



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

**TUESDAY 16 NOVEMBER 2021
VIA DIGITAL MEETING FACILITY**

Committee Members Present:

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

Councillor J Henderson
Councillor C Hoy (Items 3-6)
Councillor K Mackie
Councillor C McGinn
Councillor P McLennan (Items 7-14)
Councillor K McLeod
Councillor F O'Donnell
Councillor J Williamson

Council Officials Present:

Ms M Patterson, Chief Executive
Ms L Brown, Executive Director for Education and Children's Services
Ms S Fortune, Executive Director for Council Resources
Ms A MacDonald, Director of Health and Social Care
Mr D Proudfoot, Executive Director for Place
Ms M Ferguson, Head of Corporate Support
Ms N McDowell, Head of Education
Ms W McGuire, Head of Housing
Mr T Reid, Head of Infrastructure
Ms S Saunders, Head of Communities
Ms M Sullivan, Head of Development
Ms J Tait, Head of Children's Services
Mr S Cooper, Team Manager – Communications
Ms R Crichton, Committees Officer
Ms F Currie, Committees Officer
Mr C Grilli, Service Manager – Legal and Procurement
Mr D Henderson, Finance Manager – Service Accounting
Ms C Molloy, Project Manager – Project Manager
Mr D Ogilvie, Service Manager – Housing Strategy
Mr A Stewart, Project Manager – Growth Delivery
Mr P Vestri, Service Manager – Policy, Improvement and Partnerships

Visitors Present:

None

Clerk:

Mrs L Gillingwater

Apologies:

Councillor J Findlay
Councillor S Kempson
Councillor G Mackett
Councillor T Trotter

Declarations of Interest:

None

Prior to the commencement of business, the Provost 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, 24 August 2021.

2. MINUTES FOR NOTING

The minutes of the following meetings were noted: Local Review Body (Planning), 17 June, 3 August and 19 August 2021.

3. FINANCE UPDATE REPORT

A report was submitted by the Executive Director for Council Resources providing an update on the in-year financial position, some outline thoughts on the financial outlook for the Council, and the proposed budget development framework for the three-year period 2022-25.

The Executive Director for Council Resources, Sarah Fortune, presented the report, drawing attention to the current position with the General Services budget, including performance, key variables and planned efficiencies. She informed Members that there was currently an overspend of £252,000. She advised of additional government funding received to meet the demands of COVID-19, noting that the cost of addressing COVID-19 pressures had amounted to c. £12 million during this financial year. Although funding had been provided to mitigate this, much of it was non-recurring, and this would likely have an impact on the Council in future years. Ms Fortune also provided detail on the capital programme and on the Housing Revenue Account, both of which had seen lower expenditure than was budget for – both would be monitored to ensure the programmes could be delivered. On reserves, she advised that the majority of those monies were earmarked to meet obligations, and that in reality the Council was only just meeting its minimum reserves level of 2% of running costs, which would not give the Council much flexibility to meet future unforeseen costs. She set out the proposed process for the development of the 2022 budget, and advised that a revised Financial Strategy would be presented to Council in December, with the draft budget proposals being presented to Cabinet in January prior to the Council's budget-setting meeting in February/March.

In response to a number of questions from Councillor Currie, Ms Fortune advised that she was unable to predict when she could provide an accurate position on the Council's finances due to the continuing situation with COVID-19, the nature of the national funding to support this,

and the future uncertainty as regards funding streams and demands. On reserves, she undertook to provide Members with further detail, noting that the Reserves Strategy would be presented to Council in December.

With reference to policy commitments which were not fully funded by the Scottish Government, Councillor Dugdale asked how these would be delivered. Ms Fortune advised that this related mainly to instrumental music tuition charges, and that she had not yet had confirmation on the funding for this. She added that discussions on this matter were ongoing between the Scottish Government and CoSLA.

Councillor Akhtar welcomed the additional funding for health and social care, but asked why it had taken so long to come forward. Ms Fortune noted that the additional funding had been announced in October, but confirmation on the actual funding streams – most of which came with policy obligations – had only recently been received. She did not know the reason for the delay. She added that there were ongoing discussions with the Health and Social Care Partnership regarding local mobilisation plans, and that the Integration Joint Board would be responsible for delivering on these obligations.

On funding to upgrade play parks, Ms Fortune advised that she did not have confirmation of future years' funding for this initiative, and that she expected to get further detail as part of the Council's financial settlement. Tom Reid, Head of Infrastructure, advised that priority would be given to upgrading play parks with the highest footfall and need.

Councillor Hampshire thanked Ms Fortune for the report. He highlighted the challenges facing the Council, including dealing with the impact of COVID-19 and the significant growth across East Lothian. He also spoke of the pressures on staff to deliver services at this time, and thanked them for their efforts. He expressed concern about the ongoing costs of COVID-19, which would impact on the Council's future finances. He warned that the Council would have difficult decisions to make during the budget process, and undertook to work with the other political group leaders to seek agreement on the way forward. He also commented on the need to protect the Council's reserves as much as possible.

Councillor Akhtar informed Members of the updated position on COVID-19 cases in East Lothian, noting that the virus continued to be a significant threat. She paid tribute to staff in Health and Social Care and Social Work services, as well as those delivering the vaccination programme, and people working in the community to provide care and support to the vulnerable. She highlighted the cost to the Council of addressing the impact of the pandemic, adding that some of these costs would remain for time to come and that there would also be an ongoing impact on people's mental health and wellbeing. She urged Members to highlight these pressures to the relevant authorities and to the UK and Scottish Governments.

Councillor Dugdale welcomed the additional financial support to deal with COVID-19 pressures; however, she pointed out that the Scottish Government would have to fully fund its policy commitments. She thanked staff across the Council for their hard work.

