



## MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 31 OCTOBER 2023  
VIA DIGITAL MEETING FACILITY

---

### Committee Members Present:

Provost J McMillan (Convener)  
Councillor S Akhtar  
Councillor E Allan  
Councillor R Bennett  
Councillor C Cassini  
Councillor F Dugdale  
Councillor J Findlay  
Councillor A Forrest  
Councillor N Gilbert  
Councillor N Hampshire

Councillor L Jardine  
Councillor C McFarlane  
Councillor C McGinn  
Councillor G McGuire  
Councillor S McIntosh  
Councillor K McLeod  
Councillor L-A Menzies  
Councillor B Ritchie  
Councillor T Trotter  
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  
Mr D Proudfoot, Executive Director for Place  
Ms F Wilson, Director of Health and Social Care  
Ms L Byrne, Head of Children's Services  
Ms E Dunnet, Head of Finance  
Ms M Ferguson, Head of Corporate Support  
Mr D Hood, Head of Operations (Health & Social Care)  
Ms N McDowell, Head of Education  
Ms W McGuire, Head of Housing  
Mr T Reid, Head of Infrastructure  
Ms S Saunders, Head of Communities  
Mr S Cooper, Team Manager – Communications  
Ms F Currie, Committees Officer  
Ms A-M Glancy, Service Manager – Corporate Accounting  
Mr M Hayman, Project Officer - LHEES  
Ms J Lothian, Team Manager – Strategy, Policy & Development  
Mr C Price, Project Manager  
Mr A Stubbs, Service Manager – Roads  
Mr P Vestri, Service Manager – Policy, Improvement and Partnerships  
Mr L Wright, Emergency Planning, Risk and Resilience Officer

### Visitors Present:

Mr J Baxter (Jacobs) (for Item 4)

### Clerk:

Mrs L Gillingwater

**Apologies:**

Councillor L Bruce  
Councillor D Collins

**Declarations of Interest:**

None

The Provost advised that the meeting was being held remotely, as provided for in legislation; 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.

**Order of business – Urgent Item of Business**

The Provost advised that an item of urgent business had been submitted by the Executive Director for Council Resources (which had been circulated to Members), concerning an application to the Musselburgh Common Good Committee. The Provost ruled that he was prepared to accept this urgent item on the grounds that revised information on the balance of the Musselburgh Common Good grants budget had been provided following the meeting of the Committee on 3 October, and that the Committee had to reconvene to consider two items of business in light of this revised information. This reconvened meeting did not take place until after the Council papers had been prepared and issued. He advised that this item would be heard in private as the final item of business.

Prior to the commencement of business, the Provost congratulated Councillor McGuire on his new role as Leader of the Conservative Group.

**1. MINUTES FOR APPROVAL**

The minutes of the following meeting were approved: East Lothian Council, 29 August 2023.

**2. FINANCE UPDATE**

A report was submitted by the Executive Director for Council Resources, providing an update on the financial position facing the Council, including an update on the in-year financial position at the end of August 2023, agreed mitigations and capital programme review, as well as the future financial outlook.

**Sederunt:** Councillor Hampshire lost connection and left the meeting.

The Head of Finance, Ellie Dunnet, presented the report, updating Members on the current financial position. She reported that, although there had been an improvement on the Period 3 performance, the Council's finances remained in an unsustainable position, with a forecast end-of-year overspend of £10.3m. She highlighted the pressures on General Services (as shown in Sections 3.7-3.10 of the report and in Appendix 1) and outlined the impact on the capital programme. She also provided an update on the mitigation measures approved by the Council, and of the position with the Housing Revenue Account (HRA).

Councillor Jardine sought further information on the situation with the Integration Joint Board (IJB), given the pressures facing the Council, and also of the impact of the changes to the Scottish Welfare Fund (SWF), particularly on people who could no longer access that fund. Ms Dunnet assured her that officers were working with IJB colleagues to improve the financial position. She noted that the Council's share of the savings were considered to be deliverable on a recurring basis, although some of these savings would not be achieved until 2024/5. As regards the SWF, Ms Dunnet advised that since the changes took effect, there had been an increase in requests to review decisions on applications and that officers were working with customers to ensure they were supported. The position with this fund would continue to be monitored.

Councillor Forrest asked if, due to pressures on services, the IJB overspend was likely to rise again. Ms Dunnet undertook to get further information from IJB colleagues and report back to Members on this; she did point out that there was an increase in demand for services across the Council, exacerbated by the cost-of-living crisis and inflation.

