28 March 2019 (approval by the Health Board and the Council was required before the revised Scheme could be submitted to the Scottish Government for final approval); and
- iii. to note that on approval of the revised Integration Scheme, the date for a comprehensive review of the Scheme would be extended to 2024. In the event of

any relevant legislation changing, there may be a need to further revise the Integration Scheme.

## **7. EAST LOTHIAN LOCAL DEVELOPMENT PLAN 2018 – SUPPLEMENTARY PLANNING GUIDANCE ON SUSTAINABLE DRAINAGE SYSTEMS; AND COUNTRYSIDE AND COAST**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services seeking approval of the Supplementary Planning Guidance on Sustainable Drainage Systems (SuDS), which has recently been subject to consultation, and seeking approval for consultation purposes of draft Supplementary Planning Guidance on the Countryside and Coast, noting that both documents had been prepared as supporting information to the East Lothian Local Development Plan 2018 (LDP).

**Sederunt:** having declared an interest, Councillor McLennan left the meeting for the duration of this item.

The Service Manager – Planning, Iain McFarlane, presented the report, advising Members of the consultation process for the Supplementary Planning Guidance (SPG) on SuDS. He drew particular attention to issues surrounding the future maintenance of SuDS facilities, noting that the SPG would require to be updated to reflect any changes approved by Council. On the Countryside and Coast SPG, he advised that this would be subject to public consultation during the summer and a report seeking approval of this SPG would be submitted to Council in early autumn.

Mr McFarlane responded to a number of questions in relation to the Countryside and Coast SPG, particularly as regards the coalescence of settlements and special landscape areas. He referred Members to the LDP Maps, which had undergone a rigorous process of assessment and examination prior to approval by the Reporter. He did point out, however, that such areas could be reviewed through the next LDP process.

On the maintenance of SuDS, Mr McFarlane urged caution at the suggestion that the Council could adopt existing SuDS that were considered to be unsatisfactory. However, where there was an agreement between the Council and Scottish Water to take on the maintenance of SuDS, a Memorandum of Understanding would be required, with the Council taking responsibility for the above-ground element and Scottish Water taking responsibility for the underground element. In response to a suggestion as regards the use of a Section 75 Agreement for the maintenance of SuDS, Mr McFarlane indicated that such agreements were used to cover capital costs rather than ongoing maintenance costs.

### **Decision**

The Council agreed:

- i. to note the responses from the public consultation on the draft Supplementary Planning Guidance: Sustainable Drainage Systems (attached as Appendix 1 to the report);
- ii. to approve and adopt the draft Supplementary Planning Guidance: Sustainable Drainage Systems (attached as Appendix 2 to the report);
- iii. to provide the Service Manager – Planning with delegated authority to revise the wording of the document at a later date to reflect the Council's future decision on the Section 7 process; and



- iv. to approve for public consultation the draft Countryside and Coast Supplementary Planning Guidance (available in the Members' Library, Ref: 88/19, June 2019 Bulletin).

## **8. SUMMER RECESS ARRANGEMENTS 2019**

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of the arrangements for dealing with urgent Council business during the summer recess 2019.

### **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 27 August 2019 (as outlined at Section 3.1 of the report); and
- ii. to note that a summary of business carried out during the recess period would be brought to the Council meeting of 27 August 2019, and that copies of all reports approved during the recess period would be lodged in the Members' Library.

**Sederunt:** Councillor McLennan returned to the meeting.

## **9. NOTICE OF MOTION – AMENDMENT TO SCHEME OF ADMINISTRATION: COMMON GOOD COMMITTEES**

With the agreement of Councillors Currie and Williamson, who had submitted the motion, and of Councillor Mackie, who had submitted an amendment to the motion, the Council agreed to continue the motion pending an officer report on the governance of Common Good.

## **10. NOTICE OF MOTION – AMENDMENT TO SCHEME OF ADMINISTRATION: CABINET**

A motion was submitted to the Council by Councillors Currie and Williamson seeking to amend the Scheme of Administration to the Standing Orders of East Lothian Council in relation to the Membership of Cabinet by adding a new sentence at B1 [after 'The membership of the Cabinet shall include a Convener and, if desired, a Depute Convener. The Council shall determine the membership of the Cabinet']:

In appointing councillors to the Cabinet, the Council shall seek to achieve political balance. In the event that this cannot be achieved, the Council may adjust the membership of the Cabinet by way of reducing the number of places on the Committee, or by appointing members of any political group/independent councillors to the vacant places.

Councillor Currie proposed the motion, explaining that in a number of other Scottish local authorities, especially those with minority administrations, the Cabinet reflected the political balance of the Council. However, in East Lothian this was not the case, where the Administration had 42% of the seats on Council, but 100% of the seats on Cabinet. He also pointed out that Musselburgh was not represented at all on Cabinet. He argued that this

situation demonstrated that there was a democratic deficit. He made reference to other Council committees where the membership was politically proportionate and where Members of all parties could move motions/amendments, register their dissent and vote on matters under consideration. He also mentioned a number of important items of business that had been submitted to Cabinet which, in his view, may not have been approved if the membership was representative of the Council. He recalled that in 2007 (when there was an SNP/Liberal Democrat coalition in Administration), the Leader of the Opposition had been offered a seat on Cabinet, which he had turned down. He called on Members to support his motion, which he believed to be the best way forward and in line with other local authorities, as well as reflecting the will of the electorate. He concluded by indicating that if his motion was not successful, the Council should reconsider its governance structures.

Councillor Gilbert seconded the motion, echoing the points made by Councillor Currie.

Councillor Innes pointed out that he had not accepted a position on Cabinet in 2007 because he believed that it was the Administration's job to deal with the day-to-day business of the Council and should be held to account for that at Council and the scrutiny committees.

Councillor Henderson noted that the Conservative Group had agreed to the structure and composition of Cabinet in 2017 and, as the official Opposition, her Group had effective means by which to oppose the Administration. She added that her Group preferred to engage with the Administration in order to best serve the East Lothian community, and that the current decision-making structure was working. She was therefore opposed to making the changes proposed in the motion.

Councillor O'Donnell made reference to a recent Audit Scotland report which had praised the Council's governance structures, but which had also criticised one political group for not engaging in the governance process.

Councillor McLennan questioned why the Council would not support political proportionality on Cabinet when other councils, such as Glasgow and Falkirk, had already adopted this approach. He claimed that the Conservative Group was turning down the opportunity to influence decisions. Councillor Hoy responded, observing that the minority Administration in the Scottish Parliament had not invited opposition MSPs to join Cabinet. He also argued that through engagement with the Administration, the Conservative Group in East Lothian had influenced decisions, thereby reflecting the wishes of the electorate.

Councillor Akhtar disputed the claim that there was a democratic deficit by not having opposition Members on Cabinet, as Members could influence important issues at Council and also that Cabinet often dealt with issues that were a result of budget decisions taken by Council.

Summing up, Councillor Currie advised that no Scottish Parliament committees had a majority of SNP MSPs. He also maintained that too many decisions were being taken by Cabinet or on behalf of Cabinet, and that he was concerned that Musselburgh did not have any representation on Cabinet at all. He was critical of the Conservative Group's stance on this issue, citing it as a 'missed opportunity', and remarking that the position did not reflect the will of the people of East Lothian.

The Provost moved to the vote on the motion, as proposed by Councillor Currie and seconded by Councillor Gilbert. Councillor Currie requested that the vote be taken by roll call, the result of which was follows:

For: Councillors Currie, Gilbert, McLennan, McLeod, Trotter and Williamson

Against: Councillors Akhtar, Bruce, Dugdale, Findlay, Forrest, Goodfellow, Innes, Hampshire, Henderson, Hoy, Kempson, Mackett, Mackie, McGinn, McMillan, O'Donnell

Abstentions: none

The motion therefore fell.

## **11. SUBMISSIONS TO THE MEMBERS' LIBRARY, 12 FEBRUARY – 10 JUNE 2019**

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 highlighted a number of reports in the Library, particularly the Partnership Funding report, which detailed £3.7m of grant funding to third sector and community organisations, and which would make a significant difference to the lives and wellbeing of communities across East Lothian. Councillor Currie asked if this report could come to committee in future in order for Members to discuss the proposals. Councillor Goodfellow invited Councillor Currie to raise any issues in the report with him.

### **Decision**

The Council agreed to note the reports submitted to the Members' Library Services between 12 February and 10 June 2019, 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.

### **Cockenzie Power Station Site**

A private report by the Depute Chief Executive (Partnerships and Community Services) updating the Council on progress as regards the site of the former Cockenzie Power Station was approved.

### **Application to Musselburgh Common Good Committee**

A private report by the Depute Chief Executive (Resources and People Services) seeking determination of an application for funding received by the Musselburgh Common Good Committee was approved, with grant funding of £20,000 being awarded to the Musselburgh Sea Cadets.

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**MINUTES OF THE MEETING OF THE  
LOCAL REVIEW BODY**

**THURSDAY 16 MAY 2019  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

**2a**

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**Committee Members Present:**

Councillor J Williamson (Chair)  
Councillor J McMillan (Items 2-4)  
Councillor F O'Donnell  
Councillor S Kempson

**Advisers to the Local Review Body:**

Mr P Zochowski, Planning Adviser to the LRB  
Mr C Grilli, Legal Adviser to the LRB

**Others Present**

Mr M Mackowiack, ELC Planner  
Mr A Hamilton, Applicant, Item 1  
Mr K MacDonald, Agent, Item 2  
Mr T Thomas, Agent, Item 3  
Mr S Reynolds, Applicant, Item 4

**Committee Clerk:**

Mrs F Stewart

**Declarations of Interest**

Councillor McMillan declared an interest in Item 1 on the agenda, Orchard House, Gifford, due to involvement he had had with Gifford Community Council.

**Apologies**

None

Councillor Williamson, elected to chair the meeting by his colleagues, welcomed everyone to the meeting of the East Lothian Local Review Body (ELLRB).

A site visit had been carried out for all four planning applications on the agenda prior to the meeting.

Sederunt: Councillor McMillan left the Chamber for the following item.

**1. PLANNING APPLICATION 18/00282/P – REVIEW AGAINST CONDITION ERECTION OF CAR PORT AT ORCHARD HOUSE, TWEEDDALE AVENUE, GIFFORD**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser stated that this planning application was for a change of use of public open space to form domestic garden ground, erection of 2 sheds, car port, fencing, walls and gates and formation of hardstanding areas (part retrospective). The application had been approved with the exception of the car port which was the subject of a condition stating that, in its proposed position, the car port would be harmful to the landscape character and appearance of the Gifford Conservation Area. The proposed car port was therefore contrary to Policy 1B of the SESPlan policies, DP2 (Design) and CH2 (Development affecting a Conservation Area) of the Local Development Plan and Scottish Planning Policy 2014.

The Planning Adviser stated that the determining issues in respect of the car port were whether it would be harmfully intrusive within its landscape setting and whether it would be harmful to the character and appearance of the Gifford Conservation Area. The proposed car port would be 8.4m wide, 5.2m long and 2.2m to eaves level and 4.7m to the height of the pitched roof. It would have 3 solid walls and an open front elevation and be constructed of a brick basecourse and timber walls with a pitched slate roof and would be able to accommodate three vehicles.

The Planning Adviser advised that the Council's Landscape Officer's response to the consultation on the application referred to replacement tree planting close to where the car port was proposed and suggested that there would not be sufficient space for the required replacement tree planting to maintain the treed boundary of the site at the junction with Tweeddale Avenue, which in turn would affect the screening effect of the trees on the corner.

The appellant had indicated in his appeal submission that he intended to plant pleached hornbeam trees and this has now been done. The appellant had also provided purchase confirmation of trees for the site.

The Chair thanked the Planning Adviser for his presentation and invited questions. Councillor O'Donnell asked if the car port would be situated on land at the present elevation and the Planning Adviser replied that the car port would be sited at the level of the existing driveway to facilitate access for cars. The Chair enquired if the original application had been for pleached trees, was it likely to have made a material difference to the Case Officer's report. The Planning Adviser replied that as pleached trees had less of a screening effect it was unlikely that they would have been supported by the Landscape Officer. Cllr Kempson queried the variety of trees planted



and whether there was a difference in the height to which they reached and the Planning Adviser replied that although not an expert on trees, as both varieties of tree were fruit trees, it was likely they would grow to a similar height. He added that pleached trees are usually trimmed to maintain their shape before they reach their full height. The Chair also asked if the pleached trees could be an acceptable alternative to the trees originally proposed and the Planning Adviser responded that this was a matter of judgement but that in the view of the Council's Landscape Officer pleached trees were not appropriate. Councillor Kempson asked if the car port could be converted to living accommodation in the future and the Planning Adviser stated that an application for this could be submitted at a future date.

The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they agreed they had. Comments on the application followed.

Councillor Kempson stated that the approach road to Gifford is very attractive and, in her view, the proposed car port would intrude significantly on the landscape and be harmful to the Conservation Area. She was therefore minded to support the Case Officer's decision not to grant the application.

