



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 27 OCTOBER 2020
VIA DIGITAL MEETING FACILITY

Committee Members Present:

Provost J McMillan (Convener)
Councillor S Akhtar
Councillor L Bruce
Councillor S Currie
Councillor F Dugdale
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor J Goodfellow
Councillor N Hampshire
Councillor J Henderson

Councillor C Hoy
Councillor S Kempson
Councillor G Mackett
Councillor K Mackie
Councillor C McGinn
Councillor P McLennan
Councillor K McLeod
Councillor F O'Donnell
Councillor T Trotter
Councillor J Williamson

Council Officials Present:

Ms M Patterson, Chief Executive
Ms A MacDonald, Director of Health and Social Care
Ms L Brown, Head of Education & Children's Services
Ms S Fortune, Chief Operating Officer – Finance
Mr J Lamond, Head of Council Resources
Mr D Proudfoot, Head of Development
Mr T Reid, Head of Infrastructure
Ms S Saunders, Head of Communities and Partnerships
Ms J Tait, Chief Operating Officer – Children's Services
Ms L Crothers, Service Manager – Protective Services
Mr K Dingwall, Service Manager – Planning
Mr R Edgar, Team Manager – Policy & Strategy (Planning)
Mr S Cooper, Team Manager – Communications
Mr J Cunningham, Interim Service Manager – Economic Development
Ms R Crichton, Committees Officer
Ms F Currie, Committees Officer
Ms A-M Glancy, Principal Accountant
Mr C Grilli, Service Manager – Legal and Procurement
Mr D Henderson, Principal Accountant
Mr P Iannetta, Service Manager – Engineering Services
Ms K MacNeill, Service Manager – People & Governance
Ms Z McFadzean, HR Business Partner
Ms C Molloy, Project Manager
Mr P Vestri, Service Manager – Corporate Policy and Improvement

Visitors Present:

Ms M Duff, Audit Scotland
Ms E Scoburgh, Audit Scotland

Clerk:

Mrs L Gillingwater

Apologies:

Councillor W Innes

Declarations of Interest:

Item 9 – Councillor McLennan declared an interest on account of his employment status.

Prior to the commencement of business, the Convener advised that the meeting was being held remotely, in accordance with the Scottish Government's guidance on physical distancing; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. He noted that the Council was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for up to six months from the date of the meeting.

The clerk recorded attendance by roll call.

1. MINUTES FOR APPROVAL

The minutes of the following meeting were approved: East Lothian Council, 25 August 2020.

2. MINUTES FOR NOTING

The minutes of the following meeting were noted: East Lothian Local Review Body (Planning), 20 August 2020.

3. 2019/20 ANNUAL AUDIT REPORT

The Provost welcomed Esther Scoburgh and Mick Duff of Audit Scotland to the meeting, and invited Ms Scoburgh to present the report.

Ms Scoburgh presented the Annual Audit Report to Council, advising that it had been approved by the Audit & Governance Committee at its meeting of 26 October. She pointed out that the Council had been given an unmodified opinion (previously termed 'unqualified opinion') on the accounts, and that no adjustments were required. She confirmed that the Council had submitted its accounts in line with the specified timescales, but that the audit had taken longer than expected. Ms Scoburgh drew attention to a number of key aspects of the report, including the good progress made in relation the recommendations set out in the 2018/19 Annual Audit Report, the financial challenges facing the Council, and the importance of obtaining developer contributions in order to fulfil the Council's capital programme. She noted that the Council had appropriate and effective financial management arrangements in place and had responded well to the COVID-19 pandemic. She concluded her report by referring to the action plan set out in Appendix 1 to the report.

Councillor Hampshire thanked Jim Lamond, Sarah Fortune and the Finance Team for their work on completing the accounts in very difficult circumstances. He welcomed the positive Annual Audit Report, and paid tribute to staff across the Council for their efforts.

Councillor Currie highlighted the importance of audit and scrutiny during the COVID-19 pandemic, and he felt reassured that this had been fulfilled. He expressed concerns about the need for multi-year budgets and the ability of the Council to set a budget beyond one year, given the uncertainty over the timing of the UK Government budget. He recognised that achieving savings in the current circumstances would not be easy, and stressed the importance of obtaining developer contributions.

Councillor Dugdale thanked Audit Scotland for their report, and praised the work of the Council's Finance Team in delivering the accounts by the deadline, and the Internal Audit Team for their work during the past year.

Councillor Akhtar welcomed the unmodified opinion on the accounts, which showed that the Council was making good progress and that the financial management was appropriate and effective. She also welcomed Lesley Brown to her new role of Head of Education & Children's Services, advising that she would be leading on continuous improvements in Education.

Councillor O'Donnell highlighted the ongoing transformation work across the Council to improve services, access to services, and customer experience.

Councillor Mackett spoke in support of comments made, noting that this was a fantastic report in very difficult circumstances.

The Provost concluded the debate by thanking Councillor Henderson for her work in leading the Audit & Governance Committee. He also thanked the staff at Audit Scotland for their input.

Decision

The Council agreed to note the 2019/20 Annual Audit Report.

