



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 17 DECEMBER 2019
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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Committee Members Present:

Provost J McMillan (Convener)
Councillor S Akhtar
Councillor L Bruce
Councillor S Currie
Councillor F Dugdale
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor J Goodfellow
Councillor N Hampshire

Councillor J Henderson
Councillor C Hoy
Councillor G Mackett
Councillor K Mackie
Councillor C McGinn
Councillor P McLennan
Councillor K McLeod
Councillor T Trotter
Councillor J Williamson

Council Officials Present:

Mr A McCrorie, Chief Executive
Ms M Patterson, Depute Chief Executive (Partnerships and Community Services)
Mr I Gorman, Head of Operations (Health and Social Care)
Mr J Lamond, Head of Council Resources
Mr D Proudfoot, Head of Development
Mr T Reid, Head of Infrastructure
Ms F Robertson, Head of Education and Children's Services
Ms S Saunders, Head of Communities and Partnerships
Mr S Cooper, Team Manager – Communications
Ms J Dickson, Lead Officer – Early Years
Mr K Dingwall, Service Manager – Planning
Mr R Edgar, Team Manager – Policy and Strategy (Planning)
Ms S Fortune, Chief Operating Officer – Finance
Mr C Grilli, Service Manager – Legal and Procurement
Mr S Kennedy, Emergency Planning, Risk and Resilience Officer
Ms K MacNeill, Service Manager – People & Governance
Ms J Tait, Chief Social Work Officer and Chief Operating Officer – Children's Services
Mr P Vestri, Service Manager – Corporate Policy and Improvement

Visitors Present:

None

Clerk:

Mrs L Gillingwater

Apologies:

Councillor W Innes
Councillor S Kempson
Councillor F O'Donnell

Declarations of Interest:

Councillor Forrest: Item 12, in relation to his involvement in discussions with the applicant
Councillor McLennan: Item 7, in relation to his employment status

Prior to the commencement of business, the Provost thanked Jim Lamond, Returning Officer, his staff and the external agencies involved in the management and administration of the General Election on 12 December. His comments were shared by Councillors Currie and Henderson. Councillor Currie also paid tribute to the former MP for East Lothian, Martin Whitfield, and his staff, for their service to East Lothian.

1. MINUTES FOR APPROVAL

The minutes of the meeting of East Lothian Council held on 29 October 2019 were approved.

2. MINUTES FOR NOTING

The minutes of the meetings of the East Lothian Local Review Body (Planning) held on 22 August 2019 and 24 October 2019 were noted.

3. 2019-20 PERIOD 7 FINANCIAL REVIEW

A report was submitted by the Head of Council Resources informing the Council of the financial position at the end of October 2019.

The Chief Operating Officer – Finance, Sarah Fortune, presented the report. She drew Members' attention to a number of matters outlined in the report, including: the General Services budget position, which was showing an overspend of £2.515m; the service areas at high risk of overspending; progress as regards achieving efficiency savings; the projected overspend at the year-end, anticipated to be in the region of £5m; the current position with the capital programme (set out in detail at Appendix 4); and the HRA budget position, anticipating that the HRA revenue budget was likely to be delivered in line with approved budget plans. She advised of the financial pressures for the current financial year, stressing that the Council would need to operate on a sustainable recurring cost base going forward and that this would need to be taken into account during the budget development process.

Councillor McLennan asked a number of questions in relation to the financial position as regards Education and Children's Services. Judith Tait, Chief Operating Officer – Children's Services, reported that the Children's Services Board had approved an action plan, with a number of actions now being implemented. She advised that seven children who had been in external placements had now been returned to East Lothian. She cautioned that their return had not been cost neutral, but over time bringing children back to East Lothian would reduce the overspend in that area. She also stressed the importance of acting in the best interests of the children affected. On the £914,000 of efficiency savings for Education that had not been realised, Ms Fortune explained that this was now being managed at a corporate level. She accepted that achieving these savings through staffing had been challenging, but that across the Council, savings to staffing budgets were being achieved.

She added that all efficiency targets were monitored on a monthly basis and that she believed the overall targets would be met, but not solely from the Education budget. Jim Lamond, Head of Council Resources, indicated that similar situations could occur in future, but reassured Members that the Council's flexible approach and close monitoring of budgets would allow for such situations to be managed.

Councillor Currie asked if the 2019/20 budget should be re-cast, given the current position and likely overspend at the end of the financial year. Ms Fortune felt that this would not be necessary, given that the Council was now moving into the budget development process for 2020/21. She reminded Members of the controls in place as regards managing the 2019/20 budget, and that the situation remained dynamic. Having reviewed the budget position as at the end of November, she still predicted an overspend of £5m by the end of the financial year. Councillor Currie expressed concern that the indicative savings for Year 2 of the approved budget could not be met. Ms Fortune recognised the challenges facing the Council, noting that the use of £3.5m from the Loans Fund to mitigate the overspend in 2019/20 would not be a recurring saving.

In response to a question from Councillor Gilbert on 'enhanced' financial controls, Ms Fortune pointed out that such controls may take the form of closer monitoring of vacancies, reviewing all elements of expenditure and a moratorium on purchase cards. She noted that there were signs that these controls were having a positive effect, but that there would be little impact on the overspend position.

Councillor McLeod asked if the budget approved by the Council in February 2019 would be exceeded. Ms Fortune anticipated that there would be an overall overspend of c. £1.5m, but that officers were working hard towards achieving a balanced position by the end of the financial year.

Opening the debate, Councillor McLennan suggested that the Audit & Governance Committee should be looking at the financial position in more detail, and that Group Leaders should also be advised of the position on a monthly basis. The Provost noted this point and suggested that it could be raised at the budget briefing taking place at the conclusion of the Council meeting.

Councillor Akhtar suggested that the increase in demand in Children's Services could be attributed to the growth in population. She made reference to Audit Scotland's Annual Report to Members, which had concluded that the Council was managing its finances effectively in the context of the growth in East Lothian. She believed that bringing Education and Children's Services together would provide better support and outcomes for children and young people, but believed that an increase in funding was required to meet the growing demand for services.

Councillor Hampshire stressed that officers were working hard to reduce the costs of providing services and that significant savings had already been achieved. However, there had been an increase in children requiring external placements and additional support, which had had an impact on the approved budget. He reiterated that setting the budget for coming years would be difficult, and called on Group Leaders to be realistic about what the Council could deliver. He reminded Members that they could contact officers to ask questions or request information on the budget at any time.

Councillor Currie warned that, with the projected overspend at the end of the financial year, the Council would need to make difficult decisions about services in some areas. He referred to savings which could have been achieved had the Council continued with its shared services work with Midlothian on Education, had the Administration not reversed that decision. He asserted that the budget could not be sustained and should be re-cast.

Councillor Goodfellow expressed concern that Councillor Currie had challenged Audit Scotland's opinion on the Council's finances. He highlighted a number of positive aspects of the report, particularly in relation to the delivery of new and modernised Council housing.

In response to comments made by Councillor Hoy, Councillor Currie raised a point of order, arguing that Councillor Hoy had alleged that SNP Members had criticised Council staff. Councillor Hoy re-worded his comment, claiming that the management of the Council's finances had been criticised, which was at odds with Audit Scotland's view on financial management. He was concerned that local authorities were being asked to do more with less money, and he called on the Scottish Government to ensure that the funding settlement for local authorities was fair.

On external placements for children, Councillor McGinn advised that such decisions were not made lightly, and that the reasons for children requiring external placements were complex. He paid tribute to the staff working in this area.

The Provost concluded the debate by noting that controls were in place and that the Council's financial strategy had been commended by Audit Scotland. He thanked staff for their work during challenging financial circumstances.

Decision

The Council to note the financial performance at the end of October 2019.

4. FINANCIAL STRATEGY 2020-25

A report was submitted by the Head of Council Resources setting out an updated Financial and Capital Strategy for the Council, covering the five-year period 2020-2025.

The Chief Operating Officer – Finance, Sarah Fortune, presented the report. She advised that the Financial and Capital Strategies set the direction for the Council's financial management over a five-year period, including capital investment and borrowing. She informed Members that the General Election had had an impact on the UK and Scottish Governments' budget process, noting that it was now likely that the Scottish Government would only be able to provide a one-year financial settlement for Local Government. She highlighted the key sections of the report, including: the medium-term outlook for General Services; financial pressures facing the Council, including the delivery of the Local Development Plan and City Region Deal; the Council's reserves strategy; and the delivery and modernisation of Council housing. She explained that close monitoring of the budget would continue and that the Council would continue to receive regular reports on the financial position. She concluded her presentation by reiterating that there were many challenges facing the Council and that it was imperative that, through the Financial and Capital Strategies, the Council continues to manage the consequences of reduced funding.

In response to questions from Councillor Henderson in relation to the Transformation Programme, Ms Fortune reported that the programme had been successful in a number of initiatives and had led to a number of programmes of change. However, she accepted that it had to progress in order to meet the challenges facing the Council as regards the sustainable delivery of services within limited resources. She advised that new ideas and options would be considered, noting that some of the financial benefits may not be realised for a number of years.

As regards the level of uncommitted reserves available to the Council, Councillor Currie observed that this was likely to fall below £5m in the current financial year, and asked if funds would have to be taken out of running costs to restore it to that level. Ms Fortune

confirmed that this was the case, adding that the Council would be required to bring the reserves level back to that figure within three years. Councillor Currie also questioned the assumed level of Council Tax increase in 2020/21 and 2021/22, and which parts of the Strategy provided flexibility. Ms Fortune directed Members to Section 6 of the Financial Strategy which set out approved elements of the Strategy. She stressed that this did not bind the Council to a 3% Council Tax rise in 2020/21.

Councillor Henderson asked if Members could be kept up to date on capital projects within their wards in order that accurate information could be provided to constituents. Ms Fortune agreed to this request.

On housing subsidies from the Scottish Government, Douglas Proudfoot, Head of Development, confirmed that there was one year of this programme remaining, and that the Council was awaiting clarification on the position for 2021 and beyond. Councillor Goodfellow expressed concern that this situation would impact on the Council's longer-term financial planning. Ms Fortune reminded Members that the Council had only received one-year settlement figures from the Scottish Government in recent years. She accepted that this made it difficult to plan for the longer term, but emphasised the need for the Council to plan ahead in order to provide services in a sustainable way. Jim Lamond, Head of Council Resources, added that Audit Scotland had advised the Council to prepare longer-term financial plans in order that there was more certainty around funding streams. He reminded Members that the Scottish Government had committed to providing a three-year budget; however, the change in the national political situation had resulted in there being no UK budget and, in those circumstances, only a one-year settlement would be provided, and this would be announced following receipt of financial information from the UK Government.

Opening the debate, Councillor McLennan declared that the SNP Group would be abstaining from the vote on the report recommendations on the basis that the financial situation at national level was uncertain. He recommended that the report be brought back to Council following the setting of the UK Government budget.

Councillor Hampshire urged the Council to proceed to approve the Financial Strategy, based on the information currently available to the Council. He anticipated that there would be no increase in the Revenue Support Grant, and that difficult decisions would need to be made in the forthcoming Council budget in order to protect vital services.

Councillor Currie made reference to the UK Government's comprehensive spending review, which had been postponed. This had resulted in the Scottish Government being unable to provide detailed settlement figures to local authorities. He was also sceptical that the Council could provide three years of accurate budget figures if the Scottish Government could only provide figures for one year, noting that the Scottish Government figures had to be underpinned by the comprehensive spending review.

Councillor Henderson stated that she was comfortable with the proposed Financial Strategy and Capital Strategy, noting that the Council could revise them if required.

A number of Members expressed concern at the Council's ability to plan for general services and house-building without having confirmation of funding levels for future years.

The Provost then moved to the vote on the recommendations, as set out in the report:

For:	13
Against:	0
Abstentions:	6

Decision

The Council agreed to approve the overarching Financial Strategy, set out at Appendix 1 to the report, together with the Capital Strategy, set out at Appendix 2 of the report.