Councillor O'Donnell agreed with her colleague. She considered that the proposed car port would be very visible on the approach road to Gifford and would change the character of the landscape. She was not against a car port in principle and she noted that Officers had suggested alternative designs. She would therefore support the Case Officer's decision.

The Chair stated that he concurred with both of his colleagues. He considered that the proposals would have a detrimental impact on the amenity of the area. He had also noted that alternative designs had been suggested to the applicant.

## **Decision**

The ELLRB unanimously agreed to uphold the original decision of the Planning Officer to refuse the application and rejected the appeal for the reason stated in the Decision Notice dated 5 October 2018, namely:

1. In its proposed position, the carport would be harmfully intrusive and exposed within its landscape setting, harmful to the landscape character and appearance of the Gifford Conservation Area. Accordingly the proposed carport is contrary to Policy 1B of the South East Scotland Strategic Development Plan (SESplan), Policies DP2 and CH2 of the adopted East Lothian Local Plan 2018, and with Scottish Planning Policy: June 2014.

Sederunt: Councillor McMillan returned to the Chamber.

## **2. PLANNING APPLICATION 18/00962/P – REVIEW AGAINST REFUSAL ALTERATIONS TO HOUSE COMPRISING ENLARGEMENT OF WINDOW TO FORM FRENCH DOORS AND ASSOCIATED EXTERNAL WORKS AT POINTGARRY HOUSE, 20C WEST BAY ROAD, NORTH BERWICK**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser, stated that this application sought consent for alterations to a category C listed building located within the designated North Berwick Conservation Area. The property at 20C West Bay Road was a large house, subsequently subdivided into three smaller houses. The applicant's home was a three storey property at the north wing of the building with its main entrance door positioned at the side of the house.

The Planning Adviser advised that the proposed alterations to the house were the enlargement of an existing window to the north of the west side of the front elevation of the building. Although application was made for planning permission and Listed Building Consent, it was the application for planning permission that was being appealed. A separate process of appeal to the DPEA was required for Listed Buildings Consent.

The Planning Adviser stated that North Berwick Community Council had objected to the proposal on the grounds that the alteration would destroy the symmetry of the whole building and would have a significant impact on the appearance of the building in the Conservation Area. Relevant planning policies were Policy 1B of the SESplan; policy CH1 Listed Buildings; Policy CH2 Development Affecting Conservation Areas and Policy DP5 Extensions and Alterations to Existing Buildings all of the East Lothian Local Development Plan 2018 (LDP). Relevant material considerations included national planning advice contained in Scottish Planning Policy (SPP) 2014; LDP Supplementary Planning Guidance Cultural Heritage and the Built Environment approved by Council in September 2018. The reason for refusal of the application were given in the Decision Notice included in the papers.

The Chair thanked the Planning Adviser for his presentation and invited questions. Councillor O'Donnell stated that she was not unsympathetic to the reasons why the applicant wished to make the proposed alterations. She sought clarification from the Planning Adviser on planning policy with regard to access to the property and was advised that Listed Building Consent would always be required for such alterations. The Planning Adviser also advised on the approximate distance from the main road to the window. Councillor McMillan enquired if it was the symmetry of the building which was protected rather than the view and the Planning Adviser confirmed that as a listed building that was correct although the view within a Conservation Area was also important. The Chair asked if planning consent would still be required if a ramp was placed at the front door to ease access. The Planning Adviser confirmed that Listed Building Consent would be required, as the ramp would be attached to the front door of the building.

The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they agreed they had. Comments on the application followed.

Councillor Kempson stated that the property was a most attractive symmetrical building and, in her view, the proposals would spoil the architectural character of the building. She was therefore minded to support the original decision of the Case Officer.

Councillor McMillan stated that enlarging the window to form French doors would significantly change the appearance of the property and he supported the original decision.

Councillor O'Donnell noted that planning policy DP5 (Extensions and Alterations to Existing Buildings), states alterations must be of a size, form, proportion and scale appropriate to the existing building. She considered that the proposed French doors did not meet this criteria and therefore also supported the original decision.

The Chair agreed with the Case Officer's reasons for refusal.

### **Decision**

The ELLRB unanimously agreed to refuse the application for the reason stated in the Decision Notice dated 8 November 2018, namely:

- 1 The enlargement of the window opening and the installation of French Doors within the enlarged opening would appear significantly different to the remaining windows that would continue to exist on the building. Such a change to the size, scale and appearance of that window opening would harmfully interrupt the balanced symmetry of the west elevation of the listed building and would detract from, and be harmful to, the special architectural or historic interest of the listed building. This in turn would neither preserve nor enhance but would be harmful to the character and appearance of this part of North Berwick Conservation Area contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and with Policies CHI (Listed Buildings), CH2 (Development Affecting Conservation Areas) and DP5 (Extensions & Alterations to Existing Buildings) of the adopted East Lothian Local Development Plan 2018, East Lothian Local Development Plan Supplementary Planning Guidance 2018, Cultural Heritage and the Built Environment and Scottish Planning Policy: June 2014

### **3 PLANNING APPLICATION 18/01116/P – REVIEW AGAINST REFUSAL ALTERATIONS TO AND CHANGE OF USE FROM OFFICE (CLASS 2) TO HOT FOOD TAKE AWAY (SUI GENERIS) AT 43 QUALITY STREET, NORTH BERWICK**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser, stated that the application sought planning permission for alterations to and the change of use from office class 2 to hot food takeaway at 43 Quality Street North Berwick.

The Planning Adviser stated that the premises were located on the corner of Forth Street and Quality Street and had white rendered walls. The relevant planning policies were the East Lothian Local Development Plan 2018, TC2 (Town Centres), TC4 (Hot Food Outlets), CH2 (Conservation Areas), DP5 (Alterations and Extensions) and T2 (General Transport Impact). He also advised that 13 written objections to this application had been received, as well as a number of further representations. Concerns raised included parking issues, noise levels (especially at night), food smells due to the proposed extraction system and litter. North Berwick Community Council were opposed to the change of use and believed it was not a good location for

a take-away business. They also highlighted road safety concerns due to increased traffic.

The Planning Adviser advised Members that they must consider whether the proposed take-away business and proposed alterations were acceptable at this location. The change of use was acceptable in principle, providing it was environmentally acceptable and complied with planning policies. He also advised that the cowl, which formed part of the original application, was no longer proposed. The Council's Environmental Health department had advised that there was potential for the proposals to result in undesirable odours, but did not object to the application if it was subject to appropriate conditions. The Transportation Service had objected to the proposal, believing that it would have a detrimental impact on the junction at this location and lead to irresponsible parking. The Transportation Service stated that the proposed takeaway use at this site would be likely to result in irresponsible parking next to a busy junction and create a hazard to pedestrians and other road users in a heavily trafficked area. The appellants, in their review statement, addressed the reasons for refusal on traffic grounds, stating that there may be concerns over road safety and congestion at the east end of North Berwick but that these would be exacerbated by a hot food outlet. He claimed that patterns of behaviour were well established in the town and that illegal parking can be dealt with by the usual enforcement mechanisms.

The Chair thanked the Planning Adviser for his presentation and invited questions. Councillor O'Donnell stated that businesses should not be held responsible for the irresponsible parking of drivers. She enquired if no premises with double yellow lines outside would be granted consent for a take-away and the Planning Adviser replied that each application was considered on its own merits. Councillor O'Donnell also asked if the applicants could take any action which would mitigate against cars being parked outside the premises and was advised that Road Services would have taken all options into account in its response. The Planning Adviser also provided clarification on the position of the replacement device to the cowl and on parking enforcement. In response to another question from the Chair, Carlo Grilli, Service Manager for Legal and Procurement, advised that planning decisions were made irrespective of ownership of a property.

The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they agreed they had. Comments on the application followed.

Councillor Kempson stated that the site visit had proved useful in showing how busy the junction was and how narrow the pavement was outside the premises. In her experience, there was often irresponsible driving and parking outside takeaway businesses and, at this location, the consequences could be very serious indeed. She was therefore not inclined to support this application.

Councillor McMillan was concerned that there would be a risk to public safety, particularly to pedestrians, at busy periods. Potential environmental risks had also been highlighted in the papers. While he would normally always wish to support local businesses, he considered that there were sufficient concerns highlighted to refuse the application.

Councillor O'Donnell stated that it was very unfortunate that there were issues which could prevent a business coming into North Berwick. However, she found it difficult to ignore the report from Road Services and would therefore support the Officer's decision.

The Chair stated that he was in agreement with his colleagues. The issue with traffic and parking was an important one and he would have to support the original decision.

### **Decision**

The ELLRB unanimously agreed to refuse the application for the reason stated below:

- 1 The proposed hot food takeaway use would be likely to lead to irresponsible parking and waiting outside the premises, including on double yellow lines, on the footway or double parking. Such irresponsible parking would exacerbate the problem of limited visibility to the right for drivers of vehicles emerging from Forth Street, could result in congestion, and overall would result in a hazard to pedestrians and other road users in a heavily trafficked area. On this consideration the proposed development is contrary to Policies TC4 and T2 of the adopted East Lothian Local Development Plan 2018.

### **4 PLANNING APPLICATION 18/01107/PP – REVIEW AGAINST REFUSAL PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF ONE HOUSE AND GARAGE AT ANNFIELD, 14 CAMPTOUN HOLDINGS, NORTH BERWICK**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser, stated that the application sought planning permission in principle for the erection of a dwelling house and garage on a site at Camptoun Holdings near Drem that lies within the countryside as designated by the East Lothian Development Plan. Similar applications for a house on this site had been refused by the Council previously in 2000, 2011, and this decision was subsequently upheld at the Local Review Body (LRB) in 2011 and again in 2014, with a subsequent appeal to the LRB in 2015.

The Planning Adviser stated that no objections to the application had been received and one letter of support had been submitted. He also summarised the comments received from Consultees; Road Services and Scottish Water raised no objection; and both the Council's Contaminated Land Officer and Landscape Officer made recommendations should the application be approved. Relevant to the determination of this application were the development in the countryside policies of the East Lothian Local Development Plan 2018 (LDP), specifically policies DC1 (Rural Diversification); Policy DC4 (New Build Housing in the Countryside) and Policy DC5 (Housing as Enabling Development). Also of relevance were LDP policies DC9 (Special Landscape Areas) and DP2. The LDP became the adopted plan for East Lothian on 27 September 2018.

In considering the application the Planning Officer had concluded, in line with her pre application response, that the application was not supported by Policy DC1 in that it was not justified by any agricultural or employment use. She also considered that the

application was not supported by Policy DC4 nor DC5 and that there were no exceptional circumstances that would justify the setting aside of policies DC1, DC4 or DC5 and that it was not therefore able to be supported under national or local plan policy.

Material considerations considered by the Planning Officer included SPP 2014 (national policy) and the location of the property within a cluster of residential properties as part of the Camptoun Holdings, but not defined as a settlement on the LDP map. The Planning Officer refused the application as it was contrary to planning policy and, if approved, would set an undesirable precedent for the development of new houses in the countryside, to the detriment of its character and amenity.

In his review submission the appellant had offered several material considerations which would, in his opinion, justify the application. They included the current derelict state of the site, the definition of cluster and the location of the site. He also cited the wrongful use of the word 'suburbanisation' as a reason for the Council's refusal.

In conclusion, the Planning Adviser stated that the determining issues in this application were whether it met policy requirements and whether there were any other material considerations that should be taken into account.

The Chair thanked the Planning Adviser for his presentation and invited questions. In response, the Planning Adviser provided clarification on the plans and advised that previous applications would have been refused against similar development plans of the Council's previous planning policy. Broadly speaking, Camptoun was classified as being in the countryside and policies were in place to protect the countryside from development. The Legal Adviser, added that this application needed to be judged on its own merits and previous decisions were not relevant to this application. On being asked to comment on the word 'suburbanisation', the Planning Adviser replied that the applicant argued that his proposals would not be a suburb in the same way as there are suburbs in cities. Councillor McMillan noted that the site was derelict on the site visit and asked if the clearing of the site would be viewed as environmental betterment. The Planning Adviser replied that Officers would always consider environmental betterment and could issue a statutory notice on land if it was deemed harmful to the amenity of the surrounding area.

The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they agreed they had. Comments on the application followed.

Councillor Kempson found it difficult to reach a decision on this application since the site, in its present condition, was unattractive. However, she had been persuaded by the discussion which had taken place that the argument for setting a precedent was a strong one. She would therefore support the original decision of the Planning Officer.

Councillor McMillan agreed that arriving at a decision on this application was difficult. However, he did consider that the present condition of the site would have an undesirable impact on neighbours and the environment. On balance, therefore, he was minded to uphold the appeal.

Councillor O'Donnell stated that the East Lothian Local Development Plan had been many years in preparation and had been widely consulted upon. As this plan had

been approved in September 2018, she was minded to adhere to the Council's planning policy and refuse the application.

The Chair was also minded to refuse the application, noting that the proposed house was not related to any employment in the area.

**Decision**

The ELLRB agreed by a 3:1 majority to refuse the application for the reasons set out in the Decision Notice dated 20 December 2018, namely:

1. The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.
  
2. The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a desirable primary use supported in principle by criterion b of Policy DC1 and with benefits that outweigh the normal presumption against new build housing in the countryside has been demonstrated; and which is not promoted to fund the restoration of a listed building, building of recognised heritage value or significant designated feature of the built or natural environment, the retention of which is desirable. The proposal is therefore contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.
  
