



## MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 28 MARCH 2017  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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### Committee Members Present:

Provost L Broun-Lindsay (Convener)	Councillor N Hampshire
Councillor S Akhtar	Councillor W Innes
Councillor D Berry	Councillor M Libberton
Councillor S Brown (until Item 9)	Councillor P MacKenzie
Councillor J Caldwell	Councillor McAllister
Councillor S Currie	Councillor K McLeod
Councillor T Day	Councillor J McNeil
Councillor A Forrest	Councillor T Trotter
Councillor J Gillies	Councillor M Veitch
Councillor J Goodfellow	Councillor J Williamson
Councillor D Grant	

### Council Officials Present:

Mrs A Leitch, Chief Executive  
Mr A McCrorie, Depute Chief Executive (Resources and People Services)  
Mrs M Paterson, 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 D Proudfoot, Head of Development  
Mr T Shearer, Head of Communities and Partnerships  
Ms P Bristow, Communications Officer  
Mr P Forsyth, Team Manager – Assets and Regulatory (until Item 9)  
Mrs K MacNeill, Service Manager – Licensing, Admin & Democratic Services  
Ms E McLean, Service Manager – Strategic Asset and Capital Plan Management  
Ms C Molloy, Team Leader – Legal (until Item 3)  
Mr R Parker, Service Manager – Education (Strategy and Operations) (until Item 9)  
Mr L Taylor, Planning Policy Officer (until Item 3)  
Ms E Shaw, Service Manager, Corporate Finance  
Ms J Sheerin, Planner (Policy & Projects) (until Item 3)  
Ms P Smith, Principal Officer (Information and Research) (Education) (until Item 9)  
Ms J Squires, Planner (Policy & Projects) (until Item 3)  
Mr A Stewart, Principal Planner (Policy & Projects) (until Item 3)  
Mr A Stubbs, Service Manager – Roads (until Item 9)  
Mrs S Wanless, Planner (Policy & Projects) (until Item 3)  
Mr P Vestri, Service Manager – Corporate Policy and Improvement (from Item 9)  
Ms E Wilson, Service Manager – Economic Development and Strategic Investment  
Mr P Zochowski, Principal Planner (Policy & Projects) (until Item 3)

**Visitors Present:**

None

**Clerk:**

Mrs L Gillingwater

**Apologies:**

Councillor J McMillan

Councillor P McLennan

**Declarations of Interest:**

None

**Order of business**

Prior to the commencement of business, the Provost welcomed all those present to the last meeting of the current Council term. He announced that the supplementary item of public business, Relocation of Policing Staff to Shared Accommodation in John Muir House, would be considered as the final item of public business. The Chief Executive would then provide a verbal update to Members on the Edinburgh and South East Scotland City Region Deal. This item would be considered in private, on conclusion of the public business.

**1. MINUTES FOR APPROVAL**

The minutes of the Council meeting specified below were approved:

**East Lothian Council – 21 February 2017**

Councillor Berry questioned the accuracy of a statement made by Councillor Hampshire in relation to the provision of affordable homes. Councillor Hampshire provided further detail in relation to the statement he had made, and it was ascertained that the minute of this statement was accurate.

**East Lothian Council – 28 February 2017**

**2. PROPOSED LOCAL DEVELOPMENT PLAN: SCHEDULE 4 REPRESENTATION RESPONSES FOR SUBMISSION TO SCOTTISH MINISTERS**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) updating the Council on the consideration of representations to the Proposed Local Development Plan (LDP) and its associated documents, and seeking approval of the prepared responses to submitted representations that form the Council's Statement of Case and that would inform the Scottish Ministers' Examination of the Plan (Schedule 4 documents). The report noted that a number of documents relating to the Examination had been lodged in the Members' Library for Council to note.

The Service Manager – Planning, Iain McFarlane, presented the report in detail. He reminded Members of the complex process of preparing the LDP, and of the decisions taken by the Council to date on the proposed LDP. Mr McFarlane advised that 443 representations had been received, 150 of which related to sites in Gullane, and that 1100 issues had been raised within the representations. He advised that there were no modifications being proposed prior to submission of the Statement of Case to Scottish Ministers for examination. He noted that this examination may result in a public inquiry or hearings.