Councillor Forrest also asked about the impact of the removal of the 'local connection' condition on homelessness figures. Wendy McGuire, Head of Housing, reported that there had definitely been an impact as a result of this change, with an increasing number of people seeking housing in East Lothian from outwith the area. She added that she had highlighted this issue to the Scottish Government.

Expressing disappointment at the Council's failure to secure Learning Estate Improvement Plan (LEIP) funding for a new primary school at East Linton, Councillor Ritchie asked about the implications of this. Ms Dunnet indicated that the capital programme would need to be reviewed and an affordable solution found for East Linton that would align with the Learning Estate Strategy.

Responding to questions from Councillor Menzies on developers' contributions, net borrowing and voids, Ms Dunnet assured Members that all Section 75 Agreements (which cover developer contributions) were monitored, and that she could provide further information to them on this. As regards net borrowing and expenditure not being taken forward, she highlighted Section 3.19 of the report, which provided a list of projects currently on hold, noting that pausing these projects would result in a reduction in borrowing. On voids, Ms McGuire explained that major voids were now being separated from standard voids, which should improve the turnaround times on standard voids, and that in some cases repairs were being carried out to properties post-allocation.

Councillor Akhtar highlighted the forthcoming winter challenges for the IJB and asked for further information on the planning for this. She also asked if there had been any feedback from the Scottish Government in response to Councillor Hampshire's letter about the Scottish Welfare Fund situation. On the IJB winter plan, Fiona Wilson, Director of Health and Social Care, reported that a small amount of additional funding had been provided, most of which would be allocated to the 'hospital at home' and ambulances services. She advised that resilience plans were in place, working in partnership with Midlothian Council. She also noted that there was no one currently waiting for a hospital bed in East Lothian. Concerning the SWF, Ms Dunnet informed Members that officers continued to work with internal and external stakeholders as regards the impact of the SWF changes, and that crisis grants were continuing to be funded. She would keep Members informed of the situation.

Opening the debate, Councillor McFarlane welcomed the commitment to the improvements at Aberlady Primary School.

Councillor McIntosh remarked on the absence of a proposal to reduce spending on the Musselburgh Flood Protection Scheme, suggesting that this project could be achieved on a smaller scale than currently proposed. She welcomed recent comments made by Councillor Hampshire on the First Minister's proposed council tax freeze [for 2024/5], confirming that the

Scottish Greens were not in favour of the freeze as it could harm local services and it went against the Verity House Agreement.

Councillor Dugdale stressed that staff were working hard to meet the demands on Children's Services. She also highlighted the need to provide new schools to meet the growing population, commenting on the challenges that growth can have on Council services.

On housing, Councillor Forest paid tribute to the efforts of staff to turn void properties around quickly and to tackle homelessness.

Councillor McGinn concluded the debate by emphasising the Administration's commitment to bring the Loch Centre back into use as quickly as possible, but he accepted that this would be challenging giving the costs involved.

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

### **Decision**

The Council agreed:

- i. to note the outcome of the Period 5 review of financial performance against approved budgets and the significant underlying financial pressures faced by the Council;
- ii. to note the impact on the Council reserves if the projected revenue overspend materialises;
- iii. to note the severity of the financial risks set out in the report that may impact on the position;
- iv. to note the update on mitigation measures approved by the Council in August 2023;
- v. to agree to pass on a share of any new additional Scottish Government funding for pay to the IJB;
- vi. to agree the variations to the revised capital programme;
- vii. to agree to delegate authority to the Executive Director for Council Resources (Chief Financial Officer), in discussion with Group Leaders, to agree revised final variations to the capital budget; and
- viii. to note that a further review of the capital programme would be required to offset the increased costs of the education capital projects and that this would be brought to Council at a later date.

### **3. CORPORATE RISK REGISTER**

A report was submitted by the Executive Director for Place advising of the continued substantial levels of heightened risk.

The Head of Communities and Partnerships, Sharon Saunders, presented the report, advising that there were currently seven Very High Risks. She assured Members that the situation was being monitored closely by officers. She also pointed out that ten services were currently operating in Business Continuity measures, and that work was ongoing to assess risks associated with the recent storm damage. A full update on the Corporate Risk Register would be presented to Council in December

**Sederunt:** Councillor Hampshire returned to the meeting.

In response to a question from Councillor Jardine as regards the joint working with Adaero, Wendy McGuire, Head of Housing, explained that this project aimed to delivery crisis and purpose-built accommodation and would assist officers on call to deal with emergency situations. She would keep Members informed of progress.