3. If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside of East Lothian, the cumulative effect of which would be the suburbanisation of the countryside to the detriment of its character and amenity.

Signed .....

Councillor J Williamson  
Convener of Local Review Body (Planning)







**MINUTES OF THE MEETING OF THE  
LOCAL REVIEW BODY**

**THURSDAY 20 JUNE 2019  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

**2b**

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**Committee Members Present:**

Councillor N Hampshire (Chair)  
Councillor L Bruce  
Councillor N Gilbert  
Councillor S Kempson

**Advisers to the Local Review Body:**

Mr P Zochowski, Planning Adviser to the LRB  
Mr C Grilli, Legal Adviser to the LRB

**Others Present**

Mr I Forbes, Agent (Item 2)

**Committee Clerk:**

Mrs F Stewart

**Declarations of Interest**

None

**Apologies**

None

Councillor Hampshire, elected to chair the meeting by his colleagues, welcomed everyone to the meeting of the East Lothian Local Review Body (ELLRB).

A site visit had been carried out for both planning applications on the agenda prior to the meeting.

**1. PLANNING APPLICATION 19/00116/P – REVIEW AGAINST REFUSAL ERECTION OF ONE HOUSE AND ASSOCIATED WORKS AT LAND TO THE SOUTH OF 33 SOUTH CRESCENT, PRESTONPANS**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser stated that the application site was approximately 264 square metres of land located to the south of the house and garden of 33 South Crescent and to the west of the house and garden at 1 Polwarth Crescent Prestonpans. Consent was sought for a single storey house to be positioned centrally on the site, with its west elevation aligned with the front west elevation of the existing house at 33 South Crescent. The site was within an area of housing originally constructed as local authority housing in the 1930s with later additions in the 1950s, and many of the corner locations within the surrounding area had small areas, often triangular in shape, that were still provided as public open space. The site itself was formerly part of a larger garden belonging to 33 South Crescent that was sold into separate ownership in 2006.

The Planning Adviser advised Members that the present review against refusal requires to be considered against the revised policies of the adopted Local Development Plan (LDP), as there are no relevant policies in the South East Scotland strategic development plan. The relevant LDP policies were policies DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), RCA 1 (Residential Character and Amenity), NH8 (Trees and Development) and T1 and T2 (General Transport Impact). Three objections to the development had been received from local residents on grounds including an increase in parking demand in the area, a reduction in visibility on the street for vehicle movements and setting an undesirable precedent for similar infill garden ground development. In addition there was an objection by the Coal Authority on grounds that no Coal Mining Risk Assessment Report had been submitted.

The Planning Adviser stated that the main determining issue was whether the proposed house would fit well into the surrounding townscape. The site was an infill site and to satisfy policy DP2 it had to be well designed and integrated into its surroundings, and to satisfy DP7, must, by its scale, design and density be sympathetic to its surroundings and not an overdevelopment of the site. The Case Officer had considered issues of overlooking to and from neighbouring properties and concluded that the proposal was satisfactory in terms of overlooking to its south (front) west (side) and east (side) but that the proposed north elevation would face the house at 33 South Crescent causing harmful overlooking. However this could be mitigated by raising the existing 1.8m fence or by provision of obscure glass in the kitchen window.

The Planning Adviser summarised the responses received from Consultees and highlighted that the Coal Authority had objected to the application, as no Coal Mining Risk Assessment report had been submitted, and the proposal fell within a defined

Development High Risk Area where there were coal mining features and hazards which needed to be considered. The applicant advised that he was not asked to submit this as supplementary information and has stated that he was willing to provide such a report if required. The Case Officer did not draw this to the attention of the applicant because he considered that there was a clear refusal on other grounds.

The Planning Adviser advised Members that, even if they were minded to disregard the first reason for refusal, it would still be competent to require the applicant to submit another application and address the mining situation.

The Case Officer's report states that the proposed house would be inharmonious with the surrounding area because it would project significantly beyond the building line of the house on the north side of Polwarth Crescent to the east of the site. In addition, a house on the corner plot would be prominent in public views from South crescent, Polwarth Crescent and Polwarth Terrace and a detached house would be different from other forms of housing in the surrounding area. The applicant, in his review documents, stated that the plot was a vacant piece of land adjacent to two private dwellings and densely overgrown. He also stated that the proposal would provide a much needed new small single storey two bedroom starter home in the area. Off street parking and the provision to utilise an existing dropped kerb and access gate would be provided.

The Chair thanked the Planning Adviser for his presentation and invited questions. The Chair began by enquiring if Members approved the proposal in principle, subject to a satisfactory Coal Authority Report being in place, it would allow the applicant to know that his proposals were acceptable and the Planning Adviser replied that such a decision would enable the applicant to know that it would be safe to build on this site. The Planning Adviser also confirmed for members the definition of the word 'inharmonious' in planning terms and advised in which circumstances a Coal Authority Report is required for planning applications. The Legal Adviser advised Members that they could not grant planning permission for the application subject to a Coal Authority Report; if it is known that building could not take place, consent cannot be granted.

The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they agreed they had. Comments on the application followed.

Councillor Gilbert did not find the proposed development inharmonious in character and he considered it waste land which would deteriorate in appearance over time. He was also satisfied there would be adequate on road parking available. His only concern was that the proposals could not proceed without a Coal Authority Report confirming that it was safe to build on this land.

Councillor Kempson took the view that the proposals would be a large footprint on a small piece of land which would be out of keeping in the area. She suggested that the plot could in the future be cultivated as a garden or allotment. She therefore supported the original decision of the Case Officer to refuse the application.

Councillor Bruce agreed with Councillor Kempson. He considered that the proposals would be prominent in its setting and, in context, other garden corners appear to have been preserved. He too was minded to refuse the application.

The Chair stated that, in his view, the development of a house on this site would be acceptable. He considered that the plot was big enough for the proposed

development and that it would not be unduly prominent in this location. However, he would be unable to support the application today due to there being no risk assessment carried out by the Coal Authority.

## **Decision**

The ELLRB unanimously upheld the decision of the Case Officer to refuse the application for the following reason:

1. The site is within a Coal Authority Development High Risk Area and a Coal Mining Risk Assessment Report has not been submitted by the applicant. Consequently the applicant has failed to demonstrate that the proposed development would not place buildings or persons at risk from past mining related activities.

## **2. PLANNING APPLICATION 18/01280/P – REVIEW AGAINST REFUSAL REPLACEMENT GLAZING IN WONDOWS AND FORMATION DORMER AT 11 VICTORIA ROAD, NORTH BERWICK**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser stated that this application was for a replacement glazing in windows and formation of contemporary dormer window to the rear of the property. In his application for a review, the agent had submitted a statement indicating an error on the original application form in relation to the type of windows proposed to be installed on the front elevation. The applicant was advised that submitting new material did not meet the criteria in section 43b of the 1997 Town and Country Planning Scotland Act 1997. The Review Body, therefore, had to consider the application on the basis on which it was submitted.

The Planning Adviser advised that the property at 11 Victoria Road, North Berwick was in a prominent location within the North Berwick Conservation Area and was also a listed building Category C. The proposed alterations and extension were for the replacement of the single glazed sash and case windows on the front elevation of the property with double glazed windows and the formation of a large box dormer with a balcony as a replacement for the two small dormers that currently exist on the rear elevation of the house. There was also a separate application for listed building consent for these alterations which had been appealed and will be dealt with by the Scottish Government's Planning and Environment Appeal Division (DPEA).

The Planning Adviser advised that a material consideration in the determination of this application was the Council's LDP Supplementary Planning Guidance on Cultural Heritage and the Built Environment which contains detailed guidance on replacement windows in a listed building. This states that original windows in a listed building should be retained and, where necessary repaired, and only where repair is shown to be impossible should replacement accepted. Permission should not be granted for a replacement window that is visibly different to an existing original window.

The Planning Adviser advised that one letter of objection had been received from the Architectural Heritage Society of Scotland (AHSS) objecting to both the replacement windows and the proposed box dormer which it considered would be an intrusive and

asymmetrical addition to the property. The relevant East Lothian Local Development Plan planning policies and Supplementary Planning Guidance against which this applications should be considered are Policy CH1 (Listed Buildings) which requires there to be no harm to the architectural or historic character of the building and policy CH2 (Development Affecting Conservation Areas) which requires all development to preserve or enhance the special architectural or historic character or appearance of the Conservation Area. The application was also refused against the precursor to Historic Environment Policy for Scotland 2019. Scottish Planning Policy also advises that change to a listed building should be managed to protect its special interest while enabling it to remain in active use and special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest.

The applicant, in his review statement, drew attention to the previous work on the house to provide a contemporary ground floor extension to the rear and the original dormer reflected that look. They now felt that, while the two small dormers may emulate those in the area, they look out of place on top of the contemporary extension and that a timber clad contemporary dormer with glass balustrade would complement the look of the rear extension formed in 2009. They believe that a larger dormer in this location would not look out of place in context with the contemporary ground floor of the house and would not be dominant because it could be set back at the original line of the roof and look subservient to the ground floor.

The Chair thanked the Planning Adviser for his presentation and invited questions. He began by asking for clarification on the proposals and the Legal Adviser replied that it was open to Members to approve part of the application and refuse another part. The Planning Adviser also confirmed that the width of the slimline double glazing referred to in the applicant's submission was 12mm and not 20mm, as submitted in error in the applicant's review supporting documents.

The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they agreed they had. Comments on the application followed.

Councillor Bruce stated that he agreed with the Case Officer that the proposed dormer window would be harmful to the character and appearance of the building. However, he considered that 12mm width double glazing, replacing the single glazing in the front elevation windows would be acceptable.

Councillor Gilbert was of the view that the large dormer window, which would be in full public view, would be dominant in its setting and not an appropriate replacement for the present windows. He was, however, minded to approve the 12mm replacement double glazing on the front windows.

Councillor Kempson supported the decision of the Case Officer. She considered that the proposals would set an undesirable precedent and would not enhance the appearance of the property. She also suggested that secondary glazing to the front windows could be an acceptable alternative to the proposals in the application.

The Chair agreed with his colleagues on the proposals for the dormer window. In his view the proposed dormer would be harmful to the property as a whole and take over the whole of the roof space. With regard to the front windows, he stated that the

Council had a policy of reducing the carbon footprint, and he was content that the proposals would reduce heat loss from the property.

**Decision**

The ELLRB unanimously refused planning consent for the dormer window and agreed by a majority 3:1 to allow replacement glazing 12mm in width for the other windows.

Signed .....

Councillor N Hampshire  
Convener of Local Review Body (Planning)

**REPORT TO:** East Lothian Council

**MEETING DATE:** 27 August 2019

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

**SUBJECT:** Summary of Reports Approved in Accordance with  
Summer Recess Arrangements 2019

**3**

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**1 PURPOSE**

- 1.1 To inform the Council of the urgent business undertaken over the summer recess period in terms of the procedures set out in Standing Order 15.5 and in line with the decision taken at its meeting of 25 June 2019.
- 1.2 It should be noted that the undernoted reports have been lodged in the Members' Library (July and August 2018 Bulletins).

**2 RECOMMENDATIONS**

- 2.1 The Council is requested to note the business undertaken over the summer recess period.

**3 BACKGROUND**

- 3.1 **Application to Musselburgh Common Good Committee** (Members' Library Reference 100/19 – July 2019 Bulletin)

A private report submitted by the Depute Chief Executive (Resources and People Services) sought approval of an application for funding of £1,150 from Musselburgh Honest Toun Association for an event taking place during the Musselburgh Festival. This report was approved by the Council Leader and Depute Leader.

- 3.2 **Scottish Government Town Centre Fund 2019/20** (Members' Library Reference 102/19 – July 2019 Bulletin)

A report submitted by the Depute Chief Executive (Partnerships and Community Services) sought approval of the allocation of Town Centre Fund monies. This report was approved by the Council Leader and Depute Leader.

**3.3 Two Additional In-service Days for School Session 2019/20**  
(Members' Library Reference 109/19 – August 2019 Bulletin)

A report submitted by the Depute Chief Executive (Resources and People Services) sought approval of two additional in-service days for schools for the session 2019/20, allocated as part of the National Teachers' Pay Negotiations. This report was approved by the Depute Leader, Depute Provost and Convener of the Education Committee.

**4 POLICY IMPLICATIONS**

4.1 As outlined in the submitted reports specified in Section 3.

**5 INTEGRATED IMPACT ASSESSMENT**

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

**6 RESOURCE IMPLICATIONS**

6.1 Financial – As outlined in the submitted reports specified in Section 3.

6.2 Personnel - None.

6.3 Other – As outlined in the submitted reports specified in Section 3.

**7 BACKGROUND PAPERS**

7.1 East Lothian Standing Orders

<b>AUTHOR'S NAME</b>	Lel Gillingwater
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<b>DATE</b>	13 August 2019



**REPORT TO:** East Lothian Council  
**MEETING DATE:** 27 August 2019  
**BY:** Depute Chief Executive (People and Resources)  
**SUBJECT:** Review of the Governance of Common Good

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**4**

## **1 PURPOSE**

- 1.1 To report on progress of the Review of the Governance of Common Good.