4. COVID-19 – UPDATE ON THE MANAGEMENT OF COUNCIL RESPONSE AND RECOVERY

A report was submitted by the Chief Executive providing an update on how the Council has managed both its ongoing response to supporting the national public health crisis caused by the COVID-19 pandemic and also action taken in support of recovery and renewal.

The Chief Executive introduced the report, advising that a range of work was ongoing during what remained a dynamic situation. She highlighted the work undertaken to keep schools operating, and noted that the Scottish Parliament would be discussing the strategic framework for COVID-19 today. She stressed that no decisions had yet been taken regarding which tier would be applied to East Lothian, and that Members would be kept up to date on this.

Sharon Sanders, Head of Communities and Partnerships, confirmed that the Council continued to operate in accordance with Business Continuity Plans and all relevant Scottish Government and public health guidance. She drew attention to communication arrangements in place (set out in Section 3.4 of the report), and provided an update on the figures provided in Section 3.7 of the report, noting that, as of 25 October, East Lothian had

73.8 cases per 100,000 population (the lowest figure of any of the authorities in the Lothians). She highlighted a number of developments and activities undertaken since the last Council meeting (outlined in Section 3.8 of the report), as well as providing an update on the financial and HR implications.

Councillor Hampshire expressed concern as regards the impact of the restrictions on certain business sectors and the need for everyone to be treated fairly in order for the public to have confidence in the system. He asked how this could be achieved. Ms Saunders advised that the Council was working hard to ensure that information from the Scottish Government was being made available as quickly and clearly as possible, and that the Protective Services Team was working closely with the business sector and communities in this regard. She asked Members to get in touch with her or with the Service Manager for Protective Services if there were any specific issues of concern. Douglas Proudfoot, Head of Development, added that the Connected Economies Group was also providing support for businesses, and that a meeting would take place on 1 November with local trader associations to reinforce the advice and support available.

In response to questions from Councillor O'Donnell, Lynn Crothers, Service Manager for Protective Services, confirmed that there had been a small number of positive cases at Queen Margaret University, and that these were being managed appropriately. On promoting the Self-isolating Support Grant, Ms Saunders advised that there was information about this on the Council's website, and that the Council was contacting people who were self-isolating to advise them of available support. As regards additional resources being provided by the Scottish Government to assist staff in Protective Services, Ms Saunders expected that funding would be provided to increase capacity, but that this may not amount to a significant number of posts. She also commented that there were not many environmental health officers available to take up posts at that time. On the flu vaccine programme, Alison MacDonald, Director of Health and Social Care, advised that GPs were reporting a higher-than-usual uptake this year, and that users were finding the new system easy to access.

Councillor Currie asked for information on the Administration's position as regards the strategic framework. He also suggested that other staff, such as licensing officers, could assist Protective Services in enforcement of regulations. He asked if there had been discussions between councils in relation to mutual aid. On the data produced by Public Health Scotland, he asked if this could be broken down to take account of particular local outbreaks. Paolo Vestri, Service Manager – Corporate Policy and Improvement, explained that there was sometimes a time-lag in data being received, and that a further update would be provided today. He added that this was a very complex area, which involved looking at both figures and trends. On the use of licensing staff to assist with enforcement work, Ms Saunders advised that this could be looked into; however, she indicated that the matter of enforcement was set in statute. As regards mutual aid, she noted that there had only been one request to date, where staff in Protective Services had provided assistance with risk assessment work. On the additional funding for environmental health officers, she had not had confirmation of this yet.

Councillor Hampshire welcomed the new strategic framework which would reflect local authority boundaries. However, he was concerned that businesses may feel they are being treated differently to those in other areas, and warned of the potential impact of continued closure on businesses.

Responding to a request from Councillor McLennan as regards the strategic framework, the Chief Executive advised that although the Council would be consulted, decisions on tier levels would be made by Scottish Ministers. She undertook to discuss this further with Group Leaders outwith the meeting.

Councillor Bruce asked for information on how COVID-19 cases within schools were dealt with. Ms Saunders and Lesley Brown, Head of Education & Children's Services, provided an explanation of the communication procedures in the event of an outbreak within a school, noting that these were led by other agencies and not the Council.

Councillor McGinn asked about continued support for lunch clubs and families affected by poverty. Ms Saunders explained that a food network had been established, which involved local community groups, the NHS, Public Health Scotland and others. Mr Vestri confirmed that free school meals would be provided over the Christmas, February and Easter breaks for those children entitled to them, with staff in Facilities Management currently working on the process for this. He also advised that options for community food provision were being explored to support families on low incomes, as well as assistance with fuel payments.

With reference to COVID-19-related challenges in schools, Councillor Akhtar asked about engagement with parents/carers. Ms Brown stated that this was a key priority, with both general and specific updates being issued as required. She reported that she met regularly with the Parent/Carer Council Association, and that parents/carers had been very positive about the Council's approach and processes.

Councillor Akhtar also asked about the capacity at the East Lothian Community Hospital. Ms MacDonald advised that 24 additional beds had been available to date, with the potential to open a further 20 beds by December, which would take the hospital to its full capacity.

Noting that the furlough scheme would be coming to an end soon, Councillor McLennan asked how wider poverty issues would be addressed. Mr Proudfoot referred to a number of initiatives either underway or being explored, including employability advice, a health and social care skills gateway, the Kickstart scheme, and debt support. Mr Vestri added that the multi-agency Poverty Action Group had been re-established and that a review of the Poverty Action Plan was underway.