5. RISK MANAGEMENT STRATEGY

A report was submitted by the Chief Executive presenting the Council with the Risk Management Strategy for approval.

The Head of Communities and Partnerships, Sharon Saunders, presented the report, advising of the requirement to renew the Risk Management Strategy every three years. She drew Members' attention to the key aspects of the Strategy, noting that the Corporate Risk Register was reviewed annually and that the Audit & Governance Committee reviewed the effectiveness of the Council's risk management processes.

In response to a question from Councillor Findlay in relation to the RAG (red, amber, green) ratings for the Risk Rating Matrix, particularly as regards the rating attached to 'major and likely' risks, Ms Saunders advised that the matrix used was recognised as the international risk management standard and had been endorsed by external advisers. However, she indicated that the Corporate Risk Management Group could consider Councillor Findlay's comments.

The Strategy and the Council's risk management processes were commended by a number of Members.

Decision

The Council agreed to approve the Risk Management Strategy, noting that it was a live document which would be reviewed by the Corporate Risk Management Group.

6. NAMING OF EAST LoTHIAN'S NEW SETTLEMENT

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) reminding Council of the naming process for East Lothian's new settlement and setting the context for a verbal update from the Head of Development on the recommendation from the cross-party panel of the name of the new settlement.

The Head of Development, Douglas Proudfoot, presented the report, advising Members of the results of the recent consultation on the naming of the new settlement, as follows:

Blindwells	2278
Charlestoun	217
Hattonfield	118
Hopetoun	290
Muirdale	181
Nethermuir	134

He advised that with 71% of the responses in favour of the name Blindwells, the cross-party panel had recommended Blindwells as the name of the new settlement. Mr Proudfoot thanked all those who had been involved in and participated in the consultation process.

A number of Members welcomed the consultation process, and called on the Council to approve the name chosen by the majority of those who had responded to the consultation.

Decision

The Council agreed:

- i. to note the naming process and approach, as set out within the report;
- ii. to note the names that were approved by Council in October 2019 for the new settlement to move forward for public consultation: Blindwells; Charlestoun; Hattonfield; Hopetoun; Muirdale and Nethermuir;
- iii. to note the update from the Head of Development in respect of the recommendation from the cross-party panel as regards the name of the new settlement; and
- iv. to approve the name of the new settlement as Blindwells.

7. NATIONAL PLANNING FRAMEWORK 4/REGIONAL SPATIAL STRATEGIES AND SESPLAN BUDGET

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking Council approval for East Lothian to work with the SESplan authorities to prepare an Indicative Regional Spatial Strategy. The report also sought ratification of the decision of the SESplan Joint Committee to approve the SESplan operating budget, and the payment of a financial contribution to assist with the preparation of the Indicative Regional Spatial Strategy.

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

The Team Manager – Policy and Strategy (Planning), Robin Edgar, presented the report, advising of the requirement under the Planning (Scotland) Act 2019 for each local authority to prepare a Regional Spatial Strategy, which would be taken into account through the development of National Planning Framework 4 (NPF4). He noted that East Lothian would work in collaboration with the other SESplan authorities to develop the Regional Spatial Strategy. He also sought approval for the SESplan operating budget for 2020/21, and for a contribution of £5,000 to assist with the development of an Indicative Regional Spatial Strategy.

Councillor Hampshire emphasised the importance of the Regional Spatial Strategy, as it would influence NPF4 and future development in East Lothian.

Councillor Goodfellow added that the Regional Spatial Strategy would include projections for housing, previously provided by the Housing Need and Demand Assessment.

Decision

The Council agreed:

- i. that East Lothian Council should work collectively with the other SESplan authorities to prepare an Indicative Regional Spatial Strategy for the Edinburgh and South East Scotland City Region;
- ii. to ratify the decision of the SESplan Joint Committee of 25 November 2019 to approve the SESplan operating budget for the financial year 2020/21, including a rebate to each of the constituent authorities; and

- iii. to contribute £5,000 to the development of an Indicative Regional Spatial Strategy.

Sederunt: Councillor McLennan returned to the meeting.

8. UPDATE ON PLANNING FOR THE EXPANSION OF EARLY LEARNING AND CHILDCARE TO 1140 HOURS

A report was submitted by the Head of Education providing an update on progress towards implementation of 1140 hours of Early Learning and Childcare by August 2020.

The Head of Education and Children's Services, Fiona Robertson, presented the report, reminding Members of the progress made in the implementation of the 1140 hours initiative. She advised that the Council's plans were subject to regular scrutiny to ensure that supply would meet demand and do so in accordance with the funding provided by the Scottish Government. She drew particular attention to trials which had been taking place, positive feedback from parents as regards the extended hours, recruitment initiatives, and new career pathways.

Councillor Findlay asked if there would be an opportunity to change the model for specific schools. Mrs Robertson pointed out that nurseries did not operate on a catchment basis, and that there would be a choice of 38-week or 48-week models within each school cluster. She advised that uptake of places would be monitored and reviewed, but that there was no guarantee that changes would be made. She added that it was important to let the new arrangements settle in. Members were also advised that parents could access partner nurseries operated by private providers.

Councillor Mackie asked about the arrangements for local children attending nursery outwith East Lothian. Mrs Robertson reported that there were approximately 100 such children at present, and that the Council was working with those families and neighbouring authorities to ensure they were supported.

In response to a question from Councillor Akhtar on preparing children for their early years' education, Mrs Robertson made reference to collaborative working within Education and Children's Services to provide additional support to families where required, noting that the impact of this work could not be properly evaluated until the 1140 hours initiative was fully implemented.

Councillor Hoy asked a question in relation to the recruitment and retention of staff. Janice Dickson, Lead Officer for Early Years, advised that the Council had a very positive relationship with its private partner providers and that a joint recruitment event had been held in March 2019, with another planned for March 2020. She confirmed that private partner providers had been fully involved in the discussions and rollout of the 1140 hours initiative. She did highlight concerns in relation to retaining staff within the sector, and anticipated that the introduction of a career path would help with staff retention.

The Provost announced that this would be Mrs Robertson's last Council meeting before leaving to take up a new post outside East Lothian. He thanked her for work in delivering education services and for her professionalism, and he wished her well in her new post.

Councillor Currie welcomed the progress made in delivering the expansion of early learning and childcare, which he believed would make a significant difference to many families. He accepted that there may be challenges in delivering the policy, but that the Council should focus on the positive outcomes for families and communities. He also welcomed the introduction of a new career pathway.

Councillor Akhtar paid tribute to Mrs Robertson, thanking her for her contribution to the work of the Council, and for her commitment, knowledge and expertise. She noted that Mrs Robertson would be a great loss to the Council and its school community, and wished her well for the future. Her comments were shared by Councillor Findlay, on behalf of the Conservative Group, who also thanked all the staff involved in delivering the new early learning arrangements.

Decision

The Council agreed:

- i. to note the progress made towards full implementation of 1140 hours of Early Learning and Childcare by August 2020; and
- ii. to note the plans and models in place to ensure the delivery of 1140 hours for all eligible children within the 1140 of Early Learning and Childcare budget.

9. NOTICE OF MOTION: FIREWORKS – ACTIONS AND CONSULTATION

A motion was submitted to the Council by Councillors Henderson and Bruce, as set out below:

Fireworks, responsibly used, are a well-established part of community events. However, East Lothian Council recognises the distress they can cause to vulnerable people, pets and wildlife; the debris left by their widespread use; and the greater risk of dangerous or anti-social behaviour where misused.

This motion seeks that East Lothian Council resolves to:

- Encourage all public firework displays within East Lothian to be advertised widely locally, in advance of the event, allowing residents to take precautions for animals and vulnerable people, which would mitigate some of the negative impacts;
- Encourage all suppliers of fireworks in East Lothian to stock 'quieter' fireworks;
- Remind retailers who stock fireworks about their legal obligations regarding who they can sell fireworks to;
- Actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks;
- Run an online consultation on whether there should be a total ban on the sale of fireworks to members of the public and have fireworks only for sale for the purposes of a public display; and whether the maximum noise level of fireworks sold to the public for private displays should be limited to 90dbs; and
- Request that the Chief Executive writes to both the Scottish and UK Governments with the views of those who have taken part in the consultation to assist with the ongoing policy development process in this area.

Councillor Henderson proposed the motion, highlighting the distress that fireworks could cause for vulnerable people, animals and livestock. She believed that a public consultation on this issue would help gauge public opinion, and would inform the Council on any actions to be taken in order to prevent danger and distress.

Councillor Bruce seconded the motion, advising that this issue had been raised at a recent Cockenzie and Port Seton Community Council meeting. He also noted that the motion could feed into the work of the recently formed Scottish Government Fireworks Review Group.

Councillor Hampshire remarked that this issue was a common complaint at councillor surgeries. With powerful fireworks, which had the potential to cause serious injury as well as being harmful to the environment, being readily available and cheap to buy, he declared that he would be supporting the motion.

Councillor Currie voiced his support for the motion, in particular the consultation. He also advised of his support for organised firework events.

A number of Members commented that, in their view, the public mood about fireworks had changed, and they welcomed the proposed consultation and the interest at national level on this issue.

Councillor Henderson thanked Members for their support for the motion.

The Provost then moved to the vote on the motion, which was supported unanimously.

Decision

The Council agreed to approve the motion on Fireworks – Actions and Consultation.

10. NOTICE OF MOTION: BANK CLOSURES

A motion was submitted to the Council by Councillors McLennan and Gilbert, as set out below:

This Council notes the decision by TSB to close its branch in Dunbar in May 2020.

Council is aware that this action will leave Dunbar with only one bank and result in the local community planning area of Dunbar having very limited banking facilities.

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

Council is disappointed that the TSB has chosen to put profits before the needs of communities, particularly the elderly and vulnerable, who will suffer disproportionately.

Council therefore agrees to instruct:

- the Chief Executive and the Leader of the Council to seek an urgent meeting with the Chief Executive and Chairman of the TSB to express this Council's extreme concern at their decision; and
- the Chief Executive to seek to establish all facilities available to the Council and the local community of Dunbar to have access to banking (such as through libraries, etc.) and to then report back to a cross-party group set up by Council in relation to this motion.

Councillor McLennan proposed the motion, advising that the closure of the TSB would result in there being only one bank remaining in Dunbar. He believed that the closure of the bank

would impact on elderly and vulnerable people, as well as those with no access to online banking. He stressed the importance of banks to communities, but feared that there would be further bank closures in the future. He therefore asked officers to identify opportunities to provide banking facilities within the Dunbar community, and proposed the establishment of a cross-party group to look at this issue.

Councillor Gilbert seconded the motion, reminding Members that there were now no banks within the Preston, Seton and Gosford ward, and expressing his concern that c. 20% of people did not have access to digital banking.

Councillor Hampshire voiced his support for the motion, but proposed an amendment to the motion, which sought to amend the second bullet point, as follows:

- the Chief Executive to seek to establish all facilities available to the Council and the local communities to allow all communities to have access to banking across East Lothian (such as through libraries, etc.), and then report back to Council.

It was noted that the amendment had not been submitted in accordance with the timescales set out in Standing Orders. However, in light of Member involvement in the General Election and Chief Executive recruitment process, the Provost agreed to accept the amendment.

Councillor Hampshire reiterated that he was supportive of the motion. However, he sought to extend the terms of the motion to cover the whole of East Lothian.

The amendment was seconded by Councillor McGinn.

Councillor McLennan indicated that he would be prepared to support the amendment. However, he requested the inclusion of the establishment of the cross-party group to consider any proposals prior to the matter coming back to Council.

Councillor Currie remarked that it would have been helpful to have the amendment issued to Members earlier. He expressed concern at the impact of bank closures on older and vulnerable people, as well as the impact on the local economy and the loss of banking jobs. He highlighted concerns in relation to online fraud, believing that this may lead to people keeping cash in their homes, and also noted that many cash machines now charged for withdrawals.

