



**MINUTES OF THE MEETING OF
EAST LoTHIAN COUNCIL**

**TUESDAY 21 APRIL 2015
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

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

Council Officials Present:

Mrs A Leitch, Chief Executive
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 and Partnerships
Ms M Ferguson, Service Manager – Legal and Procurement
Mr I McFarlane, Service Manager – Planning
Ms J Ogden-Smith, Communications Officer
Mr S Pryde, Principal Amenity Officer
Ms E Shaw, Service Manager – Corporate Finance
Mr P Vestri, Service Manager – Corporate Policy & Improvement
Ms E Wilson, Service Manager – Economic Development & Strategic Investment

Visitors Present:

Mr Antony Clark, Audit Scotland

Clerk:

Mrs L Gillingwater

Apologies:

None

1. COUNCIL AND COMMITTEE MINUTES FOR APPROVAL

The minutes of the Council meetings specified below were submitted and approved.

East Lothian Council – 10 February 2015

East Lothian Council – 24 February 2015

2. COUNCIL AND COMMITTEE MINUTES FOR NOTING

The minute of the Committee meeting specified below was noted:

Local Review Body (Planning) – 19 February 2015

3. LOCAL SCRUTINY PLAN 2015/16

A report was submitted by the Chief Executive informing Council of the Local Scrutiny Plan 2015/16, provided by Audit Scotland.

Mr Antony Clark, Chair of the Local Area Network (LAN), presented the report, advising that there was no significant level of scrutiny activity planned for 2015/16. He noted that the Council's external auditor, KPMG, would work on financial planning, budgeting and the efficiency programme, and would report back as required. The Care Inspectorate would be looking at the progress made as regards the recent child protection inspection, and would also be looking into the partnership working arrangements with Midlothian Council. Education Scotland would be monitoring the new strategic planning programme within Education, and also the impact of this approach on learners. He also pointed out that the Scottish Housing Regulator would be working with the Council in relation to meeting the Scottish Housing Quality Standard and on improving performance in managing rent arrears. He mentioned that there would be a joint inspection of adult services and an inspection of the housing benefit service for all Scottish local authorities.

Mr Clark observed that East Lothian was a self-aware council and that it understood the challenges facing it, such as resources, budgets and changing demographics. He noted that the Council was good at responding to feedback on audit and inspection activity.

As Convener of the Policy & Performance Review Committee, Councillor Berry expressed surprise that he had not seen the scrutiny plan prior to the publication of the Council papers. He also questioned why officers from the LAN had met with Council officers rather than Elected Members. The Chief Executive explained that the normal practice was for the LAN to report to Council in the first instance, and that elements of the report would then be presented to the Audit & Governance Committee or PPRC, as appropriate. She noted that, on this occasion, there were no matters requiring to be reported to either scrutiny committee. Mr Clark indicated that he would be happy to meet with the conveners of the scrutiny committees in future.

Councillor Currie remarked that there were significant resource implications related to inspection work and asked for information on this. He also asked about improvement measures put in place as a result of inspections. On the second question, Mr Clark advised that useful and appropriate measures would be identified, and these would be followed up by the LAN. He reiterated that the Council was good at taking forward improvement plans. He added that the onus was then on the Council to drive forward improvements. The Chief Executive pointed out that during an inspection resources were diverted from service delivery to scrutiny delivery. However, the culture of self-evaluation and improvement that

was now firmly embedded in the culture of the Council allowed for scrutiny activity to be carried out without adding unduly to the workload of individuals.

In response to a question from Councillor Akhtar as regards the Council's strengths, Mr Clark stated that planning and performance management were key strengths, as were self-evaluation, driving forward change and responding to inspection recommendations.

Councillor MacKenzie suggested that, although there was no specific planned scrutiny as regards the Child Protection Committee, consideration should be given to looking at how this committee could be improved. He proposed that the PPRC could look into this, and perhaps someone with a background in child protection, such as Colin McKerracher, could be invited to address the PPRC on this matter.

