![East Lothian Council logo]

MINUTES OF THE MEETING OF
EAST LOTHIAN COUNCIL

TUESDAY 16 DECEMBER 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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Committee Members Present:

Provost L Broun-Lindsay (Convener)
Councillor S Akhtar
Councillor D Berry
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor A Forrest
Councillor J Gillies
Councillor J Goodfellow
Councillor D Grant
Councillor N Hampshire

Councillor W Innes
Councillor M Libberton
Councillor P MacKenzie
Councillor P McLennan
Councillor K McLeod
Councillor J McMillan
Councillor J McNeil
Councillor T Trotter
Councillor M Veitch
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Ms M Patterson, Depute Chief Executive (Partnerships and Community Services)
　　　and Monitoring Officer
Mr A McCrorie, Depute Chief Executive (Resources and People Services)
Mr D Small, Director of East Lothian Health & Social Care Partnership
Mr J Lamond, Head of Council Resources
Mr R Montgomery, Head of Infrastructure
Mr D Proudfoot, Acting Head of Development
Mr T Shearer, Head of Communities & Partnerships
Mr J Aitken, Communications Assistant
Ms C Dora, Executive Assistant
Ms M Ferguson, Service Manager – Legal and Procurement
Ms J McCabe, Senior Solicitor
Mr I McFarlane, Service Manager – Planning
Mr P Vestri, Service Manager – Corporate Policy & Improvement
Ms E Wilson, Service Manager – Economic Development & Strategic Investment

Visitors Present:

Chief Superintendent G Imery, Police Scotland (Item 3)
Chief Inspector A Clark, Police Scotland (Item 3)
Mr J Dickie, Scottish Fire and Rescue Service (Item 4)
Mr A Knowles, Musselburgh Riding of the Marches 2016 Ltd (Item 14)

Clerk:

Mrs L Gillingwater

Apologies:
Councillor T Day
Councillor McAllister

1.   COUNCIL AND COMMITTEE MINUTES FOR APPROVAL

The minute of the Council meeting specified below was submitted and approved.

East Lothian Council – 28 October 2014

Matters arising:

Minutes for Approval – East Lothian Council, 26 August 2014 – the Chief Executive advised that she had written several times to Scottish Power as regards the future of the Cockenzie Power Station site. She had received no response to date and Scottish Power had declined to attend a recent meeting of the cross-party working group.

Local Development Plan Main Issues Report - Councillor Hampshire reported that the recent public consultation events in relation to the Main Issues Report had been well attended. He thanked the staff who had organised the events. He urged all Members to encourage their communities to participate in the consultation.

2.   COUNCIL AND COMMITTEE MINUTES FOR NOTING

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

Local Review Body – 20 November 2014

3.   EAST LOTHIAN POLICE PERFORMANCE REPORT, 1 APRIL – 30 SEPTEMBER 2014

Chief Superintendent Gill Imery presented the report, advising that the Year 3 priorities would focus more on local issues and the needs of communities. She drew attention to a number of areas of focus at a national level, including the new drink-drive limit, use of psychoactive substances, child exploitation, violent crime, sexual crime and domestic abuse, and how these issues affected East Lothian.

In response to questions from Members as to why national statistics were omitted from the report, Chief Superintendent Imery advised that although she was not required to provide the national context in her report, she thought it would be helpful to communicate this verbally to Members.

On budget matters, Chief Superintendent Imery reported that the Scottish Police Authority had responsibility for the budget. She spoke of the impact of the impending closure of Haddington Sheriff Court and the plans in place to maximise the use of police resources once business is transferred to Edinburgh Sheriff Court.

Councillor Caldwell asked about the anticipated effect of the new drink-drive limit.   Chief Superintendent Imery reported that there had been a decline in drink-driving, although the 'morning after' effect of alcohol use was a concern. She cautioned against dependency on home breathalyser kits.

As regards the reporting of domestic abuse incidents, Chief Superintendent Imery explained that incidents reported often did not involve a crime, hence the use of the term 'reported' for this indicator. She outlined a number of possible factors which may account for a rise in domestic abuse incidents.

Chief Inspector Clark then provided a summary of the performance report and updated Members on a number of operations underway. He drew particular attention to the increased rate of housebreaking offences, initiatives to tackle violent crime, and stop and search activities.

In light of a number of recent robberies in Musselburgh, Councillor McNeil asked if there had been a sufficient police presence in the town. He also asked for details on the numbers of 999 and 101 calls made from East Lothian. Chief Inspector Clark advised that additional national resources had been deployed in Musselburgh in relation to those incidents, including plain clothes officers. He undertook to provide call handling details to the next meeting of the Safe & Vibrant Communities Partnership.

In response to a question from Councillor Berry as regards stop and search activity, Chief Inspector Clark explained that the police targeted people known to carry weapons, as well as specific areas where violent crime had been committed. He stated that this was a legitimate tactic, which had resulted in an increase in detection of weapons. He undertook to provide further information in future reports on the types of weapons recovered. Chief Superintendent Imery added that there had been no complaints from the public in relation to stop and search activity and that, as a preventative measure, the Police were actively engaging with young people.

On partnership working, Chief Inspector Clark spoke of the close working relations with the road traffic police and also with community police officers and the Council's Anti-social Behaviour Team.

Councillor McMillan requested the inclusion of information on repeat/persistent offenders in future reports and also asked for details on car parking issues. Chief Superintendent Imery noted that parking issues had been debated at the Safe & Vibrant Community Partnership and that the Police had an enforcement role in instances of dangerous parking.

Councillor McNeil asked what happened to cash seized under the Proceeds of Crime Act. Chief Superintendent Imery reported that there was a national fund for seizures, and money was then disbursed for community-based projects.

Councillor MacKenzie suggested that the Police should be more engaged in pastoral and education work with communities.

A number of Members commented that the format of the report made the data difficult to interpret and it was not easy to ascertain how well the Police were performing in East Lothian in comparison to other areas.

The Chief Executive indicated that the performance indicators could be reviewed through the Safe & Vibrant Communities Partnership.

Members paid tribute to the work of the Police in East Lothian.

Decision

The Council agreed to note the report.

4.   **EAST LOTHIAN FIRE AND RESCUE SERVICE PERFORMANCE REPORT, 1 APRIL – 30 SEPTEMBER 2014**

Mr John Dickie of the Scottish Fire and Rescue Service presented the report, drawing the attention of Members to the outcomes in relation to the five priorities of the Service.

In response to questions from Members, Mr Dickie reported that the Fire and Rescue Service was working with property owners to reduce unwanted fire signals and also those who had experienced accidental dwelling fires. On prevention and protection, he pointed out that the annual target would be met, despite the team not being fully staffed at present and the introduction of a new national database.

Councillor Goodfellow asked about the value of Priority 4 – reduction in road traffic collisions. Mr Dickie advised that the Fire and Rescue Service had an important role in this area, with involvement in the road safety group, education of young people and partnership working with other agencies to reduce road accidents. It was also noted that young people from schools in East Lothian continued to visit the Risk Factory in Edinburgh.

The report and its easy-to-read format were welcomed by Members.

Decision

The Council agreed to note the report.

5.   **HEALTH AND SOCIAL CARE INTEGRATION: EAST LOTHIAN INTEGRATION SCHEME – CONSULTATION DRAFT**

A report was submitted by the Director of Health and Social Care seeking approval for consultation the draft Integration Scheme required to establish the East Lothian Integration Joint Board.

The Director of Health & Social Care, David Small, presented the report, advising that the draft Integration Scheme had now been approved for consultation by NHS Lothian. He noted that the consultation period would continue until 17 February, with a final version being presented to the Council and NHS Lothian in March for approval. He drew attention to the key aspects of the draft Integration Scheme, noting that a number of areas were subject to further guidance by the Scottish Government. He anticipated that the Integrated Joint Board (IJB) would be established in June 2015.

In response to questions from Councillor Berry on the relationship between the IJB and the Edinburgh Royal Infirmary and Western General Hospital, Mr Small advised that a strategic plan would focus on the requirements of East Lothian residents, with budgetary provision being made for this. He added that agreement with NHS Lothian would be required as to how to reduce the use of hospital services and provide care in the home/closer to home. He also noted that any budget released in this way would be reinvested locally.

Councillor McLennan asked if the IJB would take decisions as regards services in community hospitals in East Lothian. Mr Small explained that the IJB would not take ownership of capital assets; they would remain within the ownership of the Council and the NHS. However, the strategic plan would influence how these assets were used and the Council and the NHS would be responsible for redevelopment and re-provision.

Councillor Hampshire asked a question on the financial implications for the Council. Mr Small advised that, if approved, a body responsible for £100m of expenditure in East Lothian would be established. He did not anticipate a significant increase in overheads and management costs, and that efficiencies should be achieved through joint working and co-location.

Councillor Grant thanked Mr Small and Joanne McCabe (Senior Solicitor) for their work on developing the draft Integration Scheme, and welcomed the consultation.

Councillor Currie also welcomed the report and the opportunity to shape health services in East Lothian. He highlighted challenges, including reducing bed blocking, but also noted the potentially positive impact on communities of this partnership working.

Decision

The Council agreed:

i.   to note the delegation of functions as approved at the meeting of East Lothian Council on 24 June 2014 and the position in relation to the integration of Children's Health and Social Care Services;

ii.   to approve for public consultation the East Lothian draft Integration Scheme (available in the Members' Library, December 2014 Bulletin, Ref: 243/14);

iii.   to note that NHS Lothian had agreed to consult on the East Lothian draft Integration Scheme; and

iv.   to note and approve the consultation period as set out in the report and to approve that a revised Integration Scheme would be considered for approval at an additional meeting of the Council in March 2015 prior to submission to the Scottish Government on 31 March 2015.

6.   **CLOSURE OF HADDINGTON SHERIFF COURT: IMPACT ON EAST LOTHIAN COUNCIL**

A report was submitted by the Chief Executive informing Members of the impact of the closure of Haddington Sheriff Court on East Lothian Council.

The Chief Executive presented the report, drawing attention the effects that the Court closure would have on the Council, as set out in the report. She also expressed concern at potential delays of cases at Edinburgh Sheriff Court. She took the opportunity to thank Haddington Sheriffs and Justices of the Peace, past and present, and acknowledged the work that they had done. She also pointed out that she had written to the new Justice Secretary requesting that the closure of Haddington Sheriff Court should be reconsidered.

Councillor Veitch welcomed the report, and expressed his gratitude to all those who had campaigned against the closure of the Court.

Councillor Berry highlighted the importance of having a sheriff with local knowledge and voiced his concern that losing this could have a significant social impact.

Councillor McMillan proposed that the Council Leader should also write to the Justice Minister and the First Minister requesting that the decision to close the Court be re-examined. The Provost declared that he would also be a signatory of this letter and offered

Councillor Currie, as Leader of the Opposition, the opportunity to add his signature to re-affirm cross-party support on this issue.

Commenting that he would like to see the letter prior to signing it, Councillor Currie re-stated the SNP Group's view that they were opposed to the closure of the Court. He also welcomed the retention of providing a video-link facility in Haddington for vulnerable witnesses.

Decision

The Council agreed:

i.   to note the contents of the report; and

ii.   that the Council Leader and Provost would write to the Justice Minister, and the Leader of the Opposition would also be invited to sign the letter.