Councillor Bruce also spoke in support of the motion and amendment, advising that a number of small businesses had closed due to the absence of local banking facilities. He believed that no community should be left without a bank and called on the Council to do what it could to ensure that every community has a bank.

Councillor Forrest pointed out that following the closure of the last bank in Prestonpans, the Council had worked with the Capital Credit Union to establish banking facilities in that community.

Councillor Goodfellow remarked that the closure of banks put pressure on the remaining banks in East Lothian. He also observed that, without transport, it was difficult for many people to access those branches.

Councillor McGinn commented that this was a national problem, which had had a significant impact on community and voluntary groups.

Summing up, Councillor McLennan confirmed that he would be happy to support the amendment, but maintained that there was a need to set up a cross-party group. Following a brief discussion, it was proposed that, rather than establish a cross-party group, officers

would take forward the motion, as amended, and then discuss the outcome with political groups before bringing a report back to Council. A revised wording for the second bullet point of the motion was proposed:

- the Chief Executive to seek to establish all facilities available to the Council and the local communities to allow all communities to have access to banking across East Lothian (such as through libraries, etc.), and following discussion with the political groups, to report back to Council.

The Provost then moved to the vote on the motion, as amended. There was unanimous support for the motion.

Decision

The Council agreed to approve the motion, as amended, on Bank Closures.

11. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 11 OCTOBER 2019 – 29 NOVEMBER 2019

A report was submitted by the Head of Council Resources advising Members of the reports submitted to the Members' Library since the last meeting of the Council.

With reference to Item 133/19 – Voids Management Policy Review 2019, Councillor Goodfellow noted the high response rate to the consultation. He thanked tenants' and residents' groups and officers for their work on the review.

Decision

The Council agreed to note the reports submitted to the Members' Library Services between 11 October and 29 November 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.

Application to Musselburgh Common Good Committee

A private report by the Head of Council Resources seeking determination of an application for funding received by the Musselburgh Common Good Committee was approved, with grant funding of £40,000 being awarded to Musselburgh Tennis Club, subject to full agreement that all of the other funding sources have been secured and all relevant legal issues clarified.

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

**THURSDAY 21 NOVEMBER 2019
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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Committee Members Present:

Councillor N Hampshire (Chair)
Councillor L Bruce
Councillor J Findlay
Councillor J Williamson

Advisers to the Local Review Body:

Mr C Grilli, Legal Adviser to the LRB
Mr M Mackowiak, Planning Adviser to the LRB

Clerk:

Ms F Currie, Committees Officer

Apologies:

None

Declarations of Interest

None

Introductory Statement by the Legal Adviser

The Legal Adviser welcomed everyone to the meeting and briefly summarised the procedure and confirmed that Councillor Hampshire had been elected to chair the Local Review Body on this occasion.

1. PLANNING APPLICATION No. 19/00467/P: REPLACEMENT OF FLAT ROOF WITH PITCHED ROOF, 3 PARK LANE, HADDINGTON

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 outlined the details of the review against a refusal of planning permission for the replacement of the existing flat roof of a house with a pitched and hipped roof. He summarised the proposals including the size, elevation and materials, and advised Members that no public letters of objection or any other comments were received in relation to the application. He explained that planning applications must be determined in accordance with relevant planning policies unless material considerations indicated otherwise. In this case, policy DP5 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Development Plan (2018) was relevant to the determination of the application. This Policy stated that all alterations and extensions to existing buildings must be well integrated into their surroundings, and must be in keeping with the original building or complementary to its character and appearance. The alteration must also be of a size, form, proportion and scale appropriate to the existing house, and must be subservient to, and either in keeping with, or complementary to the existing house. Policy DP5 also stated that where a development did not comply with any of the above criteria it would only be permitted where other positive planning and design benefits could be demonstrated.

The Planning Adviser summarised the case officer's report. It confirmed that owing to the orientation and positioning of the applicant's house the proposed roof, would not give rise to harmful overshadowing of neighbouring residential properties and the proposed roof light would not give rise to harmful overlooking of any neighbouring houses. It noted that the applicant's house was one of 4 similarly designed, single storey houses that featured flat roofs with deep timber fascia boards. These houses were of a distinctively different architectural form to the other groups of houses that formed the remainder of the built form of Park Lane. The proposed pitched and hipped roof would significantly alter the character and appearance of the house, which forms part of a homogenous group of houses whose construction with flat roofs and deep fascia boards was a deliberate and distinctive design element. The proposed pitched roof by its size, form, proportions and scale would not be well integrated with its surroundings, but instead would compromise the distinctive architectural form of the house. The case officer also assessed that the proposal would compromise the architectural harmony of the distinctive group of houses of which the applicant's house was part. Therefore the proposed pitched roof was contrary to Policy DP5.

The Planning Adviser then summarised the applicant's submission which maintained that the reasoning used by the planning officer was factually incorrect and contradicted by previous planning approvals. The applicant raised the following points:

- 1) Their immediate neighbour at 1 Park Lane, received planning permission in 2013 (13/00289/P) to alter and extend the property. This approval gave permission to the building with a lead fascia which is substantially shallower in

depth than that of the original house. This previous decision stood in contradiction with part of the basis for refusal of the current application, namely that deep fascia boards were a deliberate and distinctive design element of this grouping of houses. The applicant argued that the continuity had already been lost for this design feature and this was evident when the current application was submitted.

- 2) Their immediate neighbour at No. 5 also had their fascia board renewed with PVC resulting in a significantly shallower fascia. This was also present on submission of the current application.
- 3) These houses were not built to be part of a group, and differ in their external appearance, therefore the point within the refusal about *harmonious appearance of this homogenous group of houses* was incorrect.
- 4) 3 Park Lane backs on to the property accessed via the West Road that was also a single storey, flat roofed house, but was granted planning permission (01/00128/FUL) in 2001 to have a pitched roof with accommodation installed. This roof alteration was substantially greater and the previous decision was clearly contradictory to the current position taken by planning officers.
- 5) The applicant's house was largely surrounded by two storey housing.
- 6) The flat roof had been a continuous problem in relation to maintenance and in its current form was not sustainable.

Summing up, the Planning Adviser indicated that the Local review Body was being asked to consider whether the proposed pitched roof would significantly alter the architectural form of the house and in doing so interrupt the harmonious appearance of this homogenous group of houses that had a deliberate and distinctive design element in a form of flat roofs and deep fascia boards; and whether the proposed pitched roof would be well integrated with its surroundings.

Councillor Williamson asked whether the four houses, of which 3 Park Lane was one, were of any special architectural merit. The Planning Adviser indicated that while they were of quite distinctive design the houses were not listed.

The Chair asked his colleagues if they had sufficient information to proceed to determine the application and they agreed that they had.

Councillor Bruce had found the site visit helpful in clarifying the context of the application. He noted that the buildings opposite and further down the street were of different designs but that No. 3 sat within a group of four houses with flat roofs. As a result, he was not convinced that the proposals would be well integrated and considered that a pitched roof among flat roofs would be too much of a visual contrast. He was therefore minded to refuse planning permission.

Councillor Williamson said that having walked around the area of Park Lane he had noted that many of the properties had been altered in some way, whether by replacement of fascia boards or other changes. He was also of the view that flat roofs were less sustainable than other types and would require increased maintenance. The properties were of no special architectural merit and he did not think that a pitched roof would interfere with the integrity of the surrounding properties or that there would be any loss of amenity. In his view, the proposals did not contravene policy DP5 and he was minded to grant planning permission.

Councillor Findlay said while it was clear that originally all four houses had been harmonious and homogenous in design, subsequent alterations to fascias had destroyed much of that uniformity of appearance. In addition, the four flat roofed

houses were surrounded by other properties with pitched roofs. For these reasons he was minded to recommend that planning permission be granted.

The Chair said that the property formed part of a row of bungalows with flat roofs and although there had been some minor alterations it remained an attractive row of flat roofed properties. He also commented that there had been significant improvements in insulation and maintenance of flat roofs which made them more sustainable. In his view, introducing a pitched roof among other flat roofs would look odd and would not enhance the character of the area. He agreed with the case officer's conclusion that a pitched roof would significantly alter the architectural form of the house and he was therefore minded to refuse planning permission.

The Legal Adviser noted the divergence of opinion and votes: two for upholding the decision of the case officer; and two for overturning that decision. The Chair was invited to add his casting vote and he voted to uphold the decision of the case officer to refuse planning permission.

Decision

The ELLRB agreed to uphold the decision of the case officer to refuse the application for the following reason:

1. The proposed pitched roof would significantly alter the architectural form of the house and in doing so interrupt the harmonious appearance of this homogenous group of houses the flat roofs and deep fascias of which are a deliberate and distinctive design element. Consequently, by its size, form, proportions and scale the proposed pitched roof would not be well integrated with its surroundings. Therefore, the proposed pitched roof is contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.

Signed

Councillor N Hampshire
Chair of Local Review Body (Planning)

REPORT TO: East Lothian Council

MEETING DATE: 25 February 2020

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Appointment of Chief Executive

3

1 PURPOSE

- 1.1 To advise Council of the decision of the Chief Officer and Head Teacher Appointments Sub-committee to select Monica Patterson as the new Chief Executive of East Lothian Council, and of various matters that arise as a result.
- 1.2 To ask Council to note the details of the retirement of Alex McCrorie, Depute Chief Executive (Resources and People Services).

2 RECOMMENDATIONS

- 2.1 Council is asked to note the decision of the Chief Officer and Head Teacher Appointments Sub-committee to select Monica Patterson for the post of Chief Executive and to note that after satisfactory formal pre-employment checks were carried out an offer of employment was issued and Monica Patterson took up the post of Chief Executive on 3 February 2020.
- 2.2 Council is asked to note and approve any changes required to Standing Orders Appendix 2 (Scheme of Delegation) in relation to the delegations to the Head of Paid Service as detailed in Section 4.
- 2.3 Council is asked to approve the minute of the Chief Officer and Head Teacher Appointments Sub-committee held on 16 December 2019.
- 2.4 Council is asked to appoint the new Chief Executive, Monica Patterson, to carry out the role of Returning Officer within the East Lothian area.
- 2.5 Council is asked to note the intended retirement of Alex McCrorie, Depute Chief Executive (Resources and People Services) by reason of age.

- 2.6 Council is asked to appoint Kirstie MacNeill, Service Manager – People and Governance as interim Monitoring Officer.

3 BACKGROUND

- 3.1 Following receipt of a letter of resignation from the then Chief Executive Angela Leitch and a report to Council on the subject on 29 October 2019, the Council carried out a public recruitment campaign and selection process for the post of Chief Executive, as described in that report. A cross-party sub-committee was established to make the appointment to the post of Chief Executive.

- 3.2 SOLACE in Business provided independent external advice throughout the recruitment campaign, candidate selection and interview process.

- 3.3 The national external recruitment campaign successfully attracted 20 applications from which five individuals were shortlisted and invited to attend an Assessment Centre Day conducted by SOLACE in Business on 9 December 2019 followed by formal interview by the Sub-committee on 16 December 2019.

- 3.4 During the Assessment Centre Day the candidates underwent rigorous independent external pre-interview candidate profiling. This involved psychometric testing, a competency interview, a paper exercise and a presentation to and questioning from a stakeholder panel. All of these exercises were facilitated independently by SOLACE in Business.

- 3.5 The Sub-committee that interviewed the candidates on 16 December comprised:

Cllr Norman Hampshire

Cllr John McMillan

Cllr Jane Henderson

Cllr Stuart Currie

Cllr Fiona Dugdale

- 3.6 At interview on 16 December the candidates were required to give a presentation to the Sub-committee and to respond to a number of pre-set competency based interview questions. The Sub-committee was advised by SOLACE in Business and was supported by the Service Manager – People and Governance.