## **2 RECOMMENDATIONS**

- 2.1 That Council notes the report and that a further report will be brought to Council with recommendations for change as developed by the cross-party working group.

## **3 BACKGROUND**

- 3.1 A review of the Governance of the Common Good was initially undertaken in parallel with the current Review of Trusts.
- 3.2 A Project Brief was developed in June 2018 and was given approval on 25 July. Kirstie MacNeill, the then Service Manager – Licensing Administration and Democratic Services was appointed as Project Manager and an original project team was established consisting of:

Liz Denovan, Service Manager – Corporate Finance

Carlo Grilli, Service Manager – Legal and Procurement

Caitlin McCorry, Service Manager – Community and Area Partnerships

Sarah Fortune, Service Manager – Business Finance

Tracey Brown, Finance Business Partner

Kim Brand, Corporate Development Accountant

Janet Placido, Team Manager – Estates

The Project Team was supported by Caroline Rodgers, Transformation Programme Manager.

There were 6 Project objectives in the Brief relevant to the Governance of the Common Good:

- Compile a definitive list of Common Good Assets
- Create a mechanism so that such a list is regularly reviewed
- Review the governance arrangements in place for the Common Good and make recommendations for improvement
- Propose changes to the management of the Common Good
- Ensure that Elected Members and relevant staff are aware of the restrictions that apply to the management and use of the Common Good
- Propose any refresh of Standing Orders that might be required by any project recommendations

3.3 Common Good consists of Assets in the form of buildings and land that generate income that is invested and known as the Common Good Funds. The Common Good is owned by the Council and requires to be administered by the Council subject to specific restrictions relating to the interests of the inhabitants of the Burghs that formerly owned them. There are very specific restrictions in relation to the disposal by sale or lease of any Common Good property.

3.4 The Common Good Act of 1491 determined that the revenues from Burgh property and income from various taxes and levies was to be used for the Common Good of the town – it was effectively the town’s general fund. The funds therefore comprise not only buildings and land but perhaps also some other items such as paintings, artefacts and historical items. Across Scotland there has been, and continues to be, considerable debate over what is and what is not part of the Common Good.

3.5 On 25 June 2019 Council decided to provide budget to enable the employment of a surveyor to establish the repairs and maintenance required to Common Good buildings to enable provision for that to be incorporated into future Common Good budgets. It also provided budget to enable Legal Services to undertake a review of title deeds held by the Council so that a definitive list of Common Good could be prepared. Council also decided that a cross-party working group should be formed to look at the governance of the Common Good and that an update report should be brought to this meeting of Council.

3.6 The cross-party working group consisting of Councillors Forrest, Henderson, Williamson and Goodfellow, the Chief Executive, the Head of Council Resources, the Chief Operating Officer – Finance and the Service Manager – People and Resources met on 23 July and 20 August.

- 3.7 The meeting of 23 July agreed that clarity was required from Legal and Procurement as to what defines a property or land as being Common Good. There was agreement that it was important to understand the impact of the required maintenance and repair of the Common Good on budgets and whether these might impact on the ability to award grants. There was also a general feeling that the criteria for valid grant applications was not clear and may not be being applied consistently and it was decided that these criteria could be more specific and perhaps tightened further. Progress reports were sought from Legal and Procurement and Engineering Services along with further information from Property Services and Finance
- 3.8 A verbal report will be given to Council on the outcome of the meeting to be held on 20 August.

#### **4 POLICY IMPLICATIONS**

None

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

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

#### **7 BACKGROUND PAPERS**

- 7.1 Report to Council, 25 June 2019 – Review of Governance of Common Good

<b>AUTHOR'S NAME</b>	Kirstie MacNeill
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<b>DATE</b>	14 August 2019



**REPORT TO:** East Lothian Council  
**MEETING DATE:** 27 August 2019  
**BY:** Depute Chief Executive (Resources & People Services)  
**SUBJECT:** 2019-20 Quarter 1 Financial Review

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**5**

## **1 PURPOSE**

- 1.1 To inform Council of the financial position at the end of June 2019.

## **2 RECOMMENDATIONS**

- 2.1 Council is recommended to note the financial performance at the end of the first quarter of 2019-20 against the approved budgets.

## **3 BACKGROUND**

- 3.1 At its meeting on 12 February 2019 the Council approved a budget for 2019-20 for both General Services and Housing Revenue Account (HRA) revenue and capital, and outline budgets for subsequent financial years.

### **General Services Summary – Quarter 1**

- 3.2 The approved General Services revenue budget for 2019-20 included the following:

- After providing for around £23.0 million of corporate commitments, funding amounting to over £225.0 million to support service delivery;
- Planned utilisation of £3.0 million of General Reserves;
- The requirement to deliver £5.2 million of recurring planned efficiencies.

- 3.3 This report sets out the financial position for the Council as at the end of June 2019 against the approved budgets, with a reported ledger overspend of just under £0.800 million (1.6%). Making projected year-end estimates at this stage of the financial year is very difficult but from a financial management perspective, it is our intention to focus on early warning of potential overspending thus allowing appropriate, remedial management intervention to take place.

- 3.4 An analysis of the financial position across service groups is set out in **Appendix 1** with further detail setting out the key challenges and emerging risks across each of the Directorates are set out within the narrative below.
- 3.5 The **Resources and People Directorate, covering the wider Education Group including Children's Services and Council Resources** is reporting an overspend of around £0.935 million (3.0%). The Education Group is reporting a collective overspend of £1.1 million (4.0%), with most of the pressures evident within Children's Services (£0.627 million) and Education ASL (£0.252 million), where both areas were categorised as High Risk during 2018-19 and continue to face challenges during 2019-20. Council Resources is reporting an underspend at end of June of £0.172 million (6.7%); however a number of services are undergoing planned service reviews and the delivery of these will be kept under close review.
- Within Children's Services, most of the pressure relates to the number of children placed in External Residential Placements, with further pressures experienced in secure placements, transportation costs and external fostering. A new Children's Services Project Board, chaired by the Chief Executive, has been established with the principle aims being to develop a clear understanding of financial pressures, identify opportunities to transform delivery of Children's Services and reduce current costs to a sustainable level. At this admittedly early stage in the year, it is considered highly likely that without corrective interventions, the service will not operate within approved budgets.
  - Relating to ASL, most of the pressures remain within the Education cost associated with External Placements and also transportation costs, with current forecasts suggesting that it is unlikely this service will operate within approved budget levels.
  - Education Support Services are currently reporting an overspend against planned budget of £0.220m, all of which relates to this area carrying the Education share of corporate savings. More details relating to corporate savings is set out in **Appendix 3** of this report.
  - There remains significant pressures across the wider Education Group, and we continue to work closely with Education and Children's Services Management colleagues on a range of matters including revision and delivery of the current expansion plans to support the new national policy requirement to deliver 1140 hours of early learning and childcare. It is imperative that this developing service operates within the new resources being made available and this will be subject to constant monitoring and review.
- 3.6 The **Health & Social Care Directorate** covers the Adult Wellbeing service. The first quarter of 2019-20 is reporting an overspend of £0.1 million (1.0%). Most of this relates to an increased number of older people in external residential homes. The budget remains under close review, and we are actively working with Adult Wellbeing management to clearly identify specific areas of pressures and wider forecasts and identify any necessary corrective action. Members are reminded that the majority of

this budget is delegated to the IJB, and therefore any under / overspends must be managed within the wider overall IJB budget.

- 3.7 Within the **Partnership & Community Services Directorate**, despite a reported underspend of £0.350 million (4.1%), pressures remain in a number of service areas. These include: support for repairs and maintenance for our existing asset base; costs within the wider roads service particularly relating to the recovery of income; and Landscape and Countryside, with pressures relating to the wider recovery of income and higher than expected costs relating to repairs and maintenance of fleet.
- 3.8 In line with previous quarterly reports and as shown within **Appendix 1**, we have continued to provide an assessment of financial risk. Currently two service areas (Children's and ASL) are categorised as High Risk in line with the financial risk rating set out in **Appendix 2** of this report. This assessment suggests a strong possibility that these budgets will not operate within approved limits and may as a consequence face additional financial controls. Respective Heads of Service are considering appropriate remedial action.
- 3.9 We also continue to provide an assessment of progress made in implementing planned efficiencies, and this is set out in more detail within **Appendix 3** of the report and includes a 'RAG' assessment of the progress made. In total, this amounts to £5.2 million, of which £3.2 million relates to service specific efficiencies as well as £1.993 million relating to the delivery of corporate efficiencies (covering transformational change as well as the review of staffing / senior management). The current assessment suggests the following summary highlights:
- Just under a third of the plans are rated 'Green' indicating that the saving has already been achieved/secured (circa £1.5 million);
  - A further £2.7 million are categorised as 'Amber' – suggesting that plans are in place but not yet secured and the delivery of these will be subject to on-going close monitoring;
  - The remaining balance (circa £1.0 million) has been categorised as 'Red', indicating a high risk that the planned saving will not be fully delivered in 2019-20.
- 3.10 The achievement of the corporate savings has been devolved proportionately to respective Heads of Services to manage wherever possible within their overall staffing budgets. Any service unable to meet these savings through management of staffing budgets will be expected to identify alternative options within their own service areas.
- 3.11 Overall, the Council continues to operate within an extremely challenging financial climate and based upon the Q1 reported financial position, the Council is currently at significant risk of overspending in the 2019-20 financial year. The Council Management Team (CMT) members both collectively and individually are actively monitoring the financial position and looking for ways in which spending commitments can be contained within approved levels. Where this can be done without impact on agreed policy objectives, implementation will progress, but should such corrective

action have a potential impact upon policy and service delivery, it will be necessary to bring back a further report with detailed proposals seeking Council approval.

### **General Services Capital Summary – Quarter One**

- 3.12 In accordance with normal practice at Q1, the capital budget has been re-profiled to reflect the closing position at the end of 2018-19, the outcome of which remains subject to the conclusion of the statutory audit. This is an on-going process to ensure that in particular, the delivery of improvements to the education estate remains aligned to related housing and population demand projections.
- 3.13 **Appendix 4** sets out the 2019-20 re-profiled budgeted expenditure to the end of June 2019 with actual expenditure currently totalling £4.1 million, which remains low, but not untypical relative to the annual budget or the proportionate stage in the financial year. Whilst significant progress has been made with a number of key projects, there remain a wide range of external factors outwith the direct control of the Council, which may influence the timing of capital plans, and some flexibility to respond to any such variations may be required.
- 3.14 The 2019-20 capital plans has been updated to take into consideration the following elements:
- Where necessary, proposed carry forwards relating to the 2018-19 financial position;
  - Additional £1.275 million grant received from the Scottish Government in relation to Town Centre Improvement;
  - Updated re-profiling and allocation of 1140 hours capital projects which is required to manage the additional investment provided by the Scottish Government to support the delivery of the expansion programme;
  - Additional external Roads funding relating to Electric Car Charging Points, with the programme fully funded.
- 3.15 The summary table overleaf provides a narrative of the key issues to highlight, and the delivery of the programme relative to approved plans will remain under review.



Project	Narrative
Community Projects	<p><b>Town Centre Regeneration</b> – Additional funding has been secured from Scottish Government. This will be used to provide town centre development and parking provision in Haddington and work on Prestonpans High Street.</p>
Roads, Lighting and related Assets	<p><b>Roads</b> – A programme of works is now in place to deliver the enhanced capital programme.</p> <p><b>Roads (Externally Funded Projects)</b> – additional funding has been received to deliver Electric Car Charging Points. The programme will be fully funded.</p>
Property – Education	<p><b>Letham Primary</b> – Work is on-going and it is anticipated that significant spend will be incurred during 2019-20.</p> <p><b>Ross High School</b> – Project works currently planned to commence in this year.</p> <p><b>North Berwick High School</b> – Project works currently planned to commence this year.</p>
Property – Other	<p><b>Accelerating Growth</b> – Linked to the delivery of the wider City Deal and Growth agenda. Some aspects of planned delivery remain outwith the Council's control but it is anticipated significant spend will be incurred during 2019-20.</p> <p><b>Court Accommodation</b> – Works progressing – spend anticipated during 2019-20.</p> <p><b>Replacement Pathways</b> – Discussions on-going – project unlikely to commence in 2019-20.</p>
Capital Plan Fees	<p><b>Capital Plan Fees</b> – Review ongoing to ensure where appropriate fees built into overall project costs. Anticipate this will be fully allocated in 2019-20</p>

### Housing Revenue Account Summary - Quarter One

- 3.16 At the end of June 2019 the Housing Revenue Account is reporting a break-even position against planned budget. In line with the existing financial strategy whereby the Council should maximise any flexibility arising from revenue balances to minimise the future impact of debt charges, any additional surplus arising during 2019-20 will be applied in this manner.
- 3.17 Details of the Housing Revenue Account capital budgets and expenditure incurred to date is set out in **Appendix 5** of this report. The total capital budget approved for HRA was £32.890 million. As at end of June 2019,

the actual spend was £3.657 million (11%). Despite the relatively low level of spend, work is progressing well on both the major programmes relating to modernisation and new affordable housing programme, and it is anticipated that both will deliver broadly in line with the approved budget. Officers are continuing to explore options to maximise grant subsidy income where opportunities prevail. The Scottish Government's Mortgage to Rent Scheme continues to be supported and promoted, but in the current year to date, no eligible applications have been received.