Mr McFarlane provided a summary of the representations received from the various communities in East Lothian, as well as the main concerns that had been raised. He also drew attention to comments on affordable housing provision, the former Cockenzie Power Station site, wind farms/turbines, minerals and fracking, and development in the countryside.

As regards the next stage in the process, Mr McFarlane explained that, if approved, the Council's Statement of Case would be submitted to Scottish Ministers for Examination before the end of April, and that the Examination would take between three and six months to complete. He anticipated that the report on the Examination would be produced by the end of the year. If the Reporter approved the LDP, then it would be presented to Council for adoption; Mr McFarlane stated that the Reporter's findings would be largely binding on the Council.

The Provost thanked Mr McFarlane and his team for their work on the LDP, and also those members of the public and others who had contributed to the process.

In response to questions from Members, Mr McFarlane advised that:

- the best way for a local authority to resist development in unsuitable areas would be to have in place an up-to-date LDP with a generous land supply; having the LDP examined and adopted as quickly as possible was key to resisting inappropriate development
- the Council could not have a 'no fracking' policy; he recommended extending the current criteria-based policy for dealing with applications for traditional mineral extraction to cover fracking (unconventional gas extraction), noting that this policy had served the Council well
- development was conditional on infrastructure being delivered (in accordance with the Developers Contribution Framework), although the Council was limited by legislation as to what could be requested and when in this regard
- there had been significant engagement with the public and other stakeholders on the LDP, and that consultation responses had been taken into account throughout the LDP process; he referred to the significant modification made to the Proposed LDP at the Council meeting in November 2015, which had been made partly in response to public comment. However, he added that representations had to be considered alongside professional judgement and suitability of sites
- the LDP had to comply with NPF3, the Strategic Development Plan (SDP) and other national planning policies, noting that the compact strategy had been provided for in the approved SDP
- the Directorate of Planning and Environmental Appeals (DPEA) would examine the LDP and consider unresolved representations – this may result in an inquiry or hearing for specific sites or issues, and the recommendations made by the DPEA would be largely binding on the Council
- officers and Members had accepted the compact strategy as the Council's settled view, and there was no evidence to support a departure from this strategy
- a significant amount of work on infrastructure requirements had already been carried out, and that the proposed LDP set out the interventions required to support the sites; further detail could be found in the Developer Contribution Framework and the Action Programme

Councillor Hampshire opened the debate by paying tribute to the work of officers throughout the Council who had contributed to the LDP process, as well as members of the community, landowners and developers for their input and support. He advised that through the LDP, 10,050 homes would be provided, 2500 of them being affordable homes, that new infrastructure would be delivered to support the LDP and that land for economic

development would also be made available. He also spoke in support of new policies that would protect East Lothian from inappropriate development.

Councillor Berry criticised the LDP process and expressed a view that the local government planning system was not fit for purpose. He voiced his concern that responses from the public to the LDP had not been taken into account, particularly within his own ward. He indicated that there was insufficient land for business use included in the Plan, that he felt there had been very little planning for integrating new developments into existing communities, and that he feared that the infrastructure would not cope with the growing population. On this basis, he declared that he would not be supporting the proposals.

Councillor Goodfellow warned of the potential consequences for the Council should there be any delay in having the proposed LDP examined and adopted. He was reassured that the representations submitted would be taken into account during the examination process. His views were supported by Councillor Akhtar, who added that it was important to address infrastructure issues and ensure there was a policy in place as regards fracking.

Councillor Currie thanked all those who had contributed to the LDP process. He expressed concern, however, that the views of communities had not been taken into consideration, believing that this would damage the credibility of the LDP and of the Council. He indicated that the SNP Group would not be supporting the report recommendations, on the grounds that public concerns had not been addressed.

As regards infrastructure, Councillor Veitch spoke of the need for the Scottish Government to make improvements to the Edinburgh City Bypass, the A1 and rail network capacity in order to keep pace with the increased housing development proposed in the LDP. He reminded Members that it was the Scottish Government who had set a requirement of 10,050 homes to be built in East Lothian, and that accommodating development on this scale was a significant challenge for the Council. He believed that the compact strategy was the best option for the Council.

Councillor Innes expressed his disappointment that the Opposition had not fully engaged with the LDP process. He advised that the LDP had evolved and changed throughout the process, following consultation with the public. He highlighted the need for the Council to have a robust LDP in order to protect East Lothian from inappropriate development.