Councillor Gilbert asked if sea defences would be included in any work on coastal erosion. Tom Reid, Head of Infrastructure, confirmed that sea defences were covered, but that additional work was required. He made reference to forthcoming funding from the Scottish Government to deliver an entire coastal management system which would allow officers to identify the areas at greatest risk. On the recent storm which affected the harbours at Dunbar and North Berwick, he advised that recovery work was now underway, and that Members would be informed of progress. The Provost thanked officers for their recovery efforts following the storm, and welcomed the multi-agency response to the situation.

Councillor McLeod requested that a copy of the letter sent to the Housing Minister on recent legislative changes should be provided to all Members.

In response to questions from Councillor Forrest, Ms McGuire added that the cost-of-living crisis was having an impact on the private rented sector, with some landlords looking to sell their rented properties or increase rents, which then had an impact on the availability of housing stock. She undertook to provide Members with more information on this.

Noting that he would have made this comment during the previous item, when he had lost connection to the meeting, Councillor Hampshire expressed concern about the imminent council tax freeze, doubting that this would be fully funded by the Scottish Government. He reminded Members that the legal responsibility for setting council tax sat with local authorities, warning that the Council would have to choose either to make significant budget cuts or consider increasing council tax. He noted that the view of all 32 council leaders was that councils should always have the opportunity to take decisions to reduce services or increase council tax. The current position, via CoSLA, was that the First Minister had indicated that the Scottish Government would fund the council tax freeze but leave it to individual councils to decide whether to increase council tax, without penalty.

Sarah Fortune, Executive Director for Council Resources, confirmed that councils had a legal responsibility to set council tax, and that the recent announcement by the First Minister had removed a critical income stream for the Council. She advised that she had written to the Permanent Secretary at the Scottish Government setting out her concerns regarding the council tax freeze, and that officers would continue to highlight the impacts of underfunding and growth in trying to meet the Council's statutory obligations. She reassured Members that East Lothian was a well-run council, with good management of finance and risk, but that external factors had increased the scale of the financial challenge. All efforts would be made to raise the issues facing the Council through CoSLA, the Scottish Government, SOLACE, and other bodies.

Councillor Ritchie thanked Connected Communities staff for their work in the Preston, Seton and Gosford ward, despite the current workforce challenges.

Councillor Akhtar made reference to the high levels of demand on services. She stressed the need to continue raising the issues facing the Council to decision-makers, remarking that the Risk Register demonstrated the need for fairer funding.

Councillor Hampshire pointed out that the Council had delivered significant growth across all communities, which had put pressure on all services, and that the revenue consequences had not been met through the government grant. He made reference to meetings with ministers

and information provided to the Scottish Government on the challenges facing the Council, and stressed that if the Scottish Government was serious about growth then it had to be properly funded. He emphasised that the Council was doing everything in its power to deliver services, but that the situation was now very serious.

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

### **Decision**

The Council agreed to approve the Corporate Risk Register, and in doing so to approve that:

- i. the Corporate Risk Register would be maintained as a 'live' document which would be reviewed by the Council Management Team (CMT), the CMT sub-group on Risk Management, Service Management Teams (SMT), risk owners and the Corporate Risk Management Group on a regular basis and reported back to Council as and when required;
- ii. the relevant risks had been identified; and
- iii. the significance of each risk was appropriate to the current nature of the risk;
- iv. the total profile of corporate risk could be borne by the Council at this time in relation to the Council's appetite for risk but in the context of the planned mitigations; and
- v. although while the corporate risks require close monitoring and scrutiny over the next year, many are long-term risks for the Council that are likely to be a feature of the risk register over a number of years.

### **4. THE EDDLESTON WATER PROJECT SITE VISIT TO EXPLORE NATURAL FLOOD MANAGEMENT**

A report was submitted by the Executive Director for Place presented the lessons learned report prepared by the Musselburgh Flood Protection Team, which reported on the Scottish Government's Eddleston Water Natural Flood Management Research Project and the evolved position on Natural Flood Management (NFM) within the Musselburgh Flood Protection Scheme (the Scheme). The report complied with the instruction of the Motion approved by the Council in August 2023, which requested that 'the scientific report from the Eddleston Water site visit to explore Natural Flood Management is brought to a full Council meeting to allow Members to read, debate and note the contents'. The report also recommended new actions considered to be the best way to advance Natural Flood Management and Nature-based Solutions (NbS) over the long term in the River Esk catchment.

Alan Stubbs, Service Manager for Roads, presented the report, reminding Members of the progress made to date on the Scheme, and highlighting the key aspects of the report on the Eddleston Water Project (as set out in Appendix 1 to the report).