#### **4 POLICY IMPLICATIONS**

- 4.1 There are no direct policy implications associated with this report although ongoing monitoring and reporting of the Council's financial performance is a key part of the approved Financial Strategy.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report has been considered and given there is no change in policy direction, there is no requirement to undertake any further impact assessment.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – as described above  
 6.2 Personnel - none  
 6.3 Other – none

#### **7 BACKGROUND PAPERS**

- 7.1 Council 11 December 2018 – Item 5 – Financial Strategy 2019-24  
 7.2 Council 12 February 2019 – Item 2 – Administration Amendment General Services budget proposals  
 7.3 Council 12 February 2019 – Item 3 – Administration Amendment Rent Proposals

<b>AUTHOR'S NAME</b>	Jim Lamond
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Budget Monitoring 2019/20

Appendix 1

Service	Head of Service	Business Unit	2019/20 Budget £'000	Year to Date			Variance %	Financial Risk Assessment
				2019/20 Actual to Date £'000	2019/20 Budget to Date £'000	2019/20 Budget Variance to Date £'000		
Resources & People	Education	Childrens	14,580	4,129	3,502	627	17.9%	High
Resources & People	Education	Additional Support for Learning	7,973	5,189	4,937	252	5.1%	High
Resources & People	Education	Pre-school Education & Childcare	11,833	4,926	5,039	-113	-2.2%	Medium
Resources & People	Education	Schools - Primary	38,460	5,423	5,369	54	1.0%	Medium
Resources & People	Education	Schools - Secondary	40,691	8,025	7,958	67	0.8%	Medium
Resources & People	Education	Schools - Support Services	2,664	1,107	887	220	24.8%	Medium
<b>RESOURCES &amp; PEOPLE</b>	<b>EDUCATION TOTAL</b>		<b>116,201</b>	<b>28,799</b>	<b>27,692</b>	<b>1,107</b>	<b>4.0%</b>	
Resources & People	Council Resources	Financial Services	1,548	561	611	-50	-8.2%	Low
Resources & People	Council Resources	Revenues & Benefits	1,836	-27	27	-54	-200.0%	Low
Resources & People	Council Resources	IT Services	2,152	491	548	-57	-10.4%	Low
Resources & People	Council Resources	Legal & Procurement	551	175	180	-5	-2.8%	Low
Resources & People	Council Resources	People & Governance	4,706	1,185	1,191	-6	-0.5%	Low
<b>RESOURCES &amp; PEOPLE</b>	<b>COUNCIL RESOURCES TOTAL</b>		<b>10,793</b>	<b>2,385</b>	<b>2,557</b>	<b>-172</b>	<b>-6.7%</b>	
<b>RESOURCES &amp; PEOPLE TOTAL</b>			<b>126,994</b>	<b>31,184</b>	<b>30,249</b>	<b>935</b>	<b>3.1%</b>	
Health & Social Care Partnership	Adults & Older People	Adults	21,020	4,137	4,035	102	2.5%	Medium
Health & Social Care Partnership	Adults & Older People	Older People	25,833	4,928	4,852	76	1.6%	Medium
Health & Social Care Partnership	Adults & Older People	Director, Planning & Performance	5,326	861	940	-79	-8.4%	Medium
<b>HEALTH &amp; SOCIAL CARE PARTNERSHIP TOTAL</b>			<b>52,179</b>	<b>9,926</b>	<b>9,827</b>	<b>99</b>	<b>1.0%</b>	
Partnerships & Community Services	Development	Planning	983	259	275	-16	-5.8%	Low
Partnerships & Community Services	Development	Economic Development & Strategic Investment	1,561	212	243	-31	-12.8%	Low
Partnerships & Community Services	Development	Property Maintenance Trading Account	-813	-198	-163	-35	21.5%	Low
Partnerships & Community Services	Development	Community Housing	2,000	-159	-37	-122	329.7%	Low
<b>PARTNERSHIPS &amp; COMMUNITIES SERVICES</b>	<b>DEVELOPMENT TOTAL</b>		<b>3,731</b>	<b>114</b>	<b>318</b>	<b>-204</b>	<b>-64.2%</b>	
Partnerships & Community Services	Infrastructure	Facility Support Services	3,538	610	605	5	0.8%	Medium
Partnerships & Community Services	Infrastructure	Facility Trading Activity	-276	-2,094	-2,107	13	-0.6%	Medium
Partnerships & Community Services	Infrastructure	Asset Planning & Engineering	2,510	820	891	-71	-8.0%	Medium
Partnerships & Community Services	Infrastructure	Landscape & Countryside Management	5,099	1,520	1,464	56	3.8%	Medium
Partnerships & Community Services	Infrastructure	Roads Network	4,568	893	872	21	2.4%	Medium
Partnerships & Community Services	Infrastructure	Roads Trading Activity	-728	-334	-311	-23	7.4%	Medium
Partnerships & Community Services	Infrastructure	Transportation	1,135	-387	-364	-23	6.3%	Low
Partnerships & Community Services	Infrastructure	Waste Services	7,550	1,814	1,826	-12	-0.7%	Low
Partnerships & Community Services	Infrastructure	Active Business Unit	3,590	631	675	-44	-6.5%	Low
<b>PARTNERSHIPS &amp; COMMUNITIES SERVICES</b>	<b>INFRASTRUCTURE TOTAL</b>		<b>26,986</b>	<b>3,473</b>	<b>3,551</b>	<b>-78</b>	<b>-2.2%</b>	
Partnerships & Community Services	Communities & Partnerships	Corporate Policy & Improvement	1,185	320	326	-6	-1.8%	Low
Partnerships & Community Services	Communities & Partnerships	Connected Communities	6,722	2,254	2,243	11	0.5%	Medium
Partnerships & Community Services	Communities & Partnerships	Protective Services	1,745	918	933	-15	-1.6%	Low
Partnerships & Community Services	Communities & Partnerships	Customer Services Group	3,517	1,055	1,113	-58	-5.2%	Low
<b>PARTNERSHIPS &amp; COMMUNITIES SERVICES</b>	<b>COMMUNITIES &amp; PARTNERSHIPS TOTAL</b>		<b>13,169</b>	<b>4,547</b>	<b>4,615</b>	<b>-68</b>	<b>-1.5%</b>	
<b>PARTNERSHIPS &amp; COMMUNITY SERVICES TOTAL</b>			<b>43,886</b>	<b>8,134</b>	<b>8,484</b>	<b>-350</b>	<b>-4.1%</b>	
<b>SERVICE TOTAL</b>			<b>223,059</b>	<b>49,244</b>	<b>48,560</b>	<b>684</b>	<b>1.4%</b>	
<b>CORPORATE MANAGEMENT TOTAL</b>			<b>-223,059</b>	<b>-98,908</b>	<b>-99,023</b>	<b>115</b>	<b>-0.1%</b>	<b>Low</b>
<b>TOTAL</b>			<b>0</b>	<b>-49,664</b>	<b>-50,463</b>	<b>799</b>	<b>-1.6%</b>	
<b>TOTAL HRA</b>			<b>0</b>	<b>-4,680</b>	<b>-4,680</b>	<b>0</b>	<b>0.0%</b>	<b>Low</b>

## Appendix 2

Financial Risk	Factors	Implications
<b>High</b>	<ul style="list-style-type: none"> <li>- The Business Group has been assessed as likely to overspend in the financial year</li> <li>- There has been a history of overspending within Units / Groups</li> <li>- There are new or revised funding arrangement and / or legislature changes with financial significance</li> <li>- Trading Accounts are in deficit for the year.</li> <li>-Grant schemes, on which the Council is reliant are either unconfirmed or have not been confirmed</li> <li>-The service is demand led and the Council has restricted control over the level and form of service</li> <li>- New Services are planned</li> </ul>	<ul style="list-style-type: none"> <li>-Cabinet &amp; Members Library reports with financial implications are not passed under delegated powers</li> <li>-Directors / Heads of Service will be asked to prepare a financial recovery plan</li> <li>-The Head of Council Resources may take enforcement action to ensure budgetary control</li> </ul>
<b>Medium</b>	<ul style="list-style-type: none"> <li>- There is significant potential that Business Group could overspend in the financial year</li> <li>- There have been previous incidences of some overspending within Units / Groups</li> <li>- There are new or revised funding arrangement and / or legislature changes with financial significance</li> <li>- Trading Accounts are having difficulty meeting financial targets</li> <li>-Grant schemes, on which the Council is reliant are either unconfirmed or have not been confirmed</li> </ul>	<ul style="list-style-type: none"> <li>-Members' Library reports are only passed when financial implications are addressed</li> <li>-Directors / Heads of Service will be asked to identify actions necessary to ensure expenditure is within budget by the year-end.</li> </ul>
<b>Low</b>	<ul style="list-style-type: none"> <li>-Finances are generally under control for the current financial year</li> <li>-Stable legislature, trading and funding environment</li> <li>-The service is supply led - i.e. the Council can decide the level and form of service</li> <li>-Finances in previous financial years have been controlled</li> <li>-Grant schemes are stable and not anticipated to change significantly</li> </ul>	<ul style="list-style-type: none"> <li>-Members library reports are approved promptly under delegated powers</li> </ul>

2019/20 Budget Monitoring and Budget Efficiencies

Appendix 3

Budget Efficiencies:

Service	2019/20		
	Achieved	Achievable	TBC
	£'000	£'000	£'000
Education	493	764	914
Council Resources	286	289	0
H&SCP	182	520	0
Communities	112	338	0
Development	324	309	0
Infrastructure	103	524	70
Corporate	0	0	0
<b>Total</b>	<b>1,500</b>	<b>2,744</b>	<b>984</b>
			<b>5,228</b>

Savings Currently Red

Service	Proposal	Value	Comments
Education	Staff Performance & Transformational Savings	914	Posts have not been identified.
Landscape & Countryside	Amenity Service - income generating target	20	Work is ongoing to identify opportunities to increase income.
Landscape & Countryside	Commercial Income from Play Area installation	30	Work is ongoing to identify opportunities to increase income.
Roads Trading	Explore new opportunities for income management	20	Work is ongoing to identify opportunities to increase income.
<b>Total</b>		<b>984</b>	

Amber savings with higher risk

Service	Proposal	Value	Comments
Education	Review of Pre-school provision	500	Admin staff may be moved to be under 1140 hrs funding which may present a future risk to the 1140 hrs budget.
Council Resources	Senior Manager Saving	105	Work is ongoing to confirm how this will be achieved.
<b>Total</b>		<b>605</b>	

Allocation of Corporate Savings

Education	914
Council Resources	155
Children's	98
Adults and Older People	214
Development	162
Communities	121
Infrastructure	328
<b>TOTAL</b>	<b>1,993</b>

General Services Capital

2019-20 Q1

Appendix 4

<b>Key - project lifecycle indication</b>	
1 - Feasibility	✓
2 - Design	*
3 - Out to tender	—
4 - Tender Accepted	
5 - Under Construction	
6 - Operational/Retention	
7 - Annual Budget allocation	

	<b>Annual (In-Year)</b>			<b>Project lifecycle indication</b>	<b>Project Status</b>
	<b>Approved Budget 2019/20</b>	<b>Revised approved Budget 2019/20</b>	<b>Actual 2019/20</b>		
<b>Expenditure</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>		
<b>Community Projects</b>					
Assets in the Community - Investment	500	500	-	7	✓
Community Intervention	600	600	112	7	✓
Support for Business - Gateside West	461	461	20	2	✓
Town Centre Regeneration	100	1,375	-	1	*
Synthetic pitches	19	20	-	1	✓
<b>Total Community Projects</b>	<b>1,680</b>	<b>2,955</b>	<b>132</b>		
<b>ICT</b>					
IT Programme	2,110	2,110	587	7	✓
Replacement - CRM Project (Customer Services)	-	103	(22)	5	✓
<b>Total ICT</b>	<b>2,110</b>	<b>2,213</b>	<b>565</b>		
<b>Fleet</b>					
Amenties - Machinery & Equipment - replacement	190	190	120	7	✓
Vehicles	1,850	1,882	1	7	✓
<b>Total Fleet</b>	<b>2,040</b>	<b>2,072</b>	<b>122</b>		