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

For:	12
Against:	8
Abstentions:	1

The recommendations set out in the report were carried.

### **Decision**

The Council agreed:

- i. to note that no pre-examination modifications had been made to the proposed Local Development Plan in light of the representations received to the proposed LDP;
- ii. to approve the Schedule 4 forms appended to the report (Appendix 3) as the Council's responses to the unresolved representations to the proposed LDP;
- iii. to note the Participation Statement and Statement of Conformity with the Participation Statement (Members' Library Ref: 34/17, March 2017 Bulletin);

- iv. to note the position statements/responses to the Strategic Environmental Assessment Environmental Report consultation responses and the Proposed LDP Action Programme (Members' Library Ref: 32/17, March 2017 Bulletin);
- v. to note Scottish Natural Heritage's correspondence (0280) expressing that in its view the Proposed LDP satisfies the Habitats Regulations Appraisal Regulations in the format proposed (Members' Library Ref: 35/17, March 2017 Bulletin); and
- v. to delegate authority to the Head of Development to make editorial and presentational changes to these documents for submission, provided they do not alter the Council's Statement of Case.

### **3. TREASURY MANAGEMENT STATEMENT 2017–2020**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the Treasury Management and Investment Strategies for 2017/18 to 2019/20.

The Head of Council Resources, Jim Lamond, presented the report, advising of the Council's obligations with respect to treasury management. He noted that the Treasury Management Statement had been lodged in the Members' Library, and that it demonstrated the Council's compliance with the CIPFA Code of Practice. He went on to draw attention to the key aspects of the report and provided a summary of the Council's Investment Strategy. Members were informed that treasury activity reports would continue to be presented to the Audit & Governance Committee twice a year.

In response to questions from Councillors Berry and McAllister, Mr Lamond undertook to provide (outwith the meeting) details of the number of housing units supplied by East Lothian Housing Association and the annual cost of servicing debt related to the Council's PPP contract.

#### **Decision**

The Council agreed:

- i. to note the Treasury Management Strategy, referenced within Sections 3.4–3.20 of the report;
- ii. to note the Investment Strategy, referenced in Sections 3.21–3.24;
- iii. to approve the repayment of loans fund advances by the statutory method, set out in Section 3.9;
- iv. to approve operational boundaries for external debt, as detailed in Section 3.17;
- v. to approve authorised limits for external debt, as detailed in Section 3.18;
- vi. to 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 3.20; and
- vii. to approve the detailed Treasury Management Strategy Statement which has been submitted to the Members' Library (Ref: 30/17, March 2017 Bulletin).

#### **4. EAST LOTHIAN COUNCIL RESPONSE TO THE SCOTTISH GOVERNMENT CONSULTATION – DELIVERING EXCELLENCE AND EQUITY IN SCOTTISH EDUCATION: A GOVERNANCE REVIEW**

A report was submitted by the Depute Chief Executive (Resources and People Services) updating the Council on the response to the Scottish Government's consultation on *Empowering teachers, parents and communities to achieve excellence and equity in education: a Governance Review*.

The Head of Education, Fiona Robertson, presented the report, reminding Members that the Education Committee had delegated to her, in conjunction with the Education Committee Convener, the delivery of the consultation response to the Scottish Government. She confirmed that the response had been submitted in January and drew attention to the response, attached as Appendix 1 to the report.

Responding to questions from Councillor MacKenzie as regards the focus on areas which fall within the most deprived on the Scottish Index of Multiple Deprivation (SIMD), Mrs Robertson proposed that in order to close the attainment gap, the review should look beyond the SIMD. She advised that officers were now collecting data for all schools on other factors that may impact on pupils' progress.

Councillor Akhtar raised a number of questions in relation to issues devolved to head teachers, governance structures, feedback from parents/carers and collaborative working. Mrs Robertson reported that officers supported head teachers as regards their devolved budgets, and that a Devolved School Management Group had been set up to assist with this. She noted a number of areas where feedback from parents was positive, including engagement between officers and schools, the role of councillors working with schools, and the progression of national agendas. On collaborative working, she highlighted the work of the South East Authority Alliance Group, which looked at issues such as building capacity in schools and across authorities, leadership, and quality improvement processes. She also referred to the Head Teacher Network, which had looked at self-evaluation processes and improving services for additional support needs.