7.   **HOUSING LAND SUPPLY: INTERIM PLANNING GUIDANCE**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising of the continued shortfall in East Lothian's land supply and that further action should be taken to address this by approving revised interim guidance on how the Council considers approving, in appropriate circumstances, housing development on land not allocated for that purpose. The report also advised of the review of the original Housing Land Supply: Interim Planning Guidance (approved by Cabinet on 10 December 2013) to take into account approval of SESplan Supplementary Guidance on Housing Land, the publication of new Scottish Planning Policy, the approval of the Council's Main Issues Report for consultation and the emerging proposed Local Development Plan (LDP) as it is developed. The Council would be notified of the latest housing land supply position in East Lothian on an annual basis by way of reports to the Members' Library.

The Service Manager – Planning, Iain McFarlane, presented the report, advising Members that the Council did not currently have the five-year housing land supply as required by Scottish Planning Policy. Given the timescales as regards the new Local Development Plan, he proposed that the Council should embrace SESplan Policy 7 (supporting the principle of planning applications for housing on Greenfield land in certain situations) in order that the Council could maintain a five years' effective housing land supply. He also provided an explanation as to how the adequacy of the housing land supply might be calculated, noting that the SESplan authorities were developing a consistent approach in this regard.

Responding to questions from Councillor Berry, Mr McFarlane advised that the provision of the infrastructure for housing developments was a significant issue; however, even where there was demonstrable evidence that the land could not come forward due to infrastructure problems, the Council was still required to provide the housing land supply. He added that developers would argue that the infrastructure issues could be resolved by developing smaller sites.

Councillor Goodfellow asked for clarification on the location of the Strategic Development Area. Mr McFarlane informed him that this incorporated the land to the north and south of the A1 and the railway corridor, between Musselburgh and Dunbar.

Councillor Hampshire commented that communities felt aggrieved with the Local Plan process due to agreed sites not being developed in favour of other sites not in the LDP. He welcomed the proposed revised guidance and hoped that it would allow the Council to

identify suitable sites to meet the housing land supply requirements. He also highlighted the importance of ensuring infrastructure requirements of selected sites in the new LDP could be met.

Councillor Berry expressed concern that the Council would come under pressure to add more houses to existing settlements without additional services being provided, rather than developing strategic sites such as Blindwells. He argued that this would be detrimental to residents' quality of life and he called on the Council to take a firm stance on this.

Whilst agreeing with the comments made, the Provost remarked that the Reporter tended to grant applications on appeal without taking account of the impact on local services and infrastructure.

Councillor Currie warned that demand for houses in East Lothian would outstrip supply. He also referred to the need to build additional affordable housing.

Decision

The Council agreed:

i.   to note that the Scottish Ministers' approval of SESplan's Strategic Development Plan (27 June 2013) and associated Supplementary Guidance on Housing Land (18 June 2014) had now confirmed the distribution of housing requirements for the SESplan area and for East Lothian;

ii.   to note that the new SPP reaffirmed the primacy of the Development Plan in decision making, but that in circumstances where the plan is out of date, or where there is a shortfall in the five-year effective housing land supply, plan policies on the supply of housing land would not be considered up to date. On both counts, this was relevant to the East Lothian Local Plan 2008. In these circumstances SPP further advised that a significant material consideration in the assessment of planning applications should be the SPP and its presumption in favour of development that contributes to sustainable development. SPP qualifies this by stating this does not mean development should be allowed at any cost, but that the aim is to achieve the right development in the right place;

iii.   to note that SPP states that where a plan is under review, decisions should not prejudice an emerging plan by predetermining the scale, location or phasing of development central to the emerging plan. This is likely to apply where the development is so substantial, or its cumulative effect (e.g. with other existing and/or emerging proposals) would be so significant that to grant permission would undermine the plan making progress. Such considerations relation to prematurity would become more relevant close to plan adoption, e.g. at Proposed LDP stage;

iv.   to note that Scottish Ministers had made other important and significant changes to SPP that amend the period over which housing land requirements should be set by future SDPs and planned for by associated LDPs. Although there is no nationally prescribed method for how the adequacy of the five-year effective housing land supply should be calculated, this change in national policy should influence how the calculation to measure and monitor the adequacy of that supply is carried out under the current SDP in East Lothian;

v.   to note that SDP Policies A1 and 1B, and Policies 5, 6 and 7, together with SESplan's Supplementary Guidance on Housing Land are the up-to-date policies on housing supply for East Lothian. SDP Policy 7 in particular is the up-to-date policy

on maintaining an effective five-year housing land supply where there is a shortfall in that supply. It provides for the principle of granting planning permission in appropriate circumstances for housing development, either within or outwith a Strategic Development Area, on Greenfield land, in order to maintain a five years' effective housing land supply; and

vi. to note that the guidance detailed in Appendix 1 of the report takes into account the up-to-date SDP policy context and is approved as a material consideration to be taken into account alongside others in the assessment of planning applications for housing against SDP Policy 7 where such proposals are made for land not allocated for this purpose in the Development Plan.

8. EDINBURGH TO BERWICK-UPON-TWEED RAIL SERVICE UPDATE

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) updating the Council on the Edinburgh to Berwick-upon-Tweed rail service and progress made towards the re-opening of stations at East Linton and Reston.

The Service Manager – Roads, Alan Stubbs, presented the report, advising Members of the efforts made to date to develop stations at East Linton and Reston, and of the recent reassurance that the Scottish Transport Minister remained committed to the development. He pointed out, however, that in order to progress the design proposals, East Lothian Council and Scottish Borders Council would be required to commit initial funding of £300,000 - £400,000.

In response to a question from Councillor McLennan regarding the funding of the station, Jim Lamond, Head of Council Resources, advised that this project was not yet fully included within the existing capital programme, but that the initial design phase costs could be accommodated during the current and subsequent financial years due to slippage of other projects in the programme. He added that the design work would establish the overall costs of the station project and that a bid for Scottish Government funding had been made but the outcome of the bid was not yet known. The Council would need to consider this as part of the budget process, albeit it was likely that the final costs of the project would not be known at the time the budget was set.

Councillor Hampshire reaffirmed his commitment to the project, but suggested that it would be unwise to commit any funding the station project before knowing what the actual costs would be. Councillor McLennan remarked that Members would require guidance on this issue from officers as regards including funding for the project in their forthcoming budget proposals. Mr Lamond reassured Members that advice would be provided, and undertook to monitor the situation between now and the end of January 2015.

Councillor Berry asked questions about the limitations on the proposed new service and also about the requirement for additional work at Dunbar Station to accommodate the service. Mr Stubbs advised that the issue of capacity on the line was under consideration and that the detailed design would allow for these issues to be resolved.

Councillor Veitch noted that Network Rail was supportive of a second platform at Dunbar Station. He welcomed the report and the progress made in reinstating a service between Berwick-upon-Tweed and Edinburgh, and the proposed new station at East Linton. He did, however, express his frustration at the additional funding required of the two councils for the design proposals. He thanked those involved for their efforts in reaching this stage of the process, particularly Peter Forsyth, Jim Lamond, Sarah Fortune, colleagues at Scottish Borders Council and the Scottish Parliament, SESTRAN and the RAGES campaign group.

His comments were echoed by Councillor Hampshire, who added that the Council should look at possible alternative methods of funding the development of the station, making reference to the recently built station at Winchburgh in West Lothian.

Councillor Berry welcomed the report, commenting that a railway station at East Linton would resolve parking issues at other local railway stations and would also open the village and the surrounding area up to travel and more housing.

Councillor McLennan thanked those who had campaigned for the station and praised the cross-party approach and commitment to the project.

Decision

The Council agreed to support and approve funding for the development costs necessary to fully design a new station at East Linton for further consideration in line with Network Rail Governance for Railway Investment Projects (GRIP) process.

Sederunt: Councillor Veitch left the meeting.

9. INTRODUCTION OF AND AMENDMENTS TO TRAFFIC REGULATION ORDERS 2014: VARIOUS ROADS IN EAST LOTHIAN

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

The Service Manager – Transport, Alan Stubbs, presented the report, advising of the reasons for seeking to commence the statutory process required to make or amend Traffic Regulation Orders.

As regards the proposal to control parking at electric vehicle charging points, Councillor Goodfellow asked for further information. Mr Stubbs explained that the time limit would depend on the type of charging point, and that the feedback received as part of the consultation process on the location of charging points would be considered.

The proposals were welcomed by a number of Members.

Decision

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

10. AREA PARTNERSHIPS: DEVOLVED BUDGET

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) presenting proposals to devolve budgets to Area Partnerships.

The Service Manager – Corporate Policy and Improvement, Paolo Vestri, presented the report, drawing particular attention to the proposed allocation of devolved funds and the determination of priorities for local allocation of devolved funding. He noted that four Area Managers would be appointed to manage the budgets and liaise between the Area Partnerships and Council services. He also mentioned that Area Partnerships would be expected to explore opportunities for attracting funds from other sources.

Councillor Berry questioned why each Area Partnership could not have its own Area Manager. The Chief Executive advised that the decision had been reached after consideration of the local population and available budget, but that the position would be monitored over time.

In response to questions from Councillor Currie, the Chief Executive confirmed that the £600,000 allocated for services provided by the Council's Amenity Services was within the existing budget, that the £300,000 capital roads budget could only be used for that purpose, and that the one-off funding allocation of £350,000 was non-recurring.

Councillor Akhtar welcomed the report and the work already underway within the Area Partnerships. She recognised the role of schools within local communities, and the ability for local communities to determine their own priorities.

Whilst welcoming the report and the opportunities for communities to address issues within their own areas, Councillor Berry voiced his disappointment that there was not an Area Manager for each cluster area.

Councillor Currie expressed concern that there would be no additional money for education, as had been set out in the Labour Group's manifesto of 2012. He claimed that the Administration had merely moved money from one area to another. He did, however, agree that communities were in the best position to make decisions for their own areas. Referring to the SNP Group budget of 2014, he re-stated his view that their proposed Town Centre Managers would be best placed to manage Area Partnership funding and that the SNP would pursue this idea.

Councillor Hampshire commented that allowing communities some control over funding would give them a better understanding of maintaining facilities and services. He welcomed the progress made to date and remarked that there was still much work to be done.

Decision

The Council agreed to approve the recommendations as set out in Sections 3.8 and 3.9 of the report.

11. EDINBURGH CITY REGION DEAL

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising the Council of the opportunity to participate in the development of a business case for an Edinburgh City Region Deal Infrastructure Fund.

The Service Manager – Economic Development and Strategic Investment, Esther Wilson, presented the report, highlighting the key features of city deals in place elsewhere in the UK and the potential benefits to the Council of an Edinburgh City Region Deal.

Councillor Berry questioned the involvement of Fife Council. Ms Wilson advised that the extent of Fife's involvement would be subject to discussion. The Chief Executive added that

Fife Council was also looking at a similar arrangement with Dundee, but that the process was at a very early stage.

Decision

The Council agreed to contribute £5,000 to support the development of a business case for an Edinburgh City Region Deal Infrastructure Fund.

12. STANDING ORDERS – ANNUAL REVIEW, 2014-12-15

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of proposed amendments to Appendix 1 (Scheme of Administration) and Appendix 2 (Scheme of Delegation) of the Council's Standing Orders.