<b>Open Space</b>					
Cemeteries (Burial Grounds)	287	727	-	4	✓
Coastal / Flood Protection schemes - East Beach, Dunbar	-	192	2	3	✓
Coastal / Flood Protection schemes - Haddington	256	328	13	2	✓
Coastal / Flood Protection schemes - Musselburgh	613	780	9	2	✓
Coastal Car Park Toilets	150	480	0	2	✓
Core Path Plan	50	50	2	7	✓
Mains Farm Sports Pitch & Pavilion	429	558	-	5	✓
Polson Park	138	138	-	1	✓
Waste - New Bins	150	150	37	7	✓
Waste - Machinery & Equipment - replacement	40	40	2	7	✓
<b>Total Open Space</b>	<b>2,113</b>	<b>3,442</b>	<b>66</b>		
<b>Roads, Lighting and related assets</b>					
Cycling Walking Safer Streets	171	171	-	7	✓
Parking Improvements	250	418	56	4	✓
Roads	7,500	7,500	732	7	*
Roads - externally funded projects	267	973	320	7	*
<b>Total Roads, Lighting and related assets</b>	<b>8,188</b>	<b>9,062</b>	<b>1,109</b>		
<b>Property - Education</b>					
Aberlady Primary - extension	40	40	-	1	✓
Aberlady Primary - outdoor facility incl 1140	149	149	-	2	✓
Campie Primary - 1140	80	150	1	4	✓
Dunbar Grammar - extension	140	140	-	6	✓
Dunbar Primary - John Muir Campus - Early Learning and 1140	83	83	-	2	✓
East Linton Primary - extension including Early Learning and 1140	913	968	-	2	✓
Gullane Primary - extension including Early Learning and 1140	100	180	-	2	✓
Haddington Infant School - upgrades	6	6	-	6	✓
Law Primary - school extension	37	37	62	6	✓
Law Primary - extension including Early Learning and 1140	147	147	-	6	✓
Letham Primary - New School	6,775	6,695	680	5	*

Longniddry Primary - extension	34	34	-	2	✓
Loretto Primary - 1140	38	63	1	4	✓
Meadowpark Communications Provision - upgrades	8	53	-	6	✓
Musselburgh Grammar - upgrades	283	283	-	2	✓
Musselburgh Primary - 1140 upgrades	36	57	1	3	✓
New Musselburgh Additional Secondary Education Provision	1,700	5,403	242	2	✓
North Berwick High School - extension	5,489	5,600	41	2	*
Ormiston Primary - extension	20	26	31	5	✓
Pinkie St Peter's Primary - extension including Early Learning and 1140	160	160	-	2	✓
School Estate - Curriculum Upgrades	330	330	-	1	✓
Ross High School - extension	5,815	6,082	27	2	*
St Gabriel's Primary - extension including Early Learning and 1140	58	58	-	2	✓
Tranent Early Learning Centre 1140	262	262	-	1	✓
Wallyford Primary - New School	300	300	91	6	✓
West Barns Primary - extension including Early Learning and 1140	175	175	-	2	✓
Whitecraig Primary - extension including Early Learning and 1140	324	324	-	1	✓
<b>Total Property - Education</b>	<b>23,503</b>	<b>27,805</b>	<b>1,176</b>		

<b>Property - Other</b>					
Accelerating Growth - Enabling Infrastructure	3,100	3,038	84	2	*
Court Accommodation - incl. SPOC	1,554	1,554	159	5	*
Haddington Corn Exchange - upgrades	640	797	1	4	✓
Haddington Town House - Refurbishment and Rewire	548	548	-	2	✓
Herdman Flat	160	200	-	2	✓
Inveresk Mills - upgrades	83	169	-	5	✓
Meadowmill - New Depot	-	149	-	2	✓
Port Seton - Community Centre Extension	1,048	1,229	0	3	✓
Prestongrange Museum	100	100	-	2	✓
Property Renewals	951	951	38	7	✓
Eskgreen Care Home - Lift Refurbishment	200	200	-	2	✓
West Barns Primary - Lifecycle improvements	522	522	-	1	✓
Dunbar - The Cove ASN Unit	77	77	-	1	✓
Replacement Pathways Centre	1,046	1,046	-	1	*



Sports Centres	200	200	194	7	✓
Whitecraig Community Centre	483	973	472	5	✓
<b>Total Property - Other</b>	<b>10,713</b>	<b>11,753</b>	<b>947</b>		
<b>Total Property - Education and Other</b>	<b>34,216</b>	<b>39,558</b>	<b>2,122</b>		
Capital Plan Fees	1,728	1,728	-	7	*
<b>Total Gross Expenditure</b>	<b>52,074</b>	<b>61,031</b>	<b>4,116</b>		

## 2019-20 Q1 Financial Review - Appendix 5

### HRA Capital Programme

	<b>Budgeted</b>	<b>Actual</b>	<b>Over/(Under)</b>
	<b>(£000s)</b>	<b>June 2019</b>	<b>(£000s)</b>
		<b>(£000s)</b>	<b>(£000s)</b>
Modernisation Spend	11,998	1,404	(10,594)
New Affordable and Council Housing	18,657	2,253	(16,404)
Mortgage to Rent	840	0	(840)
Fees	1,395	0	(1,395)
<b>Gross Total Housing Capital Spend</b>	<b>32,890</b>	<b>3,657</b>	<b>(29,233)</b>

**REPORT TO:** East Lothian Council

**MEETING DATE:** 27 August 2019

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

**SUBJECT:** 2019 East Lothian Residents Survey

---

## **1 PURPOSE**

- 1.1 To present a summary of the main findings of the 2019 East Lothian Residents Survey and to identify some of the planned and potential uses of the survey data.

## **2 RECOMMENDATIONS**

- 2.1 That Council notes the main findings of the 2019 Residents Survey presented in this report, as well as the availability of further data at both East Lothian wide and ward level.
- 2.2 That Council notes how the data generated by the Residents Survey is being used.

## **3 BACKGROUND**

- 3.1 East Lothian Council, on behalf of East Lothian Partnership, commissioned Research Resource to carry out the 2019 Residents Survey. Face to face interviews were carried out with a representative sample of 1,680 local residents during May and June 2019. Interviews were spread across the whole of East Lothian, with the number of interviews designed to provide robust data within each ward with a margin of error in the region of  $\pm 6\%$ . At the East Lothian level the numbers interviewed ensured a robust and representative data set with a margin of error of  $\pm 2.37\%$ .
- 3.2 In line with best practice in research, the survey data has been weighted to ensure it is representative of the East Lothian population on the basis of ward, age and gender. The percentages reported in the full survey report and this report are the weighted percentages.

- 3.3 Topics covered in the Survey included: Neighbourhood and Quality of Life; Community Safety; Health and Wellbeing; Perceptions of the Council / Public Services and Local Priorities. Many of the questions used were the same as were used in the previous Residents Survey that was carried out in March 2017 so that comparisons can be drawn out.
- 3.4 The questions included were designed to establish the public's views on general and specific aspects of life in East Lothian, but also to gather data to help inform the Council and Community Planning partners of public views and perceptions relating to key objectives set out in the East Lothian Plan, (our Local Outcome Improvement Plan) and the Council Plan. The ward level data will be very useful to Area Partnerships.
- 3.5 The Survey findings are also of potential use to individual Council services and partner organisations. Colleagues are encouraged to contact the Council's Policy team for further information and advice, but also to enable to team to capture details of how the data is being used.
- 3.6 A copy of the final report of the survey along with detailed summaries of the six ward results have been lodged in the Members Library (Ref: 111/19, August 2019 Bulletin). Some of the key findings are outlined below.

#### **Neighbourhood and Quality of Life**

- 3.7 Responses to how residents rate their neighbourhood as a place to live has remained consistent since 2017 (and since the 2011 survey). 98% of respondents rated their neighbourhood as 'very good' (74%) or 'fairly good' (24%).
- 3.8 Respondents also expressed very high levels of satisfaction with living in East Lothian, with 98% identifying that East Lothian was either a 'very good' (71%) or 'fairly good' (27%) place to live. These results were consistent with the 2017 East Lothian Residents Survey (72% 'very good' and 27% 'good'). More respondents felt that their neighbourhood has 'improved' (14%) than 'got a little/ much worse' (6%).
- 3.9 The proportion of respondents who said they feel they belong to their neighbourhood is consistent with the 2017 survey – 89% compared to 88% in 2017. However, there was a significant increase in the people who said they 'very strongly' feel they belong to their neighbourhood increased from 38% to 54%.
- 3.10 The survey included a question about perceptions of neighbourhood and personal resilience. Respondents agreed that they would offer help to people in their neighbourhood during an emergency (95%; 94% in 2017), they could rely on friends or relatives during times of loneliness (92%; 91% in 2017) and their neighbourhood is one where people from different backgrounds get on well together (92%; not asked in 2017).
- 3.11 Respondents were asked for their views on what most needs improved in their local area. A slightly higher proportion of respondents suggested improvements than in the 2017 survey; 15% said there was nothing in their neighbourhood they felt needed improving, and 23% said 'don't know';

compared to 37% and 5% in 2017. The issues that most respondents suggested need improving were:

- Road and pavement repairs – 26% (+10% from 2011 Survey)
- Shopping facilities – 16% (+6%)
- Jobs for local people – 15% (+8%)
- Traffic congestion – 13% (+8%)
- Health services – 13% (+2%)
- Affordable decent housing – 12% (+4%)

### **Perceptions of the Council and Public Services**

3.12 Respondents were asked the extent to which they agreed or disagreed with a set of statements about the Council. There was a large increase in respondents who answered 'don't know' compared to 2017. Analysis has been carried out excluding the 'don't knows' (from both the 2017 and 2019 surveys) in order to get a clearer comparison. This analysis shows that agreement increased in six areas and fell in only one area:

- 84% agreed that 'My Council does the best it can with the money available' (83% in 2017)
- 80% agreed 'My Council provides high quality services' (75% in 2017)
- 80% agreed 'My Council is good at letting people know how it is performing' (70% in 2017)
- 79% agreed 'My local Council designs services around the needs of the people who use them' (76% in 2017)
- 77% agreed 'My Council is good at letting people know about the services it provides' (75% in 2017)
- 60% agreed 'My Council is good at listening to local people's views before it takes decisions' (47% in 2017)
- 66% agreed 'My Council is addressing the key issues affecting the quality of life in my neighbourhood' (67% in 2017)

3.13 The proportion of respondents who agreed they can influence decisions affecting their local area fell from 43% in 2017 to 35%. However, the proportion who said they would like to be more involved in the decisions affecting their local area stayed more or less the same as in 2017 – 18% compared to 19%.

3.14 The survey asked about people's satisfaction with a range of public services. The results show a reduction in satisfaction levels across many services when compared to the 2017 survey. However, the 2019 survey had a significantly higher level of 'don't know' responses than in 2017. When the figures are adjusted to exclude the 'don't knows' the 2019 survey

showed higher levels of satisfaction than in 2017. There was an increase in satisfaction in eight of nine council services and an increase in satisfaction in most other public services. The percentages of those (who expressed a view; i.e. excluding the 'don't knows') saying they were 'very' or 'fairly satisfied' are detailed below (2017 figures in brackets). Further analysis of responses from people who responded that they 'have used/had contact' with the services shows that satisfaction levels of people who have used services or had contact with services are even higher than those suggested below.

### ***Council services***

- Parks, gardens and open spaces                      98% (94%)
- Waste & recycling services                              94% (91%)
- Libraries    93% (88%)
- Schools    92% (90%)
- Council House repairs service                              90% (75%)
- Play areas     89% (80%)
- Support for frail/ older people                              87% (85%)
- Street cleaning     86% (87%)
- Roads maintenance    69% (68%)

### ***Other public services***

- Fire Service    97% (93%)
- Dental services    96% (95%)
- Hospital outpatients    95% (90%)
- Hospital A&E     95% (88%)
- Police     94% (92%)
- Swimming pools / sports centres                            94% (85%)
- GP services     87% (85%)
- Local bus service    79% (89%)

### **Local Priorities**

3.15 The survey sought views on how the Council might do things differently to address the key challenges it faces. Respondents were asked whether they agreed with five options for how the Council could meet the growing demand for services while budgets continue to reduce. The vast majority were in agreement ('strongly agree' or 'agree') with all of the options listed (excluding 'don't knows in brackets):

- 'Focus on prevention and early intervention'                      92% (99%)

- 'Focus resources on areas of East Lothian where the need is greatest' 82% (94%)
- 'Deliver services in new ways, perhaps with community involvement' 74% (95%)
- 'Identify services which we should stop providing' 59% (75%)
- 'Reduce and manage the growing demand for some services' 58% (74%)

3.16 Respondents were also asked to provide their views on some of the concepts and ideas that could form part of the proposed Community Charter. They were asked whether they 'already do' or 'would do in the future' some of the actions that might be included in the 'Your Part' of the Charter. The responses to this question will be useful in helping to inform the development of the Charter as they provide a baseline for actions which citizens are already committed to (e.g. recycling) and those which may require more promotion and active support (e.g. help a friend or family member get online to use online council services). The list below shows the percentage of respondents who said they 'currently do' the actions listed and the percentage who said they 'would do' them in the future is shown in brackets.

- Reduce, Reuse and Recycle 88% (8%)
- Look out for neighbours 77% (17%)
- Support local businesses by shopping locally 70% (14%)
- Use online council services 38% (30%)
- Help a friend or family get online 12% (43%)
- Do something to help your local community 14% (25%)
- Get involved in local initiatives or organisations 8% (19%)

### **Community Safety**

3.17 The questions about community safety suggests that there has been a decrease in fear of crime and an increase in people feeling safe in their neighbourhood over the last two years.