Councillor McIntosh asked for further details on proposed natural flood management actions, and about engagement with individuals and organisations across the River Esk catchment regarding identifying new NFM options. She also asked about a point in the report concerned with increased flood risk. Mr Stubbs indicated that if those NFM actions were approved, the Council would be identified as the delivery lead for those actions going forward and it would be responsible for delivering on the action; it would be expected that the Council would work in partnership with Midlothian Council. Conor Price, Project Manager, advised that substantial work had already been done across the Esk catchment with landowners and other interested parties, including Midlothian Council, Nature Scot, SEPA, the Forth Rivers Trust and the Esk

Valley Trust. On natural flood management, he believed that NFM had now been maximised within the Scheme. Jim Baxter of Jacobs made reference to the section in the report related to the limitations on scaling up NFM to a catchment the size of that of the Esk, and he provided a detailed technical explanation on this aspect.

In response to questions from Councillor Jardine, Mr Baxter explained that there was no evidence to demonstrate how effective NFM alone would be in the case of Musselburgh, but that he anticipated that it would only deliver c.5% of the protection required. He added that for NFM to be the sole solution for Musselburgh, it would need to be 10 times more effective than any other NFM project delivered to date. He also spoke of the risks of NFM solutions in relation to the weather, the response of trees, ground conditions, etc., and also around landowner consent. In short, NFM on its own would not provide a solution for Musselburgh. Mr Baxter provided a wider explanation about nature-based solutions and how they work in various locations. He also referred to the challenges of delivering NFM solutions as part of the Scheme, noting that the Tweed Forum had played a significant role in the success of the Eddleston project, and that there was not currently an equivalent organisation to take up that role in the Esk catchment.

Councillor Forrest remarked that the Esk already had natural water collection points, and asked if landowner permission would be required for the creation of further collection points further up the river. Mr Baxter advised that NFM would need to be considered on a whole catchment basis, and that the majority of collection points would be in Midlothian; however, this was not a reason not to deliver it.

Councillor Hampshire commented that that only part of the solution was covered by this report, and that it would be easier for Members to see the entire plan. He noted that the impact of climate change could result in more natural solutions being needed in future. Mr Price made reference to the reports to Council in August and October, which identified a range of scenarios to protect against climate change, adding that the Scheme would need to include physical and sustainable interventions, and that future work would need to be done to address the impact of climate change.

Responding to a question from Councillor Menzies on NbS and NFM, Mr Baxter provided an explanation about the differences between reducing the peak and delaying the peak of the flow, and the implications for both. On engagement with the community, Mr Price assured Members that lots of work had been done with the public, but that he appreciated some of the information was very technical. He added that natural solutions would be included in the finalised Scheme, including within the town itself.

Opening the debate, Councillor McIntosh welcomed the recommendation that the flood risk management plans could be updated, and that natural flood management would be pursued within the catchment. She was, however, disappointed that there was no evidence available regarding large-scale benefits of natural flood management, as she had hoped this would play a larger role in the protection of Musselburgh. She was also disappointed that no further sites had been identified. She also suggested that a more flexible approach should be adopted, and that a mixed design involving nature-based solutions should be considered, and she urged the project team to be as ambitious as possible.

Councillor Forrest also welcomed the report, noting that the scheme would need to be kept under development, and that it was important to retain the support of the community.

Councillor Hampshire accepted that this was a challenging issue, especially for local Members. He welcomed the commitment to look at natural flood management as part of the scheme, noting that this alone would not protect Musselburgh. Referring to the recent flood event in Brechin, he highlighted the need to implement a flood protection scheme in Musselburgh. He looked forward to seeing the complete plan in due course.

The Provost moved to the roll call vote on the recommendations:

For (14): Councillors Akhtar, Bennett, Dugdale, Findlay, Forrest, Hampshire, McFarlane, McGinn, McGuire, McIntosh, McLeod, McMillan, Ritchie, Yorkston  
Against (6): Councillors Allan, Cassini, Gilbert, Jardine, Menzies, Trotter  
Abstentions (0)

### **Decision**

The Council agreed:

- i. to note the content of the lessons learned report from the Eddleston Water site visit to explore NFM, provided in Appendix 1 of the report;
- ii. that further investigation of the potential for NFM measures in the River Esk catchment is undertaken through a new action on the Local Flood Risk Management Plan (Forth Estuary) processes and not the Scheme;
- iii. to encourage and support the formation of a new independent body or equivalent, like Tweed Forum, for the River Esk catchment, which would be capable of advancing both NFM and NbS for the relevant local authorities, the regulatory organisations, other interested organisations, and community groups within that area of interest; and
- iv. to note that the Scheme would continue to develop an Outline Design that includes maximum NbS as part of the design of the new physical defences in Musselburgh. This process was currently part of the ongoing Environmental Impact Assessment (EIA) process which was being undertaken and would include all new obligations deriving from National Planning Framework 4 (NPF4), which was published in early 2023.