The Service Manager – Legal and Procurement, Morag Ferguson, presented the report, reminding Members that, following the major revisions to Standing Orders in 2013, officers had undertaken to carry out an annual review and bring forward proposed amendments for approval.

Councillor Currie expressed concern that if the introduction of new charges for Council services were to be remitted to Cabinet, non-Cabinet members would have no opportunity to vote on such matters. Mrs Ferguson advised that Cabinet currently had the remit for approving policy and by implication the introduction of a new policy on charging would fall within that remit. She pointed out that the proposed inclusion of this point was merely to clarify where the responsibility currently lay with regard to charging for services, in that proposed new charges would be approved by Cabinet and changes to existing charges would be approved by Heads of Service, in accordance with the Scheme of Delegation. In response to Councillor Currie's concerns, Councillor Innes undertook that, for the remaining terms of this Administration, reports proposing the introduction of new charges would be brought to Council for decision.

In relation to the selection panels to appoint head teachers, Councillor Currie noted that the SNP had been represented on only three appointment panels since 2012 and called for greater cross-party involvement for future appointments.

Decision

The Council agreed to approve the proposed changes to Appendix 1 (Scheme of Administration) and Appendix 2 (Scheme of Administration) of the Council's Standing Orders, as set out in Sections 3.2–3.3 and Appendices 1 and 2 of the report.

13. SUBMISSIONS TO THE MEMBERS' LIBRARY, 14 OCTOBER – 3 DECEMBER 2014

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of the reports submitted to the Members' Library since the last meeting of the Council.

Decision

The Council agreed to note the reports submitted to the Members' Library Services between 14 October and 3 December 2014, as listed in Appendix 1 to the report.

Sederunt: Councillors Berry, Caldwell, Goodfellow and McLennan left the meeting.

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 seeking approval of an application for funding from Musselburgh Common Good Fund was approved by the Council.

East Lothian Partnership

MINUTES OF THE MEETING OF THE
EAST LOTHIAN PARTNERSHIP

WEDNESDAY 8 OCTOBER 2014
EAST LOTHIAN COUNCIL, JOHN MUIR HOUSE, HADDINGTON

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Partnership Members Present:
Councillor Willie Innes, Council Leader, East Lothian Council (ELP Chair) (WI)
George Archibald, Chief Executive, East & Midlothian Chamber of Commerce (GA)
Mike Ash, Chair, East Lothian Health & Social Care Partnership/Chair, Resilient People Partnership (MA)
Councillor Stuart Currie, SNP Group Leader, East Lothian Council (SC)
Tim Ellis, Chief Executive, National Records of Scotland, Scottish Government (TE)
Gordon Henderson, Senior Development Manager, Federation of Small Businesses (GH)
Angela Leitch, Chief Executive, East Lothian Council (AL)
David Leven, Head of Energy & Infrastructure, Scottish Enterprise/Chair, Sustainable Economy Partnership (DL)
Dean Mack, East and Midlothian Manager, Scottish Fire & Rescue Service (DM)
Mark Ormiston, Chair, East Lothian Tenants & Residents Panel (MO)
Monica Patterson, Chair, Safe & Vibrant Communities Partnership/Depute Chief Executive, East Lothian Council (MP)
Alan Porte, Superintendent for Operations, J Division, Police Scotland (AP)
Councillor Michael Veitch, Conservative Group Leader, East Lothian Council (MV)

Others Present:
Paolo Vestri, Corporate Policy & Improvement Manager, ELC (PV)
Veronica Campanile, Policy Officer, ELC (VC)
Patsy King, Development Officer, ELTRP (PK)
Sarah Gadsden, Head of Change and Development, Improvement Service (SG)
Kathleen McLoughlin, Senior Project Manager, Improvement Service (KMcL)
Alison Smith, ELC (clerk)

Apologies:
John Dickie, SFRS
Alan Gilloran, QMU
Gillian Imery, Police Scotland
Ray McCowan, Edinburgh College
Grant McDougall, Skills Development Scotland
Eliot Stark, VAEL
Graeme Warner, NHS Lothian

Councillor Innes welcomed everyone to the meeting. He asked that item 4 on the agenda (Partnership Self-Assessment) be brought forward to be taken after item 2 (Matters Arising).

1.   MINUTES OF THE PREVIOUS MEETING

The minutes of the East Lothian Partnership held on 13 May 2014 were approved.

2.   MATTERS ARISING

East Lothian Community Hospital

Mike Ash informed members that the Initial Agreement had been submitted to, and now approved by, the Scottish Government. The new hospital was expected to open towards the end of 2017. He cautioned that the plan submitted should not however be necessarily regarded as the final plan for that site. Angela Leitch added that a new project manager had been appointed.

3.   PARTNERSHIP SELF-ASSESSMENT

Paolo Vestri introduced the report, seeking approval to carry out a robust self-assessment of the East Lothian Partnership, supported by the Improvement Service and using their Partnership Checklist. There would be a presentation by the Improvement Service today and a further report would be brought to the January meeting.

Key points
- Self-assessment tool would support the ELP to critically review its fitness for purpose in achieving the shared outcomes in the Single Outcome Agreement (SOA)
- Self-assessment process would result in a Partnership Improvement Plan which would strengthen team working and support the development of the ELP
- 3 key steps in undertaking the self-assessment outlined
  - Stage 1 – Partnership Checklist will be issued as an online survey to members of this Partnership and also the 3 supporting partnerships
  - Stage 2 – analysis of the responses will be undertaken by the Improvement Service with a half-day workshop for all members on 9 January 2015
  - Stage 3 – workshop session findings will be collated into a proposal for the draft Improvement Plan 2015/16 for discussion at the Partnership meeting scheduled for 21 January 2015

Presentation by the Improvement Service

Sarah Gadsden and Kathleen McLoughlin from the Improvement Service gave a detailed presentation to the Partnership. Sarah Gadsden provided an overview on self-assessment; Kathleen McLoughlin took members through the Partnership Checklist.

Key points: self-assessment overview
- Challenge for CPPs
- Survey of CPP support needs
- CPP highest priorities for support
- National response to CPP needs
- Capacity building support
- SOA QA - key development areas
- Public sector reform
- CPP self assessment pilot project/re-cap
- Improvement service offer of support

Key points: Partnership Checklist
- Designed to drive effective, outcome focused partnership working
- 9 sections
- 57 statements with a mix of multiple choice and comments sections
- Anonymous
- Members should complete as individuals not on behalf of their partner organisation
- 4 week deadline for completion
- Consensus day 9 January 2015 – agree key priorities for ELP to move forward

Comments
- AL noted that the National Community Planning Group was promoting joint resourcing – discussion on this had to take place, priorities had to be agreed, then the financial aspects of these considered, as a Partnership. She asked if this had emerged from other self-assessments.
- SG confirmed it had; some CPPs wanted to look at joint resourcing in their most disadvantaged areas and how resources were being deployed. She noted that previous work attempting joint resourcing across all outcomes had not proven useful.
- SC remarked that the phrase joint resourcing could mean different things to different groups; if partners had joint outcomes and joint goals there must come a point for joint resourcing. He also stressed the need to build on local achievements.
- MA commented that this may be the model for how joint resourcing works. Partners should be able to share information and the rationale for resource allocation which was our main ambition for now. The economies of working in an integrated way would present themselves.
- SC queried examples of where joint resourcing had worked and could be taken forward, also had outcomes improved as a result.
- AL stated that East Lothian Works was a good example which did not set out to share resources but focused on co-location and this was joint resourcing in practice. She asked if the Improvement Service had a view/definition of joint resourcing.

- SG indicated that there was not a specific definition for all aspects of community planning and that it seemed most useful to focus on improving outcomes/improving the quality of life for those in the most disadvantaged communities through specific projects such as East Lothian Works.
- WI cautioned on the danger of only looking at this as a financial issue. Looking at the local level made sense to people and helped to build trust. The appropriate person from each partner organisation should be identified and these people would then work together to improve outcomes. If different bodies had different priorities nationally there could be problems; trust was the key issue across the partner organisations. Genuine partnerships across all partner organisations should be the aim.
- TE agreed; this was not a technical issue, it was a trust issue, about first aligning budgets then pooling and sharing resources.
- AL commented that it was only one year since implementation of the new governance structure, it was time to take stock and review; the supporting partnerships had met a few times now and were finalising their own priorities.
- TE added that the impact was the most difficult point to quantify; he asked if there was evidence from elsewhere about how this was measured.
- SG advised that the questionnaire had a section on impact and there would be improvement actions from this section.

Decision on the Recommendations/Action

The Partnership agreed to:

- *approve the proposed approach, including the key dates, to undertaking the Partnership supported self-assessment, which would involve the members of East Lothian Partnership and the three Supporting Partnerships; and*

- *Individual partners nominating the appropriate officers to support the facilitation of this first stage of self-assessment and improvement planning and becoming part of an East Lothian Partnership team, building local capacity to take forward the programme of improvement planning.*

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4.   SINGLE OUTCOME AGREEMENT DEVELOPMENT PLAN UPDATE

Paolo Vestri presented the report, updating the Partnership on progress on the Single Outcome Agreement Development Plan. He took members through all 12 action points detailed in the Development Plan outlining progress. He advised that a further update would be provided to the next meeting in January 2015.

Key points
- Self-assessment – proposals and timetable *(see previous item)*
- Area Partnerships – all 6 partnerships had undertaken analysis of evidence to understand local needs and begun to establish local priorities; a number of common themes were emerging
- Community Engagement Framework *(next item on the agenda)*
- Prevention Plan – work undertaken to date outlined, report and framework will be brought to the January meeting
- Pilot a 'Total Place' resource mapping exercise – multi-agency project task group had completed its work, a half-day meeting for partners (ELP and RPP members) to discuss findings and recommendations to be arranged, probably in November
- Development of a Joint Asset Management Strategy – multi-agency project team established and met, update brought to a future meeting

Comments
- WI referred to action point 6, developing the Prevention Plan, asking if this should relate to the Partnership's priorities and those of the 3 supporting partnerships.
- AL agreed, this would avoid confusion
- TE also agreed, but indicated however that there may be some merit in bringing together a Prevention Plan. He made reference to a sense of trust and shared ownership about what members were trying to achieve, suggesting that perhaps a statement as opposed to a plan was required.

Decision on the Recommendations/Action

The Partnership agreed to note the progress on the Development Plan, in particular the completion of the Community Engagement Framework and the Total Place pilot in the Musselburgh Area and that further progress required to complete actions would be reported to the January 2015 meeting.

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5.   COMMUNITY ENGAGEMENT FRAMEWORK

Veronica Campanile presented the report, seeking approval for the Community Engagement Framework and delivery mechanism.

Key points
- Multi-agency group set up to develop this work
- Final draft Framework attached and presented for approval
- Framework is a tool to help partners decide which type of engagement is right for the purpose from 4 options – communicating information, consultation, shared decision making and co-design/co-production – with tools to implement each of these

- Framework corresponds to national standards for community engagement and a range of policy drivers detailed in Appendix 1 to the report
- Framework would bring a consistent approach and level of quality for community engagement across the Partnership

Comments

- GH asked if this Framework was intended to replace other engagement processes, adding that Skills Development Scotland and Business Gateway already had business engagement teams.
- AL indicated that the Framework was a guide, different engagement techniques were needed to demonstrate effectiveness; joint dialogue was required.
- DL indicated that there may be, for the business community, scope in going out jointly as a CPP, rather than as individual organisations.
- PV advised that the Framework was not intended as a replacement, the intention was to try and make processes more effective and reduce duplication; where partner organisations already had their own community engagement policies/practices the Framework would be complementary to, not replacement of, these. He added that sharing resources would be discussed.
- MA welcomed the Framework, particularly sharing resources and indicated they would seek to use it through the Resilient People Partnership.
- AL stressed that processes needed to be more aligned, the stronger the Partnership the better for all.