Councillor Currie alluded to the significant amount of work being done by the Finance Team and other services to keep track of income and expenditure. He remarked that Members should not avoid being negative about meeting Scottish Government policy obligations prior to receiving confirmation of funding levels. He made reference to the additional funding provided for health and social care, including significant funding for local mobilisation plans. He indicated that there was some uncertainty around the local government pay settlement, which could have a further impact on the Council's finances.

The Provost then moved to the vote on the recommendations as set out in the report, taken by roll call, which were agreed unanimously.

Decision

The Council agreed:

- i. in accordance with Appendix A (attached to the report):
 - o to note the in-year financial performance of the Council
 - o to note the additional funding received from the Scottish Government since the Quarter 1 Financial Report
 - o to note the significance of the COVID-19 pressures and the impact of non-recurring funding provided for 2021/22
- ii. in accordance with Appendix B (attached to the report):
 - o to note the content of the report
 - o that, as far as possible, advance work on the budget development for 2022 should commence; and
 - o to approve the budget development framework and supporting process, as set out in Section 1.19 of Appendix B to the report, noting the intention to undertake a review to consider future budget development from 2023/24.

4. EAST LoTHIAN COVID-19 RECOVERY AND RENEWAL PLAN

A report was submitted by the Executive Director for Place seeking approval of the East Lothian COVID-19 Recovery and Renewal Plan.

The Executive Director for Place, Douglas Proudfoot, presented the report, advising that the Council remained in business continuity mode, and that although some services were now recovering, others were struggling to maintain critical service delivery. He noted that the Recovery and Renewal Plan would be delivered through the East Lothian Partnership (ELP), with the ELP Board providing oversight, and other groups, such as the Connected Economies Group, providing input. Progress on delivering the plan would be reported to Council, as required. Mr Proudfoot warned that the winter period would be challenging and that collaborative working was important.

Councillor Hampshire expressed concern about the costs associated with the pandemic, and asked for further information on financial estimates. Mr Proudfoot referred him to the Finance Update report (Item 3 on the agenda), adding that the COVID-19 recovery fund would be a key aspect of delivering the Recovery and Renewal Plan. He pointed out, however, that the pandemic had provided an opportunity for people to consider how they live and work, and that the Council would need to take advantage of the benefits this would bring as regards delivery of services.

Councillor Bruce asked how outcomes would be measured. Mr Proudfoot explained that the Plan was designed to be dynamic and flexible, and that it linked into the detailed action cards incorporated into the Recovery and Renewal Framework as well as the themes of the Council Plan. Scrutiny and performance frameworks would be included as part of the recovery and renewal process. He did recognise that there would be challenges in returning to pre-pandemic service levels, particularly within health and social care, and also in transforming services.

On recruitment and retention, Councillor O'Donnell asked what the Council was doing to meet these challenges. Mr Proudfoot advised of proposals to create apprenticeships within the

Council, and of plans to work with Edinburgh College to develop a shared apprenticeship scheme. He noted that some sectors were experiencing recruitment problems, which had been exacerbated by Brexit, and that this had impacted on service delivery.

In response to questions from Councillor Currie as regards vacancies in the care sector and the future resourcing of community planning, Mr Proudfoot accepted that some service areas had been under pressure before COVID-19, and that there was a need to tackle that. On partnership working, he argued that this structure had been effective during the pandemic, citing the work of the Connected Economies Group as an example, and that future activities and associated resources would be streamlined. He added that, going forward, funding streams would come directly to communities and that partnership working was important to maximise the impact of this funding.

Councillor Hampshire opened the debate, remarking that the effects of COVID-19 would last for many years. It had forced the Council to work differently, for example the move to remote working, which had a positive environmental impact and had provided an opportunity to reduce office accommodation. He suggested that the Council should continue to look for technological solutions to provide services in different ways. He also noted that it had provided an opportunity to consider how school assessments were carried out. However, he accepted that identifying new ways of working would require investment to allow for further progress to be made.

Councillor Currie concurred with points made by Councillor Hampshire, adding that the Council had delivered solutions that they had not previously considered. On the COVID-19 recovery, he commented that it would take some time for services to recover, due to recruitment and supply-chain issues. He was keen to further explore the use of technology but cautioned that this was not the solution for everyone and that other options would need to be provided.

Councillor Dugdale welcomed the Plan, in particular the focus on young people and partnership working.

Councillor Akhtar assured Members that the Council was doing everything possible to recruit and retain staff in social care.

Councillor Mackie remarked that whilst online services should be welcomed, some people needed to have human interaction.

The Provost concluded the debate by paying tribute to the Chief Executive and her leadership team, and the Council's partners, for their work during the pandemic. He welcomed the flexible and dynamic nature of the Plan.

The Provost then moved to the vote on the recommendation as set out in the report, taken by roll call, which was agreed unanimously.

Decision

The Council agreed to approve the East Lothian COVID-19 Recovery and Renewal Plan.

5. EAST LOTHIAN POVERTY PLAN 2021-23

A report was submitted by the Executive Director for Place seeking approval of the East Lothian Poverty Plan 2021-23.

The Service Manager – Policy, Improvement and Partnerships, Paolo Vestri, presented the report, reminding Members that the Draft Poverty Plan had been approved for consultation by Council in August 2021. He summarised the consultation process, advising that 30 individuals

and 6 organisations had submitted responses, and drew attention to a number of amendments to the Plan resulting from the consultation. He also made reference to the Action Plan, which included 49 actions, noting that the Multi-Agency Working Group would continue to meet in order to deliver these actions. He also pointed out that 20 of the Council's Key Performance Indicators (KPIs) would be used to track progress and that a new East Lothian Poverty Partnership would be formed to provide independent oversight of progress with implementing the Plan, with the aim of reducing poverty in East Lothian.