- 3.7 Following the interview and taking full account of the candidates' performances at the Assessment Centre Day, the Sub-committee determined that Monica Patterson should be selected as the preferred candidate for the post of Chief Executive.

- 3.8 Relevant pre-employment checks were carried out and, having found those to be acceptable, Monica Patterson was appointed as the Chief Executive of East Lothian Council with effect from 3 February 2020.
- 3.9 The Representation of the People Act 1983 requires every local authority to appoint a Returning Officer (RO) for each election of councillors for the authority. By virtue of this appointment, the holder also automatically becomes responsible for discharging the duties of RO at UK Parliamentary elections and Scottish Parliamentary elections. This would extend to the duties of Local Counting Officer in support of any national referendum. The appointment is personal and, in common with most Scottish councils, in East Lothian it has traditionally been offered to the Chief Executive.
- 3.10 Once appointed, the Council is required by statute to place at the disposal of the RO the services of staff and other resources for the purpose of discharging their elections responsibilities. The RO is not accountable to the Council for their actions in respect of the conduct of elections and the Council cannot direct or instruct the RO on how to carry out any aspect of the election process.
- 3.11 From the departure of Angela Leitch on 26 November, Alex McCrorie had taken up the role of interim Chief Executive pending the appointment to that post on a permanent basis. He had also intimated his intention to retire by reason of age once the permanent appointment had been made. He has now reverted to his substantive post and has made the decision to retire in the near future.
- 3.12 The Local Government and Housing Act 1989 s.5 requires all councils to appoint a Monitoring Officer to ensure that the Council complies with the requirements of the law and any statutory Codes of Practice. The Chief Executive does not feel it appropriate for her to continue in this role. It is therefore proposed that the Service Manager – People and Governance, who has acted as Depute Monitoring Officer for a number of years, should be appointed to this post on an interim basis pending a review of the structure of the Council Management Team.

4 POLICY IMPLICATIONS

- 4.1 Monica Patterson has assumed the statutory post of “Head of Paid Service” in terms of the Local Government and Housing Act 1989 and may also act in any matter as the “Proper Officer” of and on behalf of the Council as provided for in s.235 (3) of the Local Government (Scotland) Act 1973 or otherwise as provided for in the Council’s Standing Orders.

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 - Monica Patterson has been appointed as the new Chief Executive of East Lothian Council.

6.3 Other - None

7 BACKGROUND PAPERS

7.1 Report to Council 29 October 2019

AUTHOR'S NAME	Kirstie MacNeill
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DATE	13 January 2020



**MINUTES OF THE MEETING OF THE
CHIEF OFFICER and HEAD TEACHER APPOINTMENTS SUB-COMMITTEE
for
APPOINTMENT TO THE POST OF
CHIEF EXECUTIVE**

held on 16 December 2019

Chief Officer Appointments Sub-Committee:

Councillor Norman Hampshire (Chair)
Councillor Stuart Currie
Councillor Fiona Dugdale
Councillor Jane Henderson
Councillor John McMillan

In Attendance:

Evelyn Dougherty, Project Director – Scotland, SOLACE in Business

Council Official:

Kirstie MacNeill, Service Manager – People and Governance

Evelyn Dougherty presented a written report on the Assessment Centre Exercises undertaken on 9 December 2019 by the five shortlisted candidates about to be interviewed. Before each candidate was interviewed she also gave a summary on their individual performance. The Sub-committee noted the report and summaries.

Each of the five shortlisted candidates was seen in turn and each gave presentations on the same pre-set subject before they were interviewed by the Sub-committee using the same set questions for each candidate, supplemented by additional questions. Members of the Sub-committee completed their individual assessments of each candidate's performance immediately following that candidate's interview. Once all candidates had been interviewed and had left, Evelyn Dougherty assisted the Sub-committee by presenting an oral summary of each candidate's presentation and interview performance. Members of the Sub-committee then in turn gave their views on the relative performance of

each of the candidates, including their scoring on the candidates' presentations and their responses to the questions. Each Member expressed a view on the identity of their preferred candidate.

The Sub-committee then held a vote, as a result of which one of the candidates, Monica Patterson, received a majority of the votes cast. Monica Patterson was therefore declared to be the preferred candidate.

The Service Manager – People and Resources explained that the appointment of Monica Patterson would be subject to the usual pre-employment checks for any preferred candidate and that those would be carried out prior to formal appointment as the new Chief Executive. A report would be made to East Lothian Council for noting in due course.

REPORT TO: East Lothian Council

MEETING DATE: 25 February 2020

BY: Depute Chief Executive (Resources & People Services)

SUBJECT: Budget Development, Including Setting of Rent Levels
2020-25

4

1 PURPOSE

- 1.1 Following on directly from my report to Cabinet on 21 January 2020, this report provides both an update of recent developments in respect of the Local Government Finance Settlement as well as presenting amended budget proposals for the Housing Revenue Account.

2 RECOMMENDATIONS

- 2.1 Council is asked to note the unforeseen circumstances surrounding the delayed Draft Local Government Settlement offer of 6 February 2020 as set out within sections 3.1-3.2 of this report.
- 2.2 Council is asked to consider and make recommendations in relation to the respective Housing budget proposals included within today's agenda reflecting formal amendments proposed to the Draft Administration Proposal for Housing approved by Cabinet on 21 January 2020.

3 BACKGROUND

- 3.1 At previous meetings of the Council held on 29 October 2019 and 17 December 2019, information was provided in relation to the future financial prospects for the Council and the 5 year Financial Strategy incorporating the Capital Strategy was formally approved. The framework supporting development of budgets was also approved and in accordance with this approved framework, the Administration duly brought forward draft budget proposals to Cabinet on 21 January 2020. Unusually and unexpectedly, these draft proposals were prepared in advance of the delayed Local Government Finance Settlement.

Local Government Finance Settlement

3.2 Since then, the DRAFT Local Government Finance Settlement was announced by the Minister for Public Finance and Digital Economy on 6 February 2020, but with the formal Parliamentary process not due to complete until week commencing 2 March 2020. The key components of the Finance Settlement and the implications for the Council are set out below:

- The draft Scottish Government Budget and related Local Government Settlement were provided on a one-year basis covering 2020-21 financial year only;
- Councils must continue to deliver a number of specific commitments including:
 - Maximum Council Tax increase to be capped at 4.84% in 2020-21;
 - Maintain the national pupil teacher ratio level, ensuring places are provided for all Probationer Teachers who require one;
 - Social Care budgets made available to Integration Authorities must be greater than 2019-20 budgets by each Local Authorities share of the national sum of £100m made available via the Health Settlement.
- East Lothian Council's core Revenue Support Grant has increased by £0.6 million in cash terms relative to 2019-20 budgets, but this includes:
 - £1.801m of new funding to deliver policy commitments within Social Care (as referenced above);
 - £0.936m of new funding to support the cost increases relating to Teachers Pay and Pensions, the actual cost of which in 2020-21 is significantly in excess of funding awarded;
 - Reduction of core revenue funding of £2.08m (1.2% reduction in cash terms which equates to a real terms reduction of 3%)
- Reflecting all of the above, the Council now has a recurring funding gap on General Services of over £6.2 million and details of this updated position were shared with all Group Leaders on 10 February.

Budget Timeline and Proposals

3.3 Taking into account: the lateness of the Scottish budget announcement, the fact the Budget Bill and related settlement remains in draft form pending completion of the Parliamentary process and the scale of the

funding gap to be closed, the General Services budget proposals (revenue and capital) together with the setting of Council Tax will now be considered at a future Special Council meeting.

- 3.4 However, in order to ensure that the Council meets its statutory obligations relating to setting of Housing Rent levels the HRA budget and associated rent level for 2020-21 must still be considered on 25 February 2020 as planned.
- 3.5 In accordance with the budget framework agreed previously by Council, the HRA budget will be considered by way of formal amendment to the Administration draft budget proposal approved by Cabinet on 21 January 2020. Any budget amendment being proposed must be deemed competent, both in terms of deliverability and compliance with the requirements set out within the Financial Strategy which was approved by Council in December 2019.
- 3.6 Amendments for the HRA Budget have been brought forward by both the Administration and the SNP Group details of which will be set out in accordance with items 5a and 5b of the agenda.

4 POLICY IMPLICATIONS

- 4.1 The amended budget proposals have been prepared in accordance with the new Financial and Capital Strategies approved by Council on 17 December 2019.
- 4.2 There are a number of policy implications associated with the approval of any of the amended budget proposals.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 Equalities – the budget proposals will have a significant impact on the future delivery of services by East Lothian Council and therefore a potential impact on the wellbeing of equality groups. All political groups have been provided with general information on the potential impact of all budget saving proposals.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – the proposals contained within this report have been prepared within the context of the Council's approved Financial and Capital Strategies. Accordingly, many of the proposals will have significant financial implications.
- 6.2 Personnel - none at this stage
- 6.3 Other – none at this stage

7 BACKGROUND PAPERS

- 7.1 Financial Prospects 2020 and beyond – Report to Council 20 October 2019
- 7.2 Council Financial Strategy 2020-25 – Report to Council 17 December 2019
- 7.3 Public Budget Consultation – Rent and General Services Consultation – Members Library Service
- 7.6 Administration DRAFT budget proposals – Item 5 Cabinet 21 January 2020

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DATE	17 February 2020

REPORT TO: East Lothian Council
MEETING DATE: 25 February 2020
BY: Depute Chief Executive (Resources & People Services)
SUBJECT: Financial Review 2019/20, Quarter 3

6

1 PURPOSE

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

2 RECOMMENDATIONS

- 2.1 The Council is recommended to:
- Note the financial performance at the end of the third quarter of 2019-20 against the approved budgets.
 - Note the continuing enhanced financial controls for managing the financial position.

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.
- 3.2 This report provides the Council with an updated position relating to the in-year financial performance relative to approved budgets. In accordance with previous decisions, this year the Council has already received three financial update reports, the most recent being the Period 7 performance reported to Council in December 2019. This report updates the financial position to reflect the outcome of the Period 9 (Quarter 3) monitoring to the end of December 2019.

General Services Summary – Quarter 3

- 3.3 There have been a number of changes to the budget since the Period 7 Financial Review. This includes some budget realignment to reflect

changes in service activity, as well as additional Revenue Support Grant received from the Scottish Government to support the following areas:

- School Counsellors - £242,000
- Support for Additional Support for Learning - £313,000
- Funding to support new statutory duties relating to Appropriate Adult services - £10,000

3.4 An analysis of the financial position across service groups is set out in **Appendix 1** with further details set out in the narrative below. In summary, the financial position reported for the council at the end of December 2019 is an overspend against planned budgets of £2.610 million (1.6%), an increase of £0.095 million from the previously reported position as at the end of October, and a slight improvement to the forecast year-end position for this year.

3.5 In accordance with normal practice, each service has an overall financial risk rating based on current expenditure and known financial pressures and two service areas (Children's and ASL) remain categorised as High Risk in line with the financial risk rating set out in **Appendix 2**. This assessment suggests a high degree of certainty that these budgets will not operate within approved financial limits. Furthermore, around a half of the remaining service areas are now classified as Medium Risk. Collectively this provides a strong indication that all services are facing growing pressures and many are at greater risk of spending beyond approved budgets. Finance is working closely with all service areas to best manage costs ensuring policy and service commitments are delivered within approved budgets.

3.6 The summary below sets out the main changes to the Council position relating to General Services revenue budget relative to the previously reported Period 7 position:

- **The Resources and People Directorate** is reporting an overspend of £2.705 million (2.8%), an increase of £0.315 million. The Education and Children's Services Group is reporting a collective overspend of £3.201 million (3.7%), (increase in overspend of £0.362 million from Period 7), and Council Resources is now reporting an increased underspend of £0.496 million (5.8%).