Councillor McMillan welcomed the report and the positive and constructive feedback from Mr Clark. He hoped that the conveners of the Council's scrutiny committees would engage with inspectors in an effective way in order to avoid duplication and to add value to the process.

Councillor Currie commented on the importance of outcomes, but warned of the resource implications in relation to preparing for inspections. He remarked that the SNP Group had different views from the Administration as regards scrutiny of police and fire services.

Councillor Akhtar noted that a senior management education board had been established and that an improvement strategy had now been developed which would have a positive impact on young people.

Councillor Innes concluded the debate by thanking Mr Clark for his report and noting that the report provided reassurance that the Council was aware of the risks facing it and putting measures in place to manage those risks.

Decision

The Council agreed to approve the Local Scrutiny Plan 2015/16.

4. LOCAL GOVERNMENT BOUNDARY REVIEW

A report was submitted by the Depute Chief Executive (Resources and People Services) informing the Council of the Local Government Boundary Commission's (LGBC) proposals to reduce the number of councillors in East Lothian from 23 to 21, and its proposal to make changes to current ward boundaries in East Lothian. The report also sought authority to respond to the consultation, opposing the proposal to change ward boundaries.

The Head of Council Resources, Jim Lamond, presented the report, advising that following the initial public consultation, the LGBC had now commenced a statutory two-month consultation process with the Council, recommending both a reduction in councillor numbers from 23 to 21, and a reduction in the number of electoral wards from 7 to 6. He noted that copies of the proposed ward boundaries were available in the Members' Library. He advised that the Council's cross-party steering group had recently met to discuss the proposals, and drew attention to the conclusions reached at that meeting, as outlined in Sections 3.7 to 3.10 of the report. Mr Lamond advised that the Council had requested an extension to the response deadline; he proposed that, in the event this request was not granted, the Council should delegate authority to officers to respond formally to the consultation. It was noted that a further 12-week consultation would take place following the Council consultation, with the intention that the finalised wards would be in place for the Scottish Local Government Elections in May 2017.

Referring to the public consultation, Mr Lamond pointed out that 116 responses had been received, with the highest number of those coming from East Lothian; 54 responses had opposed the reduction in councillor numbers nationally, with 25 of those relating to East Lothian.

The Provost asked what action could be taken by the Council should the LGBC choose not to take account of the Council's views, and those of the public. Mr Lamond advised that in order to take the issue to judicial review the Council would have to demonstrate that the legal process had not been properly followed.

Councillor Caldwell asked if the projected increase in population in East Lothian had been taken into consideration by the LGBC. Mr Lamond confirmed that this had been taken into account.

There was unanimous support for the views of the steering group in relation to the proposals, with a number of Members questioning why there should be a reduction of 2 councillors in East Lothian out of 6 Scotland-wide, particularly at a time when the county's population was increasing at a faster rate than most other areas. Members expressed concern that the reduction in councillor numbers would impact most on those areas with higher levels of deprivation, and that there would be implications for the current school catchment areas and other local ties. The issue of councillor workload was also raised, with Councillor Currie suggesting that this may deter people standing for election to Council.

Councillor Innes voiced his disappointment that the LGBC had not taken account of the responses received during the public consultation period, and that the proposals of the LGBC contradicted their own criteria in that the result would be that the most deprived areas would have a reduced level of representation. He also noted that the LGBC would still be compliant with their policy of no overall increase in councillor numbers should they reinstate the two councillors in East Lothian. He called on the Council to continue its opposition to the proposals.

Councillor McAllister remarked that examples of local government in other European countries should be included in the Council's response.

Decision

The Council agreed:

- i. to note the Local Government Boundary Commission's proposals to reduce councillor numbers in East Lothian from 23 to 21 and to change ward boundaries;
- ii. to authorise officers to write to the LGBC requesting an extension of the time limit for responses from 19 May until 24 June to enable a further report to be brought to Council on the proposed response to the consultation on ward boundaries;
- iii. that in the event that an extension until 24 June is refused, to authorise officers to respond to the consultation; and
- iv. to consider suggestions made by Members as to what they feel should be incorporated into the response to the LGBC.

