



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 22 FEBRUARY 2022
VIA DIGITAL MEETING FACILITY

Committee Members Present:

Provost J McMillan (Convener)	Councillor C Hoy (Items 6-10)
Councillor S Akhtar	Councillor S Kempson
Councillor L Bruce	Councillor G Mackett
Councillor S Currie	Councillor K Mackie
Councillor J Findlay	Councillor C McGinn
Councillor A Forrest	Councillor F O'Donnell
Councillor N Gilbert	Councillor T Trotter
Councillor N Hampshire	Councillor J Williamson
Councillor J Henderson	Councillor C Yorkston

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 E Dunnet, Head of Finance
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
Mr P Forsyth, Project Manager – Growth and Sustainability
Ms A-M Glancy, Finance Manager – Corporate Accounting
Mr C Grilli, Service Manager – Legal and Procurement
Mr D Henderson, Finance Manager – Service Accounting
Ms C Molloy, Project Manager – Development
Mr P Vestri, Service Manager – Policy, Improvement and Partnerships

Visitors Present:

None

Clerk:

Mrs L Gillingwater

Apologies:

Councillor F Dugdale
Councillor J Goodfellow
Councillor P McLennan
Councillor K McLeod

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:

- a. East Lothian Council, 16 November 2021
- b. East Lothian Council, 14 December 2021

2. MINUTES FOR NOTING

The minutes of the following meetings were noted: Local Review Body (Planning), 18 November 2021.

3. OUTCOME OF THE BY-ELECTION IN THE PRESTON, SETON AND GOSFORD WARD

The Chief Executive advised that Colin Yorkston, Scottish Labour Party, had been elected to represent the Preston, Seton and Gosford Ward at the by-election held on 20 January 2022. In her capacity as Returning Officer, she paid tribute to all the candidates and agents for a respectfully fought campaign.

On behalf of the Council, the Provost congratulated Councillor Yorkston and welcomed him to his first meeting of the Council. He echoed the comments of the Chief Executive as regards the nature of the campaign.

With reference to the sad circumstances of the by-election, Councillor Currie also congratulated Councillor Yorkston on his election to the Council. His comments were shared by Councillor Bruce, who looked forward to working with Councillor Yorkston.

Councillor Yorkston thanked Members and officers, making special mention of Wilma Grant, for their support and welcome. He looked forward to a positive campaign for the local government elections in May.

4. 2021/22 QUARTER 3 FINANCIAL REVIEW

A report was submitted by the Executive Director for Council Resources providing an update on the in-year financial position at the end of December 2021.

The Executive Director for Council Resources, Sarah Fortune, presented the report, outlining the complications and challenges of the current financial environment. However, she announced that it was likely that the Council would be in a position to deliver on its obligations within budget, noting that (as of the end of Quarter 3) the Council was reporting an underspend of £254,000, and she remained hopeful that planned efficiency savings would be achieved. She highlighted a number of areas of risk, including Children's Services, Road Services and Waste Services, and of the pressures on the Health and Social Care budget. Ms Fortune made reference to additional funding received by the Council to mitigate the effects of COVID-19, but warned that a significant proportion of this would be non-recurring. She provided a summary of the key aspects relating to the Capital Programme and the Housing Revenue Account (set out at Sections 3.15–3.22 of the report), and concluded by stating that the challenges facing the Council should not be underestimated.

In response to a question from Councillor Hampshire on the delivery of affordable housing over the past five years, Wendy McGuire, Head of Housing, advised that in the current financial year, it was expected that 105 Council homes would be delivered, with an additional 62 Registered Social Landlord (RSL) units and 18 intermediate (mid-market rent) units. She anticipated that by the end of the current Council term, 964 affordable housing units would have been delivered, of which 375 were Council homes.

Councillor Akhtar asked for more detail on recurring and non-recurring costs associated with COVID-19, in particular relating to sustainability payments for social care providers. David Henderson, Finance Manager, explained that these payments had been extended to June 2022; if there was a further extension, this would be reported back to Council.