Opening the debate, Councillor O'Donnell voiced her disappointment that the UK Government would not be supporting free school meals provision in England. She praised communities for their work during the pandemic to support families.

Councillor Akhtar welcomed the continued support for businesses, children and schools. She was mindful of the impact of this increased pressure on staff and the capacity of the workforce to take on additional duties. On the reopening of schools, she paid tribute to those who had worked to keep children safe in very challenging circumstances. She commented that it was important to secure full funding for COVID-19 expenses.

Councillor Bruce echoed comments made on the efforts of staff and their willingness to help meet the challenges. He suggested that local authorities should be more involved in the decision-making process relating to COVID-19, and offered to work with Councillors Hampshire and Currie as regards putting forward East Lothian's position to the Scottish Government.

Councillor Currie stressed the importance of following scientific advice and data. He noted that the strategic framework would be debated in the Scottish Parliament today, noting that it was vital that the public had confidence that decisions were being taken in their best interest. He remarked that the test of a society was the ability to demonstrate high levels of protection for vulnerable people, and that it was important that all agencies worked together to achieve public confidence.

Councillor McLennan made reference to the ongoing work of the Connected Economies Group, which had involved an effective cross-party approach to tourism, the rural economy and town centres. He urged Members to speak to local traders and support them as much as possible. He thanked the Provost and Councillor Findlay for their cross-party contribution to this group. The Provost spoke in support of these comments, adding his thanks to Council colleagues for their support of local businesses.

Councillor Hampshire concluded the debate, reiterating that the Scottish Government would determine which tier East Lothian would be placed within; the Council would be consulted for its views. He highlighted the need to manage the situation carefully in order to support local businesses and protect communities. He noted that East Lothian had lower virus levels than a number of other authorities, and that he would put forward a case to ensure the right decision was made for East Lothian.

Decision

The Council agreed:

- i. to note contents of the report and acknowledge the unprecedented effect the COVID-19 outbreak continues to have on both the East Lothian community and delivery of Council services;
- ii. to note the ongoing COVID-19 response in respect of service delivery and interventions necessary to continue to contain the spread of the virus, particularly the ongoing deployment of Business Continuity Plans in support of national guidance and appropriate public health measures; and
- iii. to note that further COVID-19 Response and Recovery reports would be brought forward to future meetings of Council when appropriate.

5. FINANCIAL UPDATE REPORT

A report was submitted by the Head of Council Resources providing an update on the in-year financial position, providing some outline thoughts on the financial outlook for the Council, and setting out the proposed budget development framework for the three-year period 2021-2024.

The Chief Operating Officer – Finance, Sarah Fortune, presented the report, highlighting the key aspects, including the implementation of enhanced cost-control measures, the projected overspend at the end of the financial year, and the increased financial risks due to the COVID-19 pandemic. She drew attention to Scottish Government funding received to date to tackle the COVID-19 challenges, noting that she was optimistic that further funding would be forthcoming. She also sought approval of the proposed budget development framework and process, as set out in Appendix B to the report.

Councillor Currie asked if it was clear which elements of overspend were related to the COVID-19 crisis. He also asked if the effect on income generation also applied to Arms-Length External Organisations (ALEOs), and if projected efficiency savings would be delivered. Ms Fortune explained that expenses relating to COVID-19 were being monitored by way of a specific process on a monthly basis. On efficiencies, she advised that £5.5m of savings were expected to be delivered, with £3.2m planned for 2020/21. These were recurring savings, so there would be a knock-on impact if they were not delivered. She also mentioned that the Council was awaiting guidance on the 'lost income scheme', hoping that this would benefit the Council; she confirmed that this would also extend to ALEOs. She

further advised that the funding allocated by the Scottish Government would fall short of the figures produced by CoSLA relating to income collection, and she did not anticipate that it would resolve the financial deficit. She pointed out, however, that the situation remained fluid.

On the Children's Services underspend of £2m (£1.5m of which was not COVID-19 related), Councillor McLennan asked about the options being explored to reduce the deficit. He also asked further questions in relation to delivering efficiency savings as regards supported bus travel, and debt charges. Ms Fortune advised that she was working with the Head of Education & Children's Services and her team to identify ways to achieve efficiency savings, but anticipated that this would remain an area of risk going forward. Judith Tait, Chief Operating Officer – Children's Services, added that a range of improvements were being introduced, in conjunction with the Education Service. She pointed out that ten children had been returned from external placements and that there had only been one recommendation for a secure placement this year. She also referenced improvements to performance management and care giving, noting that it may take time for savings to be realised.

On capital expenditure, Ms Fortune advised that COVID-19 had impacted the Council's capital plans and that officers were now looking at the budget position and timescales for delivery. She stressed the importance of the capital programme being affordable and deliverable. Mr Lamond added that the capital programme was both ambitious and challenging, and given the circumstances it was important to be as flexible as possible as regards revised financial planning. He stated his desire to move forward with the capital programme, but noted that some aspects were dependent on house building. He pointed out that there was a short-term, non-recurring, saving on interest charges.

