



## MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 22 APRIL 2014  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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### **Committee Members Present:**

Provost L Broun-Lindsay (Convener)	Councillor N Hampshire
Councillor S Akhtar	Councillor W Innes
Councillor D Berry	Councillor M Libberton
Councillor S Brown	Councillor F McAllister
Councillor J Caldwell	Councillor P McLennan
Councillor S Currie	Councillor K McLeod
Councillor T Day	Councillor J McMillan
Councillor A Forrest	Councillor J McNeil
Councillor J Gillies	Councillor T Trotter
Councillor J Goodfellow	Councillor M Veitch
Councillor D Grant	Councillor J Williamson

### **Council Officials Present:**

Mrs A Leitch, Chief Executive  
Mr A McCrorie, Depute Chief Executive (Resources and People Services)  
Ms M Patterson, Depute Chief Executive (Partnership and Community Services)  
and Monitoring Officer  
Mr D Small, Director of East Lothian Health & Social Care Partnership  
Mr J Lamond, Head of Council Resources  
Mr R Montgomery, Head of Infrastructure  
Mr T Shearer, Head of Communities & Partnerships  
Ms M Ferguson, Service Manager – Legal Services  
Ms J Mackay, Media Manager  
Mrs K MacNeill, Service Manager – Licensing, Admin & Democratic Services  
Mr I McFarlane, Service Manager – Planning  
Mr A Stubbs, Service Manager – Roads  
Mr P Vestri, Service Manager – Corporate Policy & Improvement

### **Visitors Present:**

Chief Inspector Colin Brown, Police Scotland  
Superintendent Graham Jones, Police Scotland  
Assistant Chief Constable Mike McCormack, Police Scotland  
Mr P Heath, Scottish Fire and Rescue Service  
Mr D Mack, Scottish Fire and Rescue Service  
Mr M Williams, Lord Lieutenant of East Lothian  
Delegation from Spreeneisse, Germany

### **Clerk:**

Mrs L Gillingwater

**Apologies:**

Councillor MacKenzie

*Prior to the commencement of business, the Provost welcomed a delegation from Spreeneisse in Germany, a town twinned with East Lothian. He also welcomed officers from Police Scotland and the Scottish Fire and Rescue Service, as well as the recently-appointed Lord Lieutenant for East Lothian, Mr Michael Williams. The Provost was joined by all those present at the meeting in congratulating Mr Williams on his appointment.*

**Declarations of Interest**

The Provost invited Morag Ferguson, Service Manager – Legal Services, to provide some guidance to Members on Declarations of Interest, particularly in relation to Item 7 on the agenda. She advised that, in accordance with the Councillors' Code of Conduct, where a Member had been appointed to an outside body by the Council there was no need to declare an interest in relation to that outside body. She further advised that where a Member had been appointed in a personal capacity, there was no need for a declaration where the interest was so remote or insignificant that it could not reasonably be taken to fall within the objective test. She reminded Members that it was their responsibility to make a decision about whether they had an interest to declare.

**1. COUNCIL AND COMMITTEE MINUTES FOR APPROVAL**

The minutes of the Council meetings specified below were submitted and approved, subject to the amendment specified:

**East Lothian Council – 11 February 2014**

**East Lothian Council – 25 February 2014**

*Item 10, paragraph 3 – Councillor Currie proposed that 'CoSLA' be amended to 'Labour Group'. The Council agreed to approve this change.*

**2. COUNCIL AND COMMITTEE MINUTES FOR NOTING**

The minutes of the Council and Committee meetings specified below were noted:

**East Lothian Partnership – 21 January 2014**

**Local Review Body (Planning) – 27 February 2014**

**Petitions Committee – 13 March 2014**

**3. EAST LOTHIAN LOCAL POLICING PLAN 2014-2017**

A report was submitted by Police Scotland presenting the Council with the East Lothian Local Policing Plan 2014-2017.