With reference to in-work poverty, Councillor O'Donnell asked what action the Council could take to promote the living wage through its procurement process and through funding/grant awards. Mr Vestri stated that in-work poverty was a key priority. He confirmed that all Council staff were paid the living wage, and that extending this to those undertaking paid work experience was being considered. He added that officers would be looking at including a fair wage clause within Council procurement contracts, that the Scottish Government had undertaken to ensure that all those working in the care sector would be paid the living wage, and that through the Connected Economies Group, the living wage would be promoted across the private sector. He hoped that with these measures the Council would be able to achieve living wage accreditation.

Councillor O'Donnell asked for more information on how progress would be monitored, and what action would be taken to assist people with disabilities and those in low-paid jobs. Mr Vestri explained that 20 of the Council's top 50 KPIs would demonstrate how the Poverty Plan was being delivered, and that there were also national indicators, currently under review by the Scottish Government, which would be adopted in due course. On assistance for those with disabilities, Mr Vestri highlighted the 'No one left behind' initiative (set out in section 1.5 of the Action Plan), which provided support to people, including those with disabilities, to get back into work. He commented that East Lothian had a high level of employment, but that many jobs were part-time and in low-paid sectors, hence the high levels of in-work poverty in the area.

In response to a question from Councillor Williamson on timelines for delivering the Action Plan, Mr Vestri noted that there were a number of actions which had delivery dates assigned to them, and that the Working Group would look at timescales in more detail and monitor progress on a regular basis. The Council would receive updates on progress.

Councillor Hampshire asked how the Council could encourage communities to do more to support families who were struggling with poverty. Mr Vestri advised that the One-Partnership funding process included 'reducing poverty' as a key objective, and that the Council worked in association with the Volunteer Centre East Lothian to tackle social isolation and support families and young people in poverty.

Councillor Akhtar opened the debate, welcoming the partnership working approach and the work done by local community groups to alleviate the impact of poverty, including in-work poverty. She noted that community organisations were supportive of the Poverty Plan.

Councillor O'Donnell paid tribute to community groups for their work. Welcoming the Poverty Plan, she suggested that the Council should challenge national government to do more to reduce poverty.

Highlighting the impacts of poverty, Councillor Currie recognised that the powers of the Council and its partners to tackle this issue were limited, and he hoped that the Scottish Parliament would be able to set a minimum living wage for Scotland in the near future. He was concerned that poverty was preventing people from fulfilling their potential and that this had an overall detrimental impact on society.

Councillor McGinn expressed concern that levels of poverty were increasing, citing figures from the Trussell Trust which reported a 128% increase in the use of foodbanks over the past five years, and pointing out that there were now more than 2.5 million foodbanks across the

UK. He thanked the various community groups which continued to support people experiencing poverty in East Lothian.

Councillor Dugdale stressed the importance of taking account of the views of young people who had lived experience of poverty, and she welcomed the inclusion in the Poverty Plan of outcomes for children and young people. She agreed with others' comments as regards the government taking more action to address poverty.

Councillor Forrest thanked officers and partners for their work on the Poverty Plan, and also paid tribute to the work of community organisations.

The Provost then moved to the vote on the recommendations as set out in the report, taken by roll call, which were agreed unanimously.

Decision

The Council agreed:

- i. to note the result of the public consultation on the Draft Poverty Plan;
- ii. to approve the East Lothian Poverty Plan 2021-23 (attached as Appendix 1 to the report);
- iii. to note that the Poverty Plan incorporates the Child Poverty Plan with actions identified in the Poverty Plan Action Plan and that these would be reports on in the annual Child Poverty Action Plan Report;
- iv. to note that a further report on poverty data and indicators would come to a future meeting of the Council and the East Lothian Partnership Governance Group with key Poverty Plan indicators and targets; and
- v. to continue with a multi-agency Poverty Working Group and to establish a new East Lothian Poverty Partnership which would report to the Council and the East Lothian Partnership Governance Group.

6. CHIEF SOCIAL WORK OFFICER ANNUAL REPORT 2020/21

A report was submitted by the Chief Social Work Officer presenting the Chief Social Work Officer Annual Report for 2020/21.

The Chief Social Work Officer, Judith Tait, presented the report, advising that her annual report reflected the strategic and operation delivery of social work services, noting that the report broadly aligned with the first year of the COVID-19 pandemic and set out the reality of delivering social work services during a pandemic. She highlighted the key aspects of the report, including progress in modernising social work services; the impact of reduced access as a result of COVID-19; that many parts of the service were still in COVID-19 response mode; and the need for the service to adapt to support those at risk. She also set out the challenges facing social work services and the need to maintain stability. She noted that staff within the service should be commended for their commitment and efforts.

As regards the Children's Hearings system, Councillor O'Donnell asked if the problems experienced earlier in the pandemic had now been resolved. Ms Tait reported that there was still a backlog of cases which would take some time to complete. She provided an explanation for the problems, which were mainly related to the physical limitations of hearing centres and the inability of Children's Hearings Scotland to move quickly to digital working. She assured Members that officers were working with colleagues at Midlothian Council to reduce the impact of delayed hearings.

Councillor Hampshire asked if the increase in demand for services was a Scotland-wide issue, and if there was resource capacity within East Lothian to deal with the level of demand. Ms Tait explained that there had been more demand on services for a variety of reasons. She advised that the Transforming Services for Children Strategy focused on reducing demand for services, and that new services to support children were developing well. There was also a focus on keeping children with their families where possible through additional support.

On violence against women and girls, Councillor Akhtar noted that there had been a 20% increase in the reporting of incidents on the previous year, and asked if this position had changed since the writing of the report. Ms Tait advised that she did not yet have the full detail on this, but that work was underway to raise awareness of this issue and also to support people to change their behaviours. She added that there was also an opportunity to review and renew the national strategy on violence against women and girls.

Highlighting the breadth of issues contained within the report, Councillor O'Donnell expressed concern at the Scottish Government's proposals for the future of social work and social care services, and suggested that further consultation on and consideration of this matter was required.