Councillor McAllister asked about the role of the Insight IT system. Mrs Robertson advised that this site provided information on the performance of each school, but that it was not a public site. She added that in future the site's interface for parents would provide more detailed information up to the senior phase.

Councillor MacKenzie welcomed the Council's view that there should be no additional bureaucracy within the education system. He also welcomed the additional direct funding for schools, which would be used to support those pupils most in need.

Councillor Akhtar thanked all those who had responded to the consultation, noting the importance of recognising the views of parents, carers and teachers. Whilst welcoming the additional funding to schools for 2017/18, she expressed concern at reductions in overall funding and the challenges facing the Council as regards raising attainment. She stated that the Council was performing well in education, noting that 93.5% of pupils went on to positive destinations. She referred to concerns raised in relation to the Scottish Government proposed changes to education governance, suggesting that local authorities needed time to embed recent changes, and that the existing governance structures worked well in East Lothian.

Councillor Akhtar's comments were echoed by Councillor Veitch, who praised the work of parent councils. He shared her concerns in relation to the proposed governance changes,

particularly as the current arrangements worked well in East Lothian. He commented that improvements to education were required in order to restore its reputation, but feared that the proposals would diminish the role of local authorities.

Councillor Berry remarked that the positive destination figures quoted by Councillor Akhtar did not apply to all schools in East Lothian, and noted that the overall figure reflected the Scottish average.

Councillor Currie noted that the Scottish Minister for Education would now consider the responses to the consultation prior to the bill being finalised for submission to parliament. He questioned the Administration's opposition to the creation of education regions, given that it was not yet clear how these would be structured. He also welcomed the additional funding allocated to schools.

Councillor Goodfellow concluded the debate by advising that the Administration had taken account of the views of parents and parent councils when formulating the response to the consultation.

## **Decision**

The Council agreed:

- i. to note the contents of this report; and
- ii. to note the response to the consultation.

## **5. OUTCOME OF THE SCHOOL CONSULTATION ON THE PROPOSED CHANGE TO PRESTON LODGE HIGH SCHOOL CATCHMENT AREA AND THE ESTABLISHMENT OF A NEW PRIMARY SCHOOL AT BLINDWELLS**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the recommendations set out within the Consultation Report (attached at Appendix 1 to the report) on the proposed change of secondary catchment area for the Blindwells primary school catchment area and the establishment of a new primary school for Blindwells new settlement (LDP Proposal BW1).

The Head of Education, Fiona Robertson, presented the report. She drew attention to the process and outcome of the consultation exercise, as well as the views of Education Scotland.

Councillor Berry recalled that the original education proposal for Blindwells had included provision a single school to cover all stages, and asked why there had been a change of policy. Iain McFarlane, Service Manager – Planning, explained that there were remediation issues with this site that would result in significant up-front costs. Having taken account of the viability and practicalities of the site, the solution now presented to the Council was considered to be the best option. Mrs Robertson added that, from an education perspective, it was considered that Preston Lodge would be able to accommodate the children from Blindwells and would offer a broader general curriculum in the senior phase than was likely to be the case with an 'all-through' school at Blindwells.

Councillor MacKenzie expressed concern about road safety issues for children walking or cycling from Preston Lodge to Blindwells. Mrs Robertson confirmed that she was working with other Council services as regards the provision of safe routes to school. She noted that children from Blindwells would travel to Preston Lodge by bus.

Responding to questions from Councillor Currie as regards the costs of developing the Blindwells site and the impact on St Gabriel's Primary School, Mr McFarlane advised that due to remediation costs, developer contribution levels would be higher than for other developments, and that consideration would need to be given as to what was appropriate in relation to education provision. As regards St Gabriel's, Mrs Roberston advised that there would be engagement with all stakeholders to reassure them as to the impact of additional pupils.

On the matter of home-to-school transport, Mrs Robertson advised that during the development period transport would be provided between Blindwells and Preston Lodge. She confirmed that where there were road safety issues, children living within two miles of the school were provided with transport.