Chief Inspector Colin Brown of Police Scotland presented the report, informing Members that the Plan took account of priorities set by the Scottish Government and of the consultation process undertaken in developing the Plan. He provided a summary of each of the priorities and objectives outlined in the Plan, and noted that ward level plans would be developed that would take account of feedback from communities.

Councillor Berry asked why a plan at this level was strategic, and noted that there was no mention of scrutiny in the document. He also voiced his concern at the focus on stop and search for offensive weapons.

Chief Inspector Brown advised that there had always been a strategic plan for East Lothian which had set out priorities. He noted that scrutiny would be carried out through the Safe & Vibrant Communities Partnership and also by way of biannual performance reports to Council. Assistant Chief Constable McCormack pointed out that performance data was validated internally and by HM Constabulary. As regards stop and search, Chief Inspector Brown advised that there had not been an increase in activity since the establishment of Police Scotland, but that activity was more targeted than it had been previously.

Councillor Hampshire indicated that the Council was looking to reduce speed limits in certain areas as a priority. Chief Inspector Brown advised that he would take this on board and that the Police would work with its partners in the Road Safety Partnership on this issue.

Councillor Veitch voiced his concern at the withdrawal of the traffic warden service and sought assurances that the Police would deal with inconsiderate parking. Chief Inspector Brown advised that this matter was discussed during weekly task group meetings and that the Police were committed to managing traffic and parking.

Responding to comments made in relation to identifiable officers being located in each community and attending CAPP meetings, Chief Inspector Brown spoke of the importance of more than one officer having awareness of ward issues. He added that it was difficult for one person to attend all CAPP and Community Council meetings and that, on occasion, the community tasking officer may attend. Councillor Libberton commented on the benefits of having recognisable officers within the community and at Community Council and CAPP meetings.

In relation to a question from Councillor McNeil on the introduction of the '101' phone number, Assistant Chief Constable McCormack advised that 85-90% of calls were now coming through '101', and that 90% of calls were being answered within 40 seconds. He confirmed that all calls were graded and that efficiencies were being generated as a result of the introduction of '101'.

Councillor Currie voiced his disappointment that the report did not include performance data which would inform the priorities for the year ahead. He maintained that there was a need for a committee to deal with Police and Fire & Rescue issues, particularly the scrutiny function. He paid tribute to the work of the Police and their positive relationship with the Council. The Chief Executive responded, reminding Members of the Council's decision to receive the Local Policing Plan on an annual basis and consider performance reports twice a year, with the next report being presented to the Council in June 2014.

Councillor Berry shared Councillor Currie's views as regards scrutiny and accountability. He also spoke of the importance of officers having local knowledge and of the success of the former Lothian & Borders Police in solving crimes. He believed that the Local Policing Plan would not address the problems being experienced in East Lothian communities and, on that basis, he was not prepared to approve the report.

Councillor Innes welcomed the report and echoed a number of the comments made by other Members. He pointed out that East Lothian was a safe place to live, largely due to the positive relationship between the Council and the Police, but accepted there was a need to strengthen local engagement at senior level. He concluded the debate by reminding Members that the scrutiny process was still evolving and welcomed the opportunity to review the Local Policing Plan after 15 weeks of operation.

## **Decision**

The Council, noting Councillor Berry's dissent, agreed to approve the East Lothian Local Policing Plan 2014-2017.

### **4. EAST LOTHIAN LOCAL FIRE AND RESCUE PLAN 2014-2017**

A report was submitted by the Scottish Fire and Rescue Service presenting the Council with the East Lothian Local Fire and Rescue Plan 2014-2017.

Mr Peter Heath of the Scottish Fire and Rescue Service presented the report, drawing particular attention to the five priorities for the East Lothian area for the next three years, the key performance indicators for the service and the summary of outcomes. He advised of the consultation process undertaken in developing the Plan and of the scrutiny arrangements. He undertook to report to Council every six months to review the Plan and the performance of the service, and advised that he was happy to discuss any issue with Elected Members.