Councillor Hampshire spoke of the pressure on staff within this service, who were dealing with complex issues. He paid tribute to their commitment to delivering services during the pandemic. He anticipated that the pressure on social work services would increase in future and stressed the importance of having resources in place to protect vulnerable people.

As Cabinet spokesperson for Health and Social Care, Councillor Akhtar commended the staff for their dedication, support and compassion. She concurred with Councillor O'Donnell's concerns on the proposal to establish a National Care Service, and thanked Ms Tait and Mr Vestri for formulating the Council's response to the consultation. She stressed the importance of local links for social care services.

On violence against women and girls, Councillor McGinn reminded Members about the White Ribbon Campaign, and urged his male colleagues to take a leading role in this. He believed that this area of work should be prioritised.

Councillor Currie paid tribute to the many unpaid carers, especially during the pandemic. He was concerned about difficulties in recruiting staff to the care sector. He advised that there had been more than 1,000 responses to the National Care Service consultation, and that it was expected that the bill would be published prior to the summer recess. He also stressed the need for social care services to be properly resourced.

Councillor Dugdale concluded the debate by highlighting the increasing demands on social work services and the additional challenges of delivering services during a pandemic. She warned of the potential long-term effects of the pandemic. She thanked staff for their efforts.

Decision

The Council agreed to note the content of the Chief Social Work Officer Annual Report 2020/21 and its implications for the provision of social work services in East Lothian and their role in assuring the safety and welfare of vulnerable children and adults across the country.

Sederunt: Councillor Hoy left the meeting.

7. REGIONAL PROSPERITY FRAMEWORK

A report was submitted by the Executive Director for Place notifying Council of the Edinburgh and South East Scotland City Region Deal Joint Committee's approval of the finalised Regional Prosperity Framework, which had been modified as appropriate following the

associated public consultation exercise on this regional economic strategy, and seeking the Council's ratification of the finalised Regional Prosperity Framework (RPF).

The Head of Development, Michaela Sullivan, presented the report. She drew attention to the consultation on the RPF (set out in Sections 3.3-2.12 of the report). She also informed Members that National Planning Framework 4 (NPF4) had now been published, and that the requirement of thermal generation and carbon capture facilities at Cockenzie had been removed, which would give the Council greater flexibility as to the future use of that site. The consultation period for NPF4 would run until March 2022. On economic development, she highlighted the importance of the Cockenzie and Blindwells sites, as well as the ClimatEvoution Zone, and on future housing requirements, she advised that the minimum number of houses required was broadly in line with expectations.

Councillor Hampshire asked if NPF4 was compatible with Council initiatives. Ms Sullivan advised that officers would consider the detail of NPF4 and report back to Council should there be any issues of concern. However, at this stage she could not see any obvious conflicts.

In response to a question from Councillor Forrest as regards future improvements to the City Bypass and Sheriffhall Roundabout, Andy Stewart (Project Manager – Growth Delivery) advised that a regional transport strategy was being developed. As well as planned improvements to the rail network and bus services, it would cover the future use of the City Bypass and improvements at Sheriffhall.

Councillor Hampshire welcomed the Framework, highlighting in particular the future of the Cockenzie and Blindwells sites, and also the future of Torness Power Station. He stressed the need to provide alternative employment should Torness be decommissioned.

Councillor Currie also welcomed the report, especially the flexibility as regards the Cockenzie site and the opportunities it could provide.

The Provost then moved to the vote on the recommendations as set out in the report, taken by roll call, which were agreed unanimously.

Decision

The Council agreed:

- i. to ratify the finalised Regional Prosperity Framework for South East Scotland, attached as Appendix 1 to the report;
- ii. to note the overall number of responses and the major themes that emerged from the public consultation; and
- iii. to note that the following next steps would be carried out in the context of the finalised Regional Prosperity Framework:
 - preparation and implementation of the action plan to support delivery; and
 - preparation of a prospectus version of the Regional Prosperity Framework to showcase the region as a location for investment.

8. COCKENZIE POWER STATION SITE 360 PROJECT FEASIBILITY STUDY

A report was submitted by the Executive Director for Place seeking approval for funding for a feasibility study for a community-based project arising known as the 360 Project, which aims to develop a climate change centre and public space on part of the Cockenzie site.

The Head of Development, Michaela Sullivan, presented the report, advising that the 360 Project was developed by a community group from Cockenzie and Prestonpans. The group was now looking to take forward their climate change centre vision and was seeking funding to commission a consultant to undertake a feasibility study, at a cost of c. £30,000. Ms Sullivan explained that Council officers would provide assistance to the group to develop their plans.

Councillor O'Donnell commented that it was her understanding that the 360 Project was not a properly constituted group and sought reassurance that funding would not be provided until appropriate governance structures were in place. She also stressed the importance of the group engaging with Prestonpans Community Council, and added that job creation should be at the heart of the vision. Ms Sullivan confirmed that the group was not yet properly constituted, and that officers would take this forward with the group. Alternatively, the Council could appoint the consultant on the group's behalf. She accepted that it was important to have proper governance arrangements in place. She also agreed to encourage the group to engage with Prestonpans Community Council at the earliest opportunity. On job creation, Ms Sullivan confirmed that this was part of the plan, as well as possible training facilities and public space. She clarified that the Council would not be in a position to fund the climate change centre and that funding sources would need to be identified as part of the feasibility study.

Councillor Bruce questioned how the suitability of the proposal would be determined. Ms Sullivan explained that the group would work with the consultant to develop a programme of works to assess the scope of the development and associated funding. Once the Head of Development was satisfied with the proposal and the consultant, the £30,000 would be disbursed.

Councillor Gilbert asked if seeking financial contributions from energy companies had been considered. Ms Sullivan indicated that £30,000 was the maximum amount for the study, and that a contribution from the off-shore energy sector could be sought.