Councillor Currie highlighted the importance of addressing road safety issues, and voiced concern at the potential impact of the changes on St Gabriel's Primary School. His concerns about road safety were shared by Councillor MacKenzie, who expressed a preference for the original proposal to have an all-through school at Blindwells.

The Provost then moved to the vote on Option (i) of the report recommendations:

For:	12
Against:	7
Abstentions:	2

Option (i) was therefore carried.

### **Decision**

The Council agreed to approve, on the basis of the school consultation and taking account of the educational and social benefits of the proposal that:

- i. subject to planning permission being approved for the current allocated site (Proposal H1 of the East Lothian Local Plan 2008 / Proposal BW1 of the emerging East Lothian Local Development Plan), a new primary school with early learning and childcare provision would be established for the Blindwells primary school catchment area;
- ii. the new primary school would be established initially at Cockenzie Primary School through a 'hosting' arrangement until the new primary school building is complete;
- iii. the new primary school would relocate to its permanent site on completion of the new building;
- iv. the Preston Lodge High School catchment area would be extended to include the Blindwells new settlement (BW1) and replace the Blindwells secondary catchment area established in 2010 with immediate effect; and
- v. the St Gabriel's RC Primary School catchment area would be extended to include the Blindwells new settlement (BW1) in alignment with the proposed revised Preston Lodge High School catchment area with immediate effect.

**6. OUTCOME OF THE SCHOOL CONSULTATION ON THE PROPOSED CHANGE TO THE LETHAM MAINS PRIMARY SCHOOL CATCHMENT AREA**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the recommendations set out within the Consultation Report (attached at Appendix 1 to the report) on the proposal to extend Letham Mains Primary School catchment area to include the Letham Mains Expansion Area (LDP Proposal HN2), currently in the Haddington Infant School and King's Meadow Primary School catchment area.

The Head of Education, Fiona Robertson, presented the report. She drew attention to the process and outcome of the consultation exercise, as well as the views of Education Scotland.

Councillor Trotter sought reassurance that the existing Haddington schools would have capacity to accommodate an increased number of children while the new school was being constructed. Mrs Robertson confirmed that, based on predictions, there would be capacity. She added that concerns raised by the Kings Meadow Parent Council in relation to the acoustics in the school would be addressed, and that she would continue to engage with all stakeholders on the proposals.

Councillor Akhtar thanked officers for their work on the consultation, noting the support for the proposal.

**Decision**

The Council agreed to approve, on the basis of the school consultation and taking account of the educational and social benefits of the proposal that:

- i. Letham Mains Primary School catchment area would be extended to include the Letham Mains Expansion Area (HN2) and remove this area of land from the Haddington Infant School and King's Meadow Primary School catchment areas; and
- ii. the new catchment and admission arrangements for Letham Mains Primary School, Haddington Infant School and King's Meadow Primary School would become operational with immediate effect.

**7. OUTCOME OF THE SCHOOL CONSULTATION ON THE PROPOSED CHANGE TO THE PINKIE ST PETER'S AND WALLYFORD PRIMARY SCHOOLS CATCHMENT AREAS**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the recommendations set out within the Consultation Report (attached at Appendix 1 to the report) to alter the Pinkie St Peter's Primary School catchment area to include the whole of the land at Levenhall (LDP Proposal MH8), which currently falls across both the Pinkie St Peter's Primary School and Wallyford Primary School catchment areas.

The Head of Education, Fiona Robertson, presented the report. She drew attention to the process and outcome of the consultation exercise, as well as the views of Education Scotland.

Councillor Forrest welcomed the proposal, commenting that it would promote a greater sense of community.

## **Decision**

The Council agreed to approve, on the basis of the school consultation and taking account of the educational and social benefits of the proposal that:

- i. the Pinkie St Peter's catchment area would be altered to include the whole of the land at Levenhall site (MH8) and remove the area of land affected from the revised Wallyford Primary School catchment area, approved by Council on 25 October 2016; and
- ii. the new catchment and admission arrangements for Pinkie St Peter's Primary School and Wallyford Primary School would become operational with immediate effect.