5. RESPONSES TO THE CONSULTATION ON THE MAIN ISSUES REPORT AND INTERIM ENVIRONMENTAL STATEMENT FOR THE EAST LOTHIAN LOCAL DEVELOPMENT PLAN

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising Council of a summary of the key messages of the consultation responses to the Main Issues Report (MIR) and Interim Environmental Report (IER) for the East Lothian Local Development Plan (LDP).

The Service Manager – Planning, Iain McFarlane, presented the report, advising that the majority of full responses were now available via the consultation hub, albeit some checking was still to be carried out on a number of documents before they could be added. He noted that all the information should be taken into consideration in order that the Council could reach a view on the LDP strategy as regards sites and policies. He stated that the report did not provide a commentary on the responses. He also pointed out that since the consultation process, Scottish Enterprise had decided not pursue the proposed marine energy park at Cockenzie and advised that discussions would now need to take place with the Scottish Government about the future of this site.

In response to a number of questions raised by Councillor Berry, Mr McFarlane advised that, in relation to the spatial strategy, officers had arrived at their view based on research and existing infrastructure capacity; however, he stressed that it was for Members to decide if that was the strategy they wished to pursue. On the planning of infrastructure, Mr McFarlane explained that the MIR stage of the process was concerned with ascertaining what the issues were by way of consultation with key agencies and the public, and that working groups would be established with Transport Scotland, Historic Scotland and others to look at the infrastructure requirements and how these would be funded. As regards economic development, he referred to the section in the MIR which covered employment and proposals for potential sites. He pointed out that there were infrastructure issues to overcome with some sites in order for them to be delivered. He suggested other ways of providing employment land and noted that officers were working on solutions to these issues.

Councillor Forrest asked if Wallyford Community Council had submitted a response to the consultation. Mr McFarlane advised that no response had been received prior to the consultation closing, but that he had recently been informed that the Community Council had sent a response by mail. He cautioned against accepting late submissions as this could be open to challenge, but added that he would look at accommodating the response if Members were in support of this.

Responding to questions from Councillor Currie, Mr McFarlane advised that rail infrastructure would be considered as part of the overall transport strategy and that the Council would be working with rail operators and Network Rail to resolve capacity issues. On health and GP services, he noted that with the forthcoming integration of services the mechanism of securing developer contributions may change, but further research on this was required. He also advised that there was some technical work currently being carried out in relation to the schools consultation and he was not in a position to comment on this. Members were informed that the target for the delivery of the LDP was October 2015.

Referring to the IER, Mr McFarlane confirmed that Cockenzie and Port Seton was the only community council to submit a response on this particular aspect of the consultation.

Councillor Goodfellow expressed his concern about the language used in the report in relation to the site at Ferrygate, North Berwick, as he felt it did not sufficiently reflect the strong feelings of the community. Mr McFarlane advised that where it was felt that a critical

point needed to be addressed an analysis could be provided; however, he indicated that this would impact on resources.

In response to a question from Councillor McAllister on the cost and funding of dispersed growth versus compact growth, Mr McFarlane explained that he was not in a position to provide this information, adding that once the sites were agreed, technical work would be undertaken and that there would be many issues to be taken into consideration.

Members welcomed the approach taken to developing the LDP, thanking officers for their work in consulting with the public and thanking developers for engaging in the process. Attention was drawn to the challenges in delivering the required rail, road, health and education infrastructure, as was the importance of ensuring that the selected sites for housing and employment land were deliverable. Some Members expressed concern as regards East Lothian's capacity to absorb large numbers of new houses without having the infrastructure to accommodate them. The importance of taking account of the views of communities was emphasised, and there was also a suggestion that the views of the public should be given more weight than those of developers, particularly as regards the provision of affordable housing.