Councillor Henderson was concerned at the timing of the funding request and the use of public funds. Ms Sullivan assured her that Council funding would not be committed until such times as the project was at a point where it could be progressed. She highlighted the work and energy committed by the group so far and felt that the proposals set out in the report would give the group some certainty.

The Provost asked how much Council officer time and resource would be required at this stage. Ms Sullivan noted that officers would set the parameters and provide guidance, and then review the progress of the plan and the appointment of the consultant. She was not concerned about pressure on resources.

Opening the debate, Councillor O'Donnell highlighted the importance of robust governance and scrutiny arrangements, and engagement with other community groups. However, she was supportive of the recommendations.

Councillor Hampshire recalled a number of similar projects supported by the Council in this way. He noted that community-led ideas for the land would need to be considered alongside the other plans for the site, and that providing employment on the site was key. He was of the view that the proposed project was interesting and he looked forward to seeing if it would be viable.

Councillor Currie remarked on the importance of working with the community, noting that the project could provide employment and other opportunities. He noted that wider community support for such projects was important. As regards the delegation to the Head of Development to assess the suitability of the proposal, he suggested that Group Leaders could also be involved.

Councillor Gilbert welcomed the proposed project, especially as it would include public space.

The Provost concluded the debate by describing the proposed project as a good example of community wealth-building, but recognised that the vision needed to be shared by the wider community. He was in favour of developing the project, which could benefit East Lothian.

The Provost then moved to the vote on the recommendations as set out in the report, taken by roll call, which were agreed unanimously.

Decision

The Council agreed:

- i. to approve expenditure of up to £30,000 to support a feasibility study into the potential for the 360 Project and to note that this funding would be subject to the forthcoming draft of National Planning Framework 4, allowing greater flexibility and acknowledging the potential for a range of uses on the site; and
- ii. to delegate authority to the Head of Development to award the funding assuming the flexibility is achieved in draft NPF4 and a suitable proposal is put forward by the 360 Project Team.

9. CESSATION OF SESPLAN JOINT COMMITTEE AND BUDGET

A report was submitted by the Executive Director for Place advising of changes to regional planning that would be introduced through the Planning Act 2019, and seeking the Council's consequential ratification of a SESplan Joint Committee decision, taken on 4 October 2021, to cease Joint Committee meetings, fund a staff member to handle residual matters, and redistribute the SESplan budget.

The Head of Development, Michaela Sullivan, presented the report, explaining that the Planning (Scotland) Act 2019 had changed the process for regional planning and, as a result of this, there was no longer a requirement for SESplan. As a member authority, the Council was required to approve the disestablishment of SESplan. Ms Sullivan noted that a part-time officer would be required to complete the outstanding regional planning work through the City Region Deal for up to three years.

Councillor Hampshire commented on the important role that SESplan had played in the past. He voiced some concerns as to the decision-making process under the new structure.

The Provost then moved to the vote on the recommendations as set out in the report, taken by roll call, which were agreed unanimously.

Decision

The Council agreed:

- i. to ratify the SESplan Joint Committee decisions to:
 - amend the SESplan constitution so that the SESplan Joint Committee is not required to meet twice a year
 - close the SESplan accounts
 - redistribute the remaining SESplan budget equally back to the six SESplan authorities
 - transfer £11,000, being East Lothian's share of the £66,000, to support a residual staffing requirement for a period of three years, to the South East Scotland City Deal Joint Committee;

- ii. to note that following agreement by each of the partner authorities, regional spatial planning responsibilities have transferred from the SESplan Joint Committee to the City Deal Elected Member Oversight Committee; and
- iii. to note that the existing SESplan Project Board would be renamed the Strategic Planning Advisory Group [or similar] with the chair of that group becoming a member of the City Region Deal Directors' Group.

10. PROPOSED INTRODUCTION OF HYBRID COMMITTEE MEETINGS

A report was submitted by the Executive Director of Council Resources outlining proposals to introduce hybrid Council, committee and sub-committee meetings and to secure Council agreement to implement hybrid committee meetings.

The Head of Council Support, Morag Ferguson, presented the report, advising of the need for Council to consider how to hold meetings in the longer term. She commented on the benefits of remote attendance at meetings, including a reduction in travel costs and time, and the convenience for Members with other commitments. She did acknowledge, however, that some people preferred to attend meetings in person, and advised that a hybrid meeting system, as described in the report, would offer a compromise. She noted that there would be costs associated with introducing hybrid meeting technology, and sought Council agreement to progress options in this regard. She also sought agreement to continue with remote meetings pending the implementation of a hybrid system.

Councillor Williamson asked if the potential savings of attending meetings remotely had been analysed. Ms Ferguson anticipated that there had been savings, but noted that no analysis had been carried out to date. She undertook to look into this issue.

Councillor Henderson asked if plans were in place to ensure that new Members [elected in May 2022] could interact with existing Members and officers. Ms Ferguson reassured her the planned Member Induction Programme would provide opportunities for new Members to meet and build relationships in person.

In response to a question from Councillor Currie on whether the option to attend meetings remotely would encourage a wider range of people to stand for Council, Ms Ferguson expected that a hybrid system would provide 'the best of both worlds', and that an assessment could be carried out with new and returning Members to ensure that the system was meeting the needs of Members and the public. She added that it was the intention to lease the system in order that the technology was always up to date; this option would also allow the Council to move back to in-person meetings in the future, if desired.

The Provost thanked colleagues in the IT service for their support of remote meetings.

Councillor Akhtar thanked the Committees Team for their efforts in moving to remote meetings at short notice.

The Provost then moved to the vote on the recommendations as set out in the report, taken by roll call, which were agreed unanimously.

Decision

The Council agreed:

- i. to approve the implementation of hybrid meetings;
- ii. that meetings would continue in the interim via remote access;

- iii. to note that the introduction of hybrid meetings would be implemented through the replacement of the existing remote access system and would incur an initial capital cost and ongoing revenue costs; and
- iv. to note that arrangements for hybrid meetings would require changes to Standing Orders, which would be brought to Council before hybrid meetings go live.