Mr Heath responded to a number of questions from Elected Members in relation to action being taken to reduce false alarm calls, initiatives in place to reduce the number of accidental dwelling fires, and the recruitment process for retained fire fighters.

As regards the service's ability to respond to rescue situations, Mr Heath advised that there were resources available within East Lothian and also in Edinburgh, West Lothian and the Scottish Borders to deal with such situations, and that the service also worked with the Coastguard and Mountain Rescue. He advised that, although this aspect of the service was not a key priority given the small number of incidents affecting East Lothian, he would look into how it could be incorporated into the Plan. He also noted that problem areas of the A1 would feature in ward plans.

In response to questions from Councillor Currie, Mr Heath undertook to advise Members of the cost of false alarm call-outs. He pointed out that attacks on fire fighters in East Lothian were very rare, but that he could include this information in future reports to Council or the Safe & Vibrant Communities Partnership (SVCP). As regards domestic smoke alarms, he advised that in 2013 around 30% of homes did not have a working smoke alarm. In relation to retained fire fighters, he noted that there was a new system in place to monitor crew levels at retained stations and that he could report back on this matter through the SVCP.

Councillor McNeil paid tribute to Council employees who were also employed as retained fire fighters. The Provost also praised businesses who allowed their staff to take on this role.

## **Decision**

The Council agreed to approve the East Lothian Fire and Rescue Plan 2014-2017.

### **5. REVISIONS TO THE CAPITAL PLAN 2014-2017**

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of the Council of a number of recent developments and making related recommendations to modify the Capital Plan 2014-2017.

The Head of Council Resources, Jim Lamond, presented the report, informing Members that it dealt with a number of modifications to the Capital Plan 2014-17, approved by Council in February. He drew attention to each of the projects outlined in the report, confirming that they could be contained within the approved capital spending limits. However, he anticipated that the East Linton Railstop project would create a significant financial challenge in relation to balancing capital plans in the 2017-18 financial year.

Councillor Currie welcomed the report asked about the impact on the work at Galloway's Pier on other projects and also if it was expected that additional reports of this nature would be presented to Council. Mr Lamond reported that he did not expect any particular projects to be deferred by the proposed project at Galloway's Pier, as this item would fall within funding for coastal protection. Ray Montgomery, the Head of Infrastructure, added that there would be an impact on the overall budget for coastal protection; however, there was an opportunity to obtain external funding for this project which would be missed if the Council did not accelerate this work.

On the second question raised by Councillor Currie, Mr Lamond noted that these particular project proposals were being highlighted due to the degree of change relatively soon after approving the original plan. He offered to provide Members with specific details for each project, if required.

Councillor Veitch welcomed the Council's commitment towards the cost of a railstop at East Linton and urged Members to support the proposal to increase the Council's contribution to this project. He paid tribute to Councillor McLennan and the RAGES group for their campaign for a local service between Edinburgh and Berwick-on-Tweed, and called on the Scottish Government to support it.

Councillor Berry spoke in support of the East Linton railstop and the Galloway's Pier improvements, commenting that this would benefit tourism in the area. His remarks were echoed by Councillor McMillan, who added that the Secondary Communication Provision would allow young people to fulfil their talents and aspirations.

Councillor Currie advised of the need for capital investment, suggesting that the Council should not be too bound by capital limits in cases where external funding could be secured. He welcomed the proposals contained within the report.

Councillor Grant noted that the school role at Windygoul Primary School had increased dramatically, resulting in a need for a further extension at the school. He advised that a planning application for this work had been lodged in anticipation of Council approval in order for the work to start as soon as possible.

As regards the Secondary Communication Provision, Councillor Akhtar advised that this facility would be available from the beginning of the 2015/16 academic year. She spoke of the value of this facility, as well as the support from parents.

Councillor Hampshire believed that a railway station at East Linton would make the village and the surrounding area a more attractive place to live, and suggested that this should be considered as part of the Main Issues Report of the East Lothian Local Development Plan.