Decision on the Recommendations/Action

The Partnership agreed:

- *To approve and adopt the Framework for use across the Partnership,*

- *That individual partner organisations consider adopting the Framework for use in their own organisations,*

- *To note that the multi-agency Engagement Monitoring Group would lead on delivery of the Framework; and*

- *That partner organisations would nominate a member of staff with a senior role in engagement to join this group.*

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6.   **FEEDBACK ON SUPPORTING PARTNERSHIP MEETINGS**

a.   Minute of the Sustainable Economy Partnership of 30 April 2014
b.   Draft minute of the Sustainable Economy Partnership of 25 June 2014

David Leven highlighted the key issues from the April and June meetings. He stated that membership of the SEP was very public sector orientated; increasing membership from the private sector was being considered. Angela Leitch highlighted the emerging plan on community broadband which was gathering momentum. Michael Veitch welcomed, as a Dunbar councillor, that the town had been identified as a priority for town centre regeneration, adding that he would be delighted if the work could be led through the Local Area Partnership.

c.   Minute of the Resilient People Partnership of 21 May 2014

Mike Ash reported that the main issue from the May meeting had been the Children's Strategic Partnership; the RPP had also discussed healthy active lives and SQA performance in East Lothian schools.

d.   Minute of the Safe and Vibrant Communities Partnership of 26 May 2014

Monica Patterson informed partners that the SVCP was working well and had a strong focus on key outcomes. There had been discussion about scrutiny of the police and fire services and whether the SVCP was the most appropriate forum for this function.

The Partnership noted the feedback on these supporting partnership meetings.

7.   FOR INFORMATION

a.   Children's Strategic Partnership – Services for Children Inspection Outcome and Improvement Plan
b.   Community Empowerment Bill
c.   East Lothian Partnership Meeting Schedule 2015/16

The Partnership noted these items, which had been submitted for information.

8.   AOB

National Community Planning Group
Angela Leitch informed members that a letter had been received from the National Community Planning Group requesting progress on the SOA by the end of October. She advised that ELC would compile a response on behalf of the Partnership, which would then be circulated to all partners.

NEXT MEETING: Wednesday 21 January 2015, 2-4pm, Scottish Fire Service College, Gullane

East Lothian Council

REPORT TO: East Lothian Council

MEETING DATE: 24 February 2015

BY: Monitoring Officer

3

SUBJECT: Decision of Standards Commission for Scotland in Hearing of Complaint against Councillor Fraser McAllister

1   PURPOSE

To fulfil the statutory duty on the Council to:

1.1   consider the findings of a decision by the Standards Commission for Scotland within 3 months of receipt; and

1.2   to respond to the direction given on behalf of the Commission, by advising its Executive Director of any decision made by the Council in relation to the Commission's findings.

2   RECOMMENDATIONS

It is recommended that the Council:

2.1   considers the recent decision of the Standards Commission for Scotland following the Hearing held on 14 and 15 January 2015 into a complaint concerning the conduct of Councillor Fraser McAllister;

2.2   agrees, as recommended by the Commission, to provide further training for elected members on the procedures to follow in relation to the declaration of interests; and

2.3   agrees that its decision be communicated to the Commission through the Commission's Executive Director.

3   BACKGROUND

3.1   A complaint was made to the Standards Commission for Scotland about the conduct of Councillor Fraser McAllister, alleging that he had breached the Councillor's Code of Conduct and in particular, Section 5.7.   The

Investigating Officer of the Standards Commission, Mr Iain McLeod, investigated the complaint. Following receipt of the report of Mr Bill Thomson, the Commissioner for Ethical Standards in Public Life, the Standards Commission decided to hold a hearing into the allegations, and heard evidence on 14 and 15 January 2015 at the Maitlandfield Hotel, Haddington. The Commission's Executive Director wrote to the Chief Executive with their decision on 22 January.

3.2 The Council has a statutory duty under Section 18 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 to consider the findings of the Standards Commission within 3 months of receipt of their decision and has been directed by the Executive Director of the Commission under Rule 10.9 of the statutory Rules for the Conduct of Hearings of the Standards Commission, to advise of any decision made by the Council.

3.3 **Standards Commission Findings and Post-Hearing Recommendation:**

The findings of the Standards Commission are set out in their Decision Report in which they found on the balance of probabilities that Councillor McAllister had breached section 5.7 of the Councillors' Code of Conduct.

3.4 **Sanction:**

The Standards Commission Panel decided to censure Councillor McAllister. The sanction was made under the terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000 section 19 (1)(a).

3.5 **Further recommendations:**

The Panel also recommended:

- that East Lothian Council review the support provided to councillors in understanding the requirements of the Councillors' Code of Conduct, in particular in relation to paragraph 5.8 (service on other bodies) and 5.9 (private and personal interests);

- that East Lothian Council review the actions of councillors, in particular in relation to the declaration of interests to ensure that their actions are in compliance with the Code;

- that Councillor McAllister should undertake further training in the Code.

3.6 **Consideration:**

In considering the support provided to councillors in understanding the requirements of the Code, officers consider that further training should be provided. Examination of the cases covered by the Commission suggests that the majority of breaches of the Code identified across local authorities concern the declaration or registration of interests.

In considering the actions of councillors in declaring interests, it is difficult to identify any additions that could reasonably be made to the current

practice whereby there is an item on committee agendas to seek declarations of interest. It is councillors' responsibility to make declaration.

4   POLICY IMPLICATIONS

4.1   There are no direct policy implications.

5   EQUALITIES IMPACT ASSESSMENT

5.1   The report is not applicable to the well being of equalities groups and an Equality Impact Assessment is not required.

6   RESOURCE IMPLICATIONS

6.1   Financial - None

6.2   Personnel - None

6.3   Other - None

7   BACKGROUND PAPERS

7.1   Ethical Standards in Public Life, etc. (Scotland) Act 2000:
http://www.legislation.gov.uk/asp/2000/7/contents

7.2   Councillors' Code of Conduct:
http://www.scotland.gov.uk/Publications/2010/12/10145144/0

7.3   Rules for the Conduct of Hearings by the Standards Commission for Scotland
http://www.standardscommissionscotland.org.uk/webfm_send/401

7.4   Decision of the Hearing Panel of the Standards Commission for Scotland following the hearing into allegations of breach of the Councillors' Code of Conduct by Councillor Fraser McAllister:
http://www.standardscommissionscotland.org.uk/content/decision-hearing-panel-standards-commission-following-hearing-held-maitlandfield-house-hot-0

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DATE	9 February 2015

REPORT TO: East Lothian Council

MEETING DATE: 24 February 2015

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Treasury Management Strategy 2015/16 to 2017/18

4

1   PURPOSE

1.1   To seek the approval of the Council of the Treasury Management and Investment Strategies for 2015/16 to 2017/18.

2   RECOMMENDATIONS

2.1   The Council is recommended to :

   i.   Note the Treasury Management Strategy detailed in section 3.4.

   ii.   Note the Investment Strategy detailed in section 3.19.

   iii.   Approve authorised limits for external debt as detailed in section 3.13.

   iv.   Approve operational boundaries for external debt as detailed in section 3.15.

   v.   Approve the delegation of authority to the Head of Council Resources to effect movement between external borrowing and other long-term liabilities as detailed in section 3.16.

   vi.   Approve the detailed Treasury Management Strategy Statement which has been lodged in the Members Library (Ref: 19/15, February 2015 Bulletin).

3   BACKGROUND

3.1   It is a statutory requirement, under Section 93 of the Local Government Finance Act 1992, that the Council produces a balanced budget. In particular, a local authority must calculate its budget for each financial year to include the revenue costs that flow from capital financing

decisions. This, therefore, means that increases in capital expenditure must be limited to a level whereby related charges to the revenue accounts from:

- Increased interest charges caused by increased borrowing to finance additional capital expenditure, and

- Increased running costs arising from new capital projects

are limited to a level that is affordable within the projected income of the Council for the foreseeable future.

3.2   The Treasury Management Code of Practice, updated by CIPFA in 2011, requires the Council to approve a Treasury Management Strategy and an Investment Strategy in advance of each financial year.

3.3   A detailed document covering both the Treasury Management and Investment Strategies for 2015/16 to 2017/18 has been placed in the Members' Library (Ref: 19/15, February 2015 Bulletin). This report highlights the key points from those strategies. The figures are compatible with those used in setting the Council Tax and HRA rents on 10 February 2015.

Treasury Management Strategy

3.4   Actual capital expenditure incurred in 2013/14 together with the estimates of total gross capital expenditure to be incurred for 2014/15 and future years are detailed below in Table 1.

Table 1: Capital Expenditure					
	2013/14 £'000 actual	2014/15 £'000 estimate	2015/16 £'000 estimate	2016/17 £'000 estimate	2017/18 £'000 estimate
General Services	24,825	21,510	27,380	20,750	23,178
HRA	20,805	22,184	25,450	17,906	26,538
TOTAL	**45,630**	**43,694**	**52,830**	**38,656**	**49,716**

3.5   Not all of this spending will be funded by borrowing with a significant element being funded by grant, receipts and other capital income contributions. Table 2 overleaf details the actual and planned capital expenditure over the period alongside the sources of funding.

Table 2: Net Financing Need for the Year					
	2013/14 £'000 actual	2014/15 £'000 estimate	2015/16 £'000 estimate	2016/17 £'000 estimate	2017/18 £'000 estimate
General Services Gross Capital Spend	24,825	21,510	27,380	20,750	23,178
HRA Gross Capital Spend	20,805	22,184	25,450	17,906	26,538
Sub-total (from Table 1)	45,630	43,694	52,830	38,656	49,716
Financed by;					
Capital grants	(12,888)	(18,592)	(15,077)	(10,650)	(10,745)
Capital receipts/contributions	(3,036)	(5,156)	(4,043)	(5,713)	(4,720)
Capital reserves	-	-	-	-	-
Revenue Contributions	(1,701)	(3,221)	(1,253)	(1,232)	(1,433)
Sub-total	(17,625)	(26,969)	(20,373)	(17,595)	(16,898)
Net Financing Need for the Year	28,005	16,725	32,457	21,061	32,818

3.6 Estimates of the ratio of financing costs to net revenue stream for the current and future years, and the actual figures for 2013/14 are listed in Table 3 below:

Table 3: Ratio of financing costs to revenue stream					
	2013/14 % actual	2014/15 % estimate	2015/16 % estimate	2016/17 % estimate	2017/18 % estimate
General Services	8.34%	8.58%	8.62%	8.84%	9.03%
HRA	26.98%	34.14%	34.56%	36.52%	36.73%

3.7 The relatively gradual increase in the General Services ratio reflects the standstill in corporate income against a background of continuing, albeit lesser capital spend. The increase in the HRA ratio reflects the increased levels of planned investment in both new affordable housing and modernisation of existing stock, which is mainly financed through borrowing. This borrowing has to be repaid with interest and this leads to increased financing costs.