11. LOTHIAN PENSION FUND – VOLUNTARY SCHEME PAYS

A report was submitted by the Executive Director for Council Resources seeking determination on how the Council should exercise its annual discretion to adopt the Lothian Pension Fund Voluntary Scheme Pays mechanism in respect of the tax year 2020/21.

The Head of Council Support, Morag Ferguson, presented the report, explaining that any member of the Lothian Pension Scheme earning more than £200,000 per annum could elect to have the Pension Fund meet their tax liability, which would in turn reduce their pension on retirement. She noted that there was a financial risk to the Council if an individual participating in the scheme died before the full amount was recovered. She confirmed that no employee of the Council currently met the threshold; however, Lothian Pension Fund required the Council to advise on its preferred option.

The Provost advised that the Council had previously selected Option 1, namely that it would agree to participate in the Voluntary Scheme Pays mechanism.

Councillor Hampshire recommended that the Council should choose Option 1, despite the fact that it would not currently apply to any Council employee.

The Provost then moved to the vote on the recommendation as set out in the report, taken by roll call:

Option 1 (13): Councillors Akhtar, Currie, Dugdale, Forrest, Gilbert, Goodfellow, Hampshire, McGinn, McLennan, McLeod, McMillan, O'Donnell, Williamson

Option 2 (3): Councillors Bruce, Henderson, Mackie

Decision

The Council agreed to adopt Option 1, namely to participate in the Voluntary Scheme Pays mechanism (as set out in Section 3.3 of the report), and to authorise officers to communicate that decision to the Lothian Pension Fund.

12. APPOINTMENT OF THE LEADER AND DEPUTE LEADER OF THE COUNCIL, AND APPOINTMENTS TO COMMITTEES, ETC., AND TO OUTSIDE BODIES

A report was submitted by the Executive Director for Council resources seeking approval of the appointment of a new Council Leader and Depute Leader, and seeking approval of changes to the Council's appointments to committees, sub-committees, associated committees, East Lothian Licensing Board, and outside bodies.

The Clerk presented the report, advising that the proposed changes were set out within Section 3 of the report. She also drew attention to proposed amendments to the Cabinet portfolios. It was noted that there were no financial implications associated with the proposals, other than the costs associated with training new members of the Licensing Board, and these could be met within the existing budget.

Councillor Currie confirmed that the SNP Group would not be making any appointments to the Licensing Board.

The Provost then moved to the vote on the recommendations as set out in the report, taken by roll call, which were agreed unanimously.

Councillor Currie congratulated Councillor Hampshire on becoming Leader of the Council, and undertook to support him in his role, where possible, for the remainder of the Council term. He referenced the difficult circumstances in which the appointments were being made.

Councillor Hampshire thanked Councillor Currie for his words of support. He advised that he was honoured to be given the opportunity to lead the Council, despite the difficult circumstances of his appointment, and assured all Members and officers that he would seek to continue the work and leadership of Councillor Innes. He also pledged to support Council staff in the way that Councillor Innes had done.

The Provost wished Councillor Hampshire well in his new role.

Decision

The Council agreed to approve the following appointments:

- i. the appointment of Councillor Hampshire as Leader of the Council
- ii. the appointment of Councillor Akhtar as Depute Leader of the Council
- iii. the following appointments to committees, sub-committees and associated committees:
 - o Education Committee – Councillor O'Donnell
 - o Petitions and Community Empowerment Review Committee – Councillor Hampshire
 - o Planning Committee – Councillor O'Donnell
 - o Employee Appeals Sub-Committee – Councillor Hampshire
 - o Joint Consultative Committee – Councillor Hampshire
- iv. the renewal of the term of office of Councillor Gilbert on the East Lothian Integration Joint Board
- v. the appointment of Councillor O'Donnell to the East Lothian Licensing Board (noting that she would be required to undertake compulsory training prior to taking her seat on the Board)
- vi. the following nominations to represent the Council on outside bodies:
 - o CoSLA Convention – Councillor Hampshire
 - o CoSLA Leaders' Meeting – Councillor Hampshire
 - o CoSLA Board: Environment and Economy – Councillor McMillan (replacing Councillor Hampshire)
 - o East Lothian Investments Ltd – Councillor Hampshire (noting that this appointment requires the approval of the non-councillor directors on the Board)
 - o East Lothian Land Ltd – Councillor Hampshire

- Pennypit Community Development Trust – Councillor O'Donnell
 - Scotland Excel (named substitute) – Councillor Hampshire
 - SESTRAN – Councillor McMillan and Councillor Bruce (with Councillor Hampshire as named substitute)
- vii. the allocation of special responsibility allowances resulting from the above-mentioned changes (as set out in Appendix 1 to the report), with immediate effect.

13. NOTICE OF MOTION – MOTION TO REINSTATE THE £20 UNIVERSAL CREDIT UPLIFT

A motion was submitted by Councillors McGinn and Forrest:

'East Lothian Council resolves that the Leader of the Council writes to the Chancellor, The Rt Hon. Rishi Sunak MP, and to the Prime Minister, The Rt Hon. Boris Johnson MP, calling for the reinstatement of the £20 increase to Universal Credit.'