Councillor Innes concluded the debate by welcoming this positive report, noting that the Administration was delivering the priorities as outlined in the Council Plan

## **Decision**

The Council agreed to approve the actions and related modifications to the Capital Plan 2014-2017 in respect of the six projects detailed in Sections 3.3 to 3.8 of the report.

## **6. BOUNDARY COMMISSION REVIEW – RESPONSE TO STATUTORY CONSULTATION**

A report was submitted by the Depute Chief Executive (Resources and People Services) informing the Council of the Boundary Commission's intention to carry out a review of Local

Government Electoral Arrangements including the appropriate number of councillors for each council, based on deprivation and population distribution. The report also sought authority to respond to the consultation, opposing the proposal to reduce councillor numbers in East Lothian from 23 to 21 and challenging the Commission's methodology, in particular, the use of deprivation as a key determining factor.

The Service Manager – Licensing, Admin and Democratic Services, Kirstie MacNeill, presented the report. Mrs MacNeill reminded Members of the criteria used during a review of local government electoral arrangements, noting that the current review had also included levels of deprivation as a factor. She advised of the Commission's proposals to reduce the number of councillors in East Lothian and the potential impact of this on councillor workload, partnership working, ward boundaries and school catchment areas. She also alluded to the projected increase in population in East Lothian and to increasing levels of deprivation.

Councillor Goodfellow argued that there was no evidence to support the proposed reduction in councillor numbers. On the basis that the population of East Lothian was expected to increase in future years, he tabled proposed amendments to the report, as follows (additional text in italics):

Section 2.2 – To authorise officers to respond to the consultation on the basis that there should be no reduction in the number of councillors *and, in fact, there should be an increase in councillor numbers from 23 to 24* in East Lothian, and to challenge the use of deprivation as a key determining factor.

Section 3.5 – (add after final bullet point) – *The evidence from research would indicate that the factors outlined in [Section] 3.4 would suggest that an increase from 23 to 24 councillors would be in line with the proposals for Aberdeenshire and Stirling.*

Mrs MacNeill indicated that the proposed amendment may create some difficulties in relation to the argument set out in the report to maintain the current number of councillors, and that by increasing the number of councillors there would still be an issue with parity of ward populations which may result in a requirement to redraw boundaries. Councillor Goodfellow commented that this matter had been discussed at an earlier stage, with the expectation that any additional councillor would be situated at the west of the county, where the population was expected to increase by more than other areas. His views were shared by Councillor Berry, who referred to the recent decision of the Planning Committee to grant permission for 1000 new homes in Wallyford.

Councillor Currie expressed concern at the impact of a reduction in councillor numbers on the current arrangements for school clusters, community councils and area partnerships, and also as regards the Council's ability to provide sufficient scrutiny. He also spoke of the benefits of having councillors with a wide range of backgrounds, skills and experience.

Whilst Councillor Veitch voiced his view that Scotland was over-governed, he believed that the review should have been based on population projections and recognised communities, and that levels of deprivation should not be a factor. He advised that he would not support Councillor Goodfellow's proposed amendment.

Councillor Innes echoed comments made in relation to recognised boundaries and established communities. He questioned the decision to include levels of deprivation as a factor without providing evidence to support this decision. He called on the Council to make it clear to the Boundary Commission that their proposals were not acceptable or justifiable and urged Members to support Councillor Goodfellow's proposed amendment.

Councillor Goodfellow, seconded by Councillor Currie, proposed his amendment to the Council. The Provost moved to the vote on the amendment:

For: 16  
Against: 0  
Abstentions: 6

The amendment was therefore carried. The Provost noted that Members were welcome to contribute further comments on this matter in advance of the response being finalised.