- Within Children's Services, most of the financial pressure relates to the number of children placed in External Residential Care with further pressures evident in high tariff secure placements and external fostering, albeit at a lower level than experienced in the previous year. It is expected that this overspend will continue to grow through to the end of the financial year.
- As previously reported, work has been ongoing to develop a clearer understanding of the causes of the financial pressures and to identify opportunities to transform service delivery and reduce costs

to a more sustainable level. Additional financial support has been provided through the Cost Reduction Fund to support intensive targeted intervention services in order to prevent young people needing to be accommodated and also to help return those in external places back to supported care in East Lothian. There is now some evidence that these initiatives are beginning to have a positive impact, and work in this area will continue to build upon what has been achieved.

- The challenges in ASL are closely aligned to those in Children's Services, with pressures due to the education elements of external placements and related transport costs. There is ongoing work following an external review of the ASL service to design a sustainable service delivery model.
- Relating to schools, we are actively working with Education Management to monitor a small number of schools across both Primary and Secondary to ensure that they can effectively manage within budgets and the cumulative carry forward position.
- During the remainder of this financial year and into next, the service is actively supporting the development and implementation of expansion plans to deliver the new national policy requirement of 1140 hours of early learning and childcare. There are many financial risks associated with delivery of this programme and the position will continue to be closely monitored and kept within the limited financial envelope that has been made available by means of specific government grant.
- As highlighted within the Period 7 report, the pressures within School Support relate to the delivery of corporate savings. This is now being managed through the Council Management Team at a wider Council level.
- Work is ongoing within Finance to support Education and Children's Services Management to ensure a full understanding of the current financial position as well as supporting ongoing work to design more sustainable service delivery models that will help reduce costs to approved budget levels.

3.7 The **Health & Social Care Directorate**, covering the Adult Wellbeing service, is reporting an overspend of £0.209 million (0.6%) at the end of Quarter 3. Most of this relates to an increased number of older people in external residential homes. The budget remains under close review, and Finance officers continue to work with Adult Wellbeing management to identify specific areas of financial pressures, related trends and identify any corrective action needed. 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 resources. The position includes the £0.437 transfer from Health delegated budgets authorised in Quarter 2 and previously reported to Council in December.

- 3.8 Within the **Partnership & Community Services Directorate**, there is a reported underspend of £0.149 million (0.4%). The period 7 report highlighted a number of pressures with various services categorised as “Medium Risk” and more details are set out confirming this below:
- Landscape and Countryside Service is currently reporting an overspend of £0.072 million (1.6%). The service has a number of financial pressures relating to; skip hire operations, income targets and increased costs associated with higher levels of fleet repairs and maintenance. Work is ongoing to minimise the impact of these pressures, with new approaches to maximising skip usage have been successfully trialled, and an on-going review of charging to maximise income.
 - Roads Network service is currently reporting an overspend of £0.136 million (4.1%), most of which relates to both Decriminalised Parking (DPE) and Coastal Car Parking.
 - Waste Services is currently reporting an overspend of £0.127 million (2.3%) reflecting increases in disposal costs with increased tonnages, increased haulage costs and a reduction in income generated from the sale of materials due to a decline in the relevant market conditions.
- 3.9 Most of the Corporate Management budgets are operating within approved budget levels and we expect this to continue during the remainder of this financial year.
- 3.10 The Council approved total planned savings of £5.2 million, all of which assumed were recurring. Previous reports highlighted that around £1.0 million were classified as High risk, most of which related to the corporate savings target within School Support. This saving is now being managed at a corporate level, with the expectation that overall this will be met. As such, there remains around £0.07 million that remains High Risk with more details set out in **Appendix 3**.
- 3.11 There have been some important and welcome signs of improvement on the previously reported position but collectively service projections are now forecasting an overspend of around £4 million. As previously highlighted to Council, the benefit derived from application of the Loans Fund review will now be required to offset the majority of service overspending. The Council remains focussed on delivering an overall balanced position in this financial year, and are actively exploring further ways in which spending commitments can be reduced without compromising policy objectives. Nevertheless, some elements of mitigation are non-recurring, and without addressing the underlying issue of service overspending, this pressure will simply continue into future years.

General Services Capital Summary – Quarter 3

3.12 General Services capital spend until the end of December 2019 remains relatively low at just over £16.5 million (around 27%) against an updated budget of £61.0 million, with more details set out in **Appendix 4**. The Period 7 report presented to Council in December indicated projected year-end spend of around £39.7 million and it is now expected that this will reduce further to around £35 million (57%). The main movements relate to projects being re-profiled into future years to reflect the latest anticipated requirements, design and works profiles. A summary of the key movements and risks are highlighted below:

- The key movements relative to the Period 7 relate to the following:
 - **Fleet** – Some delay in the delivery of a high value vehicle, which is now likely to be delivered in 2020/21
 - **Parking Improvements** – Spend now in line with approved budget
 - **Roads (external funding)** – Spend has increased due to award of additional external funding relating to low emission zones.
 - **Education Estate** – re-profiling of budget aligned to the planned delivery of the projects.
 - Letham – some delays - project still expected to be complete Summer 2020.
 - North Berwick High School – some delays in project commencement – anticipated works to start early 2020/21 financial year.
 - Wallyford Secondary School – some delays to original programme of design works due to complications in securing the site, something which has now been achieved.
- The current programme remains ambitious, aligned to the Council's approved Local Development Plan and City Deal requirements.
- Both the planned capital programme and anticipated spend levels remain significantly higher than in recent years, with much of the projected underspend likely to be utilised in future years, and where appropriate, matched against expected income in line with individual project requirements.
- Many elements of the capital programme remain dependent on wider external factors including economic and market conditions affecting rate of development as well as the winter weather. As a consequence, there remains a high degree of uncertainty with the current projections.

Housing Revenue Account Summary - Quarter 3

- 3.13 At the end of December 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 to offset capital investment.
- 3.14 The current position reflects higher than anticipated reactive repair costs and the service is actively managing the situation in order to ensure expenditure is contained within approved budgets.
- 3.15 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 December 2019, the actual expenditure was £21.174 million (64%). Work is progressing well on both major programmes relating to modernisation and new affordable housing and both are expected to deliver broadly in line with the approved budget. There is a modest risk of marginal overspending on both programmes but any impact of overspending will be largely offset by higher grant subsidy. The Scottish Government's Mortgage to Rent Scheme continues to be supported and promoted. There is currently one application in the early stages of the process. Capital fees are allocated to the programme at the year-end and it is anticipated that this will be around approved budget levels.

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
- 7.4 Council 27 August 2019 – Item 5 – 2019-20 Quarter 1 Finance Review
- 7.5 Council 29 October 2019 – Item 4 – Financial Review 2019-20 (Period 5)
- 7.6 Council 17 December 2019 – Item 3 – Financial Review 2019-20 (Period 7)

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Budget Monitoring 2019/20

Appendix 1 - General Fund

Service	Head of Service	Business Unit	2019/20 Budget	Year to Date			2019/20 Variance	Financial Risk Assessment
				2019/20 Actual to Date	2019/20 Budget to Date	2019/20 Budget Variance to Date		
				£'000	£'000	£'000		
Resources & People	Education	Childrens	14,443	13,471	10,867	2,604	24.0%	High
Resources & People	Education	Additional Support for Learning	8,707	7,704	7,190	514	7.1%	High
Resources & People	Education	Pre-school Education & Childcare	11,856	7,708	8,132	-424	-5.2%	Low
Resources & People	Education	Schools - Primary	40,432	28,740	28,671	69	0.2%	Medium
Resources & People	Education	Schools - Secondary	42,275	30,243	30,340	-97	-0.3%	Medium
Resources & People	Education	Schools - Support Services	2,683	2,143	1,608	535	33.3%	High
RESOURCES & PEOPLE	EDUCATION TOTAL		120,396	90,009	86,808	3,201	3.7%	
Resources & People	Council Resources	Financial Services	1,388	958	1,050	-92	-8.8%	Low
Resources & People	Council Resources	Revenues & Benefits	1,996	1,112	1,302	-190	-14.6%	Low
Resources & People	Council Resources	IT Services	2,152	1,589	1,708	-119	-7.0%	Low
Resources & People	Council Resources	Legal & Procurement	551	689	720	-31	-4.3%	Low
Resources & People	Council Resources	People & Governance	4,706	3,674	3,738	-64	-1.7%	Low
RESOURCES & PEOPLE	COUNCIL RESOURCES TOTAL		10,793	8,022	8,518	-496	-5.8%	
RESOURCES & PEOPLE TOTAL			131,189	98,031	95,326	2,705	2.8%	
Health & Social Care Partnership	Adults & Older People	Adults	21,337	15,986	15,616	371	2.4%	Medium
Health & Social Care Partnership	Adults & Older People	Older People	25,535	16,558	16,590	-32	-0.2%	Medium
Health & Social Care Partnership	Adults & Older People	Director, Planning & Performance	5,874	4,624	4,754	-130	-2.7%	Medium
HEALTH & SOCIAL CARE PARTNERSHIP TOTAL			52,746	37,168	36,960	209	0.6%	
Partnerships & Community Services	Development	Planning	983	684	736	-52	-7.1%	Low
Partnerships & Community Services	Development	Economic Development & Strategic Investment	1,561	1,072	1,202	-130	-10.8%	Low
Partnerships & Community Services	Development	Property Maintenance Trading Account	-813	220	245	-25	-10.2%	Low
Partnerships & Community Services	Development	Community Housing	2,297	1,053	1,203	-150	-12.5%	Low
PARTNERSHIPS & COMMUNITIES SERVICES	DEVELOPMENT TOTAL		4,028	3,029	3,386	-357	-10.5%	
Partnerships & Community Services	Infrastructure	Facility Support Services	3,538	3,051	3,058	-7	-0.2%	Medium
Partnerships & Community Services	Infrastructure	Facility Trading Activity	-276	-1,354	-1,392	38	-2.7%	Medium
Partnerships & Community Services	Infrastructure	Asset Planning & Engineering	2,510	3,126	3,143	-17	-0.5%	Medium
Partnerships & Community Services	Infrastructure	Landscape & Countryside Management	5,099	4,495	4,423	72	1.6%	Medium
Partnerships & Community Services	Infrastructure	Roads Network	4,584	3,459	3,323	136	4.1%	Medium
Partnerships & Community Services	Infrastructure	Roads Trading Activity	-728	-619	-663	44	-6.6%	Medium
Partnerships & Community Services	Infrastructure	Transportation	1,119	25	21	4	19.0%	Low
Partnerships & Community Services	Infrastructure	Waste Services	7,550	5,540	5,413	127	2.3%	Medium
Partnerships & Community Services	Infrastructure	Active Business Unit	3,600	2,258	2,258	0	0.0%	Low
PARTNERSHIPS & COMMUNITIES SERVICES	INFRASTRUCTURE TOTAL		26,996	19,981	19,584	397	2.0%	
Partnerships & Community Services	Communities & Partnerships	Corporate Policy & Improvement	1,185	916	936	-20	-2.1%	Low
Partnerships & Community Services	Communities & Partnerships	Connected Communities	6,722	4,966	4,966	0	0.0%	Medium
Partnerships & Community Services	Communities & Partnerships	Protective Services	1,795	1,959	2,031	-72	-3.5%	Low
Partnerships & Community Services	Communities & Partnerships	Customer Services Group	3,517	3,240	3,337	-97	-2.9%	Low
PARTNERSHIPS & COMMUNITIES SERVICES	COMMUNITIES & PARTNERSHIPS TOTAL		13,219	11,081	11,270	-189	-1.7%	
PARTNERSHIPS & COMMUNITY SERVICES TOTAL			44,243	34,091	34,240	-149	-0.4%	
SERVICE TOTAL			228,178	169,290	166,526	2,765	1.7%	
CORPORATE MANAGEMENT TOTAL			-228,178	-170,195	-170,040	-155	0.1%	
TOTAL			0	-905	-3,515	2,610		
TOTAL HRA			0	-13,581	-11,550	-2,031	17.6%	

