MINUTES of the MEETING of EAST LOTHIAN COUNCIL held in the COUNCIL CHAMBERS, HADDINGTON on 4 NOVEMBER 2003

Councillors Present:

Provost P O’Brien, Convener
Depute Provost D Costello
Mr A Forrest
Mr D Grant
Mr N Hampshire
Mr W Innes
Mr K Jarvie
Mrs M Libberton
Mrs A McCarthy
Mr J McNeil
Mr R McNeill

Mr N Murray
Mr P O’Donnell
Mr J Ross
Mr B Shepherd
Mrs M Talac
Mr L Broun-Lindsay
Mr P Ford
Mr N Rankin
Mr D Berry
Mrs S Richardson

Attending:

Mr J Lindsay, Chief Executive
Mr A J Blackie, Director of Education and Children’s Services
Mr A McCorrie, Director of Corporate Finance and IT
Mr B Walker, Director of Community Services
Mr P Collins, Director of Environment
Mr J Lamond, Head of Policy and Business Management
Mr R Montgomery, Head of Transportation
Ms S Saunders, Head of Personnel Services
Mr T Shearer, Head of Community Wellbeing
Mr N Clark, Countryside Officer
Mr J Denning, Political Research Officer
Mr B Duncan, Policy Development Manager
Mrs L Gillingwater, Administrative Officer (Clerk)
Ms M Johnston, Landscape and Countryside Manager
Mr K MacConnachie, Council Solicitor
Mr D Russell, Corporate Communications Manager

In Attendance:

Mr R McGraw, Scottish Natural Heritage

Apologies:

Councillor C Ingle
Councillor G Meikle
Prior to the commencement of the meeting, a presentation was delivered by Ron McGraw of Scottish Natural Heritage on the Land Reform (Scotland) Act 2003 in relation to Countryside Access. The main areas covered in the presentation were: the extent of access rights; Local Authority duties and powers; access responsibilities; progress on legislation and the Scottish Outdoor Access Code; and the implementation of the Act. There was a short question and answer session following the presentation.

1. **COUNCIL AND COMMITTEE MINUTES**

The Public Minutes of the Council and its Committees specified below were submitted and approved subject to the amendments and comments as detailed.

East Lothian Council – 26 August 2003

Council Committee for Education – 26 August 2003

Cabinet – 2 September 2003

Planning Committee – 9 September 2003

Cabinet – 30 September 2003

Councillor Berry requested that Item 7, paragraph 2 be amended to read: “Councillor Berry commented that as a member of the Performance Review Panel which had reviewed the operations of the Print Unit, he was disappointed that the Panel had not been informed of the decision to purchase the Computer to Plate System”.

2. **SUBMISSIONS TO THE MEMBERS’ LIBRARY**

A report was submitted by the Chief Executive concerning the recording of reports submitted to the Members’ Library Service between 26 August 2003 and 22 October 2003, detailed in Appendix 1 to the report, into the Council’s business as required by Standing Order 7(iii).

**Decision**

Council agreed to record the reports submitted to the Members’ Library Service between 26 August 2003 and 22 October 2003, as listed in Appendix 1 of the report, into the Council’s business.

3. **2002-03 PUBLIC PERFORMANCE REPORT, “AIMING HIGH”**

A report was submitted by the Chief Executive which provided background and contextual information on the production and distribution of this year’s Public Performance Report – “Aiming High”.
The Chief Executive spoke to the report, stating that this was the fourth year that East Lothian Council had produced a Public Performance Report, “Aiming High”, and that it had been distributed to households throughout the Council area. He explained that the report included information on performance, key Council services, Council priorities and plans for the coming year.

The Chief Executive made reference to several of the areas where performance had improved, including the time involved in processing benefit claims, which had been reduced from 80.1 days in 2001/2002 to 52.7 days in 2002/2003; percentage of Council Tax collected, which had risen from 92.4% in 2000/2001 to 94.5% in 2002/2003; improvements in school examination results, which were above the Scottish average; refuse collection; and the amount of household waste recycled, rising from 6.5% in 2001/2002 to 13% in 2002/2003.

The Chief Executive drew attention to an error on page 18 of the report, confirming that the Council had spent £500,000 on re-roofing and roughcasting, not £5,000,000.

The Council Leader congratulated the staff who had produced the report, describing it as an excellent document.