Councillor Akhtar also asked for an update on the service redesign within Children's Services and the impact of the interventions in place. Judith Tait, Head of Children's Services, highlighted the complexities of, and demands on, the service, especially relating to children and young people in external placements, and she provided a summary of interventions in place, including work with other Council services and partners in the third sector; the establishment of dedicated teams to provide a more effective service; and early intervention and community support.

Councillor Hampshire opened the debate by thanking staff for their efforts to deliver services over the past two years, and highlighting the financial pressures on the Council, which had been exacerbated by COVID-19. He also spoke of the impact of the pandemic on children and young people, and the need to support them going forward. He warned of further financial challenges should the government not provide additional funding to address the longer-term impacts of COVID-19. He stressed that the Administration would work to deliver services within budget.

Councillor Akhtar made reference to challenges facing the Council in terms of population growth, particularly the increase in younger and older age groups, and the level of support required for those groups. She also commented positively on the high level of uptake of COVID-19 vaccinations in East Lothian, and noted that all schools had been able to open up following the half-term break. However, she voiced concern at the long-term effects and financial impacts of the pandemic, and the need to have sufficient resources in place to deliver services. She thanked staff for managing their budgets during the current financial year.

Councillor Currie agreed that securing recurring funding to deal with the ongoing effects of COVID-19 was a key issue. He also highlighted the challenges in delivering the capital programme, which would be affected by rising costs and labour market shortages, as well as

the impact of interest rate increases on the Council's PPP contract. He expressed concern at the anticipated cost-of-living rises, which may lead to an increase in Council Tax and rent debt. However, he welcomed the digital transformation work underway within the Council, and called on officers to work in more innovative ways, suggesting that the Council's approach to risk would have to be reconsidered. He was confident that the Council could deliver the required changes to meet future challenges.

The Provost concluded the debate by commending the management and staff for their innovation and creativity in the delivery of services.

Decision

The Council agreed:

- i. to note the financial performance at the end of Quarter 3 in 2021/22 against the approved budgets;
- ii. to note the additional funding received from the Scottish Government since the Period 5 report;
- iii. to note the significance of the COVID-19 pressure and impact of non-recurring funding provided for 2021/22; and
- iv. to note the current commitments against the COVID-19 Fund and the alignment to the Recovery and Renewal Framework and agree that further updates would be provided through financial review reports.

5. DRAFT REGIONAL TRANSPORT STRATEGY – CONSULTATION RESPONSE

A report was submitted by the Executive Director for Place advising Members of the proposed response to the South East Scotland Transport Authority's (SESTRAN's) consultation on the draft Regional Transport Strategy 2035 (RTS) and seeking approval of the Council to endorse the draft Strategy.

Peter Forsyth, Project Manager – Growth and Sustainability, presented the report, advising that that the RTS, which would cover the entire region, was required to consider a range of issues, including future transport needs, spatial planning, population growth, and societal and economic wellbeing. He highlighted the key themes covered within the consultation, and the Council's proposed responses (as set out in Appendix 1 to the report). He pointed out that the RTS was ambitious, and that partnership working across local authorities and transport partners was therefore essential. He also noted that policies were aligned with National Planning Framework 4 (NPF4). In asking Members to endorse the RTS, Mr Forsyth drew attention to two caveats, namely that any policy amendments that change the nature of the partnership must be considered by the Council, and that all projects and programmes are developed with sound business cases and financial support from government with the overriding presumption of 'infrastructure first'.

Councillor Hampshire asked Mr Forsyth for an estimate of the cost of delivering the interventions set out in the Strategy. Mr Forsyth advised that this was being considered at a regional level, and that work was at an early stage. He added that it was clear that the region needed a 'mass transit solution' and that national funding would be required to deliver it.

In response to a series of questions from Councillor Bruce, Mr Forsyth advised that the SESTRAN authorities would be working in partnership as part of the City Region Deal and with Transport Scotland, and that funding would be sought through the Strategic Transport Project Review. He further advised that the work would take place across local authority

boundaries. He recognised that the introduction of the City of Edinburgh Council's low emission zone and proposed parking levies would have an impact on East Lothian residents. On public transport provision for the Blindwells settlement, Mr Forsyth reported that this was already under consideration, with the intention of introducing bus services soon. He also noted that the Council would be working with Transport Scotland and Network Rail on the provision of rail services, although he cautioned that this was a significant piece of work that would need to take account of the capacity on the line.