### **Decision**

The Council agreed:

- i. to note the Commission's proposal to reduce councillor numbers in East Lothian from 23 to 21;
- ii. to authorise officers to respond to the consultation on the basis that there should be no reduction in the number of councillors and, in fact, there should be an increase in councillor numbers from 23 to 24 in East Lothian, and to challenge the use of deprivation as a key determining factor; and
- iii. to invite Members to make any further suggestions as to what they feel should be incorporated into the response to the Commission.

## **7. PARTNERSHIP FUNDING 2014/15**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) making recommendations on awards to agencies and organisations from partnership funds budgeted for by East Lothian Council in the financial year 2014/15, and advising of the establishment of a 'One Council Approach to Partnership Funding'.

The Head of Communities & Partnerships, Tom Shearer, presented the report, advising of the new arrangements for administering partnership funding and that future Community Council funding would also be included. He drew attention to the proposed allocation of funding, as outlined in Appendix 1 to the report.

In response to a question from Councillor McNeil in relation to how the information was presented in Appendix 1, Mr Shearer advised that where there was notification of 'no award', there may already be a service level agreement in place or there was a more appropriate way of providing funding to that organisation. He added that a response would be issued to each organisation with a full explanation and further advice.

Councillor Day noted that the new funding arrangements demonstrated a commitment to the 'One Council' approach. He welcomed the introduction of a new evaluation and monitoring process, and of the focus on prevention and intervention which would have a positive impact on communities.

Councillor Currie spoke in support of the report and of the contributions made by organisations.

Councillor Berry questioned why Leuchie House had not been awarded funding. The Chief Executive advised that a considerable sum of money had been awarded to Leuchie House in 2013 and that the Council would continue to work with the charity.

### **Decision**

The Council agreed:

- i. to approve the proposed allocation of funding from Partnership Funding budget sources, totalling £1,275,507, as recommended in Appendix 1 to the report;
- ii. to remit officers to continue to review all grants awarded in the financial year 2014/15; and
- iii. to note that it is a condition of all grant awards that organisations provide reports to progress, expenditure and outcomes achieved.

**Sederunt:** Councillor Goodfellow left the meeting.

## **8. COASTAL CAR PARKING – TRAFFIC REGULATION ORDER**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval for making the East Lothian Council (off street Coastal Parking Places) (Various Roads) (Prohibition and Restriction on Waiting, Loading and Unloading Etc.) Order 2014, 'the Order'.

The Head of Infrastructure, Ray Montgomery, presented the report, reminding Members of previous decisions taken by the Council in relation to coastal car parking. He set out the consultation process undertaken in relation to the Traffic Regulation Order and drew attention to matters raised during the consultation that the Council had not been able to address. He recommended that, given the outstanding objections related to matters that had already been considered by the Council, no hearing should be held and that the Order should be made by the Council.

Responding to a series of questions raised by Councillor Currie, Mr Montgomery advised that 'blue badge' holders would not be subject to parking charges, that the Council was in discussions with two equipment operators on how a barrier system would work for blue badge holders, that no machines had yet been purchased, that discussions with landowners were ongoing in relation to those car parks not owned by the Council, and that he anticipated that the charges could take effect from autumn 2014.

Councillor Berry asked how the charges would be enforced and warned that drivers would park on roads close to the car parks to avoid paying charges. Mr Montgomery reiterated that a barrier system would be in operation so people could not leave without paying the charge. As regards public roads, he advised that the Traffic Regulation Order would include no waiting requirements on a number of public roads near where the charging would be introduced and this would be enforced by the Police. He added that the issue of decriminalising car parking in East Lothian was still under discussion.

Councillor Currie declared that the SNP Group would not be supporting the introduction of coastal car parking charges. He also claimed that no other political group within the Council had included the implementation of such charges in their manifestos. He believed that the projected income would not be realised and that drivers would park on roads surrounding the car parks to avoid paying the charges. He also maintained that the Police would not have the resources to enforce the Traffic Regulation Order. As regards the consultation, he argued that proper consultation had not been undertaken and that there would be a detrimental impact on tourism and on local residents if the charges were to be introduced. He announced that any future SNP Administration would reverse the decision to charge at coastal car parks.