**Decision**

The Council agreed to endorse the approach taken to producing an annual Public Performance Report.

4. **POLICY & PERFORMANCE REVIEW PANELS – UPDATE**

A report was submitted by the Chief Executive which provided a brief outline of the business of the four Policy & Performance Review Panels (PPRPs) for the period September/October 2003.

The Chief Executive spoke to the report, summarising the business which had been conducted during the first meetings of the four PPRPs. He asked the Council to note the report and approve the constitutions of the Panels.

Councillor Broun-Lindsay welcomed the report and commended the work done by the Panels. However, he was concerned about the lack of opportunities for full debate by opposition members and the restrictions on submitting amendments or motions. He was also concerned about the large amount of business being dealt with in private. He saw this situation as unsatisfactory and requested that a review of the new committee structure be undertaken as soon as practicable.

Councillor Ford echoed Councillor Broun-Lindsay’s concerns regarding the work of the Panels being conducted in private and the dissemination of information to the public, despite saying that the discussions at the Panel meetings had so far been very useful. In response to his question regarding the political balance of the membership of the Panels, the Chief Executive confirmed that the political balance was proportionate.
The Council Leader responded, saying that a review of the new structures was planned for early in 2004 and that the views of members would be taken on board at that time.

Councillor Innes claimed that it was important to conduct the business of the Panels in private in order to have a full and open debate. He also suggested that reviewing the structures in the New Year would be premature.

Councillor Berry requested that there be a public section and a private section to the Panel meetings and said he thought that the Panels would be more effective if they were chaired by members of the opposition groups.

The Provost concluded by saying that all of these views would be taken into account when the structures were reviewed.

**Decision**

The Council agreed to note the report and approve the constitutions of the panels, which would form Appendices E (i), (ii), (iii), and (iv) to Standing Orders.

5. **EUROPEAN PARLIAMENTARY AND LOCAL ELECTIONS 2004: THE LOCATION OF ELECTORAL PILOT SCHEMES**

A report was submitted by the Chief Executive which provided a proposed Council response to the recent consultation document issued by the Electoral Commission in relation to the location of electoral pilot schemes at the forthcoming European Elections in 2004.

The Head of Policy & Business Management spoke to the report, indicating that the consultation could lead to the selection of the Scottish region as an all-postal pilot scheme.

**Decision**

The Council agreed to support the consultation response as contained in Section 3 of the report and instructed the Head of Policy & Business Management to submit the report to the Electoral Commission.

6. **UPDATE OF INFORMATION SECURITY POLICY**

A report was submitted by the Director of Corporate Finance & IT explaining the changes made to the Council’s Information Security Policy and seeking approval for the revised Policy.

The Director of Corporate Finance & IT spoke to the report, highlighting the importance of ensuring that Council information systems were developed and maintained in a way which kept the information assets safe and secure. He pointed out that the Information Security Policy only addressed information held
electronically at present and that more work would be required to include information held non-electronically.

**Decision**

The Council agreed to approve the revised Information Security Policy.

7. **JOINT FUTURE EXECUTIVE MEETING – 25 AUGUST 2003**

A report was submitted by the Director of Community Services informing the Council of the Joint Future Executive meeting held on 25 August 2003.

The Director of Community Services reminded the Council of the agreement that the minutes of all meetings of the Joint Future Executive would be brought to both East Lothian Council and Lothian Health Board so that the actions taken could be noted.

**Decision**

The Council agreed to note the content of the meeting of the Joint Future Executive held on 25 August, attached as Appendix 1 to the report.

8. **CITY OF EDINBURGH COUNCIL – PROPOSED CONGESTION CHARGING SCHEME PUBLIC CONSULTATION**

A report was submitted by the Director of Environment updating the Council on the progress of the congestion charging scheme proposed by the City of Edinburgh Council.

The Head of Transportation spoke to the report, explaining that the City of Edinburgh Council had been given an ‘Approval in Principle’ by Scottish Ministers to develop a congestion charging scheme, and that information leaflets about the scheme would be delivered to all households in the SESTRAN area during the consultation period (3 October 2003 – 4 January 2004). He added that the closing date for comments on the Order and for participation in the Public Inquiry would be 27 February 2004, with the Public Inquiry commencing on 27 April 2004.