As regards supported bus travel, Tom Reid, Head of Infrastructure, advised that due to COVID-19 some services could not be delivered, and the funding for those had been used to support existing services. He noted that COVID-19 had led to an overspend in home-to-school transport services, and that it was unlikely that pressure in this area would reduce, although there had been some government assistance to offset the additional expenditure.

Councillor Bruce asked for an update on the debt/income ratio on the Housing Revenue Account (HRA), and on the modernisation and new build programmes. He also asked what would be covered by the lost income scheme, and about the scale of the loss incurred by the Council. On the HRA, Ms Fortune explained that COVID-19 had impacted on the new build programme, and although this did not affect the current year's debt/income ratio, it could have an effect in future years. For 2019/20, the debt/income ratio was c.33%. She pointed out that the pandemic had affected HRA income streams, and that the Council's Revenues Team was working with tenants in relation to managing those financial challenges. Douglas Proudfoot, Head of Development, added that the budget for the modernisation programme would not be spent in full this financial year. On the lost income scheme, Ms Fortune reiterated that she was awaiting further information, and would seek to ensure that the Council got a fair proportion of this funding.

On planned efficiencies, Councillor Hoy asked how confident officers were about making progress in this area if the COVID-19 situation continued. Ms Fortune informed Members that the Council had approved £5.5m of efficiencies over a three-year period, with £3.2m planned for 2020/21. She drew attention to Section 1.9 of Appendix A to the report, noting that the Council was on target to achieve the majority of the 2020/21 planned savings, assuming that savings could be delivered on a recurring basis. She also referred to Section 1.17 of Appendix A, which outlined mitigation measures. Mr Lamond warned that any short-term fix would have a significant impact on future years' budgets. He anticipated that the Council may receive in the region of £1.5m of additional funding from the Scottish Government, which would not make up the shortfall.

Councillor O'Donnell asked if the information had changed since the report was produced, and if the Chancellor had responded to the call to support CoSLA's position. Ms Fortune confirmed that there had been no response from the Chancellor to date on this matter, but that he had confirmed to the Scottish Government that there would be no fiscal flexibility. She pointed out that she was monitoring the situation with the Scottish Welfare Fund closely, but warned that, based on the demand, it was unlikely that everything could be delivered within the funds available.

Responding to a question from Councillor Dugdale on grants available to support businesses, Ms Fortune advised that there was now additional grant funding available, but noted that this would have an impact on the Council's staffing resources, namely that staff would need to be diverted from other activities to deal with this aspect. Mr Lamond added that the Non-domestic Rates Team had been remobilised to assist with this work, which was being done in collaboration with staff from Economic Development, and that managers would need to look at how to sustain this, in terms of capacity and resilience, going forward.

Councillor Currie expressed his concern about the ability to deliver efficiency savings, and stressed the importance of securing additional funding from the UK and Scottish Governments to cover COVID-19-related expenditure.

Councillor Akhtar paid tribute to staff across the Council for their work to deliver services. She was disappointed at the lack of clarity around funding for COVID-19 related expenditure, especially in relation to school transport and school cleaning costs. She highlighted the importance of the Scottish Government being open and transparent about funding and their support for schools.

The Provost then moved to the vote on the recommendations, which were agreed unanimously.

Decision

The Council agreed:

- i. (in accordance with Appendix A):
 - to note the in-year financial performance of the Council; and
 - to endorse the wider strategy, including the range of mitigating actions set out in Section 1.17 currently being explored by officers to best manage the 2020-21 financial pressures, and agree that a further update would be provided to Council in December 2020; and
- ii. (in accordance with Appendix B):
 - to note the contents of the report
 - to agree that, as far as possible, advance work on budget development for 2021-2024 commences; and
 - to approve the budget development framework and supporting process, as set out in Section 1.13 of Appendix B.

6. EAST LOTHIAN'S BREXIT PREPARATIONS AND RESPONSE

A report was submitted by the Chief Executive providing an update on the current status of EU-UK 'Brexit' negotiations, the key risks to East Lothian Council, the status of current internal preparations to mitigate and manage the risks, and further action required in the lead up to the end of the transition period on 31 December 2020.

The Service Manager – Protective Services, Lynn Crothers, presented the report, reminding Members that the Brexit transition period would end on 31 December 2020, and that the Prime Minister had recently stated that the UK should make preparations for a 'no-deal' Brexit following a break-down in the negotiations with the EU on a number of key issues. She expected that the negotiations would continue to mid-November. She made reference to the key aspects of the report, including preparations by the UK and Scottish Governments, CoSLA and Police Scotland, the potential impact on East Lothian and service delivery, and the potential impacts on communities. She pointed out that Michael Gove, Minister for the Cabinet Office, had recently advised that only 25 of UK businesses were fully prepared for the impacts of Brexit. Ms Crothers noted that this was probably due to businesses being affected by COVID-19 and the uncertainty over what is required to prepare for Brexit. She confirmed that the Council would step up its Brexit response in mid-December and would monitor the situation for 12 weeks post-Brexit through the Brexit Working Group.