Presenting the motion, Councillor McGinn made reference to the East Lothian Poverty Plan and the Chief Social Work Officer's Annual Report, which had been approved earlier in the meeting. He advised that, according to a 2019 report from the Institute for Fiscal Studies, 'Universal Credit disproportionately reduces incomes among poorer adults', with those on lowest incomes losing most. Councillor McGinn was of the view that Universal Credit targeted less affluent communities, and that many claimants had been subject to sanctions and delays in payments, as well as finding the system inaccessible. He argued that the UK Government had demonstrated that it did not have an understanding of the issues facing those struggling financially when they took the decision to withdraw the £20 per week Universal Credit uplift which had been introduced during the COVID-19 pandemic. He estimated that c. 500,000 families in Scotland, 8,000 of whom lived in East Lothian, would be affected by the removal of the uplift, reducing their incomes by over £1,000 per year. He did accept that some families would benefit from a recent budget announcement; however, rising living costs would eradicate any gains. He voiced concern for families who would have to make difficult choices this winter, and for children's ability to learn when their basic needs were not being met. He was also concerned about the impact of poverty on the mental and physical health of children, and made reference to the links between poverty and violence against women and girls.

Councillor McGinn paid tribute to local organisations supporting families in need, and welcomed the Council's approval of the East Lothian Poverty Plan, which he noted had been approved 'in sorrow'. He concluded by asserting that UK Government policy was making those on the lowest incomes meet the costs of the pandemic, and called for the Council to support the reinstatement of the £20 per week uplift in Universal Credit.

Councillor Forrest seconded the motion, advising that he had seen first-hand the impact on families who are struggling financially. Through his involvement with Capital Credit Union, he explained that 5,000 members of that organisation were classed as working poor or financially excluded, and that it was a lifeline for those families needing to borrow for both essential and non-essential purposes. He believed that the reduction in Universal Credit payments would result in more members defaulting on their loans and further borrowing requests being declined, which may push them to borrow from high-cost or illegal lenders in future. He noted that recently there had been a 25% reduction in applications and a 28% reduction in loans paid out. He also made reference to the recent collapse of energy firms, which would result in higher fuel costs for more than two million households, as well as an average increase in shopping bills of £417 per year. He was concerned about the impact of these increases on many families in East Lothian, and called all Members to support the motion.

The Provost advised that an amendment had been received from the Conservative Group, as set out below:

‘East Lothian Council notes that during the pandemic, taken together, the UK Government has spent over £400 billion to support the whole UK through the coronavirus pandemic, including delivering the furlough scheme, which protected jobs. To achieve this, the UK borrowed £298 billion in the financial year 2020-21, and forecasts suggest total borrowing for 2021-22 could be as high as £233.9 billion. According to the Office for National Statistics (ONS), interest payments on UK debt totalled £8.7 billion in June 2021, with total UK debt standing at £2.2 trillion by the end of July 2021.

East Lothian Council additionally notes that the Institute for Fiscal Studies (IFS) analysis found that making the uplift in Universal Credit payments permanent would cost £6 billion per annum. They also reported that vacancies in the labour market in the three months to May 2021 had returned to their pre-pandemic levels, implying that a further extension of this uplift would not be proportionate or justified.

East Lothian Council believes that we should not leave a legacy of our debt to the next generation. Now that restrictions have been largely removed and the recovery is underway, it is right that these measures are reviewed as the focus shifts to helping people get back into work whilst targeting support to the most vulnerable.

East Lothian Council notes and welcomes moves by the UK Government in the latest budget to support those on the lowest incomes by increasing the National Living Wage for around 128,000 Scots and thousands of East Lothian by £1,074 a year through an increase in the minimum wage from £8.91 per hour to £9.50 per hour. It also welcomes a reduction in the taper rate on Universal Credit from 63% to 55% which will benefit over 400,000 in work in Scotland, including thousands of East Lothian residents, who will now keep more of what they earn.

East Lothian Council welcomes the UK Government announcement of £500 million of funding to support vulnerable households over the winter and will write to the Scottish Government asking how it will use the money it has received to support these individuals and families.’

Councillor Bruce presented the amendment, reminding Members that the UK Government had provided billions of pounds in direct and indirect support to people since the start of the pandemic, and that the national debt now stood at £2.2 trillion, with interest payments of £8 billion per month. He stressed that this position was not sustainable and would impact on future generations. He believed that the Government should prioritise support for those most in need, and welcomed the additional £500 million which had been provided to help those people. He noted that the Scottish Government had not yet announced how this funding would be utilised. He also welcomed the taper mechanism for Universal Credit, but emphasised the importance of supporting people to get back into work, especially as there were currently 1.1 million job vacancies in the UK. In moving his amendment, he accepted that these were difficult times and difficult decisions had to be taken, but that the UK Government would support those most in need and assist people to get back to work.

Councillor Henderson seconded the amendment.

The Provost then moved to the debate.

Opening the debate, Councillor Currie stated that Councillor McGinn’s motion was more pressing now than ever before. He questioned why some Members had supported the East Lothian Poverty Plan, discussed earlier in the meeting, but not this motion. Councillor Currie voiced his concern that full-time employees were still reliant on benefits, and accused the UK

Government of attacking people on benefits whilst ignoring issues such as tax loopholes being exploited. With rising inflation and living costs, he was concerned at families who would be unable to heat their homes this winter. He stated that the SNP Group would support the motion.

Councillor Hampshire expressed his disappointment that consensus on this matter would not be achieved. He believed that the annual £6 billion cost of retaining the £20 weekly Universal Credit uplift was a small amount in the context of COVID-19 costs, but that the benefit to families and society was significant. He was concerned at the longer-term impact of the removal of the uplift on families, stressing that the Council should do what it could to support them. He also pointed out that many Conservative MPs did not support the UK Government's position on this matter, and as councillors it was important that decisions were taken for the benefit of the community. He urged Members to support the motion.

With reference to the amendment, Councillor O'Donnell noted that she was aware of the UK's debt levels, but argued that it was a political choice of the Government as to who should bear the burden of that debt. She advised that 72% of Universal Credit claimants were in work, which highlighted the extent of in-work poverty, and that the poorest people in society would bear a disproportionate burden of the national debt. She called on all Members to support the motion.

The Provost stated that he would be supporting the motion on the basis that people needed that additional £20 per week.