## **8. OUTCOME OF THE SCHOOL CONSULTATION ON THE PROPOSED ESTABLISHMENT OF A NEW PRIMARY SCHOOL AND ITS ASSOCIATED CATCHMENT AREA WITHIN THE LAND AT CRAIGHALL, MUSSELBURGH**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the recommendations set out within the Consultation Report (attached at Appendix 1 to the report) to alter the Pinkie St Peter's Primary School catchment area to include the whole of the land at Levenhall (LDP Proposal MH8), which currently falls across both the Pinkie St Peter's Primary School and Wallyford Primary School catchment areas.

The Head of Education, Fiona Robertson, presented the report. She drew attention to the process and outcome of the consultation exercise, as well as the views of Education Scotland.

Councillor Akhtar asked what action was being taken to address the concerns associated with the hosting of children at Stoneyhill Primary School. Mrs Robertson explained that visits would be made to other local authorities with hosting arrangements to hear about their experiences, and that representatives from the Stoneyhill Parent Council would be invited, where feasible.

Councillor Williamson expressed concern about the connectivity between the Craighall community and that of the wider Musselburgh area, and hoped that this would be taken into consideration. He noted that the Stoneyhill Parent Council was supportive of the proposed hosting arrangements.

Councillor McNeil added his thanks to officers, commenting that the head teacher of Stoneyhill Primary School also supported the proposals.

## **Decision**

The Council agreed to approve, on the basis of the school consultation and taking account of the educational and social benefits of the proposal that, subject to the adoption of the emerging LDP in a format that would require these new education catchment arrangements and facilities to be delivered:

- i. a new primary school catchment area would be established for the Craighall area (LDP Proposal MH1), currently in the Campie Primary School catchment area;
- ii. a new primary school with early learning and childcare provision would be established for the proposed Craighall primary school catchment area;

- iii. the new primary school would be established initially at Stoneyhill Primary School through a 'hosting' arrangement until the new primary school building is complete; and
- iv. the new primary school would relocate to its permanent site on the completion of the new building.

#### **9. DUNBAR GRAMMAR SCHOOL – PROCUREMENT OF FACILITIES MANAGEMENT SERVICES FOR THE NEW EXTENSION**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) setting out the comparison of and seeking determination of the options available in respect of the delivery of the facilities management services for the expansion of Dunbar Grammar School.

The Head of Development, Douglas Proudfoot, presented the report, advising of the requirement for the Council to approve the delivery of facilities management (FM) services for the new extension at Dunbar Grammar School. He drew attention to the key aspects of the report in terms of the options considered, the different elements of the FM services, and his recommendation as to the most appropriate solution. He also advised that, as regards community use of the all-weather pitch, he would, together with colleagues in Legal and Finance explore the arrangements for this facility and similar facilities at other secondary schools.

Responding to questions from Councillor Currie in relation to the delivery of FM services, Mr Proudfoot gave a view that, although it was possible, it would be difficult to deliver the 'hard' FM services and planned/responsive maintenance through two different providers, i.e. the current contractor (FES) delivering FM services for the existing building and a different provider delivering the services within the extension. He noted that there would be legal and risk implications should the Council choose to provide the services in this way. Mr Proudfoot anticipated that there would be a requirement to extend the other schools which were included in the PPP contract due to projected increases in pupil numbers, but assured Members that no procurement decisions had yet been taken as regards extending any other school. He noted that should future extensions be integrated into the existing facilities, it would be difficult not to apply the same considerations as those applied to Dunbar Grammar School, although design decisions would require to be taken into account.

Councillor Berry asked a number of questions in relation to the costs of the contract with FES. Mr Proudfoot anticipated that there would be a reduction in the cost of FM provision for the new facilities and that there would be no additional cost for janitorial services. He reiterated that further consideration would be given to the issue of community access to the all-weather pitches at schools.

In response to comments made as regards the current FES arrangements at the secondary schools, the Chief Executive reminded Members that the Council was working in partnership with FES, and both parties were obliged to adhere to the terms of the contract. She confirmed that any concerns raised in relation to the services provided would be addressed.

Councillor Berry remarked that under the current PPP contract, the high cost of hiring the sports pitches made it difficult for communities to access these facilities. The Chief Executive pointed out that FES were delivering what had been asked of them and that should the Council wish to renegotiate the contract, then this could be taken forward with FES. Ms McLean added that the charges for use of the sports pitches were regularly benchmarked with Council charges and those of EnjoyLeisure. She noted that there were

different rates for school, community and commercial use, and that she would look into this matter further to ensure that communities were getting a good deal.