## **5. DRAFT LOCAL HEAT AND ENERGY EFFICIENCY STRATEGY**

A report was submitted by the Executive Director for Place presenting the draft Local Heat and Energy Efficiency Strategy for approval, prior to a further phase of stakeholder consultation, before submitting it for approval in February 2024.

Martin Hayman, the Local Heat and Energy Efficiency Strategy Project Officer, presented the report, advising that the Council was obliged to establish a heat and energy efficiency strategy to meet its statutory obligations. He explained that a five-year delivery plan would run in parallel with the strategy, and that the final version of the strategy would be presented to Members for approval in February. Mr Hayman noted that the Council had been invited to take part in a mentoring programme in Denmark, funded by the Danish Government, which would involve viewing projects that were similar to the Council's proposals, and that knowledge gained from this visit would be incorporated into the final version of the strategy. He also referred to an event taking place on 17 November, set up by Paul McLennan MSP, to which all Members would be invited.

In response to a question from Councillor McLeod as to the type of support for households, Mr Hayman advised that guidance would be available for all, and that there may also be financial support for some people.

Councillor Hampshire expressed concern about the funding of the strategy, and asked if discussions had taken place with the Scottish Government about this. Mr Hayman assured Members that the Scottish Government had set aside significant funding that councils could apply for. He noted that funding was also available for feasibility studies, which could be



carried out during the consultation period. He agreed that government funding would be required to deliver the strategy. He also advised of an event taking place in November focused on funding and investment, and he urged Members to attend, if possible.

Councillor McIntosh sought further information about the mentoring programme in Demark. Mr Hayman explained that this programme had been set up by the Danish Government to help other European countries decarbonise. This would provide an opportunity to look at new technologies, as well as political aspects and building resilience. He noted that an officer and a senior Member of the Council would be attending.

Councillor Akhtar asked how delivering the strategy would be achieved, given the growth in East Lothian and staff capacity within the Council. Mr Hayman accepted that the plans were ambitious, and that there would be challenges in relation to skills, and infrastructure, but he believed that the Council was in a strong position to engage with the right people at an early stage. He added that the only way to tackle fuel poverty was to find a cheaper way to heat homes, and that this had to be done without pushing people into further poverty, hence the reason for looking at heat network proposals on a large scale.

Opening the debate, Councillor Jardine praised Mr Hayman's vision and ambition. She commented that this strategy was not just about heat/energy, but about the wider economic opportunities that would be provided.

Councillor Forrest welcomed the debate around air source heat pumps and highlighted the Council's work on insulation of its housing stock to help tackle fuel poverty.

With reference to current high fuel costs, Councillor Hampshire stressed the need to find a solution to heating homes, but that this should be part of a national strategy. He believed that the strategy could not progress without government support and investment.

Councillor McIntosh pointed out that 87% of properties required to be decarbonised, and that investors were now focusing on new technology rather than fossil fuels. She stressed the need to rely less on oil and gas and to reduce the amount of carbon dioxide in the atmosphere. She was encouraged by the work undertaken by Council officers on the strategy.

The Provost commented that the strategy reflected the vision and values of the Council in terms of community wealth-building and wellbeing.

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

## **Decision**

The Council agreed:

- i. to approve the draft Local Heat and Energy Efficiency Strategy; and
- ii. to note that the 5-year LHEES Delivery Plan was under development and would be presented together with the final Local Heat & Energy Efficiency Strategy to Members in 2024.

## **6. STATUTORY REVIEW OF POLLING DISTRICTS AND PLACES/AMENDMENT TO POLLING PLACE SCHEME/UK BOUNDARY CHANGES**

A report was submitted by the Executive Director for Council Resources informing Members of a forthcoming statutory review of polling districts and places; seeking approval to relocate a polling place from the current Wallyford Community Centre (polling district ELMN3F) to the

new Wallyford Learning Campus; and seeking approved to relocate electors remaining with Lothian East constituency polling district ELMN1C to ELMN1D, following UK boundary changes.

The Head of Corporate Support/Depute Returning Officer, Morag Ferguson, presented the report, advising that the Council was required to review polling districts and places every five years, and that this process was about to start. She provided an explanation on the process and timescales, noting that the timescales were subject to change, should an early UK general election be called; otherwise, the outcome of the review would take effect after the next scheduled UK general election. She explained the rationale for two proposed changes to polling districts and places in Wallyford and Musselburgh, which would take place immediately.