Appendix 2

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

2019/20 Budget Monitoring and Budget Efficiencies

Appendix 3

Budget Efficiencies:

Service	2019/20		
	Achieved	Achievable	TBC
	£'000	£'000	£'000
Education	1,204	967	0
Council Resources	430	145	0
H&SCP	162	540	0
Communities	247	203	0
Development	391	242	0
Infrastructure	525	102	70
Corporate	0	0	0
Total	2,959	2,199	70
			5,228

Savings Currently Red

Service	Proposal	Value	Comments
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.
Total		70	

Appendix 4 - Position as at end of December 2019

	Annual (In-Year)				
	Approved Budget 2019/20	Updated Budget 2019/20	Actual 2019/20	Estimated Outturn 2019/20	Budget-Outturn Variance 2019/20
	£'000	£'000	£'000	£'000	£'000
Expenditure					
Community Projects					
Assets in the Community - Investment	500	500	-	-	(500)
Community Intervention	600	600	165	600	-
Support for Business - Gateside West	461	461	-	50	(411)
Town Centre Regeneration	100	1,375	42	1,375	-
Synthetic pitches	19	20	-	-	(20)
Total Community Projects	1,680	2,955	207	2,025	(930)
ICT					
IT Programme	2,110	2,110	1,444	2,110	-
Replacement - CRM Project (Customer Services)	-	103	(22)	-	(103)
Total ICT	2,110	2,213	1,422	2,110	(103)
Fleet					
Amenties - Machinery & Equipment - replacement	190	190	139	190	-
Vehicles	1,850	1,882	884	1,740	(142)
Total Fleet	2,040	2,072	1,023	1,930	(142)
Open Space					
Cemeteries (Burial Grounds)	287	727	-	200	(527)
Coastal / Flood Protection schemes - East Beach, Dunbar	-	192	12	192	-

Coastal / Flood Protection schemes - Haddington	256	328	44	70	(258)
Coastal / Flood Protection schemes - Musselburgh	613	780	298	568	(212)
Coastal Car Park Toilets	150	480	0	60	(420)
Core Path Plan	50	50	2	48	(2)
Mains Farm Sports Pitch & Pavilion	429	558	-	32	(526)
Polson Park	138	138	-	-	(138)
Sports and Recreation - externally funded	-	-	-	26	26
Waste - New Bins	150	150	138	144	(6)
Waste - Machinery & Equipment - replacement	40	40	42	46	6
Total Open Space	2,113	3,442	536	1,386	(2,056)

Roads, Lighting and related assets					
Cycling Walking Safer Streets	171	171	-	171	-
Parking Improvements	250	418	425	430	12
Roads	7,500	7,500	4,403	7,310	(190)
Roads - externally funded projects	267	973	607	1,271	298
Total Roads, Lighting and related assets	8,188	9,062	5,435	9,182	120

Property - Education					
Aberlady Primary - extension	40	40	-	-	(40)
Aberlady Primary - outdoor facility incl 1140	149	149	-	-	(149)
Campie Primary - 1140	80	150	141	158	8
Dunbar Grammar - extension	140	140	23	23	(117)
Dunbar Primary - John Muir Campus - Early Learning and 1140	83	83	-	-	(83)
East Linton Primary - extension including Early Learning and 1140	913	968	-	10	(958)
Gullane Primary - extension including Early Learning and 1140	100	180	88	100	(80)
Haddington Infant School - upgrades	6	6	12	12	6
Law Primary - school extension	37	37	-	-	(37)
Law Primary - extension including Early Learning and 1140	147	147	-	47	(100)
Letham Primary - New School	6,775	6,695	3,164	4,530	(2,165)
Longniddry Primary - extension	34	34	-	-	(34)
Loretto Primary - 1140	38	63	65	66	3

Meadowpark Communications Provision - upgrades	8	53	-	53	-
Musselburgh Grammar - upgrades	283	283	-	4	(279)
Musselburgh Primary - 1140 upgrades	36	57	54	60	4
New Musselburgh Additional Secondary Education Provision	1,700	5,403	508	4,353	(1,050)
North Berwick High School - Extension	5,489	5,600	78	150	(5,450)
Ormiston Primary - extension	20	26	41	50	24
Pinkie St Peter's Primary - extension including Early Learning and 1140	160	160	2	130	(30)
School Estate - Curriculum Upgrades	330	330	6	330	-
Ross High School - extension	5,815	6,082	677	1,319	(4,763)
St Gabriel's Primary - extension including Early Learning and 1140	58	58	-	58	-
Tranent Early Learning Centre 1140	262	262	28	30	(232)
Wallyford Primary - New School	300	300	144	365	65
West Barns Primary - extension including Early Learning and 1140	175	175	-	60	(115)
Whitecraig Primary - extension including Early Learning and 1140	324	324	-	1	(323)
Total Property - Education	23,503	27,805	5,030	11,909	(15,895)

Property - Other					
Accelerating Growth - Enabling Infrastructure	3,100	3,038	415	666	(2,372)
Court Accommodation - incl. SPOC	1,554	1,554	222	244	(1,310)
New ways of working Programme	-	-	-	17	17
Haddington Corn Exchange - upgrades	640	797	49	355	(442)
Haddington Town House - Refurbishment and Rewire	548	548	-	8	(540)
Herdman Flat	160	200	-	-	(200)
Inveresk Mills - upgrades	83	169	147	176	7
Meadowmill - New Depot	-	149	3	155	6
Port Seton - Community Centre Extension	1,048	1,229	262	528	(701)
Prestongrange Museum	100	100	-	-	(100)
Property Renewals	951	951	716	949	(2)
Eskgreen Care Home - Lift Refurbishment	200	200	-	-	(200)
East Linton Primary - Lifecycle improvements	522	522	-	-	(522)
Dunbar - The Cove ASN Unit	77	77	-	-	(77)
Replacement Pathways Centre	1,046	1,046	-	-	(1,046)
Sports Centres	200	200	197	206	6

Whitecraig Community Centre	483	973	885	997	24
Total Property - Other	10,713	11,753	2,897	4,301	(7,452)
Total Property - Education and Other	34,216	39,558	7,927	16,210	(23,348)
Capital Plan Fees	1,728	1,728	-	1,728	-
Total Gross Expenditure	52,074	61,031	16,550	34,571	(26,460)

Income					
Developer Contribution	(24,728)	(24,909)		(6,959)	17,950
1140 Grant Income	-	(1,891)		(873)	1,018
Town Centre Regeneration Grant	-	(1,275)		(1,275)	-
Other Funding Sources	(2,064)	(1,271)		(1,442)	(171)
Scottish Government General Capital Grant	(9,465)	(9,465)		(9,465)	-
Total Income	(36,257)	(38,811)	-	(20,014)	18,797

Borrowing Requirement	15,817	22,220	16,550	14,557	(7,663)
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2019-20 Period 9 Financial Review - Appendix 5

HRA Capital Programme

	Budgeted	Actual	Over/(Under)
	(£000s)	December	(£000s)
		2019	
	(£000s)	(£000s)	(£000s)
Modernisation Spend	11,998	7,845	(4,153)
New Affordable and Council Housing	18,657	13,329	(5,328)
Mortgage to Rent	840	0	(840)
Fees	1,395	0	(1,395)
Gross Total Housing Capital Spend	32,890	21,174	(11,716)

REPORT TO: East Lothian Council

MEETING DATE: 25 February 2020

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Development Planning: National Planning Framework 4/Regional Spatial Strategies and Local Development Plan

7

1 PURPOSE

- 1.1 This report deals with the Council's input into the production of a draft National Planning Framework 4 (NPF4) and supporting Regional Strategies. It seeks agreement on the key points that will be submitted to the Scottish Government as part of the preparation of NPF4. It also seeks approval of nominees for the new Edinburgh and South East Scotland City Deal (ESESCRD) Oversight Committee being put in place for future regional strategy work, and updates Members on the proposed timescales for the next East Lothian LDP.

2 RECOMMENDATIONS

It is recommended that Council:

- (i) agrees the key points set out in this report as the basis for a Council response, both independently and through a joint submission with the other South East Scotland local authorities, to the Scottish Government on NPF4;
- (ii) delegates authority to the Head of Development and the Cabinet Spokesperson for the Environment for finalisation and approval of the Council's response to the NPF4 Call for Ideas process;
- (iii) endorses East Lothian's Cabinet Spokesperson for the Environment and Cabinet Spokesperson for the Economic Development and Tourism as East Lothian Council's representatives on the new City Deal Oversight Committee; and
- (iv) notes that until secondary legislation and transitional arrangements for Development Planning are published by Scottish Government, no replacement to the adopted Local Development Plan (ELLDLP2018) will be formally progressed. Monitoring,

technical studies and internal reviews in readiness have already been initiated and will continue to be undertaken as necessary.

3 BACKGROUND

- 3.1 The Planning Act 2019 sets out a wide range of new planning processes covering both Development Management and Development Planning. While the Planning Act was granted royal assent in 2019 it will be enacted through a series of secondary legislation over the next two years. The first substantive part of the new Development Plan legislation to be enacted is that which deals with the production of the National Planning Framework. Under the new Act the National Planning Framework will form part of the Development Plan that future Local Development Plans for East Lothian will need to take account of; it will also be a material consideration in determining planning applications.

Regional Structures and Member Representation

- 3.2 In the context of delays encountered in bringing forward the Planning Act, Members will recall that the Scottish Government has commenced a hugely challenging programme for the production of NPF4. They intend to have a draft available by the autumn of 2020 with the final document being approved in late 2021. Public engagement has started with a Call for Ideas for which responses are sought by the end of March 2020: <https://www.transformingplanning.scot/national-planning-framework/get-involved/>. The Scottish Government is clear that detailed responses are not expected at this stage, and that only initial ideas are to be submitted for consideration by Scottish Ministers. Scottish Ministers will provide for their own publicity and consultation stages for NPF4 as they develop it.
- 3.3 As previously reported to Council, the South East Scotland local authorities intend to respond to the NPF4 process through the production of an Indicative Regional Spatial Strategy / Regional Growth Framework that would set out the key strategic direction for the region.
- 3.4 It is intended that this strategy will be completed by the end of June 2020 for submission to the Scottish Government. This strategy will have a wider role than just land use planning and also provide an integrated economic, housing and infrastructure strategy for the region. This strategy will be prepared and agreed through an amended ESES City Region Deal Structure (see Appendix A). This structure will also be used for the development of future regional strategies.
- 3.5 One of the main member-related changes to this structure is the introduction of a member's oversight committee. Each of the six local authorities have been asked to nominate members for this committee. Given the content of future regional strategies will cover economic and planning issues it would be appropriate for the existing member leads for both the economy and planning to attend this committee. Therefore it is proposed that the Cabinet Spokesperson for the Environment and the Cabinet Spokesperson for Economic Development and Tourism are

nominated for membership. Elected Members will be kept fully informed during the process of developing the Indicative Regional Spatial Strategy / Regional Growth Framework and this and future strategies will be presented to Council for approval.

- 3.6 Within the context of the Scottish Governments NPF4 'Call for Ideas' consultation it is important that East Lothian Council and other South East Scotland local authorities submit high-level planning-related content of the Regional Strategy by the end of March to ensure that they are fully considered in the drafting of NPF4.

Responding to the NPF – Process

- 3.7 East Lothian proposes to submit two responses to the NPF consultation, a joint one through the City Deal Joint Committee and a separate East Lothian response. The content of these will complement each other. The joint response to the NPF will be considered by the City Deal Joint Committee in March.
- 3.8 Given the timescales set by the Scottish Government to make a response to the initial Call for Ideas stage, it is not possible to bring these final responses back to local authority committees. However, Members are asked to input into an East Lothian response through consideration and comment on the summary of key points set out in this report. Based on these timescales it is recommended that finalisation and approval of East Lothian's NPF4 responses is delegated in accordance with recommendation 2(ii) of this report.
- 3.9 Both the East Lothian Council and joint responses will be lodged in public within the Members' Library Service once they have been submitted to the Scottish Government.
- 3.10 The main issues that will be inputted into East Lothian's responses are set out below. They are mainly based on the position that was set out in SDP2 with additional spatial and policy considerations based on the most current thinking on issues like climate policy.