Summing up, Councillor McGinn expressed his disappointment at the Conservative Group's amendment, which he described as 'smoke and mirrors'. He was concerned that large areas of society were being marginalised by the UK Government, and that the Universal Credit system was 'inhumane'. He pointed out that 649 families had used foodbanks in East Lothian over the last month, with a 20% increase in referrals for households with children. He believed that the removal of the £20 per week uplift in Universal Credit would drive people further into poverty and debt, and that the Government should reverse its decision.

The Provost then moved to the vote on the amendment, taken by roll call:

For (3): Councillors Bruce, Henderson, Mackie
Against (13): Councillors Akhtar, Currie, Dugdale, Forrest, Gilbert, Goodfellow, Hampshire, McGinn, McLennan, McLeod, McMillan, O'Donnell, Williamson

The amendment therefore fell, and the Provost then moved to the vote on the motion, taken by roll call:

For (13): Councillors Akhtar, Currie, Dugdale, Forrest, Gilbert, Goodfellow, Hampshire, McGinn, McLennan, McLeod, McMillan, O'Donnell, Williamson
Against (3): Councillors Bruce, Henderson, Mackie

The motion was therefore carried.

14. NOTICE OF MOTION – GP AND PRIMARY CARE SERVICES FOR WALLYFORD AREA

A motion was submitted by Councillors Dugdale and McGinn:

'East Lothian Council resolves to ask the Leader of East Lothian Council to write to the Cabinet Secretary for Health and Social Care and the Chief Executive of NHS Lothian to seek a commitment to establish a new GP and primary care service in Wallyford to meet the healthcare needs of this rapidly growing community.'

Councillor Dugdale presented the motion, thanking those working in the NHS for their efforts to deliver the COVID-19 and flu vaccines at the same time as continuing to provide other health services. She spoke of difficulty in accessing primary care services for some areas of the community, namely people living in Wallyford and Whitecraig, who had to travel to Musselburgh, potentially at considerable expense should they require regular appointments or need to take their children. Considering the rate of expansion in this particular community, she felt that it deserved to have access to a local GP or primary care centre. She called on the Council to raise this matter with the Secretary of State for Health and the Chief Executive of NHS Lothian.

Councillor McGinn seconded the motion, highlighting the need for people to be able to access healthcare without having to make a lengthy journey. He indicated that this motion was part of a wider process to improve health and wellbeing, and called on Members to support it.

Sederunt: Councillor McLennan left the meeting.

Councillor Currie commented that this issue had been ongoing for a number of years. He claimed that the Wallyford and Whitecraig communities had raised concerns about the lack of health service provision during the Local Development Plan process, but these concerns had been rejected by the Council at that time. He asked Councillor Dugdale if this issue had already been raised with NHS Lothian and the East Lothian Health and Social Care Partnership. He also noted that he had suggested to all Members in September 2021 that the former Wallyford Primary School should not be sold until discussions had taken place with NHS Lothian, but he had not received a response. He agreed that the area needed its own medical facilities, and that he would therefore support the motion. However, he reiterated that the Council had already missed an opportunity to address those concerns raised by the community. He added that he hoped that the opportunity to provide health care facilities at Blindwells would not be missed.

Douglas Proudfoot, Executive Director for People, responded to comments made by Councillor Currie, advising that he had discussed the former Wallyford Primary School site with Councillor Williamson, and that it had been determined that the site should be retained for affordable housing, subject to discussions with the Scottish Government. He noted that he had not been aware of Councillor Currie's email on the matter.

Councillor Hampshire welcomed Councillor Currie's support for the motion. However, he disputed some of the points made in relation to the Local Development Plan process, pointing out that the Council had, at that time, stressed to the NHS the importance of providing health services in that community, and that this was a matter for the NHS, not the Council. He reported that the Council had made, and would continue to make, requests to NHS Lothian for additional facilities in Wallyford and also in Longniddry, but that investment was not forthcoming from NHS Lothian and the Scottish Government. He added that the Council had won a national award for its Local Development Plan, and that any criticism of it was therefore unfounded.

Councillor Mackie spoke in support of the motion, indicating that providing the Wallyford and Whitecraig communities with health services would alleviate the pressure on services in Musselburgh.

As Health and Social Care Spokesperson, Councillor Akhtar reported that she had raised this matter on numerous occasions at the NHS Lothian Board. However, by way of context, she pointed out since 2015/16 NHS Lothian had seen a reduction in its funding of c. £80 million, and that there would be no additional funding for NHS Lothian's capital programme for the next five years. She stressed that this position should be challenged, and that she would continue to raise the issue of primary care services in East Lothian at the Integration Joint Board and at the NHS Lothian Board.

Councillor McLeod commented on the difficulties in recruiting GPs.

Summing up, Councillor Dugdale believed that providing health services in the Wallyford and Whitecraig community was essential, and would take pressure off A&E and acute care services. She confirmed that the Council had raised the issue with NHS Lothian previously. She urged the Council to support the people of Wallyford and Whitecraig, on the basis that everyone should have access to health care.

The Provost then moved to the vote on the motion, taken by roll call, which was agreed unanimously.

15. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 10 AUGUST – 11 OCTOBER 2021

A report was submitted by the Executive Director for Council Resources noting the reports submitted to the Members' Library since the meeting of the Council in August 2021.

Decision

The Council agreed to note the reports submitted to the Members' Library Service between 10 August and 11 October 2021, as listed in Appendix 1 to the report.

Prior to moving to the private session, the Provost informed the Council that Haddington Pipe Band were celebrating their 40th anniversary. He thanked the band for their contribution to the cultural life of the community.

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) of Schedule 7A to the Local Government (Scotland) Act 1973.

East Lothian Council/Queen Margaret University Update: Legal Matters

A report submitted by the Executive Director for Place concerning the legal arrangements between East Lothian Council and Queen Margaret University for the delivery, operation and management of the Food and Drink Innovation Hub and wider Edinburgh Innovation Park was approved.