



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

**TUESDAY 23 JUNE 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)
Ms M Patterson, Depute Chief Executive (Partnerships and Community 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 K Black, Team Leader – Safer Communities
Ms M Ferguson, Service Manager – Legal and Procurement
Mr P Iannetta, Service Manager – Engineering Services
Ms J Mackay, Media Manager
Mr I McFarlane, Service Manager – Planning
Ms E Morrison, Service Manager – Customer Services
Mr M Murphy, Senior Operational Manager, Adult Wellbeing
Ms J Placido, Team Manager - Estates
Mr P Vestri, Service Manager – Corporate Policy & Improvement

Visitors Present:

Chief Superintendent G Imery, Police Scotland
Chief Inspector M Paden, Police Scotland
Mr A Perry, Scottish Fire and Rescue Service

Clerk:

Mrs L Gillingwater

Apologies:

None

1. MINUTES FOR APPROVAL

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

East Lothian Council – 10 March 2015

East Lothian Council – 21 April 2015

East Lothian Council – 21 May 2015

2. MINUTES FOR NOTING

The minutes of the meetings specified below were noted:

Local Review Body (Planning) – 19 February 2015

East Lothian Partnership – 21 January 2015

East Lothian Partnership – 3 March 2015

3a. EAST LOTHIAN POLICE PERFORMANCE REPORT, 1.4.14 – 31.3.15

Chief Superintendent Gill Imery presented the report, advising of a number of events in the past year, such as the Commonwealth Games and Scottish Independence Referendum, which had had a significant impact on policing resources. However, she reported that crime in East Lothian was down compared with the previous twelve months. She pointed out that there was now a greater emphasis on local policing, and she set out the priorities for East Lothian. She introduced Chief Inspector Matt Paden to the meeting.

Chief Inspector Paden provided Members with a summary of performance in relation to local and national priorities. He drew particular attention to initiatives and partnership work as regards domestic abuse, anti-social behaviour and road safety.

Councillor Berry asked how many Council-funded police officers had been deployed outside East Lothian during the period covered by the report. He also asked about performance and feedback as regards '101' calls. Chief Superintendent Imery referred to the quarterly report on the activity of funded officers. On call handling, she advised that the reporting of information was improving and that this issue was reported to the Safe and Vibrant Communities Partnership. She invited Members to visit the control room at Bilston. She added that victims of crime were always informed of progress on their case. Councillor Berry requested that information on these issues should be included in future performance reports.

Councillor McLennan raised a question in relation to the increase in hate incidents. Chief Inspector Paden explained the difference between hate incidents and hate crimes, highlighting the reduction in crimes in this area, and advising of the positive multi-agency work underway to reduce such crimes. Members were also referred to the accompanying context report for further information.

In response to a question from Councillor Hampshire on the reduction in disorder and anti-social behaviour incidents, Chief Superintendent Imery attributed this to improvements in behaviour, but noted that people may be choosing not to report incidents.

On Groups 4-7, Chief Inspector Paden advised that there had been an increase in the reporting of historical sex offences, which were difficult to investigate. However, he expected to see a continuous improvement in detection rates in this category.

Chief Superintendent undertook to provide Members with additional information on the sources of statistics in future reports.

Councillor Currie asked if the new drink/drive limit had led to a reduction in offences in this area. Chief Superintendent Imery advised that the change in the limit had been helpful and had raised awareness of drinking and driving. She believed that the reduction in offences was largely due to the new limit.

Councillor Akhtar asked about the Police's approach to reducing disorder and anti-social behaviour. Chief Inspector Paden mentioned a number of measures, including the use of intelligence and incident analysis, weekly reviews of incidents and working in partnership with other agencies.

Councillor McMillan suggested that the report should include more information on preventative measures. Chief Superintendent Imery advised that local police teams now had more autonomy and that the reporting methods would continue to evolve. She noted that the views of Members on local policing would have an influence the context and content of future performance reports.

As regards stop and search initiatives, Chief Superintendent Imery advised that these were national policies. However, she noted that she had autonomy over what was appropriate for East Lothian and reported that there were no targets for volume of searches or positive rates for this year. She believed that stop and search was an effective early intervention tactic, commenting that it protected young people from each other.

Councillor Day welcomed the report, in particular the reduction in anti-social behaviour and disorder incidents. He did express concern at the level of house-breaking offences in East Lothian and welcomed the additional resources deployed to tackle this issue. Councillor Day proposed that the Council needed a more robust scrutiny arrangement and proposed that a separate committee be established to scrutinise the performance of the Police and Fire & Rescue Services. He also commented that a closer working relationship between the Council and the Scottish Police Authority was required.