Response to National Planning Framework 4

- 3.11 National Planning Framework 4 will be set at a very strategic level so it will contain spatial elements that are of national importance and providing direction for the future growth of regional areas. One further change from previous NPFs is the combining of NPF with Scottish Planning Policy. The aim of the government is to provide a set of national policies that remove the need for duplication through LDPs. LDPs will still be expected to provide more local detail on policy. As a result the submission proposed and set out below covers both spatial and policy elements.

Summary of Key Points for NPF Submission

Blindwells/Cockenzie/Climate Change Zone

3.12 For the submission these three proposals will be identified as being of national importance with the possibility of them together being an area of opportunity and co-ordinated action. They provide the opportunity for the progression of influential, innovative and carbon neutral places. The submission will focus on the following points:

- Blindwells new settlement should be identified in NPF4 as being of national importance. It is one of seven key strategic sites within the Edinburgh and South East Scotland City Region Deal. The Scottish Government has committed to help enable the delivery of such sites. The Blindwells Development Area is unique. The ELLDP2018 plans for a future expansion of Blindwells from the 130 hectares BW1 allocated site into the 410 hectare safeguarded BW2 site; this safeguarded expansion land is subject to demonstrable collective landowner willingness to promote a comprehensive solution for the Blindwells Development Area, the satisfactory outcome of ongoing technical work, the formation of a public-private partnership, the development of a viable business case and a comprehensive solution and delivery vehicle that will ensure the delivery and completion of a single new town. There is also scope to consider the innovative deployment of powers within the 2019 Act, such as a Masterplan Consent Area, as well as the potential use of other similar statutory instruments.
- The Blindwells New Town Development Area and former Cockenzie Power Station site, taken together, are 625 hectares, the vast majority of which is previously developed land. This is likely the largest such opportunity in Scotland. Over 30 years, these projects could enable significant new employment and economic development opportunities. They could deliver a substantial quantum of new homes, including affordable homes, as well as a new regional town centre and new infrastructure, including green and blue and low carbon infrastructure.
- The former Cockenzie Power Station site is also unique and requires to be identified of national importance in the NPF. It provides around 70 hectares of land now in public ownership (much of it brownfield). Circumstances have changed in relation to previous ambitions within NPF3 for the delivery of thermal generation and carbon capture and storage here. Although the package of uses for the Cockenzie sites continues to be explored, there will be a focus on employment, and low and zero carbon energy, and there could be a focus on a port and sustainable construction.
- Within this sub-regional area, there is also scope to consider how the space between these sites and communities offers scope to enable a low carbon place. The proposal for an overall comprehensive approach to this should therefore also be

promoted as a nationally important exemplar. This Climate Change Zone proposal would be situated between, and include parts of, the neighbouring regenerating communities and strategic development sites of the former coalfield. It would aim to knit this place together and to balance built development in the area with the enhancement of shared green and blue networks, as well as make provision for other shared grey and low and zero carbon infrastructure, including movement and active travel networks. The proposal would also explore how to address this sub-regional area's challenges by converting them into opportunities and multiple benefits, while promoting a transition to carbon neutral.

- These proposals provide the opportunity for enhancement to the national rail network which would have positive impact both for Scotland and the rest of the United Kingdom. Proposals for four-tracking the east coast main rail line, or for delivering an extension to the High Speed Rail Network to Scotland, which could deliver a new railway station and all-purpose overbridge of the rail line should be included in the NPF.
- The role of East Lothian in providing future growth will also be identified in the response. East Lothian has and will continue to accommodate a large amount of growth over the next decade through sites in its existing LDP. To address current and emerging climate legislation and policy it is important that future growth is sustainable and linked to the vision of a zero carbon new settlement at Blindwells.

Policy-related Content

3.13 The NPF consultation does not require specific policy wording but is looking for ideas on which the NPF should focus. For East Lothian's response it will highlight the following points:

- There needs to be an alternative methodology for setting out housing requirements that is not so numbers based allowing more time to focus on the delivery of quality. A more appropriate measure would be the provision of housing land as this would remove the problem of local authorities and communities being penalised for not achieving housing delivery targets which are beyond their control;
- While the national government has a plan for repopulating rural areas it is important to maintain the recognition that rural areas close to urban centres, such as in East Lothian, experience very different pressures and that it is appropriate to maintain a high degree of control over housing development in such areas.
- The ability to increase carbon targets on new development and to implement more localised energy on site generation will require to be legislated for and policy provided at a national level.

Local Development Plan Update

- 3.14 The new Planning Act has brought in substantial changes to the Local Development Plan process. For example the first substantive stage is now an evidence report rather than a main issues report. This part of the new Act has not come into effect yet and will require secondary legislation which will not be introduced until the latter part of 2021.
- 3.15 Without this legislation the LDP cannot be formally commenced. However, this does not mean that work will not begin on the new LDP. One key part of the new process is engagement and assessment of issues across the LDP area. Prior to the latter part of 2021 the Planning Team will begin a review of the existing plan policies and proposals and commence a comprehensive programme of engagement through a wide range of stakeholders including the Area Partnerships to gather information on the land use issues across the county. This early LDP work will also link into the processes such as the education estates review and the further development of the climate change strategy.
- 3.16 Within this timescale we will be able to substantially review the LDP and do this prior to the existing plan becoming more than 5 years out of date in October 2023. In terms of housing land supply the Council currently has over six years land supply. It is not possible to determine land supply beyond next year as housing figures will be provided in the NPF. However, our submission into the NPF process will be based on SDP2 figures which are lower than those currently being used to assess housing land supply.
- 3.17 This approach is in line with the majority of other Scottish local authorities who are waiting to use the new planning system.

4 POLICY IMPLICATIONS

- 4.1 The National Planning Framework will form part of the Development Plan and be used as the context for LDP2 and in the determining of planning applications. Input into the NPF process is therefore vital to help ensure positive East Lothian related content.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 This subject of this report does not directly affect the wellbeing of the community or have a significant impact on equality, the environment or economy. Impact Assessments will be carried out by the Scottish Government as part of the NPF process.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – No direct financial implications arising from this report beyond staff time.

6.2 Personnel - the Council's Planning Service already strategic planning work and will continue to contribute towards the work of inputting into the development of an Indicative Regional Spatial Strategy and National Planning Framework 4.

6.3 Other - none

7 BACKGROUND PAPERS

7.1 Council report on Regional Spatial Strategies October 2019 (Item 9) - https://www.eastlothian.gov.uk/meetings/meeting/16435/east_lothian_council

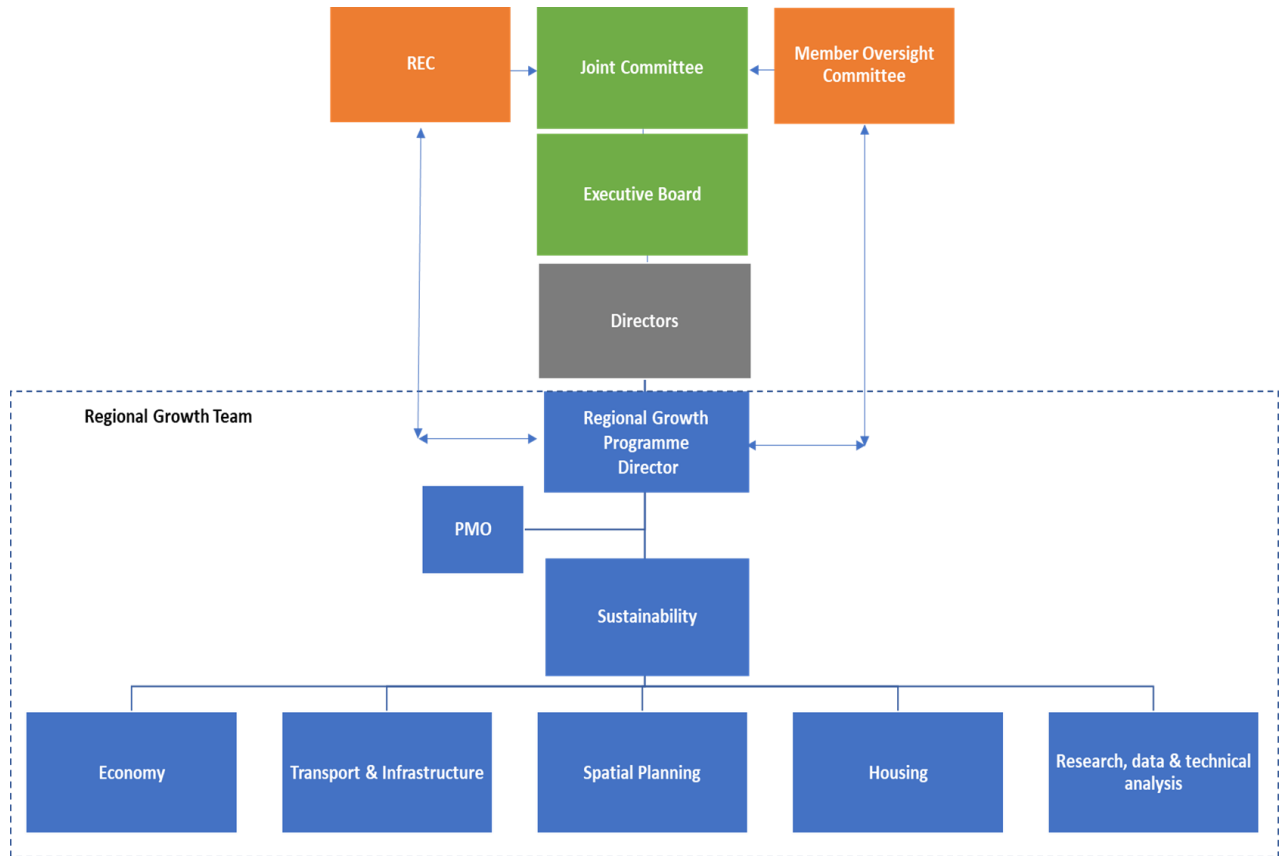
7.2 Council update on NPF4 and Regional Spatial Strategies – Dec 2019 (Item 7)

https://www.eastlothian.gov.uk/meetings/meeting/16436/east_lothian_council

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DATE	12 February 2020

Appendix A – A Proposed Governance Structure for Delivery

An indicative regional growth project team and reporting structure is outlined below. At this early stage of project development, this is intended to be illustrative. East Lothian has a strong input into this process with representation on all of the officer groups.



It is anticipated that a dedicated project team is required to work on the development of a Regional Growth Framework. As outlined above, a dedicated Programme Director would lead the project and report up through the existing City Region Deal Governance structure.

The Regional Enterprise Council represents private and third sector interests and will provide advice and guidance to the Joint Committee members to help shape the development of the Regional Growth Framework.

An Elected Member Oversight Committee will be established consisting of two elected members with relevant portfolio areas (planning, transport, housing and economy) from each local authority area (see report recommendation for East Lothian membership). This Committee will oversee and advise the Joint Committee and guide the development of the Regional Growth Framework.

The Scottish Government, UK Government and key agencies are all represented on various City Region Deal groups, boards and thematic areas. It is recommended that this continues with regular engagement on the Growth Framework sought to shape the Framework jointly alongside the Directors Group.

REPORT TO: East Lothian Council

MEETING DATE: 25 February 2020

BY: Depute Chief Executive (Resources & People Services)

SUBJECT: Schedule of Meetings 2020/21

8

1 PURPOSE

- 1.1 To set the Schedule of Meetings of the Council, committees and other forums for 2020-21.