3.18 The proportion of respondents who said they do not feel threatened by crime in their neighbourhood was 92% compared to 93% in 2017; but the proportion of respondents who said they do not feel threatened by crime 'at all' in their neighbourhood increased from 55% in 2017 to 62%.

3.19 94% proportion of respondents said they feel 'very safe' or 'safe' walking alone in their local neighbourhood after dark (up from 85% in 2017). There was a significant increase in those who said they feel 'very safe' from 51% in 2017 to 64% in 2019.

- 3.20 Respondents were asked how their confidence in the police being able to respond to crime being reported has changed in the last two years. 71% said they had about the same confidence as two years ago, 7% said they had less confidence and 6% said they had more confidence. The equivalent 2017 figures were 79% (the same), 7% (less confidence) and 3% (more confidence). The proportion of respondents who said 'don't know' increased from 11% to 17%.

### **Health and Wellbeing**

- 3.21 The survey asked respondents about their smoking and exercise habits. Just over three quarters (76%) of respondents said that they have never smoked or used to smoke and have now stopped, compared to 82% in 2017. The proportion of respondents who said they smoke and have no plan to give up has increased from 9% in 2017 to 17%. One in 10 respondents said they vape / use e-cigarettes.
- 3.22 Over half of respondents (54%) said they meet the recommended weekly guidelines for physical activity whilst just around a quarter (26%) said they do not. However, 21% said they do not know whether they meet the recommended weekly guidelines.
- 3.23 There has been a decline in the proportion of people who take part in vigorous exercise from 47% in 2017 to 41% in 2019. Gym activities (15%), organised sport (12%) and swimming (10%) are the most popular forms of exercise.

## **4 POLICY IMPLICATIONS**

- 4.1 Some of the data generated by the 2019 East Lothian Residents Survey will be used to help inform the Top 50 Council Plan Indicators and the East Lothian Plan indicators (see Appendix 1). Some of the data generated by the survey will be used to inform the development of the Community Charter. The detailed results for each of the wards will be used by Areas Partnerships to inform the future review of their Local Plans.

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – The total cost of the survey has been met from the East Lothian Partnership budget.
- 6.2 Personnel – none.



6.3 Other – none.

## 7 BACKGROUND PAPERS

7.1 East Lothian Resident Survey 2019; Members' Library (Ref 111/19, August 2019 Bulletin):

[https://www.eastlothian.gov.uk/meetings/meeting/16531/members\\_library\\_service](https://www.eastlothian.gov.uk/meetings/meeting/16531/members_library_service)

<b>AUTHOR'S NAME</b>	Paolo Vestri
<b>DESIGNATION</b>	Service Manager Corporate Policy and Improvement
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<b>DATE</b>	12 August 2019



## Appendix 1: Resident Survey Data used in Top 50 Council Plan Indicators

Five of the Top 50 Council Plan indicators are derived from the Residents Survey. The results for these indicators are generally very positive.

	2017	2019	+ / -
% citizens who agree 'the council is good at listening to people's views before it makes decisions' (excluding don't knows)	47%	60%	+13%
% citizens who say their neighbourhood is a good place to live	98% (V. Good – 74% Good – 24%)	98% (V. Good – 73% Good – 25%)	No change
% citizens who say they can rely on a neighbour to help	91%	95%	+4%
% citizens who feel safe walking alone in the dark	85% (V. Safe – 51% Safe – 34%)	94% (V. Safe – 64% Safe – 30%)	+9%
% citizens who agree that 'My council does the best it can with the money available' (excluding don't knows)	83%	84%	+1%



**REPORT TO:** East Lothian Council

**MEETING DATE:** 27 August 2019

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

**SUBJECT:** Appointments to Committees and Outside Bodies

---

**7**

## **1 PURPOSE**

- 1.1 To seek approval of proposed changes to the membership of committees and representation on outside bodies.

## **2 RECOMMENDATIONS**

- 2.1 That Council approves the following appointments to committees, as proposed by the Conservative Group, to take immediate effect:

- Audit & Governance Committee – Councillor Hoy
- Education Committee – Councillor Hoy
- Joint Consultative Committee – Councillor Bruce
- Police, Fire and Community Safety Scrutiny Committee – Councillor Hoy
- Planning Committee – Councillor Mackie
- Policy & Performance Review Committee – Councillor Hoy

- 2.2 The Council approves the following appointments to outside bodies, as proposed by the Conservative Group, to take immediate effect:

- Lothian Valuation Joint Board and Lothian Electoral Joint Committee – Councillor Findlay
- SESTRAN – Councillor Hoy

## **3 BACKGROUND**

- 3.1 As a result of the election of Councillor Hoy in May 2019, the Conservative Group is proposing a number of changes to its membership of Council committees, as set out below:

- Audit & Governance Committee – Councillor Hoy (replacing Councillor Findlay)
- Education Committee – Councillor Hoy (replacing Councillor Mackie)

- Joint Consultative Committee – Councillor Bruce (filling vacancy)
- Police, Fire and Community Safety Scrutiny Committee – Councillor Hoy (replacing Councillor Henderson)
- Planning Committee – Councillor Mackie (filling vacancy)
- Policy & Performance Review Committee – Councillor Hoy (replacing Councillor Henderson)

3.2 The Conservative Group is also nominating Councillor Hoy as a Council representative on SESTRAN (this position has been vacant since Brian Small resigned as a councillor), and is nominating Councillor Findlay as a Council representative on the Lothian Valuation Joint Board and Lothian Electoral Joint Committee (replacing Councillor Henderson).

#### **4 POLICY IMPLICATIONS**

4.1 None

#### **5 INTEGRATED IMPACT ASSESSMENT**

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

6.1 Financial – none

6.2 Personnel – none

6.3 Other – none

#### **7 BACKGROUND PAPERS**

7.1 None

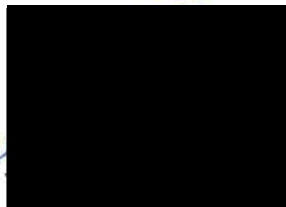
<b>AUTHOR'S NAME</b>	Lel Gillingwater
<b>DESIGNATION</b>	Team Manager – Democratic and Licensing
<b>CONTACT INFO</b>	<a href="mailto:lgillingwater@eastlothian.gov.uk">lgillingwater@eastlothian.gov.uk</a> x 7225
<b>DATE</b>	8 August 2019

MOTION TO EAST LoTHIAN COUNCIL  
August 27, 2019

**East Lothian Council Support for The Change and Check Campaign**

East Lothian Council congratulates Helen Addis and Lorraine Kelly for the Change and Check campaign which sees breast cancer 'reminder' stickers being placed in bathrooms and changing facilities across the UK; believes that Change and Check stickers have been distributed in changing rooms nationwide in stores such as John Lewis and Partners, ASDA, Warehouse and David Lloyd Gyms and in 10,000 facilities operated by The Metropolitan Police; supports the simple idea of getting people to check for the signs of breast cancer whilst getting changed and East Lothian Council commits to placing stickers in changing rooms across all council facilities, and encourages their display in sports and swimming centres operated by Enjoyleisure. **8**

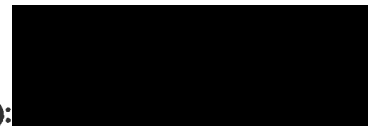
Proposed by (signed):



Name: Cllr Craig Hoy

Date: 12 August 2019-08-12

Seconded by (signed):



Name: Cllr Jane Henderson

Date: 12 Aug 2019





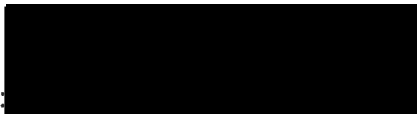
MOTION TO EAST LoTHIAN COUNCIL  
27<sup>th</sup> August 2019

**Community Benefit Scheme**

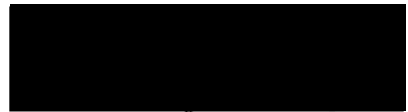
To establish a cross party group to be advised of the possibilities of a community benefit scheme arising from the development of the Inch Cape Offshore Wind Farm, the power from which is to be brought ashore at Cockenzie.

Although offshore wind power schemes are provided on a voluntary basis similar developments have provided community benefit schemes throughout Scotland, the Inch Cape Wind Farm has the potential to do likewise. The formation of this group would allow a start to exploring the way forward.

Proposed by:



Seconded by:



Date:

14 August 2019

Date:

14 August 2019

EAST LoTHIAN COUNCIL  
SUPPORT SERVICES

14 AUG 2019

RECEIVED



MOTION TO EAST LoTHIAN – 27 AUGUST 2019

LABOUR GROUP

CLIMATE EMERGENCY MOTION

10

There is a global climate emergency. The evidence is irrefutable and the science is clear. Warnings have been issued about the damage human beings are causing to the planet and how that damage has accelerate over the past 50 years.

The impacts of climate change are having a serious effect on our communities.

We believe that it's not too late for us to turn things around but to do so requires transformative change and action now.

East Lothian Council therefore resolves to;-

Declare a Climate Emergency that requires urgent action to make all our Council Services net Zero Carbon by 2045 and to lobby, support and work with all relevant agencies, partners and communities to fulfill this commitment. East Lothian Council will also commit to work with our communities and partners towards making East Lothian a carbon neutral county as well as enabling the county to deliver its part of wider national and international commitments.

Moved by [REDACTED] ..... 15/8/19.....

Seconded by .. [REDACTED] ..... 15th August 2019.....





**REPORT TO:** East Lothian Council

**MEETING DATE:** 27 August 2019

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

**SUBJECT:** Submissions to the Members' Library Service  
11 June – 14 August 2019

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**11**

## **1 PURPOSE**

- 1.1 To note the reports submitted to the Members' Library Service since the last meeting of Council, as listed in Appendix 1.

## **2 RECOMMENDATIONS**

- 2.1 Council is requested to note the reports submitted to the Members' Library Service between 11 June and 14 August 2019, as listed in Appendix 1.

## **3 BACKGROUND**

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

## **4 POLICY IMPLICATIONS**

- 4.1 None

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## **6 RESOURCE IMPLICATIONS**

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

## **7 BACKGROUND PAPERS**

- 7.1 East Lothian Council's Standing Orders – 3.4

<b>AUTHOR'S NAME</b>	Lel Gillingwater
<b>DESIGNATION</b>	Team Manager - Democratic & Licensing
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<b>DATE</b>	14 August 2019

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD  
11 June – 14 August 2019**

<b>Reference</b>	<b>Originator</b>	<b>Document Title</b>	<b>Access</b>
89/19	Director of Health and Social Care	Revision of Integration Scheme for East Lothain Integration Joint Board	Public
90/19	Head of Development	Scottish Government Consultation of Local Connection and Intentionality Provisions in Homelessness Legislation	Public
91/19	Head of Council Resources	Establishment Changes May 2019	Private
92/19	Depute Chief Executive (Partnerships and Community Services)	Annual Report 2018-19 on Participation Requests and Asset Transfer Requests under the Community Empowerment (Scotland) Act 2015	Public
93/19	Head of Council Resources	Creation of Post of Centre Manager – Early Learning and Childcare	Private
94/19	Head of Infrastructure	Transfer of Ownership of 76 sqms (or thereby) of Land and the Grant of Servitude Rights, North Berwick	Private
95/19	Head of Council Resources	Review of the Home Care Service	Private
96/19	Head of Infrastructure	Engagement of Low Income Families within Active Schools	Public
97/19	Head of Communities and Partnerships	Building Warrants Issued under Delegated Powers between 1 May 2019 and 31 May 2019	Public
98/19	Head of Council Resources	Establishment Changes – June 2019	Private
99/19	Head of Communities and Partnerships	Insurance/Broker Fee Renewals, 1 July 2019	Public
100/19	Head of Council Resources	Application to Musselburgh Common Good Fund (Recess Business)	Private
101/19	Head of Infrastructure	Building Warrants issued under Delegated Powers, June 2019	Public
102/19	Depute Chief Executive (Partnerships and Community Services)	Scottish Government Town Centre Fund 2019–20 (Recess Business)	Public
103/19	Head of Infrastructure	Sale of Land – Tranent	Private
104/19	Depute Chief Executive (Partnerships and Community Services)	Service Review Report – Estates	Private
105/19	Head of Infrastructure	Sale of Land – Wallyford	Private
106/19	Head of Council Resources	Establishment Changes – July 2019	Private
107/19	Depute Chief Executive – Partnerships & Community Services	Confirmation of Tree Preservation Order at Templedean House, Florabank Road, Haddington [T.P.O.no 141 (2019)]	Public
108/19	Head of Council Resources	Service Review Report - Creation of new Whitecraig Community HUB	Private

109/19	Chief Executive	2 Additional In-service Days for School Session 2019/20	Public
110/19	Head of Infrastructure	Building Warrants Issued under Delegated Powers between 1 <sup>st</sup> July 2019 and 31 <sup>st</sup> July 2019	Public
111/19	Head of Communities and Partnerships	2019 East Lothian Residents' Survey	Public

14 August 2019



**REPORT TO:** East Lothian Council

**MEETING DATE:** 27 August 2019

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

**SUBJECT:** School Learning Estate Review

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## **1 PURPOSE**

- 1.1 To advise the Council of the proposed review of the school learning estate, which will be carried out with a view to adopting a long-term strategic approach to the development and design of the school estate to ensure that it is fit for the future and delivers maximum educational benefits for children in East Lothian.