Councillor Berry praised the work done by frontline police officers. He disagreed with the Chief Superintendent's views on stop and search activity, remarking that it sent the wrong message to communities. He spoke in support of an improved scrutiny arrangement.

Councillor Currie commented that the SNP Group had been calling for a separate Police and Fire & Rescue scrutiny committee for some time and welcomed the proposal to establish this new arrangement.

The report was welcomed by a number of Members, who welcomed the overall reduction in crime in East Lothian and praised the work done by frontline officers and partner organisations.

Decision

The Council agreed to note the East Lothian Police Performance Report, 1.4.14 – 31.3.15.

3b. POLICING PLAN REVIEW

Chief Superintendent Imery presented the report, advising that the Policing Plan was a three-year plan, to be reviewed annually. As regards identifying local policing priorities, she referred to a public consultation carried out in late 2014. She noted that 735 members of the public in East Lothian had been surveyed and that there was also an online survey. She reported that the priorities set out in the report were still relevant, and that she could provide further details to Members if required.

Councillor Berry noted his disappointment that the Local Police Plan had not been included in the Council papers.

Decision

The Council agreed to note the local policing priorities for the next year:

- Reducing anti-social behaviour
- Tackling substance misuse
- Reducing violence
- Protecting people
- Tackling serious and organised crime
- Making our roads safer
- Reducing housebreaking

4. EAST LOTHIAN FIRE AND RESCUE PERFORMANCE REPORT, 1.10.14 – 31.3.15

Alasdair Perry of the Scottish Fire and Rescue Service presented the report. He informed Members that there continued to be a reduction in accidental dwelling fire and fire casualties within East Lothian, and that there had also been a decrease in deliberate fires and in special service casualties. He did note, however, that there had been an increased number of false alarms due to equipment failure and that road traffic casualties in East Lothian were above the national average. Mr Perry drew attention to a number of initiatives in place to improve performance and of the value of partnership working with the Council and other partners.

Councillor Currie asked questions in relation to violence towards fire crews and false alarms. Mr Perry advised that he was unaware of issues of violence towards fire crews in East Lothian, but undertook to report back to Members on this. As regards false alarms due to equipment failure, he explained that these were commonly due to detectors being located in inappropriate places, and that work was ongoing to improve the quality of fire alarm systems in properties.

Councillor McAllister asked if alcohol was a factor in dwelling fires. Mr Perry noted that the main factors in dwelling fires were lone living, being elderly, alcohol consumption and smoking. He estimated that alcohol was a factor in over 50% of dwelling fires. He also pointed out that the Council had provided the Fire and Rescue Service with information to help identify vulnerable groups and target resources appropriately.

In response to a question from Councillor Berry, Mr Perry believed that introducing a financial penalty for responding to false alarms would discourage people from calling, but noted that a different approach was taken when responding to repeat false alarm situations.

Councillor Day welcomed the report and, in particular, the reductions in accidental dwelling fires and fire casualties. He warned of the financial challenges facing the Fire and Rescue Service and of the potential impact of that on service delivery.

Councillor Currie highlighted the importance of partnership working, drawing attention to a number of positive initiatives. He also questioned the UK Treasury policy of charging VAT to the Fire and Rescue Service and Police Scotland.

Councillor Berry suggested that a more robust approach to false alarms should be considered.

Decision

The Council agreed to note the East Lothian Fire and Rescue Performance Report, 1.4.14 – 31.3.15.

5. PARTNERSHIP WORKING UPDATE

A report was submitted by the Chief Executive updating the Council on the progress of the partnership work activities/initiatives undertaken as part of the partnership working agenda across East Lothian and Midlothian Councils.

The Chief Executive presented the report, drawing attention to current partnership working activity with Midlothian Council. She also advised of planned collaborative working as regards roads services, and noted that other opportunities for partnership working would be explored.

Councillor Berry asked for information on financial savings achieved through partnership working. He also questioned why the Council was not seeking to work in partnership with local authorities other than Midlothian. The Chief Executive argued that the Council had a strong record of working with other organisations. She explained that the Council's Voluntary Early Release Scheme (VERS) had led to partnership working in a number of areas with Midlothian Council, and that the primary focus was on creating capacity to continue delivering services. The Chief Executive also referred to joint working with other local authorities through ScotExcel and the City Deal.