Decision

The Council agreed:

- i. to note the content of the report and the Consultation Feedback: Summaries and Key Messages report, including the MIR and EIR Consultation Question Summaries, published in the Members' Library (Ref: 51/15, April 2015 Bulletin); noting that the full responses were available via the Council's consultation hub and that the Consultation Feedback Report also contained full details of the consultation process and summaries of the public events held; and
- ii. to give due consideration to the views expressed in the consultation responses when deciding on the development strategy, sites and policies of the proposed Local Development Plan.

6. CHARGING POLICY – MEMORIAL HEADSTONE MAINTENANCE FEE

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval for the introduction of a Maintenance and Management Fee payable on approval of an application to erect a memorial headstone within a Council-managed burial ground.

Stuart Pryde, Principal Amenity Officer, presented the report, advising that the Council had a duty of care as regards the safety of headstones. He noted that there were 29,000 headstones in East Lothian, 8,000 of which currently required repair. In accordance with the recently approved Burial Ground Strategy, the Council would install headstone foundations, but there remained a requirement to inspect headstones every three years. He proposed that a management fee of £100 would allow the Council to protect headstones, noting that the level of the fee was in line with the Council's Charging Policy. He added that community councils and professional stakeholders had been consulted on the proposals and no adverse comments had been received.

In response to a question from Councillor MacKenzie, Mr Pryde explained that the fees would be spent on the existing stock of memorials/headstones, dating from the seventeenth century to the present day.

Decision

The Council agreed to approve the introduction of a Management and Maintenance Fee of £100 plus VAT to erect a memorial headstone within a Council-managed burial ground, to commence with immediate effect.

7. EDINBURGH CITY REGION DEAL

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) providing an update in relation to the development of the outline business case of an Edinburgh City Region (ECR) Deal; seeking approval to proceed with the development of a detailed business case, with ECR partners, through the next stage of negotiation with the UK and Scottish Governments; and seeking agreement to adjust Stage 1 funding contribution levels and approval of the funding of the next stage of the bid.

The Acting Head of Development, Douglas Proudfoot, presented the report, advising that that the ECR Deal had the potential to deliver a significant uplift in economic output for East Lothian. He reported that the initiative was still in its early stages and that further work was required with partner authorities to secure a deal with both the Scottish and UK Governments. He provided an explanation of the approach being taken and the potential benefits that could be realised, referring to other similar city region deals already in operation. He also made reference to the outline business case, lodged in the Members' Library, and to the indicative timescales for the ECR Deal.

Councillor Berry noted that he supported the idea in principle, but expressed concern that the geographic spread of projects may benefit other areas more than East Lothian. He was assured by Mr Proudfoot that this project was genuinely collaborative, with all Council Leaders signing up to governance arrangements to empower Chief Executives and key officers to work together on an equal basis. He added that there was an aim for each partner authority to have at least one project.

Councillor Currie asked how the public consultation on projects would be carried out, given the timescales set out in Appendix A to the report. Mr Proudfoot advised that this was tied into the Local Development Plan, noting that a great deal of consultation had already taken place. Councillor Currie argued that the timescales for the ECR Deal did not fit in with the timescales for approval of the Local Development Plan and questioned again how meaningful public consultation would be carried out. The Chief Executive pointed out that this report sought approval to progress to the next stage in the process. She noted that there were a range of projects to be assessed against the criteria, but these could not be discussed with the public at this stage. She added that other areas which had entered into city region deals had seen significant investment from the UK Government.

Councillor Hampshire reassured Councillor Currie that there was no intention to take particular projects forward without public consultation. He referred to the consultation on the Local Development Plan, stating that with the anticipated level of investment the required infrastructure could be delivered. He noted that there would be further opportunities for consultation and that all Members would be fully involved.

Councillor Berry commented that the idea of city region was a sensible way forward; however, he was sceptical about how this would work in practice. He also suggested that there was a need to address the shortage of offices and business sites within East Lothian.

Councillor Akhtar welcomed the report and suggested that consultation could be carried out through the Area Partnerships.