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

### **Decision**

The Council agreed:

- i. to note the formal Notice of Review of Polling Districts and Places would be published on Monday 6 November 2023 and the public consultation would begin on Monday 4 December for a period of 8 weeks. Approval of the new polling scheme would be sought on completion of the review;
- ii. subject to the conditions set out in paragraph 3.8 of the report, to approve the amendment to the current polling scheme for polling district ELMN3F; and
- iii. to approve the relocation of voters within ELMN1C to ELMN1D (Musselburgh East Community Learning Centre).

### **7. APPLICATIONS FOR MAINTENANCE FUNDING TO MUSSELBURGH COMMON GOOD COMMITTEE**

A report was submitted by the Executive Director for Council Resources seeking determination of two applications for maintenance funding received by the Musselburgh Common Good Committee.

The Head of Finance, Ellie Dunnet, presented the report, advising that the proposals were supported by the Musselburgh Common Good Committee. She pointed out that approving the funding for these two projects would require a variation to the Musselburgh Common Good budget, and of the proposal to dispose of both properties once the work had been completed.

Councillor Forrest asked if local Members would be consulted in advance of any agreement being made to dispose of the properties. Tom Reid, Head of Infrastructure, advised that the sale of 118 High Street was straightforward; however, the sale of Stoneyhill Community Centre would need require agreement by the court, as it was a Common Good asset and was inalienable. He suggested that it could also be disposed of by way of an asset transfer. He added that the Council had no use for the building and that it would cost £400,000 to bring it up to standard. He undertook to discuss this further with the Musselburgh Members.

Councillors Forrest and Bennett welcomed the opportunity to discuss the future of the Stoneyhill Community Centre building.

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

## **Decision**

The Council agreed:

- i. to award £20,000 to bring the property at 118 New Street, Musselburgh, into useable condition;
- ii. to award £70,000 to enable Stoneyhill Community Centre to be advertised on the market for sale; and
- iii. to approve a variation in the Musselburgh Common Good maintenance budget to allow for the work to be carried out on the two properties outlined above.

## **8. APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES**

A report was submitted by the Executive Director for Council Resources advising the Council of the appointment of Councillor George McGuire as Leader of the Conservative Group, replacing Councillor Lachlan Bruce, and of the implications of this change for committee and outside body membership.

The Clerk advised of the recent change of leadership of the Conservative Group, and drew attention to a number of changes to committee and outside body membership resulting from this change.

The Provost paid tribute to Councillor Bruce for leading the Conservative Group, and offered Councillor McGuire support in his new role.

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

## **Decision**

The Council agreed:

- i. to note that Councillor George McGuire had been appointed as Leader of the Conservative Group, replacing Councillor Lachlan Bruce;
- ii. to approve the appointment of Councillor McGuire to the Petitions and Community Empowerment Review Committee, replacing Councillor Bruce;
- iii. to approve the appointment of Councillor Jeremy Findlay to the East Lothian Integration Joint Board and the IJB Audit & Risk Committee, replacing Councillor Bruce; and
- iv. to approve the appointment of Councillor McGuire to the CoSLA Convention, replacing Councillor Bruce.

## **9. NOTICE OF MOTION: NATURE EMERGENCY**

A motion was submitted by Councillors Hampshire and McGinn:

Council:

- (1) Notes the body of evidence which outlines the alarming extent of the global nature and biodiversity crisis. Nature is in decline and urgent action must be taken to reverse this.
- (2) Recognises the inherent value of nature, as well as its crucial importance as an integral part of culture and society, and for our health, wellbeing, and economy; this being demonstrated through placemaking, tourism, food, energy, water and air quality regulation, etc.
- (3) Additionally, recognises that the nature and climate emergencies are intrinsically linked and that nature plays a key role in meeting climate targets, particularly for climate change adaptation and resilience.

Further, Council:

- (4) Welcomes the revised national [Scottish Biodiversity Strategy](#) and forthcoming statutory targets for public bodies, including local authorities, required to meet the challenges of the nature crisis.
- (5) Welcomes the [Kunming-Montreal Global Biodiversity Framework \(GBF\)](#) agreed at COP15 in December 2022 and celebrates the role played by the [Edinburgh Process](#) as part of this.
- (6) Recognises the key role subnational governments and local communities will play in realising delivery of the GBF and notes the long and strong history of work on biodiversity in East Lothian, including a range of strategies, partnerships and projects that are currently delivering action related to the nature emergency.