3.8 The Capital Financing Requirement (CFR) measures the Council's underlying need to borrow for a capital purpose. The Council does not

associate borrowing with particular items or types of expenditure. The authority has an integrated treasury management strategy and has adopted the CIPFA Code of Treasury Management in the Public Services. The Council has at any point in time a number of cash flows both positive and negative. In day-to-day cash management, no distinction is made between revenue cash and capital cash. External borrowing arises as a consequence of all the financial transactions of the Council and not simply those arising from capital spending. However, other than to manage short-term cash flows, the Council is not allowed to borrow for revenue purposes.

3.9 Estimates of the end of year capital financing requirement (CFR) for the Council for the current and future years, and the actual levels of CFR at 31 March 2014 are detailed in Table 4 below;

Table 4: Capital Financing Requirement (CFR)					
	2013/14 £'000 actual	2014/15 £'000 estimate	2015/16 £'000 estimate	2016/17 £'000 estimate	2017/18 £'000 estimate
Total CFR at start of year	412,027	427,293	430,017	448,022	453,444
Movement in CFR	15,266	2,724	18,005	5,422	16,168
Total CFR at end of the year	**427,293**	**430,017**	**448,022**	**453,444**	**469,612**
Movement in CFR represented by					
Net Financing Need for the year (from Table 2)	28,005	16,725	32,457	21,061	32,818
Less: Scheduled Debt Amortisation	(12,739)	(14,001)	(14,452)	(15,639)	(16,650)
Movement in CFR	**15,266**	**2,724**	**18,005**	**5,422**	**16,168**

3.10 The importance of the CFR lies in the way it measures the need to borrow for a capital purpose excluding the effect of revenue cash flows.

3.11 The key indicator of prudence is that external borrowing should not exceed the CFR for the preceding year plus additional CFR in the current and two following years. At the close of the 2013/14 financial year, the Council was well within this indicator, as the relevant CFR was £427.293 million and external borrowing was £391.127 million.

3.12 The Council's treasury portfolio position at 31 March 2014, with forward projections are summarised in Table 5 below. The table shows the actual external debt (the treasury management operations) against the underlying capital borrowing need (the Capital Financing Requirement – CFR) highlighting any over or under borrowing.

Table 5: Actual Debt and the Capital Financing Requirement (CFR)					
	2013/14 £'000 estimate	2014/15 £'000 estimate	2015/16 £'000 estimate	2016/17 £'000 estimate	2017/18 £'000 estimate
Total External debt at start of year	367,894	391,127	410,216	436,825	444,399
Expected/Actual change in debt	24,559	20,382	27,795	8,760	15,514
Other long term liabilities (OLTL)	46,085	44,759	43,466	42,280	41,094
Expected/Actual change OLTL	(1,326)	(1,293)	(1,186)	(1,186)	(1,186)
Actual gross debt at 31 March	**391,127**	**410,216**	**436,825**	**444,399**	**458,727**
The Capital Financing Requirement (from Table 4)	427,293	430,017	448,022	453,444	469,612
(Under)/Over borrowing	**(36,166)**	**(19,801)**	**(11,197)**	**(9,045)**	**(10,885)**

3.13 The Council is recommended to approve the following authorised limits for its gross external debt for the next three years. These limits separately identify borrowing from other long-term liabilities such as finance leases.

Table 6: Authorised Limit for External Debt				
	2014/15 £'000 estimate	2015/16 £'000 estimate	2016/17 £'000 estimate	2017/18 £'000 estimate
Borrowing	414,000	433,000	440,000	457,000
Other long term liabilities	56,000	55,000	54,000	53,000
Total	**470,000**	**488,000**	**494,000**	**510,000**

3.14 These authorised limits are consistent with the Council's current commitments, existing plans and the budget proposals for capital expenditure and financing approved on 10 February 2015, and with the approved treasury management policy. The limits are based on the estimate of the most likely, prudent but not worst-case scenario with, in addition, sufficient headroom over and above this to allow for the operational management of unusual cash flows, such as debt restructuring.

3.15 The Council is also asked to approve in Table 7 the operational boundaries for gross external debt. These are based on the authorised limits but excluding headroom.

Table 7: Operational Boundary for External Debt				
	2014/15 £'000 estimate	2015/16 £'000 estimate	2016/17 £'000 estimate	2017/18 £'000 estimate
Borrowing	383,928	403,259	409,648	427,002
Other long term liabilities	46,089	44,763	43,796	42,610
Total	**430,017**	**448,022**	**453,444**	**469,612**

3.16 The Council has delegated authority to the Head of Council Resources to effect movement between borrowing and long-term liabilities within the total authorised limits and operational boundaries approved. Any such movement would be reported to Cabinet via the Members' Library as part of Treasury Management update reports.

3.17 Within the limits set by the indicators above, the Council will make capital investment decisions in accordance with the following fundamental principles of the Prudential Code:

- Service objectives e.g. achieving the Council Plan objectives

- Stewardship of assets e.g. asset management planning

- Affordability e.g. implications for Council Tax

- Value for money e.g. option appraisal

- Prudence and sustainability e.g. implications for external borrowing

- Practicality e.g. is the investment proposal practical given other competing pressures on the service involved

3.18 A key measure of affordability is the incremental impact of capital investment decisions on the Council Tax and Council House rents. The impacts of the expenditure plans are set out in Table 8:

Table 8: Incremental impact of capital investment decisions			
	2015/16 £ p estimate	2016/17 £ p estimate	2017/18 £ p estimate
Increase in Council Tax (band D) per annum	8.16	12.38	11.52
Increase in average housing rent per week	1.21	2.33	1.35

Investment Strategy

3.19 The Council's Investment Strategy for 2015-18 has been prepared in accordance with the Local Government Investments (Scotland) Regulations 2010 and the CIPFA Treasury Management Code.

3.20 The Investment Strategy details the approach which the Council will take to minimise the risk to investments and lists the investments which the Council will be permitted to use.

3.21 Common Good and Charitable Trust funds are managed on behalf of the Council by an external investment management firm. The strategy details the Council's policy on the investment of these funds.

3.22 The indicator below sets a limit on the total level of investments held for longer than 364 days.

Maximum principal sums invested > 364 days			
£m	**2014/15**	**2015/16**	**2016/17**
Principal sums invested > 364 days	£m 30	£m 30	£m 30

4 POLICY IMPLICATIONS

4.1 Implementation of Council policy and supporting plans will require capital expenditure. The policy effect of a proposed capital expenditure will be assessed as part of the project appraisal.

4.2 The limited resources available form an important constraint on the development of policy, which requires to be managed through the development of a sustainable Council Plan associated with a supporting Corporate Asset Management Plan.

5 EQUALITIES IMPACT ASSESSMENT

5.1 This report is not applicable to the wellbeing of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

6.1 Financial – these strategies are interwoven with the revenue and capital budgets. The expenditure and debt limits are consistent with the revenue budgets approved by the Council on 10 February 2015.

6.2 Personnel - none directly from this report although there may be implications arising from capital investment decisions.

6.3 Other – capital investment choices made have a major impact on the property, equipment and IT resources available for the delivery of services.

7 BACKGROUND PAPERS

7.1 CIPFA (2011) – "Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes"

7.2 CIPFA (2011) – "The Prudential Code for Capital Finance in Local Authorities"

7.3 The Local Government (Scotland) Regulations 2010

7.4 Capital Investment & Treasury Management Strategy 2014/15 to 2016/17

7.5 Treasury Management Strategy Statement and Annual Investment Strategy – Mid Year Review 2014/15

7.6 Council 10 February 2015 – all budget papers

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East Lothian Council

REPORT TO: East Lothian Council

MEETING DATE: 24 February 2015

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Amendment to East Lothian Parliamentary Constituency **5**
                 Polling Places Scheme 2015

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1   PURPOSE

1.1   To seek Council support to formally amend East Lothian Council's Polling Place Scheme in respect of the EL4A polling district.

1.2   To advise of the proposed the temporary use of The Vestry, Spott Parish Church for the forthcoming General Election only.

2   RECOMMENDATIONS

2.1   Members are asked to approve the permanent amendment to the polling scheme for East Lothian Constituency for Polling District EL4A.

2.2   Members are asked to note the temporary change required in Spott.

3   BACKGROUND

Polling District – EL4A, Tranent

3.1   As a result of the impending closure of Tranent Day Centre within its existing premises at 3 Church Street, Tranent, a new polling place must be found to serve the electorate in this polling district.

3.2   It is a requirement that amendments to the polling scheme must be exposed to a statutory public consultation process. Accordingly, stage 1 public notification of the review commenced on 5 January, with representations being invited by 23 January. Documents were placed on East Lothian Council's website via the consultation hub, Twitter and were available for inspection and review at John Muir House, Haddington and the George Johnstone Centre in Tranent. It was also reported within the local media.

3.3   Having considered two other options that proved to be unsuitable, it is now proposed that Tranent Town Hall be used as the permanent polling

place. The property is owned by the Council, has good facilities and voter access and minimises displacement of other service users.

3.4 Consideration was given to the Fraser Centre, 3A Winton Place. This community facility has recently opened on the premises of a disused picture house. The main entrance and separate disabled access are not easily accessible and it also failed a number of Capability Scotland criteria for polling places.

3.5 The new Crookston Care home was another consideration within the provision for the relocated Day Centre. Although this satisfied most of the required criteria for voting including a separate entrance , there were too many operational challenges for the Care Home.

3.6 No representations were received from the public during this consultation. All local Councillors were advised with some supportive and none expressed any reservation.

Spott

3.7 Renovation work to Spott Village Hall is due to commence in March; therefore a temporary polling place is required for the UK Parliamentary Election on 7 May this year.

3.8 Taking into account the lack of more suitable alternatives within the village, the small vestry, which is separate from the church, has been chosen as a temporary one-off solution for this election. Capability Scotland criteria will be met.

4 POLICY IMPLICATIONS

4.1 There are no direct policy obligations associated with this report.

5 EQUALITIES IMPACT ASSESSMENT

5.1 The Capabilities Scotland criteria, which is followed when assessing polling places, addresses all equalities issues.

6 RESOURCE IMPLICATIONS

6.1 Financial - None

6.2 Personnel - None

6.3 Other – None

7 BACKGROUND PAPERS

7.1 Access to background papers can be made available to Elected Members on request.

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DATE	2 February 2015

REPORT TO: East Lothian Council

MEETING DATE: 24 February 2015

BY: Depute Chief Executive (Services for Partnerships and Communities)

6

SUBJECT: Involvement of Elected Members in Pre-application Stages of Major Development Proposals in Accordance with Scottish Government/CoSLA Guidance

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1   PURPOSE

1.1   The report proposes a procedure for the involvement of Members in pre-application stages of major development proposals, to contribute to the Scottish Government's agenda for modernisation of the planning system.