Councillor Henderson questioned whether the location of future development would be dependent on reducing the need to travel. Mr Forsyth explained that the plan was to locate developments where sustainable transport options were in place. However, he stressed that there was no intention of limiting development to those areas, just that it was prudent to plan developments in relation to established networks. The Head of Development, Michaela Sullivan, added that many transport planning issues were 'weighted' rather than 'absolute', but that it was sensible to locate developments where there were existing transport connections. However, rural sustainability was also an aspect which would be taken into account.

Councillor Trotter asked about the timescales for delivery of the Strategy, remarking that interventions, such as improvements at Sheriffhall Roundabout, should have been put in place years ago. Mr Forsyth indicated that the timescales for projects would vary, and that the processes were lengthy. He stressed the need to move quickly through the planning stage in order to get programmes in place.

Douglas Proudfoot, Executive Director for Place believed that East Lothian was well positioned to take advantage of opportunities, particularly in terms of digital infrastructure and greater connectivity. He stressed the importance of the Council having influence over strategic plans at a regional and national level to strengthen its position.

Opening the debate, Councillor Hampshire made reference to the ambitious targets set out in the RTS and the challenges in persuading people to use public transport rather than their cars. He noted that transport providers continued to operate reduced services due to COVID-19, and that passenger numbers were lower than before the pandemic. He warned that the funding available would not deliver the required changes, and that it would be difficult to achieve the targets without improvement to public transport services.

Councillor Bruce indicated that he was pessimistic about the delivery of the Strategy, remarking that little had been provided to improve the infrastructure around the Blindwells development by way of road and rail connections. He believed that the current transport system was not working, and suggested that partnership working was key, citing examples in a number of English city regions. He noted that he would support the report recommendations, despite taking the view that the targets would not be achieved without political leadership at a regional level.

Disagreeing with the comments made by Councillor Bruce, Councillor Currie asserted that the report was ambitious and outlined significant opportunities for East Lothian and the wider area, which he believed would address Councillor Bruce's concerns. He stressed the importance of East Lothian being involved and having influence in the process, and also for incentives for people to use public transport, both in terms of addressing congestion issues and tackling the climate emergency. Without the Strategy and aspirations, he was concerned that nothing would change.

Councillor Akhtar was of the view that many of the themes in the RTS, such as 'infrastructure first', community transport and digital connectivity, would be supported by communities. She also welcomed the progress as regards the East Linton train station.

The Provost pointed out that such a strategy was necessary to address climate change and improve the economy.

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 response to the draft Regional Transport Strategy (attached as Appendix 1 to the report);
- ii. to endorse the Regional Transport Strategy with the following caveats;
 - That any policy amendments that change the nature of the partnership, increasing their scope or functions of statutory duties must be considered by East Lothian Council;
 - That all project and programmes are developed appropriately with sound business cases and financial support provided to East Lothian Council from appropriate government funding sources linked to an overriding presumption of 'Infrastructure First';
- iii. to note the aim across the Scottish Government to develop and deliver a suite of transport interventions, and the role which the Regional Transport Strategy will play in providing a regional context for these, to inform transport investment across the region over the next 13 years; and also to note that all proposed interventions would conform to Transport Scotland's investment hierarchy and align with other national plans, including the draft National Planning Framework 4 (NPF4) and the Climate Change Plan; and
- iv. to recognise the work done by the Heads of Development and Infrastructure in engaging with SESTRAN, Transport Scotland, the City Region Deal and other transport partners, through the various groups, and that a collaborative unified approach across services is necessary to succeed in developing and supporting both the emerging short-term programme and longer-term goals.

6. LOCAL GOVERNMENT ELECTION 2022 – ELECTED MEMBER INDUCTION PROGRAMME AND POST-ELECTION ARRANGEMENTS

A report was submitted by the Executive Director for Council Resources seeking approval of the Elected Member Induction Programme 2022 and of the post-election arrangements in relation to accommodation, administrative support and IT equipment.