Councillor MacKenzie voiced his frustration that there was no mention of financial savings in the report. The Chief Executive reiterated that the purpose of the report was not directly concerned with savings, but more in pursuit of service improvement without additional cost. She made reference to the reduction in grant funding to the Council and the need to look at ways of continuing service delivery. In response to a question from Councillor Currie as regards options for partnership working, she advised that Members would have an opportunity to consider this as part of the budget process.

Councillor Berry criticised the Council's approach to partnership working, remarking that a more radical approach was needed. Councillor Currie warned that with anticipated further cuts to the Council's grant funding, there would be a severe impact on the Council's ability to deliver services and that further partnership working was necessary.

Referring to past proposals for partnership working with other councils on waste disposal, Councillor Hampshire commented that working with other authorities would not necessarily result in savings.

A number of Members drew attention to the benefits of collaborative working, with particular reference to public protection, the efforts to re-open railway stations at East Linton and

Reston, the establishment of the East Lothian Integration Joint Board, and promoting food and drink in East Lothian.

Councillor Innes concluded the debate by advising that the Administration understood the financial challenges facing the Council and that a sensible approach to partnership working was required in order to continue delivering services.

Decision

The Council agreed to note and approve the current position regarding partnership working activities.

6. SOUTH EAST SCOTLAND STRATEGIC DEVELOPMENT PLAN (SESPLAN): MAIN ISSUES REPORT 2 AND SUPPORTING DOCUMENTS

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking ratification of the decision of the SESplan Joint Committee of 29 May 2015 to approve for public consultation purposes the Main Issues Report (MIR2) for the second South East Scotland Strategic Development Plan (SDP2).

The Service Manager – Planning, Iain McFarlane, presented the report, advising that the SESplan Board had approved the MIR2 and that Council was asked to approve it for the purposes of consultation. He noted that the consultation would run until 30 September. Mr McFarlane highlighted the key aspects of the report, in particular the potential impact of development in East Lothian.

Councillor Goodfellow asked questions in relation to provision of affordable housing and land supply. Mr McFarlane advised that the Housing Needs and Demand Assessment (HNDA), which informs MIR2, suggests that up to 60% of proposed development should be for forms of affordable housing. He pointed out that the HNDA for the current SDP, on which the Council's new Local Development Plan would be based, was not as detailed as the proposed SDP2 HNDA.

Mr McFarlane advised that in the Edinburgh Local Development Plan (LDP) there was a focus on development to the west of the city, with some development within the current city boundary; however, it was recognised that it would be difficult for Edinburgh to absorb the demand for housing and there may be an impact on the green belt.

Responding to questions from Councillor Berry, Mr McFarlane noted that the delivery of infrastructure was a key factor which was under consideration by the local authorities and the Scottish Government. He advised that SESplan had a strategic view of the entire area, but that the fine detail would be included in the LDPs. He did not anticipate that projects such as a proposed cruise liner terminal at Cockenzie would be publicly funded.

Mr McFarlane accepted that the timing of the MIR2 was not ideal, given the current LDP process; however, SESplan had to comply with statutory timescales. He suggested that as regards the policy on the housing land supply, the Council could consider implementing interim revised guidance within the proposed LDP policies, as long as it was compliant with the SDP.

Councillor Currie expressed concern over the deliverability of infrastructure to support housing development. Mr McFarlane advised that the LDP had to be progressed, reminding Members that through Scottish Planning Policy there is a requirement to deliver infrastructure that supported development.

Councillor Hampshire commented that public confidence in the planning system was low, and that another consultation on development would be both confusing and concerning for them. He shared the concerns of other Members as regards infrastructure, and also warned that developers may use the appeals system to have applications contrary to the LDP approved. He encouraged all Members to participate in the consultation and also to encourage public participation through community councils.

Councillor Veitch spoke in support of the proposed rail halts at East Linton and the dualling of the A1 between Dunbar and Berwick-upon-Tweed, and welcomed the statements in the MIR2 on renewable energy.

Councillor Berry highlighted the importance of the report. He voiced his concern at the impact of the proposed additional housing on health services, town centre traffic and other services, especially as there was no guarantee that additional infrastructure would be delivered. He also questioned what would be done to provide employment within East Lothian.

Councillor Currie suggested that the Local Government Pension Scheme should develop ideas as regards investing in infrastructure.

Councillor Goodfellow declared that he would support the report recommendations, based on the proposals regarding affordable housing.

Councillor McMillan remarked that there should be a greater emphasis on supporting rural industry and development, and that the report was not aspirational enough on issues such as a rail link to Haddington.