Councillor Currie proposed that Option 2 – separate management of the ‘hard’ FM services and planned/reactive repairs for the new extension – would be the best approach. He accepted that it may not be easy to implement, but that it was better for the Council to have control of these services.

The Provost argued that it would not be sensible to have two different FM providers in place for an integrated structure. His views were shared by a number of other Members.

Members asked to be updated on progress as regards the investigation into access to sports facilities by community groups.

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

For:	12
Against:	6
Abstentions:	2

The report recommendations were therefore carried.

### **Decision**

The Council agreed:

- i. to enter into a supplementary agreement with the PPP FM Agreement (the Supplemental FM Agreement) in respect of the extension at Dunbar Grammar School to provide the key ‘hard’ FM services for the extension building, including the planned and reactive maintenance and management service for the building fabric;
- ii. that janitorial services would also be included in the Supplemental FM Agreement;
- iii. that delivery of building cleaning services to the new extension would be excluded from the Supplemental FM Agreement to enable further assessment of the costs and risks to be carried out; and
- iv. that the Council would be responsible for the maintenance of the new all-weather pitch and floodlighting.

## **10. ELECTION RECESS ARRANGEMENTS**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the proposed arrangements for managing Council business until the formation of the new East Lothian Council.

The clerk advised of the proposed arrangements for dealing with Council business, which were in accordance with Standing Order 15.5. She suggested that minutes of the final meetings of the Council and its committees be submitted to the relevant conveners for verification and signing.

## **Decision**

The Council agreed:

- i. to adopt the recess business arrangements as outlined at Rule 15.5 of the Council's Standing Orders during the period 29 March to 3 May 2017, until the new East Lothian Council is elected on 5 May 2017;
- ii. that any business approved under (i) above would be lodged in the Members' Library; and
- iii. that minutes of the most recent meetings of the Council and its Committees that could not be submitted to the relevant committee for approval be signed and verified as a true and accurate record by the relevant Conveners.

### **11. SUBMISSIONS TO THE MEMBERS' LIBRARY, 16 FEBRUARY – 15 MARCH 2017**

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 16 February and 15 March 2017, as listed in Appendix 1 to the report.

### **12. RELOCATION OF POLICING STAFF TO SHARED ACCOMMODATION IN JOHN MUIR HOUSE**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) informing the Council of the Scottish Policy Authority (SPA) decision to relocate the Operational and Community Police currently based in Haddington Police Station to John Muir House, and seeking approval to proceed with this project.

The Service Manager – Corporate Policy and Improvement, Paolo Vestri, presented the report. He advised that the proposed relocation of Police Scotland staff to John Muir House would allow for closer working between the Council and other agencies and would enhance service delivery. He noted that the Scottish Policy Authority had approved the business case for the proposed relocation.

Responding to questions from Members, Mr Vestri advised that this proposal would not result in a reduction to Police numbers in Haddington and that there would be no adverse impact on public access to the Police. He noted that six car parking spaces in the Council car park would be provided for Police vehicles, as well as a number of other spaces to the front or side of John Muir House.

The Chief Executive confirmed that through the Council's 'new ways of working' approach, there would be sufficient space in the building for 54 additional Council staff.

On the costs associated with the relocation proposal, Mr Vestri advised that it would cost over £1 million to refurbish the former court building, which would be met by the Council. He drew attention to the financial implications, as set out in Section 6.1 of the report.

Councillor Veitch welcomed the proposal, which he believed would lead to improved collaborative working between the Council and the Police.

Councillor Currie remarked that the proposal would benefit the Police at the Council's expense, and questioned whether this constituted Best Value. He declared that the SNP Group would oppose the recommendations.

The Chief Executive pointed out that for the Council to bring the former court building back into use it would cost over £1 million, but that this proposal would see a contribution of £226,000 from the Scottish Police Authority, together with annual rental income to the Council.

Councillor Innes indicated that working more closely with the Police would realise significant benefits, and that this was the right option for the both organisations.

Councillor Day added that the ongoing rental income from the Police would provide a good return on the Council's investment.

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

For: 13  
Against: 6  
Abstentions: 1

The report recommendations were therefore carried.