## **2 RECOMMENDATIONS**

2.1 The Council is asked to:

- note the content of this report;
- grant permission to the Education and Children's Service to undertake a full public pre-consultation exercise on the school estate and a comprehensive review of the school learning estate to ensure that it is fit for the future and fulfils the aspirations of Curriculum for Excellence;
- develop a Learning Estate Investment Plan (LEIP), taking account of the Council's Asset Strategy and Management Plan 2018-2023, to ensure that all Council assets and service provision are considered within the learning estate review; and
- agree that following the pre-consultation and the full Council's consideration of its outcomes, the Education and Children's Service will prepare a set of proposals to be considered by full Council.

### 3 BACKGROUND

3.1 East Lothian Council's vision is that East Lothian should be even more prosperous, safe and sustainable, with a dynamic and thriving economy that enables our people and communities to flourish.

3.2 The East Lothian Council Plan 2017-2022 sets out the journey towards realising the East Lothian vision, delivered through the following themes:

- Growing our Economy
- Growing our People
- Growing our Communities
- Growing our Capacity

The overarching objective of reducing inequalities within and across our communities is being delivered through the following strategic goals:

- Reduce unemployment and improve the employability of East Lothian's workforce.
- Reduce the attainment gap and raise the attainment and achievement of our children and young people.
- Improve the life chances of the most vulnerable people in our society.
- Extend community engagement and decision making and increase community and individual resilience.
- Deliver transformational change and harness the opportunities technology offers in the provision of services.

These goals align with the priorities set out in East Lothian's Education and Children's Service Improvement Plans and six drivers of the National Improvement Framework.

3.3 East Lothian Council is committed to delivering on its vision and ambition for its communities and understands the important role of sustainable, vibrant learning communities in realising its objectives and goals. The Council also wishes to deliver on its commitment to reduce the attainment gap, raise the attainment and achievement of our children and young people and improve inclusion, wellbeing and equality throughout East Lothian's schools. A One Council strategic approach, supported by our key stakeholders and partners is being taken to ensure our learning estate supports excellence and equity for all.

3.4 The Council has responded positively to the significant challenges presented by one of the highest population increases in the country, ensuring adequacy of enabling infrastructure and more specifically provision across our Learning Estate has been a central pillar of work undertaken as part of our recently approved [Local Development Plan \(LDP\)](#). The region's population grew by nearly 20 per cent between 1997

and 2017, the fastest growing council area in Scotland, and is set to expand further, particularly among children and the over 75s. The Council, through careful management of limited resources, has managed and invested in the school estate (Appendix 1 Capital Investment Plan) to create sufficient capacity and respond to unprecedented growth and now needs to consider the longer-term approach to firstly assess and then develop and design an overall school estate suitable for the 21<sup>st</sup> century and to meet projected population growth.

- 3.5 Working corporately, the Council tested education estate expansion options to identify how the LDP could accommodate the delivery of 10,000 homes in a manner that the Council could deliver to support sustainable and inclusive growth whilst making best use of existing facilities. This resulted in a costed and best value education expansion plan being identified as the LDP was adopted, with an accompanying [Developer Contributions Framework \(DCF\)](#), which seeks to maximise the legitimate amount of financial developer contributions that the Council can recover to finance the school expansion requirements.
- 3.6 In order fully to realise the Council's above ambitions, an up-to-date strategic review of the condition, suitability and sufficiency of the educational estate (and the lifecycle of curricular resources) is required as part of the 2019 Learning Estate Review. The outcomes of this review will ensure that children and young people have an equity of experience, opportunity and access, as detailed in the Education Service Improvement Plan. This process will formally respond to the collated intelligence and data that we utilise to strategically place assets, resources and training opportunities.
- 3.7 The review will take cognisance of the nine guiding principles outlined in the [School Estate Strategy: Building Better Schools: Investing in Scotland's Future \(2009\)](#) and lead to a strategic rationalisation of both the Education Estate and the wider Council Estate; to ensure best value in a well-managed school learning estate. The draft 'Scotland's Learning Estate Strategy: Connecting People, Places and Learning' (2018/19), published jointly by the Scottish Government and COSLA, is timely and very much welcomed by East Lothian Council. The new draft strategy adds a 10<sup>th</sup> and mutually recognised important principle in the form of 'Investment in Scotland's learning estate should contribute towards improving learning outcomes and support sustainable and inclusive economic growth'.

East Lothian is in a unique position as we are:

- establishing new communities (Blindwells)
- creating new provision and services for existing communities, where there is projected growth (with a focus upon skills development, lifelong learning, employability/training and economic growth)
- developing our East Lothian Climate Change Strategy 2019–2024 setting out how we will continue to reduce carbon emissions that cause

global warming, adapt to changes in our climate, and improve sustainability, including within our school estate

- partners in the Edinburgh and South East Scotland City Regional Deal, including working closely with Queen Margaret University to deliver an innovation park adjacent to their Musselburgh campus
- 3.8 The Council remains fully committed to its statutory obligation to deliver Best Value by demonstrating continuous improvement in how it delivers services, including the provision of a high quality education service. We are committed to developing a new LEIP (Learning Estate Improvement Plan) which will take consideration of all relevant strategic risks, whilst developing plans for improving the performance of the school estate. This will maximise opportunities for all.
- 3.9 The Depute First Minister of Scotland, at the Education Buildings Scotland Conference, November 2018, announced that a further £1 billion of investment would be available for the school learning estate. This investment is to be available when the current Scottish Government school building programme ends and access to these funds requires local authorities to provide information on the current status, in particular, condition and suitability of their learning estate. An initial information request was made by Scottish Government Learning Directorate on 4 July and an appropriate submission duly returned in accordance with the required deadline of 5 August. This submission provided a status update on progress being made with developing our Local Learning Estate Strategy and references the proposals included in this report.

#### **Pre-consultation and review**

- 3.10 Decision making protocols and guidance around the school estate are set out in the Schools (Consultation) (Scotland) Act 2010 and reflect recommendations made in the Commission on the Delivery of Rural Education Report. They provide very clear expectations and details as to how consultation on the school estate should be implemented as well as stating the roles and responsibilities of all stakeholders: Council, Education Scotland, Scottish Government, the public and stakeholders in the school community. In relation to the Act, it is important to note that this proposed consultation is an informal consultation or pre-consultation which aims to engage with communities before any formal 2010 Act proposal papers are considered. The Statutory Guidance states“ pre-consultation” can cover a range of engagement with communities regarding a proposal before a formal 2010 Act proposal paper is published.
- 3.11 It is not a substitute for, nor does it reduce any of the requirements for formal consultation under the 2010 Act. However, pre-consultation can play an important part in information gathering and sharing in advance of a statutory consultation. It is often this type of participation which really engages and empowers communities to understand and help shape the proposals that affect them. There are many different approaches to pre-consultation, from an extension to the authority’s regular engagement with Parent Councils to consider concerns regarding a school’s future and

possible options, to an authority issuing a pre-consultation paper on a wider range of possible options for the school estate before refining which of these should become statutory proposals.

- 3.12 Very much in accordance with the way we do things, East Lothian Council will engage constructively and directly with learners and communities, in advance of any statutory consultation. There will be a phase of informal pre-consultation, where we will seek to share the vision for the future of the school estate, and, to engage with stakeholders in the broadest of terms. We will do this by hosting pre-consultation events across our communities in the Autumn/Winter of 2019 as well as other planned engagement activities to ensure the voice of our learners and communities is gathered. All stakeholders will be invited to participate.
- 3.13 We aim to achieve a full, fair and rigorous consultation providing high quality and accurate consultation information and documentation whilst ensuring high standards of transparency. Elected Members of the Council have played an integral part in supporting this work to date. Through the review, the Council will explore how the existing education estate investment plan, approved in the Council's capital budget, can be adapted to create synergies between the growth agenda and 1140 hours generated capacity requirements alongside condition improvements to create fit for purpose environments that support place-making. The School Learning Estate Review will also take account of the revised principles set out within the draft Scotland's Learning Estate Strategy document.
- 3.14 The School Learning Estate Review will also consider whether existing catchment areas are fit for purpose and that we have enough efficient and suitable provision to fulfil our duties to provide education both now and in the future. We will take into account planned and potential future housing developments, projected population changes and the impact of parental choice. Additional Support Needs, Digital Innovation, Getting It Right for Every Child, Curriculum for Excellence, the Senior Phase curriculum, Developing Scotland's Young Workforce, the six key drivers of the National Improvement Framework, as well as Adult Employability and Training will also be considered.
- 3.15 The purpose of the Learning Estate Improvement Plan (LEIP) is to review and implement the broad strategy for the management of the school estate within East Lothian Council to ensure that future investment proposals are well planned and include a robust lifecycle and maintenance plan, which is clearly articulated in the Council's financial and capital strategies and supporting Council budget. There are significant and continued challenges for the school estate in East Lothian. The main challenge involves the rapid population growth due to the large volume of built and planned housing in the region. A sizeable number of schools in the estate require to be extended or replaced to accommodate the anticipated population growth. There is a continuing financial pressure relating to the costs of maintaining our existing ageing buildings, especially when much attention has been focussed on satisfying growth-related challenges. It will be essential to ascertain a fully costed revenue plan to sustain and refresh the school

estate. The condition and suitability ratings of the school estate are due to be reviewed to inform the Learning Estate Improvement Plan.

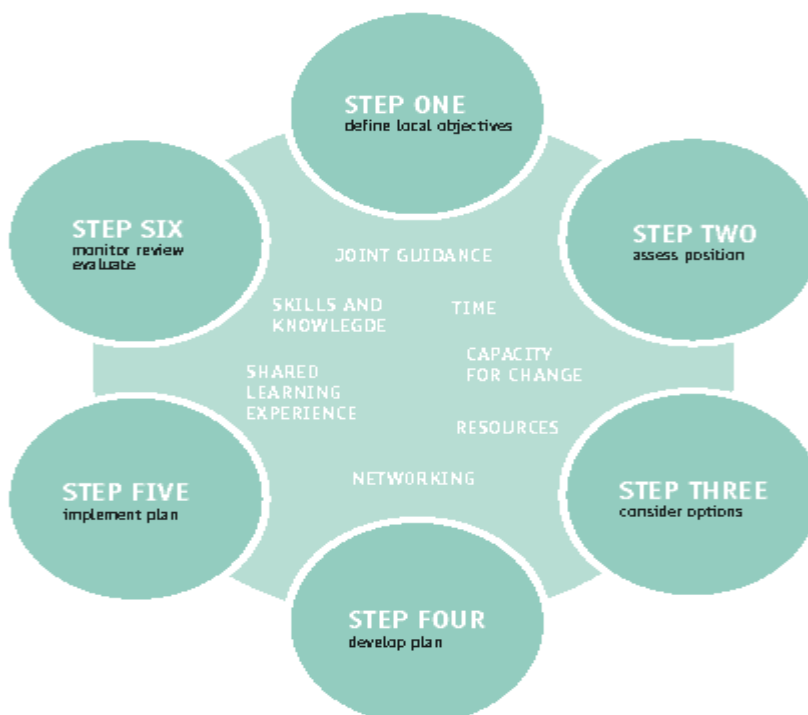
3.16 The feedback from the pre-consultation event will be used to inform next steps. It will be taken into consideration in the formulation of any proposals which may thereafter be prepared. A further, formal, consultation process will then follow, if required, in accordance with the Schools (Consultation) (Scotland) Act 2010 (as amended by the Children and Young People (Scotland) Act 2014) and the Statutory Guidance issued pursuant to that Act.

3.17 The review of the whole school learning estate will consider a full range of possible options, including:

- Status quo;
- Catchment reviews;
- New school build requirements;
- School merger proposals on a new site involving closure of existing schools;
- School re-design for children and young people within a catchment area
- Any alternative proposals presented by stakeholders during the pre-consultation exercise

3.18 The school estate review will follow the six step process as detailed in the diagram overleaf:

#### ACHIEVING THE VISION



## 4 POLICY IMPLICATIONS

4.1 None associated with the content of this report.

## 5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## 6 RESOURCE IMPLICATIONS

6.1 Personnel – this work will need to be prioritised, above existing duties, so that capacity can be created and resources can be allocated within existing staffing structures, to enable collaboration and take forward this important review and future planning of the school estate.

6.2 Financial – The review of the school learning estate will influence the council's capital investment plan and long term revenue financial planning arrangements.

## 7 BACKGROUND PAPERS

7.1 Building our Future: Scotland's School Estate  
<https://www2.gov.scot/Publications/2003/02/16251/17422>

7.2 Building better schools: investing in Scotland's future  
<https://www.gov.scot/publications/building-better-schools-investing-scotlands-future/>

7.3 Scotland's Learning Estate Strategy: Connecting People, Places and Learning

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