In response to questions from Councillor O'Donnell in relation to the arrangements for fishing quotas, Ms Crothers advised that this had been a key issue during the ongoing negotiations. She noted that a number of English and Welsh quotas had been sold to European fleets. However, she did not think that it would have a significant direct impact in Scotland as Scottish fleets had largely retained their quotas. She added that Environmental Health officers were in the process of inspecting the East Lothian fishing fleet, and that this would deal with part of the certification process relating to the export of seafood to the EU.

Councillor Currie commented that the agriculture sector would be impacted significantly by Brexit. He asked if Trading Standards would have the capacity to deal with potential illegal imports of electrical devices. Anticipating that there would be staff shortages in the health and social care sector, he asked how this would be addressed, and what the financial implications for the Council would be. On fishing, he pointed out that a large part of the industry in East Lothian was concerned with inshore fishing, and asked how this sector would be affected. As regards Trading Standards staff capacity, Ms Crothers advised that this would be addressed as part of a service review. At this time, she was unsure of the impact of dealing with illegal imports, but added that this would not be an issue until July 2021. She advised that further detail on the potential impacts on health and social care services and the agriculture sector could be provided outwith the meeting. On inshore fishing, she expected that there would be an impact on exports and ensuring that goods were delivered on time. John Cunningham, Interim Service Manager – Economic Development, explained that the UK Government had launched a campaign on the need for businesses to prepare, and that DEFRA had also created a number of webinars to increase awareness. He noted that there was a link from the Council website to further information on the UK and Scottish Government websites.

In response to a question from Councillor Dugdale on the supply of medicines and vaccines in the event of a No-Deal Brexit, Ms Crothers advised that this aspect had been included within the planning assumptions, and that the Scottish Government was working to ensure that medical and veterinary supplies were in place; however, this aspect was outwith the Council's remit.

On export issues, particularly relating to food and drink, Councillor McLennan asked for further detail about the development of a temporary export hub at the former Cockenzie Power Station site. Ms Crothers advised that the lack of a frictionless trade agreement would have an impact on certification. She explained that Food Standards Scotland would take over and resource the operational hubs based in Lanarkshire, but that Scottish Government funding would be available to resource a temporary export hub in the event of a No-Deal Brexit; this temporary hub would assist local businesses with the certification

process. As regards updating Members and local businesses on Brexit, Ms Crothers noted that the Connected Economies Group would take the lead, and that there would also be regular reports to Members. Douglas Proudfoot, Head of Development, encouraged those Members on the Connected Economies Group to update their Groups on developments.

Councillor Currie opened the debate, highlighting the difficulties for the Council to react and adapt to any late Brexit deal. He believed that a no-deal Brexit would be catastrophic, and that East Lothian's food and drink sector would be impacted. He also made reference to the National Farmers' Union's warnings about the risk to food quality and the impact on the farming sector. He thanked officers for their ongoing work.

Councillor O'Donnell noted that the local fishing community had been badly impacted by the COVID-19 pandemic, and that further uncertainty with Brexit was unacceptable. Her comments were echoed by Councillor Hampshire, who remarked that the pandemic and Brexit had caused a 'perfect storm', with major impacts on East Lothian's tourism, farming, fishing and food and drink sectors.

Councillor Bruce commented that the fishing industry had voted in favour of Brexit, and that it would free them from EU regulations.

Councillor Hoy remarked that the prospect of a second Scottish independence referendum would add to the existing uncertainty.

Decision

The Council agreed:

- i. to note the current position in regard to preparations for the UK leaving the EU at the end of the transition period on 31 December 2020; and
- ii. to note and support the continued work of the Brexit Working Group in identifying risks to East Lothian Council and the management and mitigation of these risks to minimise impacts on service delivery.

7. REVIEW OF GOVERNANCE OF COMMON GOOD – UPDATE

A report was submitted by the Depute Chief Executive (Resources and People Services) providing an update in connection with the Common Good Governance Review, and setting out the next steps in the process.

The Service Manager – Legal, Carlo Grilli, presented the report. He drew attention to a perceived discrepancy relating to the appendices, namely that Appendix 2 included properties that were not listed in Appendix 1. He clarified that these properties had not been viewed as Common Good in accordance with their titles, but had been purchased using Common Good funds. Mr Grilli advised that the work on identifying Common Good assets had now been completed, and that the Council was now required to conduct a public consultation prior to the publication of the Common Good register. He suggested that this consultation could begin in mid-November and would last for twelve weeks, following which the register would be updated as appropriate and published. He also advised that if further properties were identified, these would be added to the register.

A number of questions were raised by Members in relation to specific entries within the appendices, which Mr Grilli agreed to respond to outwith the meeting. He also explained that there were a small number of properties listed that were not within the areas of the four

Common Good Committees, and confirmed that Common Good funds could only be used within their own designated areas. He added that it was not necessary to form committees to deal with assets outwith the four areas with Common Good Committees, but that this could be considered.

In response to a question from Councillor Currie as regards Musselburgh Old Town Hall, Paul Iannetta, Service Manager – Engineering Services, informed Members that a survey had been carried out on the building prior to the COVID-19 lockdown, and that officers would now need to consider what work was required and the funding available.

At Councillor Henderson's request, Mr Grilli agreed to circulate more detailed information to all Members.

Councillor Williamson commented on the overall cost of c. £1m of urgent work required to upgrade Common Good assets, remarking that carrying out regular maintenance would avoid this situation.