2   RECOMMENDATIONS

2.1   That Members approve the proposed procedures in respect of Councillor Pre-Application Discussions.

2.2   That the Scheme of Administration for Planning Committee be amended to reflect these procedures.

3   BACKGROUND

3.1   The reforms brought forward through the Planning Etc (Scotland) Act 2006 introduced the distinction between 'national', 'major' and 'local' planning applications. National developments are those set out in the Scottish Government's National Planning Framework). Major applications are defined in a number of terms dependant on the type of development proposed, as set out in The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

3.2   Any development (other than exempt development) mentioned in Schedule 1 of the Environmental Impact Assessment (Scotland) Regulations 2011 is a major development. For housing development, a major application is one comprising of 50 houses or more or with a site

area of 2 hectares or more. For business, general industry and storage and distribution developments any of 10,000 square metres floorspace or more or a site area of 2 hectares or more is a major development. For retail development the thresholds are 5,000 square metres floorspace or a site area of 2 hectares or more. Other development types (e.g. electricity generation, waste management, minerals) have relevant criteria.

3.3 Local applications are those which do not meet the above criteria, though Ministers can direct that a local application be dealt with as if it were a major or national development.

3.4 One of the purposes of the reforms of the planning system is to increase the level of public engagement and scrutiny of major applications, in order to allow for improved understanding of such proposals, deliver better guidance on key issues and ultimately achieve better decision making.

3.5 A further purpose of the reforms is to 'front-load' the planning system to achieve early identification of significant issues. That this involve Members as well as officers is considered helpful to prospective applicants, aiding their understanding of local issues and informing the development of their plans before submitting applications.

3.6 Since the legislative and regulatory reform of the planning system, guidance has sought to flesh out how Member involvement in the pre-application process could work whilst respecting the Code of Conduct for Councillors and avoiding any perception of proposals being pre-determined.

3.7 The Improvement Service guidance of 2007 is relevant in that it makes clear that a councillor, either as a member of the Planning Committee or as a local elected member may discuss the details of development proposals prior to their consideration for determination at Planning Committee. However, a member of the Planning Committee cannot state a view on the determination of an application or organise support or opposition to a proposal if they are to take part in their determination.

3.8 Paragraph 7.14 of the Code makes it clear that it is entirely appropriate for councillors to attend public meetings/events, including those relating to statutory pre-application consultation.

3.9 More recently (February 2014), the Scottish Government, COSLA and the Commissioner for Ethical Standards in Public Life in Scotland have jointly published Guidance on the Role of Councillors in Pre-Application Procedures (Appendix 2).

3.10 In this Guidance the Scottish Government reiterates that it is keen to ensure that members are confident in engaging at the pre-application stage on substantial development proposals, adding value to the process, while continuing to act within the terms of the Councillors' Code of Conduct. This early engagement is intended to better inform Members

of proposals that may subsequently come before them, support a degree of certainty by enabling an early exchange of views and discussion of key issues that they want to see addressed, and assist officers of the authority in negotiating on those issues.

3.11 As stated in the Guidance, the Scottish Government seeks a consistency of approach across Scotland that will both support certainty from strong early engagement and also enable members to participate confidently, backed by a clear remit and procedure to do so. They wish to ensure that councillors, and other parties, are clear of their roles and responsibilities through procedures set out by their own authority.

3.12 It is further stated that Councillors must not be - or be seen to be - biased, predetermined or have a closed mind or to have been influenced by improper or irrelevant considerations. They are expected to approach their decision-making with an open mind in the sense that they must have regard to all material considerations and be prepared to change the views they are minded towards, if persuaded that they should.

3.13 The Guidance also considers where Members may be asked to comment on requests to the planning authority for a provisional view as to whether the authority might be minded, in principle, to consider granting planning permission. (This may occur in cases where developers are seeking the planning authority's view in advance of committing to expensive and lengthy technical appraisals.) The Guidance advises that as a part of any such request and only as part of the planning authority considering and forming such a provisional view, Members are entitled to express an opinion. This is seen as not only appropriate and acceptable; the Guidance states that it can also be a helpful and responsible thing to do, contributing towards greater certainty and more efficient processing of subsequent applications. However, it is also states that any opinions or views expressed by councillors at that stage must remain mindful of the overarching requirements of fairness and impartiality and of keeping an open mind, as any conduct inconsistent with these requirements may compromise the determination of any subsequent planning application.

3.14 To address this the Guidance includes advice on the considerations which should be used to form the basis of agreed and adopted local procedures for any forum in which a provisional view is to be considered and generated pre-application discussions:

- Emphasis should be given to providing meaningful guidance and a helpful service that adds value to the preparation of applications;

- Members should be able to air points of view at the pre-application stage on the understanding that the general issues aired in, or the outcomes of, the discussions will be placed into the public domain;

- Any procedures must be compliant with the requirements of the Councillors' Code of Conduct;

- Local authorities should consider their own procedures in implementing this guidance and set out which members are to be involved in pre-application discussions. This could be the relevant committee which determines planning applications or could be the members of that committee setting in a consultative forum (rather than as a formal committee); and

- Procedures should be conducted in a consistent and transparent manner to avoid suspicions that councillors may have prejudiced their positions.

3.15 To meet these considerations the Guidance further advises that the forum in which discussion is to take place (committee, panel, other grouping) should be identified and that discussions should usually be held in public but that, if seen as appropriate or necessary in particular instances, local authorities should carefully consider if they should be held in private.

3.16 In all such meetings, the status and purpose of the process (including public minutes) should be clear, articulate and publicly available. It is essential to make it clear that persons who may wish to comment on the application if it comes to be submitted will - at the appropriate time - have a full right to make representations.

3.17 In respect of East Lothian Council, the recommended procedures set out in accompanying schedule (Appendix 1) would allow for consideration of proposals in an appropriate public forum, as already used for pre-determination hearings for major applications significantly contrary to the development plan, whilst minimising the impact on resources in terms of notification and administrative procedures.

3.18 Furthermore, it would minimise demand on resources by allowing Members to consider which major or national proposals they wish to consider, rather than automatically bringing them to Planning Committee. There would be a commitment required from officers in reporting to Committee; however, the report would feed in to the fuller report on an application for determination in due course.

3.19 Other options could include:

- Informal meetings between Members and officers. This may be difficult to organise all relevant Members and officers or it would involve multiple briefings which would be time and resource intensive. The benefit of using Planning Committee is the fixed scheduling of it. It may also be more difficult to involve applicants.

- Developer presentations. In terms of impartiality, it is seen as preferable for officers to present the details of the proposal and the issues as relevant, with developers presenting their case as they do for determination of applications at Committee.

- Developer or development management forums. These would involve a separate organisation of meetings, with implications for Member's and officer's schedules, as well as resource implications.

3.20 Overall the proposed alignment of the procedure with the existing Planning Committee reporting and scheduling is seen as the most effective and certain process to allow Members, if they see fit in the particular circumstance of the case, the option to consider such proposals prior to applications being lodged. The Scheme of Administration would be updated to take account of these new arrangements to facilitate and to provide information for pre-application discussions by Members on national and major applications.

4   POLICY IMPLICATIONS

4.1   There are no policy implications of the proposed procedure.

5   EQUALITIES IMPACT ASSESSMENT

5.1   This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6   RESOURCE IMPLICATIONS

6.1   Financial – none.

6.2   Personnel - some additional work required by Planning and Committee Services staff in reporting/organisation.

6.3   Other – none.

7   BACKGROUND PAPERS

7.1   Planning Etc (Scotland) Act 2006

http://www.legislation.gov.uk/asp/2006/17/contents

7.2   Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009

http://www.legislation.gov.uk/ssi/2009/51/regulation/2/made

7.3   National Planning Framework 3 2014

http://www.scotland.gov.uk/Topics/Built-Environment/planning/NPF3-SPP-Review/NPF3

7.4   Environmental Impact Assessment (Scotland) Regulations 2011

http://www.legislation.gov.uk/ssi/2011/139/contents/made

7.5   Code of Conduct for Councillors

http://www.scotland.gov.uk/Publications/2010/12/10145144/0

7.6   Guidance on the Role of Councillors in Pre - Application Procedures

http://www.scotland.gov.uk/Resource/0044/00444959.pdf

AUTHOR'S NAME	Iain McFarlane
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DATE	09/02/2015

Member Pre-Application Discussions of Major Applications

All major and national applications can be considered for formal pre-application discussion by Members.

In order to facilitate this, all Proposal of Application Notices (PANs), as required for all major applications a minimum of 12 weeks before the submission of the application itself, will be notified to Members on the weekly Scheme of Delegation List.

The details of the notification will include the Case Officer to whom it has been allocated.

Members will have 4 weeks from the date of notification to call in the PAN to be subject to pre-application discussion by Members.

A call-in requires to be sent to Planning via environment@eastlothian.gov.uk, copied to the case officer email address as given in the notification and to the Service Manager, Planning imcfarlane@eastlothian.gov.uk.

No reason is required for call-in of a PAN for pre-application discussions.

If called in, the PAN will be subject to an officer report to be heard at Planning Committee within 2 months of the date of the PAN call-in.

The officer report will form part of the Planning Committee agenda.

A site visit will be held as part of the normal Committee site visit schedules.

The officer report will give details of the character and constraints of the site, of the proposed development and of the principal material considerations to be considered in its determination.

The applicant would be invited to address committee in the same terms as for determination reports.

Members will discuss the proposal in terms of the Councillor Code of Conduct.

The discussions will be public unless Members consider there is good reason to hold a private hearing. All discussions will be minuted.

Guidance on the Role of Councillors in Pre-Application Procedures

Commissioner for Ethical Standards
in Public Life in Scotland

COSLA

To:- All local authorities in Scotland

GUIDANCE ON THE ROLE OF COUNCILLORS IN PRE-APPLICATION PROCEDURES

1.0   Introduction

1.1   The Scottish Government is keen to ensure that councillors are confident in engaging at the pre-application stage on substantial development proposals, adding value to the process, while continuing to act within the terms of the Councillors' Code of Conduct. Their involvement at this stage in the planning process is not a substitute for formal consideration and decision-making on development proposals. But this early engagement is intended to better inform councillors of proposals that may subsequently come before them, support a degree of certainty by enabling an early exchange of views and discussion of key issues that councillors want to see addressed, and assist officers of the authority in negotiating on those issues.

1.2   We are seeking a consistency of approach across Scotland that will both support certainty from strong early engagement and also enable councillors to participate confidently, backed by a clear remit and procedure to do so. We wish to ensure that councillors, and other parties, are clear of their roles and responsibilities through procedures set out by their own authority.

1.3   This guidance should form the basis of agreed and adopted local procedures for pre-application discussions which should be prepared as a matter of priority. Considerations to be taken into account in producing those procedures are set out in section 4 below.

1.4   In producing this guidance, the Scottish Government has worked closely with the Commissioner for Ethical Standards in Public Life in Scotland and received endorsement for the relevant sections of its contents.

2.0   Context

2.1   The responsibility which councillors have to make proper and reasoned decisions on planning matters in terms of the Councillors' Code of Conduct ("the Code") provides the context for this subject.

2.2   Amendments to legislation arising from the Planning etc (Scotland) Act 2006 changed some aspects of the roles of councillors. In addition to councillors being responsible for decisions both on policy and strategic issues and also individual planning applications (unless delegated), additional measures were introduced regarding enhanced scrutiny of applications and the authority's Local Review Body.

2.3   One of the policy drivers for change was the introduction of more "front-loading" of engagement. It was also recognised that through early councillor involvement and expression of provisional views; more certainty and confidence would come from informing the process and avoiding unexpected issues emerging at a late stage.