The Head of Transportation announced that the Council had contacted the 19 Community Councils in East Lothian about the consultation process and invited them to express their views on it at a meeting on 28 November 2003. A report on these views would then be submitted to the Council.

Councillor Innes emphasised the importance of consulting the inhabitants of East Lothian and said that a Special Meeting of the Council should be convened prior to 4 January 2004 to discuss their responses. Councillor Broun-Lindsay endorsed his comments, adding that it was crucial for as many people as possible to read the consultation document and respond accordingly.
Decision

The Council agreed to note the content of the report and agreed that a further report should be submitted giving the Council’s response to the consultation exercise prior to the end of the consultation period.

9. MASTER PLAN FOR THE MUSSELBURGH LAGOONS

A report was submitted by the Director of Environment advising the Council of the progress in preparing a Master Plan for the Musselburgh Lagoons.

At the meeting of the Council on 26 August 2003 it was requested that a revised Master Plan be prepared for the meeting scheduled originally for 11 November. The Director of Environment said that it had not proved possible to complete the work required to meet that request. Progress had been made in resolving the issues identified in the responses to the consultation exercise and it was hoped that there would be only a short delay in preparing a final report to Council.

Decision

The Council agreed to note the work underway in respect of the Master Plan for the Musselburgh Lagoons.

10. EAST LOTHIAN LOCAL PLAN REVIEW – PUBLIC WORKSHOPS

A report was submitted by the Director of Environment regarding the proposal to undertake a further round of public consultation in the form of a series of open public workshops in November 2003.

The Director of Environment spoke to the report, pointing out that at the Council meeting on 18 February 2003 officers were asked to make preparations for further consultation to meet the requirements of the Edinburgh and Lothians Structure Plan. He announced that arrangements had now been made for this consultation, in the form of a series of open workshops to be held in November 2003. The workshops would be open to all members of the public and would be chaired by either Councillor Hampshire or Councillor Shepherd. The workshops were arranged for the following dates. All would start at 7.00 pm and would end at 9.00 pm:

Monday 10 November – Brunton Hall, Musselburgh
Tuesday 11 November – Dunbar Primary School
Wednesday 19 November – Town House, Haddington
Thursday 20 November – North Berwick Community Centre
Monday 24 November – Longniddry Community Centre (to discuss Blindwells)
Tuesday 25 November – Wallyford Primary School

Councillor Hampshire requested that as the proposed settlement at Blindwells was the largest, one meeting in Longniddry may not be sufficient. He proposed that additional meetings be held in Prestonpans, Tranent and Port Seton.
Decision
The Council agreed to note the dates and format of the public consultation exercise as outlined in the report.

11. PPP UPDATE
The Director of Education & Children’s Services delivered a verbal update on the situation regarding the PPP project. He reported that the PPP team, the Council Departments and school staff had made substantial efforts to ensure that the curriculum was delivered as normal. He explained that Innovate and Deloitte (the Administrator) had reported that a high level of interest had been shown in the construction and facilities management of the project and that further information regarding this was imminent. He added that a number of positive meetings had taken place over the past week and that a progress report would be forthcoming.

Councillor Ross thanked both the local press for their coverage of the report presented to the Cabinet meeting on 28 October and members of the Conservative Group for their supportive comments. However, he was concerned about the way in which the issue of the PPP project had been raised by the Scottish National Party in the Scottish Parliament.

Councillor Berry confirmed that he had been contacted by SNP MSPs on this issue but argued that the MSPs in question had an interest in this matter, one of them being the Shadow Education Minister and one being an MSP for the South of Scotland.

12. EXCLUSION OF THE PUBLIC
The Council unanimously agreed to exclude the public from the following business containing exempt information by virtue of paragraphs 1 and 6 (information relating to particular employees of the Authority and information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

13. SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION
(a) Council and Committee Minutes
The Private Minutes of the Council and its Committees specified below were submitted and approved subject to the amendments and comments as detailed.

East Lothian Council – 26 August 2003
Council Committee for Education – 26 August 2003
Cabinet – 2 September 2003
Planning Committee – 9 September 2003
Cabinet – 30 September 2003
(b) Chief Social Work Officer

A report was submitted by the Director of Community Services setting out the arrangements for the operation of the Council’s Chief Social Work Officer role.

(c) Bad Debt Write Off

A report was submitted by the Director of Corporate Finance & IT presenting a list of debt which, for a variety of reasons, required to be written off by the Council.