Councillor Currie suggested that a capital investment plan for Common Good properties was required, which would ensure that essential works were carried out at an early stage to avoid deterioration of assets.

The Provost moved to the roll call vote on the recommendations, which were approved unanimously.

Decision

The Council agreed:

- i. to note the progress regarding the Common Good Governance Review; and
- ii. to approve the proposed consultation in the terms set out at Section 3.4 of the report.

8. CHIEF SOCIAL WORK OFFICER ANNUAL REPORT 2019/20

At the request of the Provost, the Council agreed to continue this item of business to the Council meeting of 15 December 2020.

9. INDICATIVE REGIONAL SPATIAL STRATEGY FOR EDINBURGH AND THE SOUTH EAST SCOTLAND CITY REGION

A report was submitted by the Head of Development presenting the indicative Regional Spatial Strategy (iRSS) for Edinburgh and the South East Scotland City Region.

Declaration of Interest: having declared an interest on account of his employment status, Councillor McLennan left the meeting for the duration of this item.

The Service Manager – Planning, Keith Dingwall, presented the report. He noted an amendment to Recommendation 2.1 (iv), namely that the delegated authority requested should be to the Head of Development. Mr Dingwall advised of the requirement for a Regional Spatial Strategy in accordance with the Scottish Planning Act 2019, anticipating that Regional Spatial Strategies would be enacted in late 2021. He noted that the iRSS would guide both future Local Development Plans and the development of National Planning Framework 4 (NPF4). He advised that the iRSS had already been discuss with Group

Leaders, and provided a summary of the main aspects, and those relating to East Lothian, for Members. He noted that the iRSS required the approval of all SESplan authorities before being submitted to Scottish Ministers for comment, and that the draft NPF4 would be published in September 2021. It was noted that the Council had already approved the appointment of Councillors Hampshire and McMillan to the Elected Member Oversight Group.

Councillor Hampshire pointed out that the iRSS took account of the content of Strategic Development Plan 2, and also identified infrastructure weaknesses, which he believed needed to be addressed prior to any further development taking place. He highlighted the importance of the major developments in East Lothian being included in NPF4 in order for them to be delivered, noting that in doing so, thousands of jobs would be created. He welcomed the support of Members for the iRSS.

Councillor O'Donnell made reference to concerns within communities as regards increasing pressure on public transport and the road network, and called for improved public transport links for the coastal communities. She welcomed the flexibility around the former Cockenzie Power Station site.

Councillor Currie welcomed the report and the consultation with Group Leaders. He echoed Councillor O'Donnell's comments as regards the Cockenzie site, adding that it was important that proposals for this site benefited East Lothian. He emphasised the need to deliver the required infrastructure prior to or alongside proposed developments.

Councillor Akhtar stressed the need for digital access for rural communities to be fully funded. She also spoke in favour of the iRSS.

Councillor Bruce hoped that the expansion of a number of communities would be limited and that key infrastructure would be developed. He also made reference to the possibility of the UK Government contributing to infrastructure development to increase connectivity, and that he would raise this matter outwith the meeting.

The Provost moved to the roll call vote on the recommendations, which were approved unanimously.

Decision

The Council agreed:

- i. to note the content of the indicative Regional Spatial Strategy for Edinburgh and the South East Scotland City Region (attached at Appendix 1 to the report);
- ii. to note the recommendation from the SESplan Joint Committee to the six SESplan authorities to approve the indicative Regional Spatial Strategy for Edinburgh and the South East Scotland City Region;
- iii. to approve the indicative Regional Spatial Strategy for Edinburgh and the South East Scotland City Region; and
- iv. to delegate authority to the Head of Development, to make any non-consequential changes to the Regional Spatial Strategy for Edinburgh and the South East Scotland City Region that arise during the process of ratification by the six SESplan local authorities or subsequent discussions with the Scottish Government.

Sederunt: Councillor McLennan returned to the meeting.

10. RATIFICATION OF CITY DEAL GOVERNANCE ARRANGEMENTS

A report was submitted by the Head of Development setting out a proposed amendment to the Minute of Agreement for the Edinburgh and South East Scotland City Region Deal Joint Committee. The report referenced the report to Council on 31 October 2017, when the Council delegated authority to the Chief Executive to negotiate and agree the Minute of Agreement establishing the Joint Committee, and a further report to the Members' Library (Ref: 92/18) which set out the original Minute of Agreement that had been agreed by the Deal partners. Council was now being asked to approve a supplementary agreement, which would allow the Joint Committee to carry out the functions currently carried out by the South East Scotland Planning Authority (SESplan) Committee.

The Head of Development, Douglas Proudfoot, presented the report, seeking approval for the Supplementary Minute of Agreement. He reminded Members Councillor Hampshire and McMillan had been appointed to the City Region Deal Elected Member Oversight Group at the Council meeting on 25 February.

In response to a question from Councillor Currie as regards the involvement of Council in the City Region Deal governance arrangements, Mr Proudfoot advised that regular engagement with all political groups on matters relating to local and regional development planning would continue, and that the Connected Economies Group would also be involved.

The Provost moved to the roll call vote on the recommendations, which were approved unanimously (noting that Councillor Goodfellow had been unable to connect to the meeting for this item and was unable to vote).