Policy and Strategy

2.4   The Code explicitly allows councillors to discuss or debate matters of policy or strategy, even though these may provide the framework within which individual applications will in due course be decided.

2.5   As noted at section 7.7 of the Code "*….in your key role in establishing planning policies for the area, you are fully entitled to express your views or advocate proposals for the making, approval or amendment of the development plan, including supplementary planning guidance published by the planning authority both relating to general policies for the authority's area and to briefs and masterplans prepared for specific sites in anticipation of planning applications.*"

Individual Applications

2.6   In terms of handling individual applications once they have been submitted, the Code seeks to reinforce the principles of fairness and impartiality in relation to the determination of any statutory application including planning applications. Councillors must not be - or be seen to be - biased, predetermined or have a closed mind or to have been influenced by improper or irrelevant considerations.

2.7   Councillors are expected to approach their decision-making with an open mind in the sense that they must have regard to all material considerations and be prepared to change their views which they are minded towards if persuaded that they should.

3.0   Pre-application Discussions

3.1   Paragraph 7.14 of the Code makes it clear that it is entirely appropriate for councillors, to attend public meetings/events (including those relating to statutory pre-application consultation).   Pre-application consultation was introduced as one of the measures to improve early engagement with the community on prospective applications for national and major developments.

3.2   As a matter of Scottish Government policy the early engagement of councillors in pre-application discussions has been encouraged as part of the wider reform of the planning system. As already indicated this early engagement is intended to better inform members of proposals that may later come before them formally, enable an early exchange of views and discussion of key issues that councillors want addressed and to assist officers in negotiating on those issues.   This is helpful to prospective

applicants, aiding their understanding of local issues and informing the development of their plans before submitting applications.

3.3   The Code includes a key provision in this regard at paragraph 7.8:-

'*7.8 You may also be asked to comment on requests to the planning authority for a provisional view as to whether - in respect of a proposal for a major development the authority might be minded, in principle, to consider granting planning permission. This may occur in cases where developers are seeking the planning authority's view in advance of committing to expensive and lengthy technical appraisals. As a part of any such request and only as part of the planning authority considering and forming such a provisional view, you are entitled to express an opinion in advance of the statutory application for planning permission being submitted to the planning authority formally for determination.*'

3.4   It is not only appropriate and acceptable for councillors to engage and provide a provisional view at the pre-application stage; it can also be a helpful and responsible thing to do, contributing towards greater certainty and more efficient processing of subsequent applications.

3.5   Any opinions or views expressed by councillors at that stage must be made mindful of the overarching requirements of fairness and impartiality and of keeping an open mind. This will be particularly important as any conduct inconsistent with these requirements may compromise the determination of any subsequent planning application.

4.0   Pre-Planning Application Procedures

Key Considerations for Pre-application Discussions

4.1   The following considerations should be applied by local authorities in drawing up procedures for councillors to engage in pre-application discussions:
- Emphasis should be given to providing meaningful guidance and a helpful service that adds value to the preparation of applications.
- Councillors should be able to air points of view at the pre-application stage on the understanding that the general issues aired in, or the outcomes of, the discussions will be placed into the public domain.
- Any procedures must be compliant with the requirements of the Councillors' Code of Conduct.
- Local authorities should consider their own procedures in implementing this guidance and set out which councillors are to be involved in pre-application discussions. This could be the relevant committee which determines planning applications or could be the members of that committee setting in a consultative forum (rather than as a formal committee).
- Procedures should be conducted in a consistent and transparent manner to avoid suspicions that councillors may have prejudiced their positions.

Key Provisions for Pre-application Procedures

4.2 The considerations referred to in paragraph 4.1 above apply to the establishment of any forum in which a provisional view is to be considered and generated.

4.3 The forum in which discussion is to take place (committee, panel, other grouping) should be identified. Discussions should usually be held in public However, where seen as appropriate or necessary, local authorities should carefully consider if they should be held in private. Guidance in paragraph 4.7 should continue to be followed.

4.4 The status and purpose of the process should be clear, articulate and publicly available. It is essential to make it clear that persons who may wish to comment on the application if it comes to be submitted will - at the appropriate time - have a full right to make representations.

4.5 The unique status of pre-application proposals should be clearly identified in the agenda for any meeting, including covering reports and any other introductory material prepared by officers. Such items should be clearly distinguished from other development management issues.

4.6 To avoid any misunderstanding (for councillors, interested parties and members of the public) it may be appropriate for the committee clerk to introduce the item in sufficient detail to allow participants to understand the purpose of the event, the broad nature of the proposals and to emphasise that the outcome is limited to the generation of a provisional view.

4.7 Officers should take a note of the meeting and prepare a minute which should be made publicly available in accordance with the requirements of good practice and the council's established conventions.

Training for Councillors

4.8 To assist in enhancing public confidence, authorities should consider the need for further councillor training so that members can demonstrate objective levels of competence in planning generally and in the pre-application and development management processes, in particular.

Review of Procedures

4.9 Procedures should be kept under review by cross council, planning and professional networks to ensure the dissemination of best practice.

5.0 Timescales for Introduction of the Procedures

5.1 Each local authority should establish its own pre-application procedures as a matter of priority.

February 2014

REPORT TO: East Lothian Council

MEETING DATE: 24 February 2015

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: School Consultations – Main Issues Report (MIR)

7

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1   PURPOSE

1.1   In accordance with processes pertaining to the Main Issues Report, to seek approval from Council to undertake consultations relating to the school estate (schools, catchment areas, location) regarding work necessary to inform the Local Development Plan (LDP), where there is likely to be a need for new or reprovisioned facilities.

1.2   This approval is sought to enable such consultations to be undertaken without individual permission from council for each exercise, relating to the LDP, to mitigate any potential delays.

2   RECOMMENDATIONS

2.1   The Council agrees:

2.1.1 that the Council can undertake consultations relating to the MIR without further reference to or approval by Council; and

2.1.2 to report back to Council on the outcomes of such consultations in order that Council can make a decision on any proposed changes.

3   BACKGROUND

3.1   The Council has a commitment to deliver an increase in the number of new homes in the county. This action will have an effect on the school estate and new provisions and/or changes to existing provisions are likely to be required.

3.2   When any change to school arrangements are proposed the Schools (Consultation) (Scotland) Act 2010 sets out the process the Council has to follow.

3.3   A council has to consult with parents, children, young people and the wider community when it proposes changes to its school estate. This includes changes such as a change to a school's catchment area.

3.4   The Schools (Consultation) (Scotland) Act 2010 sets out the process that councils must follow when they do this. The Act also gives HM Inspectors a role in the process. The Act was amended in 2014 in part 15 of The Children and Young People (Scotland) Act 2014.

3.5   Consultation process:

        By way of background, when a council begins a consultation it must produce a proposal paper and must consult for at least six weeks. This must include at least thirty days when schools are routinely open for children and young people. During this time the council must hold a public meeting.

3.6   After the consultation period is over, HM Inspectors of Education have three weeks to write an independent and impartial report on the proposal for the council. When considering a proposal HM Inspectors undertake a number of activities. They attend public meetings and visit the schools affected by the proposal. They meet with parents, staff, children and young people. They consider any submissions made to the council during the consultation. They also consider any written representations made directly to Education Scotland. HM Inspectors send their report to the council by the end of the three weeks.

3.7   Once it receives the report the council must review the proposal. In reviewing the proposal the council must consider points raised during the consultation and in the report from HM Inspectors. The council must then produce a final consultation report. The council must include a copy of the report from HM Inspectors in its final consultation report. The council has to publish its final consultation report three weeks before it takes its final decision.

3.8   In the event that a council decides to close a school, it must notify Scottish Ministers within six working days of taking its final decision. Ministers have a power to call-in a closure decision. They can only do this where it appears to them that a council has failed in a significant regard to comply with the Act's requirements or, in coming to its decision, has failed to take proper account of a material consideration relevant to the proposal.

3.9   Ministers have eight weeks to decide whether or not to issue a call-in notice. Representations can be made to Ministers during the first three weeks of this period.

3.10   The council has a duty to inform consultees of this right.

3.11   Given the minimum timescale for a consultation is twelve weeks post preparation of the proposal paper, permission is sought to commence the exercises without further reference to Council.

4   POLICY IMPLICATIONS

4.1   Dependent on the outcome of the consultation, there may be the need to update school catchment areas and transport policies.

5   EQUALITIES IMPACT ASSESSMENT

5.1   This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6   RESOURCE IMPLICATIONS

6.1   Financial – See 6.2

6.2   Personnel - Dependent on number of consultations there will be a need to create a team to lead and manage the process. Indicative resourcing from other authorities indicate FTE 3.0 for the period of the consultations.

6.3   Other - The consultation period has to run for a minimum 30 clear school days and public meetings have to be held in the same period.

7   BACKGROUND PAPERS

7.1   The School (Consultation) (Scotland) Act 2010

7.2   Children and Young People (Scotland) Act 2014

AUTHOR'S NAME	Darrin J Nightingale
DESIGNATION	Head of Education
CONTACT INFO	01620 827633
DATE	9 February 2015

East Lothian Council

REPORT TO: East Lothian Council

MEETING DATE: 24 February 2015

BY: Depute Chief Executive (Partnerships and Community Services)

8

SUBJECT: Charging Policy: Charges for Dog Waste Bags

1 PURPOSE

1.1 That Council considers introducing a charge to members of the public for the provision of dog waste bags.

2 RECOMMENDATIONS

2.1 It is recommended that Council approves the introduction of a charge of £1 (including VAT) per 50 dog waste bags (a pack), commencing 1 April 2015. Part of the income derived will be used to cover the costs of bags, ordering, delivering and distribution. The remainder of the income will be used to help fund initiatives related to responsible dog ownership. The charge will be reviewed on an annual basis.

3 BACKGROUND

3.1 The Council has been supplying dog waste bags free of charge since 1993. 1,200,000 and 1,800,000 bags were issued during 2012/2013 and 2013/2014 respectively. A pack of 50 bags currently costs the council £0.19. An estimate suggests that this service extends to less than 2000 dog owners.

3.2 The Council has made the following expenditure on dog waste bags over the past five years:

	£
2010/11	14,160
2011/12	10,915
2012/13	7,776

2013/14   11,880

2014/15   6,098
(to date)

In addition to this outlay, staff time is expended on ordering and distributing the bags to area offices, libraries etc.

Expenditure on dog waste bags was reduced in 2012/13 by introducing a limit of 1 pack of dog waste bags per customer. However, this has caused problems with customers being very unhappy that staff would not give out more than one pack at a time.

3.3   During the Service Review – Face to Face Services in 2013, workshops were held for staff. When looking at income generation ideas, charging for dog waste bags was a top priority for staff. This was due to the fact that the provision of dog waste bags could not keep up with demand and that a number of customers identified they were using the bags for other purposes, most notably for the disposal of nappies. Introducing a charge for dog waste bags was a recommendation from this Service Review.

3.4   The number of dog fouling complaints made to the Council remains high. 457 complaints were received during 2013/2014. 287 complaints have been received since 1 April 2014.

3.5   The 2014 East Lothian Citizens' Panel summer survey revealed that 60% of respondents said that dog fouling was either a very common or fairly common problem in their neighbourhood. There is now a lower tolerance of this problem by members of the public.