Councillor Hampshire pointed out that a number of the coastal parking areas were in need of investment and that the Council needed to identify ways of funding the required

improvements. He stated that the car parks would be maintained and would be attractive to users. He also highlighted the need for more access points on the coastline for sea crafts.

Councillor Berry commented that the implementation of such charges should be carried out as part of a coherent plan. He shared Councillor Currie's concerns in relation to people parking on roadsides, and noted that he would not be supporting the recommendations as set out in the report.

Councillor Innes remarked that it had been the policy of the previous Administration to introduce charges and claimed that majority of those who responded to the consultation at that time were not against the charges. He argued that the SNP Group's budget proposals had included a reduction of £450,000 from the Landscape and Countryside Service budget which would have resulted in substantial deterioration of coastal areas.

Councillor Veitch reminded Members that he had voted against the introduction of coastal car parking charges at the Council meeting in December 2012, but as the majority of Councillors voted for the charges, there was therefore a mandate to introduce them.

The Provost then moved to the vote on the report recommendations:

For:	12
Against:	7
Abstentions:	2

### **Decision**

The Council agreed to approve the making of the Order.

## **9. SESPLAN SUPPLEMENTARY GUIDANCE ON HOUSING LAND**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking ratification of the decision of the SESplan Joint Committee of 10 March 2014 to approve SESplan's Supplementary Guidance on Housing Land (with minor editorial changes following consultation) prior to submission of the finalised Guidance to Scottish Ministers.

The Service Manager – Planning, Iain McFarlane, presented the report, advising of the process for approving the SESplan Supplementary Guidance on Housing Land and the consultation process undertaken.

Responding to questions from Councillor Berry, Mr McFarlane advised that the responses to the consultation had not been overturned as the Supplementary Guidance reflected the requirements of Scottish Ministers. He confirmed that there had been no further modifications relating to East Lothian.

Councillor Berry questioned the validity of the consultation given that the 580 responses received had made no difference to the outcome, and he also expressed concern that the number of new homes set out in the approved Structure Plan had subsequently been significantly increased.

### **Decision**

The Council agreed:

- i. to note SESplan’s approval, with minor editorial changes of a non-policy nature, of its *Supplementary Guidance: Housing Land* and accompanying documents, as set out in the appendix to the report;
- ii. to ratify the decision of the 10 March 2014 SESplan Joint Committee to submit the Supplementary Guidance on Housing Land, as modified, to Scottish Ministers; and
- iii. to adopt the Supplementary Guidance following expiry of the 28-day Ministerial consideration period unless, before this, Scottish Ministers direct otherwise.

**10. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the nomination of an Elected Member to the Lothian Buses Regional Sub-Committee.

The Clerk advised that, following a shareholder restructure at Lothian Buses, the Council had been asked to nominate a Councillor and an officer to represent the Council on the Lothian Buses Regional Sub-Committee. She advised that the Administration had nominated Councillor Veitch.

**Decision**

The Council agreed:

- i. to approve the appointment of Councillor Veitch to represent the Council on the Lothian Buses Regional Sub-Committee; and
- ii. to note that Ray Montgomery, Head of Infrastructure would be appointed to act as an officer representative on the Lothian Buses Regional Sub-Committee.

**11. SUBMISSIONS TO THE MEMBERS’ LIBRARY, 13 FEBRUARY – 9 APRIL 2014**

A report was submitted by the Depute Chief Executive (Resources & People Services) advising of the reports submitted to the Members’ Library Service since the last meeting of the Council, as listed in Appendix 1 to the report, into the Council’s business.

**Decision**

The Council agreed to record the reports submitted to the Members’ Library Service between 13 February and 9 April 2014, as listed in Appendix 1 to the report, into the Council’s business.

Signed .....

Provost Ludovic Broun-Lindsay  
Convener of the Council