Decision

The Council, noting Councillor Berry's dissent, agreed:

- i. to ratify the decision of the SESplan Joint Committee at its meeting on 29 May 2015 to approve the Main Issues Report 2 (MIR2) and the supporting Monitoring Statement, Interim Environmental Report and Equalities and Human Rights Impact Assessment for public consultation;
- ii. to note the proposals for engagement and consultation on Main Issues Report 2 and the supporting documents considered by the SESplan Joint Committee on 29 May 2015;
- iii. to agree that minor editorial changes of a non-policy nature to Main Issues Report 2 and the supporting documents be delegated to the SDP Manager in consultation with the Head of Development, SESplan Project Board Chair and Joint Committee Convener; and
- iv. to note the accompanying background documents, which had been lodged in the Members' Library.

Sederunt: Councillors Hampshire and Trotter left the meeting.

7. RESPONSE TO THE COMMISSION ON LOCAL TAX REFORM

A report was submitted by the Chief Executive seeking agreement to the terms of a written representation to the Commission on Local Tax Reform.

The Chief Executive presented the report, highlighting the importance of responding to this consultation. She noted that the views of Members could be incorporated into the response.

Councillor Veitch welcomed the possibility of local authorities having the ability to raise tax levels and to decide how to spend that money. He argued, however, that control of local taxation should include the ability to decrease rates as well as increasing them. Speaking in support of these comments, Councillor Berry suggested that business rates should also be included in the proposals.

Councillor Innes also agreed that councils should have greater control over taxation and shared Councillor Currie's view that a mandate should be required to deliver a local income tax solution.

Decision

The Council agreed to approve the terms of the suggested response, as outlined in Appendix 1 to the report.

8. CHARGING POLICY: ABANDONED VEHICLES – RECOVERY OF COSTS

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval of the introduction of a policy to recover costs incurred as a result of the uplift, storage and disposal of abandoned vehicles.

The Team Leader for Safer Communities, Kenny Black, presented the report. He called on Members to support the introduction of the proposed charge. He advised that, if approved, the charge would come into effect on 1 July 2015 and would be reviewed annually. He estimated that the proposed charge would generate income of up to £3000 per annum.

In response to a question from Councillor Goodfellow as regards the disposal of vehicles, Mr Black advised that the Council would seek to recover any costs from the owner.

Councillor Caldwell asked why there had been a significant increase in costs paid to the contractor since April 2015. Mr Black explained that this increase was due to the nature and size of the vehicles, noting that charges were levied in accordance with the size and tonnage of vehicles.

Decision

The Council agreed to approve the policy of recovering costs associated with the uplift, storage and disposal of abandoned vehicles in accordance with section 5 of the Refuse Disposal (Amenity) Act 1978 and The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) (Scotland) Regulations 2011, noting that the policy of recovering costs would take effect from 1 July 2015, and that it would be reviewed on an annual basis.

9. SUMMER RECESS ARRANGEMENTS 2015

A report was submitted by the Depute Chief Executive (Resource and People Services) advising Members of the arrangements for dealing with Council business during the summer recess 2015.

The Clerk presented the report, drawing attention to the proposed arrangements for dealing with urgent business during the recess, in accordance with Standing Order 15.5.

Decision

The Council agreed:

- i. to approve the application of the recess business arrangements, in accordance with Standing Order 15.5, effective from the close of this meeting until the Council meeting of 25 August 2015; and
- ii. to note that a summary of business carried out during the recess period would be brought to the Council meeting of 25 August 2015, and that copies of all reports approved during the recess period would be lodged in the Members' Library.

Sederunt: Councillors Caldwell and Veitch left the meeting.

10. SUBMISSIONS TO THE MEMBERS' LIBRARY, 9 APRIL – 10 JUNE 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.

Decision

The Council agreed to note the reports submitted to the Members' Library Services between 9 April and 10 June 2015, as listed in Appendix 1 to the report.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Council unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (information relating to the financial or business affairs of any person other than the Authority) and Paragraph 9 (terms proposed or to be proposed in the course of negotiations for a contract for the acquisition or disposal of property) of Schedule 7A to the Local Government (Scotland) Act 1973.

Finance Matters

A private report submitted by the Depute Chief Executive (Resources and People Services) concerning applications to Musselburgh and Dunbar Common Good Committees was approved, with all applicants being awarded the full amounts applied for.

Property Matters

A private report submitted by the Depute Chief Executive (Partnerships and Community Services) concerning the acquisition of a property was approved.