## **Decision**

The Council agreed:

- i. to welcome the Scottish Police Authority decision to relocate all Operational and Community Police currently based in Haddington Police Station to the former Sheriff Courts and John Muir House, Haddington; and
- ii. that, in line with the option that was agreed in principle from the *Smarter Working for Better Outcomes: Opportunities for collaborative working with Police Scotland through co-location at John Muir House* report to Cabinet on 11 October 2016, the detailed design and procurement work should proceed immediately to enable:
  - the relocation of Operational (Response) and Community Police from Haddington Police Station to the first floor of the former Sheriff Courts and reconfiguration of the Court Street reception as the police station public reception area
  - reconfiguration of the remaining first floor space to accommodate up to 54 Council staff
  - the relocation of Community Police to a 'collaborative hub' on the ground floor of John Muir House, which would include Scottish Fire and Rescue Scotland Local Area Liaison Officers, the Council's Safer Communities Team, and other Council staff.

## **VALEDICTORIES**

As the outgoing Provost, Councillor Broun-Lindsay thanked Council officers whom he had worked with during his time as a councillor. He also thanked his fellow councillors for their courtesy during his period as Provost.

The Provost thanked Councillor Veitch for his contribution to the Council, particularly as regards campaigning for better public transport, the new railway station at East Linton, and road safety improvements. He wished Councillor Veitch well in his new role as a church minister in Northumberland.

Councillor Day's work as Cabinet Spokesperson for Economic Development was highlighted. He had served on the boards of EnjoyLeisure and the Brunton Theatre Trust, as well as championing links with Rwanda through sport and leading on developments at North Berwick Harbour and Kirk Ports.

The Provost advised that, after 18 years as a councillor in the North Berwick ward, Councillor Berry would not be seeking re-election. He paid tribute to Councillor Berry's contribution to the Council as Council Leader and Spokesperson for Economic Development and Tourism, and also his role in setting up the North Berwick Highland Games and the Scottish Seabird Centre. The Provost was joined by all Members in wishing Councillor Berry well for the future.

Members were advised that Councillor Libberton would also be standing down. She had represented the Preston/Seton/Gosford area since 2003, and had made a significant contribution to the Council in her role as Depute Convener of the Education Committee.

The Provost noted that this would be the final Council meeting for Councillors Brown and McAllister. He thanked them for their contributions to the committees they had served over the period since 2012.

The Provost paid tribute to Councillor MacNeill, who had served as a Musselburgh Councillor since 1999 and had contributed to a number of committees, as well as being a director of EnjoyLeisure and the Musselburgh Joint Racing Committee, and representing the Council on a number of outside bodies.

It was noted that Councillor MacKenzie would also be standing down. As well as being Convener of the Education Committee from 2007–12 and Depute Convener of the Policy & Performance Review Committee since 2012, he had championed a number of projects in his Preston/Seton/Gosford ward.

The work and commitment of Councillor Grant, Cabinet Spokesperson for Health and Social Care, was recognised. First elected in 1999, he had been instrumental in the establishment of the East Lothian Integration Joint Board and the construction of the new East Lothian Community Hospital. In addition, he had contributed to the work of many committees and the East Lothian Licensing Board.

The Provost conveyed his best wishes to those Members who were standing down, and to those who were seeking re-election.

Councillor Innes paid tribute to the contribution made by Provost Broun-Lindsay over his thirty years as a councillor. As Provost he had worked hard for East Lothian, receiving royal visitors and politicians from both governments. Councillor Innes noted that the Provost had always carried out his duties with integrity and respect, and, as Convener of the Council, had treated all Members fairly. He was joined by other Members in thanking the Provost for his contribution to the Council and wishing him well for the future.

Councillor Currie thanked those Members of the SNP Group who would be standing down in May for their support and contribution to debates in the Chamber. He conveyed his best wishes to all those Members who were not seeking re-election.

The Chief Executive concluded the valedictories on behalf of the Council Management Team. She highlighted the roles of Councillors McLeod and Berry in chairing the scrutiny committees, and of Councillor Grant in establishing the Health and Social Care Partnership. She thanked all Members for their dedication, energy and commitment to the Council.

## **SUMMARY OF PROCEEDINGS**

The Chief Executive provided an update in relation to the Edinburgh and South East Scotland City Region Deal.