Decision

The Council agreed:

- i. to note:
 - that SESplan would be disbanded as a result of changes set out in the Planning (Scotland) Act 2019;
 - the intention to transfer the strategic planning functions from SESplan to the City Region Deal;
 - that, like SESplan, the Joint Committee would not have the ability to impose policy or financial commitments on the Council; and
- ii. that the Council enters into the agreement as set out in the Supplementary Minute of Agreement (attached as Appendix 1 to the report).

11. EDINBURGH AND SOUTH EAST SCOTLAND CITY REGION DEAL – ANNUAL REPORT, BENEFITS REALISATION PLAN, AND FOOD AND DRINK INNOVATION UPDATE

A report was submitted by the Head of Development summarising the key findings of the City Region Deal Annual Report and the Benefits Realisation Plan, both as lodged in the Members' Library (Refs: 110/20 and 111/20, October 2020 Bulletin), as approved by the City Region Deal Joint Committee on 4 September 2020. The report also provided an update on the next Annual Conversation; a summary of progress to date on the delivery of the Food and Drink Innovation Hub; an update on the Full Business Case to be submitted to the UK

and Scottish Governments to enable the drawdown of the £30m funding package; an update on the land transfers from Persimmon Homes (West Scotland) Ltd to East Lothian Council; and an update on the delivery of the grade separated junction at the A1/Queen Margaret University road junction (for which planning permission was granted by the Council on 25 November 2019 (Ref: 19/00473/PCL).

The Provost asked if it would be possible to demonstrate the potential benefits of the City Region Deal to the East Lothian economy in the longer term. Douglas Proudfoot, Head of Development, advised that although the process was still at an early stage, it was envisaged that 3,500 jobs would be created across the commercial centre, the new primary school and the development of housing. He highlighted the scale of inward investment and the need to maximise opportunities, noting that £30m of government grant funding had been allocated to the City Region Deal.

Councillor Currie asked about the key risks to the delivery of the City Region Deal, noting the interruption to progress by various elections and referendums. Mr Proudfoot indicated that he could go into further detail on this aspect as part of the private report (Item 15 on the meeting agenda). He pointed out that the detailed business case had not yet been approved. He anticipated that the UK's exit from the EU would have an impact, as had the COVID-19 pandemic; however, he noted that the project was still on track.

In relation to young people, Councillor Akhtar asked what support would be available to children and families. Mr Proudfoot advised that he could provide more detail on this aspect outwith the meeting, in conjunction with the Head of Education and Children's Services. However, he indicated that a great deal of work was ongoing as regards employability and skills, as well as reskilling and opportunities within the health and social care sector.

The Provost paid tribute to all those involved in their work on the City Region Deal.

Decision

The Council agreed:

- i. to note the summary findings of the second Annual Report (available in the Members' Library, Ref: 110/20, October 2020 Bulletin);
- ii. to note the summary findings of the Benefits Realisation Plan (available in the Members' Library, Ref: 111/20, October 2020 Bulletin);
- iii. to note the date of the next Annual Conversation;
- iv. to note the summary of progress on the delivery of the Food and Drink Innovation Hub and the wider Edinburgh Innovation Park;
- v. to note the progress of the Full Business Case to be submitted to the UK Government and Scottish Government to enable the drawdown of the £30m funding package;
- vi. to note the update on the land transfers from Persimmon Homes (West Scotland) Ltd to East Lothian Council; and
- vii. to note the update on the delivery of the grade separated junction at the A1/Queen Margaret University road junction, for which planning permission was granted by the Council on 25 November 2019 (Ref: 10/00473/PCL).

12. NOTICE OF MOTION – CLOSURE OF TSB BRANCH IN NORTH BERWICK

A motion was submitted by Councillors Findlay and Bruce regarding the closure of the TSB branch in North Berwick:

'East Lothian Council notes the decision by TSB to close its branch in North Berwick on 19 January 2021, as part of a national closure programme which will see 164 branches close across the UK with the loss of 900 jobs. This decision will leave only one bank branch open in the North Berwick Coastal ward. East Lothian Council further notes that this decision comes soon after the closure of TSB's Dunbar branch, which closed in May 2020.

East Lothian Council knows that banks offer vital services and that for many of our most vulnerable citizens the ability to use those services is harmed when they are unable to access a physical building due to branch closure.

East Lothian Council believes that this is a short-sighted decision that does not take into account that East Lothian is the second-fastest growing area in Scotland.

Additionally, East Lothian Council knows that banks offer services that are vital to the operation of many local businesses, including in North Berwick, in operational terms such as the ability to put cash into accounts and to access direct local advice, assistance and services.

Therefore, the Council is asked to approve the following actions:

- That the Council's Chief Executive writes to the Chief Executive of TSB to express disappointment at the decision of TSB to close the North Berwick branch.
- That the Council's Chief Executive writes to the chief executives of all the major banks with branches in East Lothian to request information as to the future of those branches. The Chief Executive should also take the opportunity to highlight the importance of branches being kept open and available to our communities, given that East Lothian is a growing area, and therefore a place that banks should be looking to increase their business.'