Therefore, Council agrees:

To declare a Nature Emergency, akin to the Council declaration of a Climate Emergency in 2019, recognising the state of nature, its inherent value, and the crucial role its recovery and restoration will play in realising climate targets.

The Council requests a report to be presented to Council in 2 committee cycles, which:

- (1) Outlines how existing Council strategies, such as the Biodiversity Action Plan, Climate Strategy, Tree and Woodland Strategy, Green Network Strategy, Open Space Strategy, Local Development Plan, align with the GBF, Scottish Biodiversity Strategy and the Berlin Urban Nature Pact, and notes any changes to existing strategies required to deliver against these.
- (2) Provides an update on the development of our Biodiversity Action Plan including specific considerations of how the plan is impacting:
  - (a) The adoption of an ecological coherence approach to effectively identify and target actions required to tackle the nature emergency and deliver the various strategies listed above, including through the further development of the regions Nature Network.
  - (b) The adoption of a partnership approach, working with East Lothian's community Biodiversity and Sustainability Groups, and all National Agencies like Nature Scotland to maximise opportunities for delivery of the strategies listed above and taking learning from our Cross-Party Climate Change & Sustainability Forum that is part of our 2045 Climate Change Strategy Work.

Councillor Hampshire presented the motion, stating that it was the responsibility of all Members to protect nature in East Lothian. Referring to the impact of storms in recent years, particularly the most recent storm which had hit East Lothian over the weekend of 28/29 October, he spoke of the impact of climate change on wildlife, especially sea life. He advised that the Council had to manage the needs of the environment alongside delivering growth, and that the support of communities, landowners and farmers was key. He was supportive of Councillor McIntosh's amendment, and he urged Members to support the motion.

Seconding the motion, Councillor McGinn recognised the need for the Council to tackle this issue at a local level in order to protect, enhance and restore nature, which would be of benefit to biodiversity, health and wellbeing, and the local economy and tourism. He paid tribute to the staff working in this area, and also to the community groups, volunteers and external agencies who worked in partnership with the Council. He acknowledged that tackling the nature emergency and that the Council could not do it alone without the support and commitment of partners.

The Provost advised that an amendment to the motion had been submitted by Councillors McIntosh and Allan:

- After point 6 inserts a new point 7 which reads:
  - Further recognises that East Lothian Council is in a unique position to embed action on these issues across all its services due to the number of key strategies that are due to be updated in the near future, including the LDP, Economic Strategy, Local Housing Strategy, and Biodiversity Action Plan; and notes that that the nature crisis, like the climate crisis, is the responsibility of all departments and staff to tackle, and that Countryside and Leisure officers already support colleagues to embed awareness of this into working practices across the Council.
- Removes the sentence "Council requests a report to Council within two committee cycles" and replaces with "Council requests a draft report to the cross-party Climate Change and Sustainability Forum, on a timetable to be agreed with that group."
- Deletes 2b and replaces with:
  - "Adopts a partnership approach, working with East Lothian Climate Action Network (utilising its newly-announced Climate Hub), and other community organisations, and also collaborating with neighbouring local authorities, and with Government agencies such as NatureScot, to maximise delivery opportunities for the strategies listed above and to identify further opportunities for nature restoration, nature-based solutions, and protection of biodiversity, both within the county and in connection to larger networks."
- Inserts a new concluding sentence as follows:
  - "Following policy discussion at the cross-party forum, annual reporting should be made to Council on the progress of these actions, aligning where possible with existing cycles of reporting for climate action and biodiversity targets."

Before presenting her amendment, Councillor McIntosh thanked Councillors Hampshire and McGinn for bringing forward the motion. She argued that the 'assault on nature' was often driven by economic strategies, and that, despite the Council having little influence at the global level, it could create a local economy based on wellbeing and health. She agreed that protecting nature was everyone's responsibility and that this should be embedded within all Council services. She also noted that the Climate Action Network had recently received funding to establish a climate hub, which was an effective way to link with local communities. Councillor McIntosh stressed the importance of working with neighbouring local authorities and for them to have joined-up approach to protecting nature. She advised of an amendment to the second bullet point of her amendment, to read: Removes the sentence 'Council requests a report to Council within two committee cycles' and replaces with 'Council requests a report to Full Council before the next summer recess, with the progress of work arising from this report to be monitored and discussed on an ongoing basis after this by the cross-party Climate Change and Sustainability Forum (on the understanding that key milestones or changes will also be scrutinised and voted on by Full Council when appropriate)', and also that the final bullet point in her amendment could be deleted.