2 RECOMMENDATIONS

- 2.1 The Council is asked:
- i. to approve the proposed Schedule of Meetings for 2020/21; and
 - iii. to note that the schedule is subject to change, and that any changes will be communicated to Members and officers as soon as practicable.

3 BACKGROUND

- 3.1 The annual Schedule of Meetings for 2020/21 is presented to Members for approval. There are c.115 committee meetings scheduled for 2020/21. The schedule largely follows the pattern set in recent years, with a week-long mid-term break in October, a two-week winter break over Christmas/New Year, and a two-week break over the Easter period.
- 3.2 Members should note that the Integration Joint Board (IJB) sets its own dates (including those for the IJB Audit & Risk Committee). As these meeting dates have not yet been approved by the IJB, the dates included on the schedule are provisional and therefore subject to change.
- 3.3 It is anticipated that there may be a need to create a new committee to oversee the governance arrangements at Musselburgh Racecourse; it is likely that a report on this will be submitted to the Council meeting of 28 April and that any required meeting dates will be added to the schedule thereafter.
- 3.4 Members should also note that the date of the budget-setting meeting will be scheduled and communicated to Members in due course.

- 3.5 A number of dates have been included for Members' briefing sessions. Members will be advised of the topics in due course.
- 3.6 On approval of the dates, venues for meetings and briefings will be booked and confirmed with Members and officers. Members are advised that, due to planned internal and external works at Haddington Town House, meetings between January and June 2021 will be held in alternative venues.
- 3.7 Members are asked to note that the schedule is subject to change and that any changes will be communicated as soon as practicable.

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 Standing Orders

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Team Manager – Democratic & Licensing
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DATE	10 February 2020

**East Lothian Council
Schedule of Meetings 2020/21**

Day	Date	Time	Committee/Meeting
Tues	25 August 2020	10.00	East Lothian Council
Thurs	27 August 2020	10.00	East Lothian Licensing Board
Tues	1 September 2020	10.00	Planning Committee
Thurs	3 September 2020	10.00	Employee Appeals Sub-Committee
Tues	8 September 2020	10.00 14.00	Cabinet Members' Briefing
Wed	9 September 2020	14.00	Petitions & Community Empowerment Review Committee
Thurs	10 September 2020	10.00 14.00	Licensing Sub-Committee Local Review Body (Planning)
Tues	15 September 2020	10.00 14.00	IJB Audit & Risk Committee Musselburgh Common Good Committee
Thurs	17 September 2020	10.00 14.00	Homelessness Appeals Sub-Committee East Lothian Integration Joint Board
Tues	22 September 2020	10.00	Audit & Governance Committee
Wed	23 September 2020	14.00	Joint Consultative Committee
Thurs	24 September 2020	10.00 14.00	East Lothian Licensing Board (to be followed by meeting of East Lothian Licensing Board and East Lothian Local Licensing Forum) Haddington Common Good Committee
Thurs	1 October 2020	10.00 14.00	Employee Appeals Sub-Committee North Berwick Common Good Committee
Tues	6 October 2020	10.00	Planning Committee
Wed	7 October 2020	10.00	Policy & Performance Review Committee
Thurs	8 October 2020	10.00 14.00	Licensing Sub-Committee Dunbar Common Good Committee
Tues	13 October 2020	14.00	Members' Briefing
Thurs	15 October 2020	14.00	Local Review Body (Planning)
<i>Autumn Recess: 19 – 26 October 2020</i>			
Tues	27 October 2020	10.00	East Lothian Council
Thurs	29 October 2020	10.00 14.00	East Lothian Licensing Board East Lothian Integration Joint Board
Tues	3 November 2020	10.00	Planning Committee
Thurs	5 November 2020	10.00	Employee Appeals Sub-Committee
Tues	10 November 2020	10.00 14.00	Cabinet Members' Briefing
Thurs	12 November 2020	10.00 14.00	Licensing Sub-Committee Police, Fire & Community Safety Scrutiny Committee
Tues	17 November 2020	10.00	Education Committee
Thurs	19 November 2020	10.00 14.00	Homelessness Appeals Sub-Committee Local Review Body (Planning)
Tues	24 November 2020	10.00	Audit & Governance Committee

		14.00	Musselburgh Common Good Committee
Thurs	26 November 2020	10.00 14.00	East Lothian Licensing Board Haddington Common Good Committee
Tues	1 December 2020	10.00	Planning Committee
Thurs	3 December 2020	10.00 14.00	Employee Appeals Sub-Committee East Lothian Integration Joint Board
Tues	8 December 2020	10.00 14.00	IJB Audit & Risk Committee Members' Briefing
Wed	9 December 2020	14.00	Petitions & Community Empowerment Review Committee
Thurs	10 December 2020	10.00 14.00	Licensing Sub-Committee Dunbar Common Good Committee
Tues	15 December 2020	10.00	East Lothian Council
Wed	16 December 2020	14.00	Joint Consultative Committee
Thurs	17 December 2020	10.00 14.00	East Lothian Licensing Board Local Review Body (Planning)
<i>Winter Recess: 24 December 2020 – 6 January 2021</i>			
Tues	12 January 2021	10.00	Planning Committee
Thurs	14 January 2021	10.00 14.00	Licensing Sub-Committee North Berwick Common Good Committee
Tues	19 January 2021	10.00 14.00	Cabinet Members' Briefing
Thurs	21 January 2021	10.00 14.00	Homelessness Appeals Sub-Committee Local Review Body (Planning)
Thurs	28 January 2021	10.00	East Lothian Licensing Board
Tues	2 February 2021	10.00 14.00	Planning Committee Musselburgh Common Good Committee
Thurs	4 February 2021	10.00	Employee Appeals Sub-Committee
Thurs	11 February 2021	10.00	Licensing Sub-Committee
Tues	16 February 2021	10.00 14.00	Audit & Governance Committee Members' Briefing
Thurs	18 February 2021	14.00	Local Review Body (Planning)
Tues	23 February 2021	10.00	East Lothian Council
Wed	24 February 2021	10.00	Policy & Performance Review Committee
Thurs	25 February 2021	10.00 14.00	East Lothian Licensing Board East Lothian Integration Joint Board
Tues	2 March 2021	10.00	Planning Committee
Thurs	4 March 2021	10.00 14.00	Employee Appeals Sub-Committee Dunbar Common Good Committee
Tues	9 March 2021	10.00 14.00	Cabinet Members' Briefing
Wed	10 March 2021	14.00	Petitions & Community Empowerment Review Committee
Thurs	11 March 2021	10.00	Licensing Sub-Committee
Tues	16 March 2021	10.00 14.00	Education Committee IJB Audit & Risk Committee
Wed	17 March 2021	14.00	Joint Consultative Committee
Thurs	18 March 2021	10.00	Homelessness Appeals Sub-Committee

		14.00	Local Review Body (Planning)
Thurs	25 March 2021	10.00 14.00 14.00	East Lothian Licensing Board Haddington Common Good Committee East Lothian Integration Joint Board
Tues	30 March 2021	10.00	Planning Committee
<i>Spring Recess: 2 – 19 April 2021</i>			
Thurs	1 April 2021	10.00 14.00	Employee Appeals Sub-Committee North Berwick Common Good Committee
Thurs	22 April 2021	10.00	East Lothian Licensing Board
Tues	27 April 2021	10.00	East Lothian Council
Tues	4 May 2021	10.00	Planning Committee
Thurs	6 May 2021	10.00	Employee Appeals Sub-Committee
Tues	11 May 2021	10.00 14.00	Cabinet Members' Briefing
Thurs	13 May 2021	10.00 14.00	Licensing Sub-Committee Police, Fire and Community Safety Scrutiny Committee
Tues	18 May 2021	14.00	Musselburgh Common Good Committee
Thurs	20 May 2021	10.00 14.00	Homelessness Appeals Sub-Committee Local Review Body (Planning)
Tues	25 May 2021	10.00	Education Appeals Committee
Wed	26 May 2021	10.00	Education Appeals Committee
Thurs	27 May 2021	10.00 14.00 14.00	East Lothian Licensing Board Education Appeals Committee East Lothian Integration Joint Board
Fri	28 May 2021	10.00	Education Appeals Committee
Mon	31 May 2021	10.00	Education Appeals Committee
Tue	1 June 2021	10.00	Planning Committee
Thurs	3 June 2021	10.00 14.00 14.00	Employee Appeals Sub-Committee Dunbar Common Good Committee North Berwick Common Good Committee
Tue	8 June 2021	10.00 14.00	Education Committee IJB Audit & Risk Committee
Wed	9 June 2021	10.00	Policy & Performance Review Committee
Thurs	10 June 2021	10.00 14.00	Licensing Sub-Committee Petitions & Community Empowerment Review Committee
Tue	15 June 2021	10.00 14.00	Audit & Governance Committee Members' Briefing
Wed	16 June 2021	14.00	Joint Consultative Committee
Thurs	17 June 2021	14.00 14.00	Local Review Body (Planning) Haddington Common Good Committee
Tue	22 June 2021	10.00	East Lothian Council
Thurs	24 June 2021	10.00 14.00	East Lothian Licensing Board East Lothian Integration Joint Board
Tue	29 June 2021	10.00	Planning Committee

12 February 2020

REPORT TO: East Lothian Council

MEETING DATE: 25 February 2020

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Submissions to the Members' Library Service
30 November 2019 – 5 February 2020

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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 30 November 2019 and 5 February 2020, 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 officers in conjunction with Councillors, or
 - (b) background papers linked to specific committee reports.
- 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

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Team Manager - Democratic & Licensing
CONTACT INFO	lgillingwater@eastlothian.gov.uk
DATE	10 February 2020

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD
30 November 2019 – 5 February 2020**

Reference	Originator	Document Title	Access
142/19	Head of Council Resources	Establishment Changes for November 2019	Private
143/19	Depute Chief Executive (Partnerships & Community Services)	Building Warrants Issued under Delegated Powers between November 2019	Public
144/19	Head of Infrastructure	Grant of Servitude Rights for Footpaths over land at Castlemains Place, Dirleton	Private
145/19	Head of Development	East Lothian Council – Public Sector Climate Change Reporting 2018/19	Public
146/19	Head of Infrastructure	Grant of Lease for Land at Fisherrow, Musselburgh	Private
1/20	Head of Council Resources	Establishment Changes - December 2019	Private
2/20	Head of Infrastructure	Building Warrants issued under Delegated Powers – December 2019	Public
3/20	Head of Development	Climate Change Strategy – Supporting Document 1 – Consultation and Engagement	Public
4/20	Head of Development	Climate Change Strategy – Supporting Document 2 – Integrated Impact Assessment	Public
5/20	Head of Development	Climate Change Strategy – Supporting Document 3 – Strategic Environmental Assessment Pre-Screening	Public
6/20	Head of Development	Climate Change Strategy – Appendices 1-3	Public
7/20	Depute Chief Executive (Partnerships and Community Services)	Service Review Report – Road Services	Private
8/20	Head of Council Resources	Bad Debt Write Offs	Public
9/20	Head of Development	Rent Level Consultation 2020/21	Public
10/20	Head of Infrastructure	Musselburgh Flood Protection Scheme – Preferred Scheme	Public
11/20	Director of Health and Social Care	Service Review Report – Health and Social Care	Private
12/20	Depute Chief Executive (Partnerships and Community Services)	Dunbar 20mph Speed Limit Consultation	Public
13/20	Head of Council Resources	Quarterly Customer Feedback Reporting	Public
14/20	Head of Council Resources	Establishment Changes for January 2020	Private
15/20	Head of Infrastructure	Proposed Pre-Construction Services Agreement in Relation to the Design and Construction of School Extensions at West Barns, Pinkie St. Peters,	Private

		St. Gabriel's, and Dunbar John Muir Campus Primary Schools	
16/20	Head of Council Resources	Creation of a Temporary Teaching Role to Support the Secondary Subject Specialists in East Lothian and across the South East Improvement Collaborative (SEIC)	Public

10 February 2020