3.6   In the 2014 East Lothian Citizens' Panel winter survey, members were asked for their views on the provision of dog waste bags (see Appendix 1)

Of the 659 who answered this question, 89 (14%) felt the Council should no longer provide dog waste bags, 158 (24%) felt that the Council should continue to provide dog waste bags free of charge, and 408 (62%) of respondents supported the idea of the Council continuing to provide dog waste bags, but with a nominal charge being applied to cover costs and to help fund initiatives related to responsible dog ownership.

3.7   The Cabinet approved a Charging Policy at its meeting of 13 January 2015. Introducing a charge is in line with the said policy in so much as it removes the scenario of council tax payers subsidising a service enjoyed by the relatively small percentage of dog owners.

3.8   The Council has undertaken a benchmarking exercise to identify whether other councils apply charges for the provision of dog waste bags. Of the 31 Councils, 12 Councils do not provide dog waste bags, 16 provide dog waste bags free of charge and 3 Councils provide dog waste bags and apply charges (see Appendix 2).

3.9 Applying a charge of £1 per pack of 50 bags could potentially generate income of approximately £13,000 per annum (after the deduction of outlays), using a projection of 800,000 bags being issued during 2015/2016. The suggested price is less expensive than that currently charged by commercial outlets.

3.10 The report to the Policy and Performance Review Committee in June 2014 on the Dog Fouling Enforcement Update identified that results from the Keep Scotland Beautiful – Local Environment Audit Management System shows the number of sampled transects of pavement in the County with a presence of dog fouling falling from a high of 26% in 2013 to a current average of 7%. So the dog fouling situation is improving and we wish to continue this downward trend.

3.11 There will continue to be campaigns related to dog fouling and the Dogwatch initiative and there is due to be a Citizen-led inspection related to a cleaner environment which will include issues related to dog fouling. Any additional income will assist with continuing campaigns and other initiatives.

4 POLICY IMPLICATIONS

4.1 Expenditure on dog waste bags and their distribution will be met by the income taken in from a charge for the dog waste bags to dog owners or individuals who walk dogs, if a charge was to be introduced.

5 EQUALITIES IMPACT ASSESSMENT

5.1 An equalities impact assessment is not applicable as this proposal is aimed at the general population and this is an additional service provided by the Council.

6 RESOURCE IMPLICATIONS

6.1 Financial – Once the costs of the dog waste bags, distribution etc is taken away there should be income of approximately £13,000 in income per annum.

6.2 Personnel - None.

6.3 Other – None.

7 BACKGROUND PAPERS

7.1 Policy and Performance Review Committee Report – Dog Fouling Enforcement Update – 17 June 2014

AUTHOR'S NAME	Tom Shearer
DESIGNATION	Head of Communities and Partnerships
CONTACT INFO	01620 827 413
DATE	9 February 2015

Antisocial Behaviour

Provision of dog waste bags

The following information was provided at the start of the section of questions relating to responsible dog ownership:

Dog fouling is an issue which members of the public routinely complain about. 60% of people responding to the last Citizens' Panel questionnaire said that dog fouling of footpaths was fairly common or very common in their neighbourhood.

East Lothian Council has spent around £38,000 over the past 4 years providing dog bags free of charge in order to encourage dog owners to clear up after their dogs. However, we are now reviewing this policy and would like to know your views.

Respondents were then asked for views on the provision of dog waste bags. Just under a quarter of respondents (24%) suggested that the council should continue with the status quo, providing dog waste bags free of charge. The majority, however, felt that the Council should continue to provide bags, but should charge for them. Only 14% thought the Council should stop providing bags altogether.

Which of the following options do you support? (please tick just one)	659	659
The council should continue to provide dog waste bags free of charge	24%	158
The council should stop providing dog waste bags altogether	14%	89
The council should continue to provide dog bags but should charge a nominal amount to cover the cost of this and to help fund other initiatives related to responsible dog owners	62%	408

Microchipping for dogs

Information was also provided in relation to proposals to introduce free microchipping for dogs:

In the past 3 years, East Lothian Council has collected 154 stray dogs – around 40% of them were rehomed and 60% were returned to their owners and a fine of £25 charged. To help deal with this issue we are considering introducing a free microchipping service in conjunction with a local vet – this service would be paid for through the income from fines related to stray dogs. Any stray dog found without a chip would be microchipped.

Based on this information, the majority of respondents (70%) felt that the introduction of a free microchipping service was a good idea.

Do you think the Council provided a free microchipping service is a good idea?	654	654
Yes	70%	456
No	30%	193

Council	Provide	Charge	Specific fee
Aberdeen City	Yes	Yes	£3 per pack
Aberdeenshire	Yes	No	
Angus	Yes	Yes	20p for 25 bags
Argyll and Bute	Yes	Yes	£1 for 50 bags
Clackmannanshire	Yes	No	
Dumfries and Galloway	Yes	No	
Dundee City	Yes	No	
East Ayrshire	Yes	No	
East Dunbartonshire	Yes	No	
East Renfrewshire	No	No	
City of Edinburgh	No	No	
Eilean Siar	No	No	
Falkirk	Yes	No	
Fife	No	No	
City of Glasgow	No	No	
Highland	Yes	No	
Inverclyde	No	No	
Midlothian Council	Yes	No	
Moray	Yes	No	
North Ayrshire	Yes	No	
North Lanarkshire	Yes	No	
Orkney Islands	No	No	
Perth and Kinross	Yes	No	
Renfrewshire	No	No	
Scottish Borders	No	No	
Shetland Islands	No	No	
South Ayrshire	No	No	
South Lanarkshire	Yes	No	
Stirling	Yes	No	
West Dunbartonshire	Yes	No	
West Lothian	No	No	

30.1.15

REPORT TO: East Lothian Council

MEETING DATE: 24 February 2015

BY: Depute Chief Executive (Resources and People Services)

9

SUBJECT: Submissions to the Members' Library Service
4 December 2014 – 11 February 2015

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 4 December 2014 and 11 February 2015, as listed in Appendix 1.

3 BACKGROUND

3.1 In accordance with Standing Order 3.4, the Chief Executive will maintain a Members' Library Service that will contain:

(a) reports advising of significant items of business which have been delegated to Councillors/officers in accordance with the Scheme of Delegation, or

(b) background papers linked to specific committee reports, or

(c) items considered to be of general interest to Councillors.

3.2 All public reports submitted to the Members' Library are available on the Council website.

4 POLICY IMPLICATIONS

4.1 None

5   EQUALITIES IMPACT ASSESSMENT

5.1   This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

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

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DATE	11 February 2015

MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD
4 December 2014 – 11 February 2015

Reference	Originator	Document Title	Access
241/14	Service Manager - LADS	Service Review – Licensing, Administration and Democratic Services	Private
242/14	Service Manager - Revenues	Revenues Staffing Report – Creation of 2 x Modern Apprentices	Private
243/14	Director of Health & Social Care	Health and Social Care Integration - East Lothian Integration Scheme – Consultation Draft	Public
244/14	Acting Head of Development	Grant of Extension and Variation to the Ground Lease for the Bowling Green and Clubhouse, West Barns, Dunbar	Private
245/14	Depute Chief Executive – Partnerships & Community Services	Service Review Report - Amendment to Facilities Management Services Structure – Cleaning Services at John Muir House, Haddington	Private
246/14	Depute Chief Executive – Resources & People Services	Service Review Report – Temporary French Assistant	Private
247/14	Depute Chief Executive – Resources & People Services	Application to Musselburgh Common Good Fund – Musselburgh Riding of the Marches 2016	Private
248/14	Chief Executive	Haddington Sheriff and Justice of the Peace Court – Letter to Cabinet Secretary for Justice	Public
249/14	Depute Chief Executive – Partnerships & Community Services	Building Warrants Issued under Delegated Powers between 1st and 30th November 2014	Public
250/14	Acting Head of Development	Proposed House Alterations and Extension at 26 Lennox Road, Haddington	Public
251/14	Acting Head of Development	Proposed House Alterations and Extension at 1 Lammermuir Crescent, Haddington	Public
252/14	Acting Head of Development	Proposed House Alterations and Extension at 23 Caponhall Road, Tranent	Public
253/14	Head of Communities & Partnerships	East Lothian Citizens' Panel Summer 2014 Survey Findings	Public
254/14	Head of Communities & Partnerships	Staffing Report: Communities and Partnerships Division – Area Management	Private
255/14	Head of Infrastructure	East Lothian Biodiversity Report 2014	Public

256/14	Acting Head of Development	Proposed House Alterations and Extension at 29 Carberry Court, Whitecraig	Public
257/14	Head of Council Resources	Changes to Records Management Plan	Public
258/14	Chief Executive	British Sign Line (Scotland) Bill – Call for Evidence	Public
259/14	Depute Chief Executive – Resources & People Services	Service Review Report – Benefits Service Review	Private
260/14	Depute Chief Executive – Partnerships & Community Services	Service Review Report – Review of Key Frontline Posts within the Arts Business Unit within Community Partnerships	Private
01/15	Service Manager – Facilities Management	Service Review Report: Amendment to Facilities Management Service Structure – Additional Hours required to cover the provision of Free School Meals for children in Primary 1 - 3	Private
02/15	Provost/Council Leader (per Chief Executive)	Letter to the First Minister: Haddington Court	Public
03/15	Service Manager – Corporate Policy	Charges Benchmarking Exercise	Public
04/15	Depute Chief Executive – Partnerships and Community Services	Building Warrants Issued under Delegated Powers Between 1st and 31st December 2014	Public
05/15	Head of Adult Wellbeing	Service Review Report: Senior Business Support Administrator, East Lothian and Midlothian Public Protection Team	Private
06/15	Acting Head of Development	Proposed Extension to Sanderson's Wynd Primary School, Tranent	Public
07/15	Head of Infrastructure	Proposed Reconstruction of Tennis Courts at Lewisvale Park, Neilson Park, Polson Park & Longniddry Tennis Club	Public
08/15	Acting Head of Development	Tender Acceptance for the Delivery of Energy Efficiency Measures	Public
09/15	Depute Chief Executive – Partnerships and Community Services	Post of Environmental Protection Assistant, Environmental Protection Team	Private
10/15	Acting Head of Development	The Grant of Servitude Rights to Install and Maintain a Gas Main and Service Pipes over Land to the rear of Clark Buildings, Ormiston	Private
11/15	Head of Children's Wellbeing	Response to Scottish Government consultation on proposed amendments to the NHS Central Register regulations	Public
12/15	Depute Chief Executive – Partnerships and Community Services	Rents Consultation 2015 – feedback	Public
13/15	Head of Adult Wellbeing	Consultation Response: Statutory Duty of Candour	Public

14/15	Chief Executive	NHS Lothian Board Nominees – Integration Joint Board	Public
15/15	Depute Chief Executive - Partnerships & Community Services	Proposed House Alterations and Extension at 67 Laburnum Avenue, Port Seton	Public
16/15	Acting Head of Development	Grant of Lease for 2 areas of land extending to 1940 sq m (or thereby) at Ormiston Station Garden.	Private
17/15	Depute Chief Executive – Partnership and Services for Communities	Building Warrants Issued under Delegated Powers between 1st and 31st January 2015	Public

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