Councillor Allan seconded the amendment (as amended). She agreed with the points made regarding everyone taking responsibility to protect nature. She made reference to the recent storms, noting that the area's flora and fauna was now at risk.

The Provost welcomed Councillor McIntosh's proposed change to her amendment, noting that it was not the Council's custom and practice for a sub-group to scrutinise officer reports before being submitted to Council/committee.

Councillor Jardine welcomed the Administration's acceptance of the amendment. She highlighted the importance of safeguarding nature and the environment for future generations. Her comments were echoed by Councillor Dugdale.

The Provost welcomed the cross-party support for the motion, and he paid tribute to all those committed to protecting nature.

Summing up, Councillor Hampshire thanked Members for supporting the motion, arguing that the climate and nature emergencies posed a huge challenge for individuals and for the Council. He acknowledged that managing this challenge would be a long and difficult process.

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

## **Decision**

The Council agreed to support the motion, as amended:

Council:

- (1) Notes the body of evidence which outlines the alarming extent of the global nature and biodiversity crisis. Nature is in decline and urgent action must be taken to reverse this.
- (2) Recognises the inherent value of nature, as well as its crucial importance as an integral part of culture and society, and for our health, wellbeing, and economy; this being demonstrated through placemaking, tourism, food, energy, water and air quality regulation, etc.

- (3) Additionally, recognises that the nature and climate emergencies are intrinsically linked and that nature plays a key role in meeting climate targets, particularly for climate change adaptation and resilience.

Further, Council:

- (4) Welcomes the revised national [Scottish Biodiversity Strategy](#) and forthcoming statutory targets for public bodies, including local authorities, required to meet the challenges of the nature crisis.
- (5) Welcomes the [Kunming-Montreal Global Biodiversity Framework \(GBF\)](#) agreed at COP15 in December 2022 and celebrates the role played by the [Edinburgh Process](#) as part of this.
- (6) Recognises the key role subnational governments and local communities will play in realising delivery of the GBF and notes the long and strong history of work on biodiversity in East Lothian, including a range of strategies, partnerships and projects that are currently delivering action related to the nature emergency.
- (7) Further recognises that East Lothian Council is in a unique position to embed action on these issues across all its services due to the number of key strategies that are due to be updated in the near future, including the LDP, Economic Strategy, Local Housing Strategy, and Biodiversity Action Plan; and notes that that the nature crisis, like the climate crisis, is the responsibility of all departments and staff to tackle, and that Countryside and Leisure officers already support colleagues to embed awareness of this into working practices across the Council

Therefore, Council agrees:

To declare a Nature Emergency, akin to the Council declaration of a Climate Emergency in 2019, recognising the state of nature, its inherent value, and the crucial role its recovery and restoration will play in realising climate targets.

The Council requests a report to Full Council before the next summer recess, with the progress of work arising from this report to be monitored and discussed on an ongoing basis after this by the cross-party Climate Change and Sustainability Forum (on the understanding that key milestones or changes will also be scrutinised and voted on by Full Council when appropriate), and which

- (1) Outlines how existing Council strategies, such as the Biodiversity Action Plan, Climate Strategy, Tree and Woodland Strategy, Green Network Strategy, Open Space Strategy, Local Development Plan, align with the GBF, Scottish Biodiversity Strategy and the Berlin Urban Nature Pact, and notes any changes to existing strategies required to deliver against these.
- (2) Provides an update on the development of our Biodiversity Action Plan including specific considerations of how the plan is impacting:
  - (a) The adoption of an ecological coherence approach to effectively identify and target actions required to tackle the nature emergency and deliver the various strategies listed above, including through the further development of the regions Nature Network.
  - (b) The adoption of a partnership approach, working with East Lothian Climate Action Network (utilising its newly-announced Climate Hub), and other community organisations, and also collaborating with neighbouring local authorities, and with Government agencies such as NatureScot, to maximise delivery opportunities for the strategies listed above and to identify further opportunities for nature

restoration, nature-based solutions, and protection of biodiversity, both within the county and in connection to larger networks.

**10. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 15 AUGUST – 16 OCTOBER 2023**

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 2023.

**Decision**

The Council agreed to note the reports submitted to the Members' Library Service between 14 August and 16 October 2023, 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 of Schedule 7A to the Local Government (Scotland) Act 1973.

**Application for Funding to Musselburgh Common Good Committee**

An application for funding from the Musselburgh Common Good Committee, submitted by the Hollies Community Hub, was approved, with £30,000 of funding being granted.