The Head of Council Support, Morag Ferguson, presented the report, drawing attention to the range of training sessions for new and returning Members following the election in May, which had been planned in response to feedback from Members elected in 2017. With reference to the pre-election session on 'Life as a Councillor', she hoped that a number of retiring Members would be prepared to contribute. On accommodation and support, Ms Ferguson advised that there would be changes to accommodation in John Muir House as a result of the asset review, and that despite the uncertainty of political group numbers, accommodation would be made available to Members following the election, even if this was not intended as a permanent base. She reminded Members that the first meeting of the new Council had to be held within 21 days of the election, and that it would take place on 24 May.

The Provost welcomed the Induction Programme and post-election plans.

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 Elected Member Induction Programme, as set out in Appendix 1 to the report (noting that any changes to the dates outlined will be communicated to Members as soon as practicable);
- ii. to approve the draft Schedule of Meetings for May/June 2022 (as incorporated into the Induction Programme and summarised in Appendix 2);
- iii. that a number of induction sessions should be made compulsory for returning Members, as well as new Members (as specified in Appendix 1); and
- iv. to approve the proposed arrangements for Member accommodation (as set out in Appendix 3) and for administration support and IT equipment.

7. SCHEDULE OF MEETINGS 2022/23

A report was submitted by the Executive Director for Council Resources seeking approval of the Schedule of Meetings for the period August 2022 to June 2023, subject to the provisions set out in Section 3.6 of the report.

The Clerk presented the report, advising that the schedule followed the pattern of the current and previous years, and that any changes would be communicated to Members as soon as practicable. She noted that due to the ongoing works in Haddington Town House, meetings would continue to be held via the digital meeting facility. She also advised that technical work had recently been carried out in the Council Chamber as regards the installation of a webcasting/hybrid meeting system, and that it was anticipated that this system would be in place later in 2022.

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 proposed Schedule of Meetings for 2022/23;
- ii. to note that the date of the budget-setting meeting would be set at a later date;
- iii. to note that the schedule was subject to change, and that any changes would be communicated to Members and officers as soon as practicable; and
- iv. to note that any proposed changes to the decision-making structures would be presented to Council for approval.

8. APPOINTMENTS TO COMMITTEES

A report was submitted by the Executive Director for Council Resources seeking approval to appoint Councillors Forrest and McGinn to the Cabinet.

The Clerk presented the report, advising of the proposal to appoint Councillors Forrest and McGinn to the Cabinet on a temporary basis, to cover the duties of Councillor Goodfellow, who was currently taking a leave of absence. She noted that Councillor Forrest would assume the Housing portfolio and Councillor McGinn assume the Community Wellbeing portfolio during this period.

The Clerk also advised of an amendment to the report recommendations in relation to a proposed change of Council representation on the Pennypit Community Development Trust, with Councillor Yorkston proposed to replace Councillor O'Donnell. As Councillor O'Donnell had only been formally appointed to this body in November 2021, the support of two-thirds of Members was required to approve this change.

Councillor Currie conveyed his best wishes to Councillor Goodfellow, and wished Councillors Forrest and McGinn well in their new roles. The Provost echoed these comments.

The Provost then moved to the vote to rescind the decision taken in November 2021, taken by roll call, which was agreed unanimously.

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

Decision

The Council agreed:

- i. to approve the appointment of Councillors Forrest and McGinn to the Cabinet; and
- ii. to approve the appointment of Councillor Yorkston to the Pennypit Community Development Trust, replacing Councillor O'Donnell.

9. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 30 NOVEMBER 2021 to 7 FEBRUARY 2022

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 December 2021.

Councillor Currie made reference to the wide range of decisions that had been taken under delegated powers during a challenging period. The Provost welcomed and supported his comments.

Decision

The Council agreed to note the reports submitted to the Members' Library Service between 30 November 2021 and 7 February 2022, as listed in Appendix 1 to the report.

Prior to moving to private business, the Provost, on behalf of the Council, wished Josh Taylor well in defending his boxing titles on 26 February. He also congratulated the North Berwick-based rowing team who had recently succeeded in rowing across the Atlantic Ocean.

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 Joint Venture Company Structure

A report submitted by the Executive Director for Place concerning the proposed structure of the Joint Venture Company as regards the Innovation Hub was approved.