Councillor McMillan thanked Mr Proudfoot and his staff for their work on this initiative. He believed that an ECR Deal would make a real difference to economic output in East Lothian, as was the experience in other areas which had entered into similar deals. He noted that all projects would be evaluated independently and would build on the Council's Economic Development Strategy, attracting investment and creating a strong economy.

Decision

The Council agreed:

- i. to note the progress of the bid arrangements since it agreed in December 2014 to support the development of an initial business case and approve that officers proceed with the next stage of the bid in conjunction with ECR partners; and
- ii. to increase Stage 1 funding from a contribution of £5,000 as approved, to a maximum of £25,000 and to approve further Stage 2 funding to a maximum of £50,000.

8. AMENDMENTS TO STANDING ORDERS – SCHEME OF ADMINISTRATION

A report was submitted by the Depute Chief Executive seeking approval of a proposed revision to the Scheme of Administration to allow substitutes on the Petitions Committee.

The Clerk advised that the Petitions Committee currently had four members, with a quorum of three. Given the small number of members, she proposed that Standing Orders should be amended to allow for substitutes to be appointed where a member was unable to attend or had an interest to declare. She noted that where a member was unable to attend, they would be asked to nominate a substitute from within their own political group. She advised that, if approved, the Scheme of Administration for the Petitions Committee and Standing Order 6.4 would require amendment.

Decision

The Council agreed:

- i. to approve the proposed amendments to the Scheme of Administration, and any relevant Standing Orders, as detailed in Sections 3.2 and 3.3 of the report; and
- ii. to note that the revised Scheme of Administration for the Petitions Committee would be published on the Council website as soon as practicable.

9. SCHEDULE OF MEETINGS 2015/16

A report was submitted by the Depute Chief Executive (Resource and People Services) seeking approval of the Schedule of Meetings of the Council, committees and other forums for 2015/16.

The Clerk presented the report, drawing attention to the Schedule of Meetings, attached at Appendix 1, and noting that there were two amendments required, in that there would be no meetings of the Musselburgh Joint Racing Committee on 12 April 2016 and 21 June 2016.

Councillor Berry expressed concern that the times listed for PPRC meetings varied, and suggested two amendments in order that all PPRC meetings start at 10 am. The Clerk provided reasons for not making these amendments in that one would clash with another

meeting and the other would be taking place during the week of the Scottish Parliament Election. The Provost accepted the point made by Councillor Berry, but remarked that alternate times may actually suit members of the public.

Councillor Currie questioned the inclusion of dates for the Musselburgh Joint Racing Committee, which was a private meeting. The Clerk pointed out that this document was primarily for use by Members and officers and that there were a large number of private meetings in the Schedule. She noted that there was a committee calendar on the Council's website for public use.

Decision

The Council, noting Councillor Berry's dissent, agreed to approve the proposed Schedule of Meetings for 2015/16.

10. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the nomination of Councillor John McNeil to represent the Council on the Lothian Valuation Joint Board and Lothian Electoral Joint Committee, replacing Councillor Norman Hampshire.

Decision

The Council agreed to approve the nomination of Councillor John McNeil to represent the Council on the Lothian Valuation Joint Board and Lothian Electoral Committee.

11. SUBMISSIONS TO THE MEMBERS' LIBRARY, 12 FEBRUARY – 8 APRIL 2015

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.

Referring to Item 22/15 – Acquisition of Haddington Sheriff Court, Councillor Currie asked for an update on this report. The Chief Executive, noting that this was a private item, undertook to provide Councillor Currie with further information.

Referring to Item 18/15 – Abolition of Right to Buy/End of Pressured Area Status, Councillor Veitch commented that this policy had been a great success in helping people on lower incomes to purchase a home. A number of Members spoke in opposition to the Right to Buy policy.

Decision

The Council agreed to note the reports submitted to the Members' Library Services between 12 February and 8 April 2015, as listed in Appendix 1 to the report.

Signed

Provost Ludovic Broun-Lindsay
Convener of the Council