The clerk advised that an amendment had been received in respect of this motion, submitted by Councillors Currie and McLennan; the amendment had been circulated to all Members in advance of the meeting:

Additional recommended action:

'That the Council's Chief Executive writes to the UK Government to request that legislation is put in place to ensure that banking facilities cannot be withdrawn without prior consultation with local communities and that no location can be left without any banking facilities.'

In light of the volume of business still to be considered, Councillor Hampshire suggested that if the proposer and seconder of the motion were prepared to accept the amendment, then the Council should move straight to the vote on the motion as amended. Councillor Bruce indicated that the Conservative Group were prepared to support the amendments to both motions; however, he sought a minor change to the amendment submitted by Councillors

Currie and McLennan, namely asking the Council to respond to the UK Government's call for evidence as regards access to cash. Councillor Currie, having not had prior notice of Councillor Bruce's suggestion, indicated that he wished to retain the original wording of his amendment. Councillor Bruce noted that he was happy to accept this position.

The Provost then moved to the roll call vote on the motion as amended, which was approved unanimously.

Decision

The Council agreed to approve the motion, as amended, on the closure of the TSB branch in North Berwick.

13. NOTICE OF MOTION – RECOGNISING AND SUPPORTING EAST Lothian'S DEDICATED COUNTRYSIDE RANGER SERVICE

A motion was submitted by Councillors Hoy and Bruce regarding the East Lothian's Countryside Ranger Service:

'East Lothian Council:

1. Notes that East Lothian's coastline is the busiest, by visits per kilometre, in Scotland; yet virtually all of it is subject to national, European and international designations to protect natural heritage.
2. Recognises the huge pressures East Lothian Council's Countryside Ranger Service, Police Scotland and other agencies have been placed under as a result of a significant increase in the numbers of people visiting and camping in East Lothian during the Covid-19 crisis.
3. Notes an unprecedented level of camping near to beaches and other countryside locations and recognises the distinction between legitimate and responsible wild camping, which is sensitive to rural and coastal areas, and so called 'dirty camping', which threatens natural habitats.
4. Commends and thanks East Lothian Council's Countryside Ranger Service for their commitment and dedication during this extraordinary period and praises the service for their daily and intensive face-to-face engagement with campers, which largely prevented a dirty camping problem developing in East Lothian
5. Recognises the likelihood of similar pressures in 2021, and calls on East Lothian Council to:
 - Request an officer report outlining estimated numbers of all campers, including those in caravans and mobile homes, within East Lothian during the 2020 summer season, detailing problems and lessons to be learned from this experience.
 - Request officers to present options to:
 - ensure future funding to provide adequate ongoing staff provision.
 - develop new policies and approaches to resolve problems faced by the Countryside Ranger Service within East Lothian.

- Ask officers to write to the Scottish Government and NatureScot (formerly Scottish Natural Heritage) to highlight the experience of the Ranger Service in East Lothian; and to press for a further review of the Scottish Outdoor Access Code to deliver a more proscriptive and robust framework.
- Ask officers to take forward initiatives, such as public awareness campaigns, including engagement with local camping equipment suppliers and other retailers to offer point-of-sale information about the rules and regulations surrounding camping within East Lothian.'

The clerk advised that an amendment had been received in respect of this motion, submitted by Councillors Hampshire and O'Donnell; the amendment had been circulated to all Members in advance of the meeting:

New opening sentence:

'[East Lothian Council] notes the contribution which land reform legislation in Scotland has made to improving guardianship of, and access to, the countryside and coastline.'

Amended recommendations (amendments in italics):

'Ask officers to write to the Scottish Government and NatureScot (formerly Scottish Natural Heritage) to highlight the experience of the Ranger Service in East Lothian; and to press for a further review of the Scottish Outdoor Access Code to deliver a more proscriptive and robust framework *which seeks to preserve Scotland's global gold standard land reform legislation and public access rights.*

Ask officers to take forward initiatives, such as public awareness campaigns, including engagement with *local and national bodies with an interest in access to the countryside and coast*, local camping equipment suppliers and other retailers to offer point-of-sale information about the rules and regulations surrounding camping within East Lothian.'

Councillors Hoy and Bruce declared that they were happy to support the proposed amendment.

The Provost moved to the roll call vote on the motion as amended, which was approved unanimously.

Decision

The Council agreed to approve the motion, as amended, on recognising and supporting East Lothian's dedicated countryside ranger service

14. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 8 AUGUST – 12 OCTOBER 2020

A report was submitted by the Head of Council Resources 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 8 August and 12 October 2020, 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 concerning the financial or business affairs of any particular person other than the Authority) and Paragraph 1 (information relating to a particular employee, etc. of the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

Edinburgh and South East Scotland City Region Deal – Commercial Heads of Terms between East Lothian Council and Queen Margaret University for Delivery of the Food and Drink Innovation Hub and Park

A private report by the Head of Development regarding the development of commercial Heads of Terms between East Lothian Council and Queen Margaret University for the delivery of the Food and Drink Innovation Hub and Innovation Park at Queen Margaret University was approved.

Review of Chief Officer Structure

A private report by the Chief Executive outlining proposals for a revised Chief Officer management structure to lead the Council's transformation and growth agenda and reconfigure the functions of the Council was approved.